

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



JANUARY 23, 2023

BOARD MEETING

**Department of Consumer Affairs
1625 North Market Boulevard
HQ1 Hearing Room 102
Sacramento, CA 95834**

and

Public Teleconference

BOARD MEMBERS:

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

**CALIFORNIA BOARD OF
BARBERING AND
COSMETOLOGY**

**BOARD MEETING NOTICE AND
AGENDA**

January 23, 2023
Department of Consumer Affairs
HQ1 Hearing Room #102
1625 North Market Blvd
Sacramento, CA 95834

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

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

The Board of Barbering and Cosmetology (Board) will meet in-person and virtually. Information on how to participate virtually can be found on the last page of the agenda.

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. Department of Consumer Affairs (DCA) Update Which May Include Updates on DCA's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, and Legislative, Regulatory, or Policy Matters.
5. Annual Election of Officers
6. Appointment of Board Members to Standing Committees for 2023
 - a) Disciplinary Review Committee
 - b) Education and Outreach Committee
 - c) Enforcement and Inspection Committee
 - d) Legislative and Budget Committee
 - e) Health and Safety Advisory Committee
 - f) Licensing and Examination Committee
7. Review and Possible Approval of 2023 Board Member Guidelines and Procedures Manual

8. Discussion and Possible Approval of the October 24, 2022, Board Meeting Minutes
9. Executive Management Reports
 - a) Administration and Operations (**Alex Torkelson**)
 - b) Licensing, Examinations, and Disciplinary Review Appeals (**Alex Torkelson**)
 - c) Enforcement, Inspections, and Cite and Fine (**Nicole Quinn**)
 - d) Outreach (**Kristy Underwood**)
 - e) SB 803 (Roth) Implementation Plan (**Carrie Harris**)
 - f) Strategic Plan Update (**Kristy Underwood**)
10. Review and Discussion of Affordability and Accessibility of Education and Updates to Website to Reach Prospective Students
11. Report on the January 9, 2023, Licensing and Examination Committee Meeting (**Kristy Underwood, Executive Officer**)
12. Report on the January 9, 2023, Education and Outreach Committee Meeting (**Tonya Fairley, Chairperson**)
13. Review and Possible Action Regarding Education and Outreach Committee's Recommendation to Require Licensees to Disclose Email Addresses and Phone Numbers
14. Review, Discussion, and Possible Action Regarding Text Messaging Licensees
15. Report on the January 9, 2023, Enforcement and Inspections Committee Meeting (**Danielle Munoz, Chairperson**)
16. Review and Possible Action Regarding Enforcement and Inspections Committee's Recommendation to Amend Business and Professions Code section 7407.1 to Allow Remedial Education to Reduce or Remove Administrative Fines
17. Review, Discussion, and Possible Action Regarding the Cosmetology Compact Proposed Legislative Language
18. Discussion and Possible Action Regarding Rulemaking Proposals:
 - a) Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular 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) Update Regarding 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)
 - 1) Discussion and Possible Action to Consider Comments Received During the 45-Day Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16, CCR section 950.10 (Transfer of Credit)
 - 2) Discussion and Consideration of Proposed Regulation to Amend Title 16, CCR section 950.10 (Transfer of Credit)
 - d) Discussion Regarding New Rulemaking Proposal to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)
 - e) Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)

19. 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))

20. Suggestions for Future Agenda Items

21. 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.

Virtual/Teleconference instructions and information: If you would like to participate virtually via WebEx Events, you may find the instructions to connect to the meeting can be [HERE](#) .

If you would like to join us using the website, please enter your full name and email address and use the information below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mf99b6e983abbf160bba478e1a48f89e3>

Webinar number: 2483 622 6872

Webinar password: BBC01232023

If you would like to join us by using the phone to call in, please enter your full name and email use the following information:

+1-415-655-0001 US Toll

Access code: 248 362 26872

Passcode: 22201232

Agenda Items

No. 1-5

No Attachments



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 January 23, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Appointment of Board Members to Standing Committees for 2023

Action Required:

The Board by motion, will need to establish which Board Members will participate in the following committees:

- Disciplinary Review
- Education and Outreach
- Enforcement and Inspections
- Health and Safety Advisory
- Legislative and Budget
- Licensing and Examination

DISCIPLINARY REVIEW COMMITTEE

The purpose of the Disciplinary Review Committee is to conduct informal administrative citation review hearings and renders decisions regarding disputed citations. The committee has authority to affirm, modify or dismiss the citations including any fine amounts. The Board President shall annually appoint members of the committee; the appointments will be made concurrently with the annual election of officers. The Board President shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee. The Board may find a need to have an alternate member for the convenience of those members who cannot attend.

EDUCATION AND OUTREACH COMMITTEE

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

ENFORCEMENT AND INSPECTIONS COMMITTEE

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

HEALTH AND SAFETY ADVISORY COMMITTEE

The purpose of the Health and Safety Advisory Committee is to provide the Board with advice and recommendations on health and safety issues, as well as ensuring licensees are aware of basic labor laws.

LEGISLATIVE AND BUDGET COMMITTEE

The purpose of the Legislative and Budget Committee is to review and track legislation that affects the Board. The committee shall make recommendations on what position the Board should take on legislation that could potentially affect the operation of the Board, the health and safety of consumers and the Board's licensees. In addition, the committee provides information and recommendations to the Board on potential policy matters relating to the budget.

LICENSING AND EXAMINATION COMMITTEE

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

Board Member

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GUIDELINES AND PROCEDURE MANUAL
(2023)



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Section 1: Background Information

Introduction

OVERVIEW

Both the Board of Barbering Examiners and the Board of Cosmetology were established in 1927. In 1990, legislation was enacted that merged the two boards, creating the Board of Barbering and Cosmetology. The Board was sunset in 1996 and became a Bureau within the Department of Consumer Affairs (DCA). In 2003, legislation re-established the Board of Barbering and Cosmetology (Board). The Board is one of many within the DCA, part of the State and Consumer Services Agency under the aegis of the Governor. The Department is responsible for consumer protection and representation through the regulation of licensed professionals and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures, and regulations.

This procedure manual is provided to Board members as a ready reference of important laws, regulations, DCA policies, and Board policies in order to guide the actions of the Board members and ensure Board effectiveness and efficiency.

DEFINITIONS

Agencies:

AGO	Attorney General's Office
BPPE	Bureau for Private Post-secondary and Education
DCA	Department of Consumer Affairs
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law

Codes:

B&P/BPC	Business and Professions Code
CAC	California Administrative Code
CCR	California Code of Regulations
CGC	California Government Code

Organizations:

AACS	American Association of Cosmetology Schools
ACT	Associated Cosmetology Teachers
AEA	American Electrology Association
CAPS	California Association of Private Post-Secondary Schools
CCA	California Cosmetology Association
CCC	California Community Colleges

CEA	Cosmetology Educators of America
NABB	National Association of Barber Boards
NACCAS	National Accrediting Commission of Cosmetology Arts and Sciences
NCA	National Cosmetology Association
NIC	National Interstate Council of State Boards and Cosmetology
PBFC	Professional Beauty Federation of California

Titles:

AG	Attorney General
ALJ	Administrative Law Judge
DA	District Attorney
DAG	Deputy Attorney General
EO	Executive Officer

DRAFT

The Board

COMPOSITION

(B&P section 7303(b))

The Board is comprised of thirteen members. Seven members shall be public members and six members shall represent the industry professions. The Governor shall appoint five of the public members and six industry professions members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one public member. Members shall be appointed for a term of four years, with the exception of the members appointed by the governor, (two public members and two professions members) these members shall be appointed for an initial term of two years. Members may not serve longer than two consecutive terms.

OFFICERS

(Board Policy-Adopted July 24, 2006)

The Board shall annually elect from its members a President and a Vice President each of whom shall hold office for a term of one year. An officer shall not serve in a particular officer position for more than two consecutive terms.

Elections shall take place in January of each year. All officers may be elected on one motion or ballot as a slate of officers unless objected to by a Board member.

If the office of the President becomes vacant, the Vice President shall assume the office of the President. If the office of the Vice President becomes vacant, an election shall be held at the next scheduled Board meeting. Elected officers shall then serve the remainder of the term.

MEETINGS

(Board Policy-Adopted July 24, 2006)

The entire Board will convene four times a year and may meet more often if it is determined necessary. Only the Board President may authorize special meetings, setting the date, time and place.

The Board will endeavor when possible, to hold meetings in different geographical areas throughout the state as a convenience to the public and licensees.

BOARD MEMBER ATTENDANCE AT BOARD MEETINGS

(Board Policy Adopted July 24, 2006)

Board members shall attend each meeting of the Board. If a member is unable to attend, they are requested to contact the Board President or the Executive Officer.

BOARD MEMBER PARTICIPATION

(Board Policy Adopted July 24, 2006)

The Board President may ascertain from members whose level of participation is below standard and whether the member is no longer able to continue serving as an active member of the Board. In such a case, the President may suggest that the member resign. If such resignation is not forthcoming within a reasonable time, the Board, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the Board their arguments against the resolution prior to such a resolution being adopted by the Board. A 50% or greater absence rate shall constitute below-standard participation.

QUORUM

Seven members of the Board constitutes a quorum of the Board. When a quorum of the Board is not present, Board members may discuss noticed agenda items of business but may not take any action. A majority of the quorum shall constitute a majority of the entire Board.

AGENDA ITEMS

(Board Policy-Adopted July 24, 2006)

Any Board member may submit items for a Board meeting agenda to the Executive Officer 20 days prior to the meeting. The Board meeting agenda will be provided to all Board members 10 days prior to the meeting and the agenda packet will be provided no later than 7 days prior to the meeting.

The Board President, Board members, or Executive Officer may not alter or prevent agenda items from being added to the agenda by another Board member.

RECORD OF MEETINGS

(Board Policy-Adopted July 24, 2006)

Board meeting minutes are a summary and not a transcript. Minutes are prepared for every Board meeting. The minutes and assignments of Board directives shall be prepared by Board staff.

Board minutes shall be approved at the next scheduled Board meeting and serve as the official record of the meeting.

Approved minutes of the open session are available for distribution to the public and shall be posted on the Board's website within 30 days following Board approval.

RECORDING

(Board Policy-Adopted July 24, 2006)

Public Board meetings are to be recorded. Recordings shall be retained until final meeting minutes have been approved. Closed session proceedings shall be recorded at the discretion of the Board.

MEETING RULES

(Board Policy-Adopted July 24, 2006)

Board meetings will be conducted under an informal simplified version of Robert's Rules of Order (Rosenberg's Rules of Order: https://www.calcities.org/docs/default-source/get-involved/rosenberg's-rules-of-order-simple-parliamentary-procedures-for-the-21st-century.pdf?sfvrsn=d3f73e91_3) to the extent that it does not conflict with the Bagley-Keene Open Meeting Act.

COMMUNICATION

(Board Policy-Adopted July 24, 2006)

The Board President or the Executive Officer shall serve as the media spokesperson on Board actions or policies. Any written or oral communications concerning Board matters of a sensitive nature shall be made only by the Board President or the Executive Officer.

All written communications of the Board President on behalf of the Board shall be copied to the Executive Officer and the Executive Officer shall forward the communication to all Board members.

The Board President may not represent the entire Board in any communication unless given expressed authority by the majority of the Board to do so. The Board President may speak for the Board if requested to testify to the Legislature or Administration on behalf of the Board without advance approval.

CORRESPONDENCE

(Board Policy-Adopted July 24, 2006)

Original documents of all correspondence received shall be maintained in the Board's office files. Only copies of such correspondence shall be given to the Executive Officer and/or Board members as requested.

ETHICS TRAINING

(CGC section 11146 et seq.)

(Board Policy-Adopted July 24, 2006)

Ethics training for continuing and new Board members will be accomplished in accordance with the law and DCA procedures.

BOARD MEMBER ORIENTATION

(B&P section 453)

Every Board member shall complete a training and orientation program offered by the DCA within one year of assuming office.

SEXUAL HARASSMENT POLICY TRAINING

(DCA-SHP EEO 09-02)

(Board Policy-Adopted April 8, 2013)

In accordance with the Department of Consumer Affairs (DCA) Sexual Harassment Prevention (SHP) Policy (EEO 09-02), and to ensure compliance with Assembly Bill (AB) 1825 (Reyes, Chapter 933, Statutes of 2004), all DCA employees are required to receive biennial Sexual Harassment Prevention training. The Supervisory Sexual Harassment Prevention Training is mandatory for Board members.

BOARD MEMBER REMOVAL

(B&P section 106)

The appropriate appointing authority (Governor, Senate Rules Committee or Speaker of the Assembly) has the power to remove from office at any time, any member of the Board, appointed by him for continued neglect of duties required by law, for incompetence or unprofessional or dishonorable conduct.

RESIGNATION OF BOARD MEMBERS

(GC section 1750)

If a Board member resigns, the resigning member shall send a letter to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. State law requires written notification. A copy of this letter shall also be sent to the director of DCA, the Board President, and the Executive Officer.

CONFLICT OF INTEREST

(GC section 87100)

No Board member may make, participate in making or in any way attempt to use their official position to influence a governmental decision in which they have a direct financial interest. Any Board member who has a direct financial interest shall disqualify themselves from making or attempting to use their official position to influence the decision. Any Board member who feels they are entering a situation where there is a potential for a conflict of interest should immediately consult the EO or the Board's legal counsel.

The Board President

SUPERVISION OF THE EXECUTIVE OFFICER

(Board Policy-Adopted July 24, 2006)

The Board President is the immediate supervisor of the Executive Officer. Specific instructions for work on Board policy matters by the Executive Officer from Board members shall be coordinated through the Board President.

The incoming Board President shall assume all delegated duties at the close of the annual election meeting, including supervision of the Executive Officer.

PERFORMANCE APPRAISAL OF EXECUTIVE OFFICER

(Board Policy-Adopted July 24, 2006)

The Board President shall request from each Board member input to the performance appraisal and salary administration of the Executive Officer prior to their draft preparations.

The performance appraisal of the Executive Officer shall be presented in draft form to the Board, by the Board President, at the annual election meeting and shall be noticed on the meeting agenda.

Matters relating to the performance of the Executive Officer shall be discussed in closed session unless he or she requests that it be discussed in open session.

The Executive Officer

APPOINTMENT

(B&P section 7303 (c))

The Board shall appoint an Executive Officer who is exempt from civil service and who shall serve at the pleasure of the Board. The Executive Officer shall exercise the powers and perform the duties delegated by the Board. The appointment of the Executive Officer is subject to approval of the Director of the Department of Consumer Affairs.

ROLE

(Board Policy-Adopted July 24, 2006)

The Executive Officer is the Board's chief administrative officer who implements the policies developed by the Board.

RECRUITMENT OF AN EXECUTIVE OFFICER

(Board Policy-Adopted July 24, 2006)

The Board shall institute an open recruitment plan to obtain a pool of qualified candidates. The Board shall also work with the DCA's Human Resources Office for recruitment procedures.

SELECTION

(Board Policy-Adopted July 24, 2006)

The selection of an Executive Officer shall be included as an item of business, which must be included in a publicly noticed agenda and transacted at a public Board meeting.

BOARD STAFF

(Board Policy-Adopted July 24, 2006)

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, terminations, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is appropriate that the Board delegate all authority and responsibility of the civil service staff to the Executive Officer. No Board member may provide direction to civil service staff, unless consent of the majority of the Board is obtained during a public meeting of the Board. When consent of the majority of the Board is obtained, direction must go through the Executive Officer. Board members shall not intervene or become involved in specific day-to-day personnel transactions or activities.

Board Committees

CAPACITY

(Board Policy-Adopted July 24, 2006)

Committees are advisory and recommend actions to the Board. Recommendations and reports shall be submitted to the Board for consideration and approval.

STANDING COMMITTEE APPOINTMENTS

(Board Policy-Adopted July 24, 2006)

The Board President shall appoint, subject to approval of a majority of the Board, the members to fill positions of each standing committee. Members may volunteer to serve on a specific committee. Terms for all standing committees shall be 1 year and shall begin with the election of a new Board President. Committee member assignments shall take place immediately following the election of the Board President. The assignment of committee members may take place immediately following the election of the Board President, if duly noted on the Board meeting agenda, or may take place at the next scheduled Board meeting.

The establishment of all committees shall be included as an item of business, which must be included in a written agenda and transacted at a public meeting. The Board President, or any member of the Board, may not appoint or remove any committee members unless so acted upon at an open meeting and voted on by the majority of the Board.

STANDING COMMITTEES

(Board Policy-Adopted July 24, 2006)

The Board has **six** standing committees:

- Disciplinary Review Committee
- Education and Outreach Committee
- Enforcement and Inspections Committee
- Health and Safety Advisory Committee
- Legislative and Budget Committee
- Licensing and Examination Committee

Internal organization of each committee is at its discretion except as specified in this manual.

DISCIPLINARY REVIEW COMMITTEE

(CCR section 974.1)

The purpose of the Disciplinary Review Committee is to conduct informal administrative citation review hearings and renders decisions regarding disputed citations. The committee has authority to affirm, modify or dismiss the citations including any fine amounts. The Board President shall annually appoint members of the committee; the appointments will be made concurrently with the annual election of officers. The Board President shall select the dates

and locations of the informal citation review hearings held before the disciplinary review committee. The Board may find a need to have an alternate member for the convenience of those members who cannot attend.

EDUCATION AND OUTREACH COMMITTEE

(Board Policy-Adopted July 24, 2006)

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

ENFORCEMENT AND INSPECTIONS COMMITTEE

(Board Policy-Adopted July 24, 2006)

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

HEALTH AND SAFETY ADVISORY COMMITTEE

(B&P 7314.3)

The purpose of the Health and Safety Advisory Committee is to provide the Board with advice and recommendations on health and safety issues, as well as ensuring licensees are aware of basic labor laws.

LEGISLATIVE AND BUDGET COMMITTEE

(Board Policy-Adopted July 24, 2006)

The purpose of the Legislative and Budget Committee is to review and track legislation that affects the Board. The committee shall make recommendations on what position the Board should take on legislation that could potentially affect the operation of the Board, the health and safety of consumers and the Board's licensees. In addition, the committee provides information and recommendations to the Board on potential policy matters relating to the budget.

LICENSING AND EXAMINATION COMMITTEE

(Board Policy-Adopted July 24, 2006)

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

AD HOC COMMITTEES

(Board Policy-Adopted July 24, 2006)

The Board may establish ad hoc committees as needed. The establishment of an ad hoc committee must be included in a written agenda and transacted at a public meeting in which a quorum of the board is present and consent is obtained by the majority of the Board.

TASK FORCES AND WORKING GROUPS

(Board Policy-Adopted July 24, 2006)

Any Board member may request, subject to approval of the full Board, that a task force/working group be established. The task force/working group will be charged with an in-depth review of a specific issue and a final recommendation to the full Board.

In an urgent situation (i.e. examination appeal) the Board President may make a recommendation on members of a two-person committee without approval of the full Board.

COMMITTEE AGENDAS

(Board Policy-Adopted July 24, 2006)

Agendas shall focus on the specific tasks assigned by the Board and include:

- Public Comment
- Time for committee members to recommend new areas of study to be brought to the Board's attention for possible assignment.
- Only those information items dealing with subjects assigned to the respective committee.

Committee chairs shall confer with the Board President prior to including any agenda item that is not clearly within that committee's assigned purview.

If more than two Board members will be in attendance at a Committee meeting, the agenda shall contain the statement: "Notice of Board meeting indicates that three or more members of the Board are present. While the law requires the Board to notice this also as a Board meeting, it is not the intent to take action as a Board at this meeting."

ATTENDANCE AT COMMITTEE MEETINGS

(Board Policy-Adopted July 24, 2006)

If a Board member wished to attend a meeting of a committee of which they are not a member, that Board member shall notify the Board President and Executive Officer.

Board members who attend a meeting of a committee of which they are not a member shall sit in the audience and not participate in the meeting discussion.

DUAL MEMBERSHIP

(Board Policy-Adopted July 24, 2006)

A Board member may serve on multiple committees but may not chair more than one committee.

COMMITTEE MEETING RULES

(Board Policy-Adopted July 24, 2006)

Meetings will be conducted under the Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act.

RECORD OF COMMITTEE MEETINGS

(Board Policy-Adopted July 24, 2006)

The minutes are a summary, not a transcript of each committee meeting. Committee minutes shall be prepared by Board staff and submitted for review by the committee members within 30 working days after the committee meeting. Committee minutes shall be approved at the next scheduled committee meeting and serve as the official record of the meeting. Approved minutes of the open session are available for distribution to the public and shall be posted on the Board's website.

STAFF ASSISTANCE

(Board Policy-Adopted July 24, 2006)

Board staff provides advice, consultation, and support to the committees. Committee members shall contact the Executive Officer to request staff assistance.

RECORD KEEPING

(Board Policy-Adopted July 24, 2006)

Public meetings are recorded. Recordings shall be retained until final meeting minutes have been approved. Closed session proceedings shall be recorded at the committee's discretion.

Security Procedures

REQUEST FOR RECORDS ACCESS

(Board Policy-Adopted July 24, 2006)

No Board member may access a licensee's or candidate's file without the Executive Officer's knowledge and approval of the conditions of access. A notation of the Board member's access shall be entered in the file. Records or copies shall not be removed from the Board's office.

CONTACT WITH CANDIDATES, LICENSEES, COMPLAINTANTS, RESPONDENTS

(Board Policy-Adopted July 24, 2006)

Board members shall not intervene on behalf of a licensee for any reason. They should forward all contacts or inquiries to the Executive Officer.

Board members shall not directly participate in complaint handling and resolution or investigations, unless authorized by a majority vote of the Board at a duly called public meeting. If a Board member is contacted by a respondent, or their attorney, they shall refer the individual to the Executive Officer.

GIFTS FROM CANDIDATES

(Board Policy-Adopted July 24, 2006)

Gifts of any kind to Board members or staff from candidates for licensure with the Board shall not be permitted.

Resources

DCA BOARD MEMBER RESOURCE CENTER

The Department of Consumer Affairs has dedicated a website to resources available to Board Members. To access information on member information, appointment information, training or publications, please visit: <http://www.dcaboardmembers.ca.gov/>.

DRAFT

Section 2: Training

Board Member Orientation Training

Board Members are required to complete Board Member Orientation Training **within one year** of appointment **and** re-appointment to a board. This is a one-day in-person training which details the functions and responsibilities of board members. To complete this training, please choose from the dates available and complete the online registration form at: <https://dca.csod.com/>

Online Training

- ***Ethics Training:*** Board Members are required to complete the State Officials ethics training within six months of being appointed at <http://oag.ca.gov/ethics>.
- ***Supervisory Sexual Harassment Prevention Training:*** Board Members are required to complete this interactive training. It takes approximately 2 hours to complete and is available at: <https://dca.csod.com/>.
- ***Defensive Driver Training:*** Board Members are required to complete this interactive training once every four years. The Defensive Driver training is takes approximately 2.5 hours to complete and is available at: <https://ddt.dgs.ca.gov/>
- ***Form 700 – Statement of Economic Interest & Conflict of Interest Filing:*** Board Members are required to file the Form 700. DCA utilizes NetFile to electronically file Form 700s directly with the Fair Political Practices Commission. For NetFile account questions, please email OHR.Requests@dca.ca.gov.

Upon completion of any training, please provide copies of completion certificates to DCA at MemberRelations@dca.ca.gov and to Kristy Underwood at:

BBC
Attn: Kristy Underwood
P.O. Box 944226
Sacramento, CA 94244-2260

If you have any questions, please contact Kristy Underwood or Board Analyst Natalie Mitchell.

Kristy Underwood, Executive Officer
Phone: (916) 471-0722
Email: Kristy.Underwood@dca.ca.gov

Natalie Mitchell, Board Analyst
Phone: (279) 244-6644
Email: Natalie.Mitchell@dca.ca.gov

Section 3: Travel and Per Diem

General Travel Information

TRAVEL

(Board Policy-Adopted July 24, 2006)

Board members notify the Board President and Executive Officer of all travel except for regularly scheduled Board, Committee and Task Force/Work Group meetings to which the Board member is assigned. The Board President shall relay any travel approvals to the Executive Officer. The Executive Officer shall report to the full Board on any additional travel conducted by Board members.

No member of the Board shall attend any function in which the member is representing the Board without approval from the Board President and the notification of the Executive Officer. This includes speaking engagements, trade shows, etc.

TRAVEL ARRANGEMENTS

(Board Policy Adopted January 12, 2015)

Board members are responsible for making their own travel arrangements with the assistance of the Cal Travel Store.

TRAVEL CLAIMS

(Board Policy Adopted January 12, 2015)

Board staff will compile (in consultation with member) and submit all travel claims to the Travel Unit. Board members must submit travel information and receipts to Board staff for the compilation of the travel claim. If a travel claim requires amending, Board staff will consult with the Board Member before making amendments and submitting corrected claims to the DCA's Travel Unit and provide the Board member with a corrected copy.

Travel reimbursement processing times range from 4-6 weeks.

Per Diem

BOARD MEMBER PAY

(Board Policy-Adopted April 8, 2013)

Board members receive \$100 for each day worked on Board related matters.

COMPLETING THE STD 634 FORM

(Board Policy-Adopted April 8, 2013)

In order to be compensated, it is necessary to complete an Absence & Time Worked form (STD 634) and submit it to Kristy Underwood no later than the first day of the month following the month the time has been worked.

Completing the 634 form (Please refer to the 634 sample on the following page).

1. Enter the month in which the pay was earned.
2. Enter your full name.
3. Enter "Board Member" in box number four (4).
4. Place an "X" on box number 7(a) on each day you did work as a Board Member.
5. Sign and date box number nine (9).
6. Send your form to Kristy Underwood.

Upon completion of this form, please fax, email, or mail your form to Kristy Underwood at fax (916) 928-6810, Kristy.Underwood@dca.ca.gov, or:

BBC
Attn: Kristy Underwood
P.O. Box 944226
Sacramento, CA 94244-2260

If you have any questions, please contact Kristy Underwood or Board Analyst Shelby Edmiston.

Kristy Underwood, Executive Officer
Office: (916) 471-0722
Email: Kristy.Underwood@dca.ca.gov

Shelby Edmiston, Board Analyst
Office: (279) 278-5082
Email: Shelby.Edmiston@dca.ca.gov

ABSENCE AND ADDITIONAL TIME WORKED REPORT

HR-434 (REV. 12/2019)

PAY PERIOD

1. TIME BASE	WWG	CBD
MONTH	YEAR	
MARCH	2023	
2. AYS/SDWS		
<input type="checkbox"/> 4/10/40	<input type="checkbox"/> 9/5/80	

3. NAME (First Middle Last) **Board Member's Name** 4. POSITION NUMBER

5. ABSENCE WITH PAY

(SE) SICK LEAVE SELF (BL) BEREAVEMENT LEAVE (ML) SHORT-TERM MILITARY LEAVE (Attach Duty Orders) Calendar Days (JD) JURY DUTY

(SF) SICK LEAVE FAMILY (CT) USING OVERTIME CREDITS (ENDI) ENHANCED NONINDUSTRIAL DIS. ATTENDANCE FEES TO BE REMITTED (Make copy for Accounting)

(FH) FURLOUGH HOURS (HC) USING HOLIDAY CREDITS (NDI) NONINDUSTRIAL DIS. NO ATTENDANCE FEES RECEIVED

(HI) HOLIDAY INFORMAL (EX) USING EXCESS HOURS CREDIT INDUSTRIAL ILLNESS OR INJURY COURT CITY

(PV) VOLUNTARY PERSONAL LEAVE (PH) USING PERSONAL HOLIDAY (TD) TEMPORARY DISABILITY (SW) WITNESS (Make copy for Accounting)

(AL) ANNUAL LEAVE (PL) PERSONAL LEAVE (IDL) INDUSTRY DISABILITY LEAVE CIVIL CASE FEES TO BE REMITTED

(VA) VACATION (PT) PROFESSIONAL DEVELOPMENT DAY (IDUB) INDUSTRIAL DISABILITY LEAVE WITH SUPPLEMENTATION CRIMINAL CASE NO FEES RECEIVED

OTHER IN THE INTEREST OF OR BEHALF OF THE STATE YES NO

SUBPOENAED EXPERT

6a. ABSENCE WITHOUT PAY (DK) DOCK APPROVED (A) ABSENCE WITHOUT LEAVE (AWOL) (19996.2 OR 19572) (B) ABSENCE WHILE SERVING A PROBATIONARY PERIOD (SDI) STATE DISABILITY INSURANCE (FM) FMLA (CFRA) CFRA (POL) POL

6b. PAY PERIOD IS QUALIFYING NONQUALIFYING

6c. AWS DAY A or B
 HOURS NEEDED = 175.00
 TOTAL HOURS =
 EXCESS =
 HOURLY EMPLOYEE

7. DATES OF ABSENCES AND EXTRA HOURS WORKED (Enter the leave code in the top of the box and the number of hours in the bottom of the box.)

REPORTING	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	TOTAL
7a. HILY INSPY HOURS TO BE PAID									8.00																							8.00
7b. SICK																																
7c. BEREAVEMENT																																
7d. VACATION																																
7e. ANNUAL LEAVE																																
7f. AT/OCT/EL EX/NO/HL/DJ NDR/NL/PL PL/PV/UT																																
7g. AWOL (A) DOCK (DK) FMLA (FM) SDI (SDI)																																
7h. STRAIGHT OVERTIME (PO) (CTO)																																
7i. PREMIUM OVERTIME (PO) (CTO)																																

8. REASON FOR ABSENCE OR EXTRA HOURS WORKED

9. CERTIFICATION OF EMPLOYEE
 To the best of my knowledge and belief, the facts stated are accurate and in full compliance with legal requirements.
 SIGNATURE OF EMPLOYEE EMPLOYEE NOT AVAILABLE FOR SIGNATURE Date
 Board Member Signs Here Current Date

10. CERTIFICATION OF MANAGER/SUPERVISOR
 To the best of my knowledge and belief, the facts stated are accurate and in full compliance with legal requirements.
 SIGNATURE OF MANAGER/SUPERVISOR Date

11. PERIOD OF DISABILITY COMPENSATION FROM TO 12. DISABILITY COMPENSATION SUPPLEMENT HOURS SICK LEAVE VACATION CTO HOLIDAY CREDIT 13. OFFICIAL DEPARTMENTAL APPROVED DISAPPROVED

Travel Arrangements

For in-depth information of current travel rules, please review the Consumer Affairs Travel Guide at https://www.dca.ca.gov/about_us/board_members/resources.shtml.

The State provides reimbursement of actual and necessary out of pocket expenses when traveling on State business. The mode of transportation for which the State incurs expenses should be that which is in the best interest of the State. So, when determining the most economical mode of transportation, the following costs should be considered: employee's time, expenses for transportation (airline, car, train, taxi, parking, shuttle, tolls, etc.), expenses for meals, incidentals, lodging and any other State business expense, the urgency of the situation, if the employee must carry specialized equipment, the number of stops, the number of persons to be transported, driving time one-way (is it over 2 hours?), availability of transportation to and from the destination, and overtime wages.

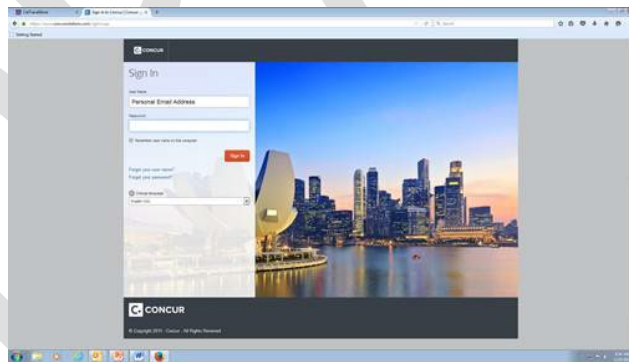
To view the Statewide Travel Program, visit <https://www.dgs.ca.gov/OFAM/Travel>.

CAL TRAVEL STORE

All travel arrangements (hotel, airfare reservations and car rental) must be made through the CalTravelStore website: <http://www.caltravelstore.com/>.

Instructions on how to make a reservation are on the DCA Travel/CalATERS Home Page.

The "username: will be your personal email address. You can reset your password by clicking on "Forgot your password" link.



After Hours Travel Emergencies (additional fees apply) (877) 454-8785 – Press 1

All Travel Expense Claim Transmittals that require receipts to be attached must be signed by DCA's Deputy Director of the Office of Board and Board Relations. The original signature is required.

DCA's airfare contract is with Southwest Airline. When booking a flight, only select "Want to Get Away." You will want to make sure you have a Southwest Rapids Rewards account. In addition, when booking a hotel reservation, please advise the Travel Store if you participate in any hotel reward programs.

Southwest Airlines

To create a Rapid Rewards Account, go to: www.southwest.com

1. Click Rapid Rewards (at the top of the home page)
2. Click on Sign Up
3. Fill in requested information and click Create Account

Your Rapid Rewards Enrollment card will appear on the screen. **Print your Rapid Rewards and save the number for your records, this will be the only card you will receive.**

CAR RENTAL

The State's rule of thumb is if the trip is over 50 miles round trip, you should rent a car. Do not use your personal vehicle as the travel unit will not reimburse you for the full amount.

DCA's car rental contract is with Enterprise Rent-A-Car. Loss Damage waiver is included in the State's daily rate. Additional charges for insurance will not be reimbursed by DCA. You are not required to drop off your rental car at the location you rented if from. You may drop the car off at the airport or other Enterprise location.

You are not required to refuel the rental car vehicle prior to returning. When refueling the rental car, the employee must submit a detailed gasoline receipt for reimbursement. Gasoline receipts must show the date of purchase, method of payment, and an expense breakdown: number of gallons, price per gallon, and extended total purchased amount. Prepaid fuel receipts are not acceptable for reimbursement.

Submit your car rental receipt, showing full payment and any gasoline receipts (if applicable) to Board staff.

USING YOUR PERSONAL VEHICLE

You have the option of using your personal vehicle if you can prove that it is a cost savings for the State to do so (usually this includes trips that are less than 50 miles round trip).

A cost comparison (DPA 599.626.1) is required whenever an employee selects an alternate mode of transportation that is not typical for the length, destination, and purpose of the trip, or is not in the best interest of the State. Request a Cost Comparison Form from Natalie Mitchell, Natalie.Mitchell@dca.ca.gov to assist in determining the amount of reimbursement.

- Mileage reimbursement is currently .625 cents per mile.
- Sacramento International Airport Maximum daily economy parking lot rate is \$10.00 per day and \$2.00 per half hour or any portion thereof beginning on the second day, with a maximum daily rate of \$10.00.
- All parking while on state business require the purpose of the trip and an itemized receipt if over \$10.00.

TAXIS/TOLLS

Taxis may be used for trips that are not over a 10-15-mile radius. Receipts are required for taxi expenses of \$10.00 and over. Tips are not reimbursable.

Tolls/Parking: No receipt is required for tolls or parking charges under \$10.00

MEALS

Reimbursement is allowed for actual costs up to the maximum reimbursement for each meal incurred while on travel status. Board members should retain the meal receipts, for tax purposes. If no meal amounts are provided to the analyst preparing your travel claim, it will be assumed that you have used the maximum reimbursement amount, and the Board member travel claim shall reflect that assumption.

Meals & Incidental	Maximum Reimbursement	Qualifying Time Frame
Breakfast	Up to \$ 7.00	Begins before or at 6 a.m. Ends at or after 8 a.m.
Lunch	Up to \$11.00	Begins before or at 11 a.m. Ends at or after 2 p.m.
Dinner	Up to \$ 23.00	Begins before or at 5 p.m. Ends at or after 7 p.m.
Incidental	Up to \$ 5.00	Reimbursement is allowed only for a full 24 hours of travel.

Please note: Incidental expenses can include expenses for: laundering, pressing clothes, fees, tips, business phone calls, postage charges, facsimiles and emergency purchases.

TRAVEL CLAIMS

To make the position of Board member a little more pleasant, Board staff will process Board member travel claims. After each Board meeting, Board Analyst Natalie Mitchell will email a request for information which asks for:

- The date and time you began and ended your trip.
- The mode of transportation (flight, personal vehicle, train, etc.).
- If you used your personal vehicle (if yes, provide your license plate number).
- The date and how many miles you traveled using your personal vehicle.
- Your starting location if you started anywhere other than your residence.
- Receipts.
- Actual meal costs, if under the maximum reimbursement allowance.

Also, please provide a brief note if there are any unusual circumstances regarding your trip.

Staff will need all receipts (except meal receipts). All hotel/vehicle receipts should show a zero-balance due and hotel receipts must state a room rate and room tax amount. Staff will compile the travel claim, email it to the Board member for review and approval, and then submit the travel claim to the Department of Consumer Affairs for reimbursement.

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

BOARD MEETING

MINUTES OF OCTOBER 24, 2022

BOARD MEMBERS PRESENT

Steve Weeks, President
Calimay Pham, Vice President
Megan Ellis
Tonya Fairley
Kellie Funk
Reese Isbell
Derick Matos
Jacob Rostovsky

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Nicole Quinn, Enforcement Chief
Allison Lee, Board Project Manager
Natalie Mitchell, Board Analyst

BOARD MEMBERS ABSENT

Yolanda Jimenez
Danielle Munoz

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 9:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2, BOARD PRESIDENT'S OPENING REMARKS

Mr. Weeks welcomed the new Board members, Ms. Kellie Funk, Mr. Jacob Rostovsky, and Ms. Colette Kavanaugh. He recognized the importance of having individual licensees serve on the Board. He stated Ms. Kavanaugh could not attend today's meeting and will be at the next Board meeting.

Mr. Weeks mentioned that the new *BarberCosmo Update* newsletter had been published. He stated that it would help licensees and the public to understand what the Board is doing. He also acknowledged the recent retirement of Mrs. Marcene Melliza, a staff member. This is the first Board meeting without her, and Mr. Weeks wished her well in her retirement.

3. AGENDA ITEM #3, BOARD MEMBER REMARKS – INFORMATIONAL ONLY

Mr. Matos welcomed the new members. He also recognized that the year is ending and thanked the Board members for working through the difficult times seen during the year. He further stated that his term would be coming to a close at the end of the year. He wished the new and current members well and looked forward to all the progressive work they would do for the industry.

4. AGENDA ITEM #4, DISCUSSION AND POSSIBLE APPROVAL OF THE JULY 25, 2022, BOARD MEETING MINUTES.

MOTION: Mr. Isbell moved to approve July 25, 2022, Board meeting minutes. Ms. Fairley seconded.

No comments were received from the public.

Motion to approve July 25, 2022, Board meeting minutes carried; 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The committee members voted "Yes": Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Kellie Funk, Reese Isbell, Derick Matos, and Jacob Rostovsky.

5. AGENDA ITEM #5, EXECUTIVE MANAGEMENT REPORTS (KRISTY UNDERWOOD)

Ms. Underwood introduced the staff present at the meeting as follows:

- Carrie Harris – Deputy Executive Officer
- Natalie Mitchell – the new staff member who replaced Marcene.
- Allison Lee - Board Project Manager.
- Nicole Quinn – Enforcement Chief.

(a) Administration and Operations

Ms. Underwood stated that many new hires have been made. Some of the new hires include Sam Swafford, the new regulations analyst, and Natalie Mitchell, who came over from the Bureau for Private Post-Secondary Education to replace Marcene. There are still vacancies in the admin unit that will need filling. The current budget analyst, Patricia Garcia, will retire at the end of the year. Staff are looking for a replacement while Ms. Garcia is still in the position so that she will help with training. Staff is also recruiting for a person to handle all the data reporting and are hoping to hire someone in the next few weeks.

Ms. Underwood stated that five new cars will be coming to the Board on fleet purchase orders. It has been an enormous process to survey those vehicles, and staff have been working on it for over a year. The vehicles might come in by the end of the year.

Regarding budget expenditures, staff is still working with the budget office to get the red lines to be black. The budget is stable and healthy. The budget office could take time before looking at it because they focus more on other boards' budgets that are not as healthy. Ms. Underwood also reported that staff is not allowed to travel to some states

that had some conventions and conferences this last year. Therefore, the budget for travel was zero. Mr. Isbell stated that his main concern was budgeting for the future and whether or not money could be put aside for the upcoming conferences. Ms. Underwood mentioned that there was an option to request out-of-state travel. She stated that there is a process for out-of-state travel that is a year in advance. However, other things pop up that are outside the year in advance. She added that the administration has helped get approval for those travels. Staff always tries to plan for a year in advance, but it only doesn't always happen.

Mr. Rostovsky asked for some examples of external consultant and professional services because he noted that their budgets were high. Ms. Underwood stated that that is the exam contract.

Ms. Underwood discussed the budget fund condition and stated that what is printed in the Governor's budget is presented in the reports. The report indicated the actual allocation, the current year, the budget year, and the budget year plus one. She referenced the months in reserve as shown in the reports and stated that the reserves are high and very stable since they are on the plus line.

(b) Licensing, Examination, and Disciplinary Review Appeals

Ms. Underwood stated that the Board is asked about the languages it provides exams in every year. She was recently asked about Chinese by an assembly member's office, so she pulled data on the number of people requesting a Chinese interpreter to take the exam. If a language meets 5% of the population, the Board is required to offer the exam in that language. Vietnamese and Spanish were well over 5%. Chinese was the highest requested interpreter to be brought to the examination. Ms. Underwood reported that she had met with the exam vendor earlier and they had agreed to add simplified Chinese to the exam. It will be launched on March 1, 2023. Mr. Isbell appreciated the move, adding that though it might not be meeting the criteria statewide, there are some jurisdictions in the State where it is a vital need.

On licensing, Ms. Underwood reported that the unit is almost entirely staffed. The positions remaining are the limited terms vacancies, where staff is looking to have additional staff to help with the vast number of emails and phone calls. These are not allocated positions and will come from the separate temp line item. A fully staffed licensing unit will reduce some processing times, particularly the exam applications, which are currently taking about six weeks to process.

A new manager was hired for the licensing unit. James Zimmerman was the lead of the licensing unit and had been promoted to management. The Board is still recruiting for one additional licensing manager position.

Emails are still coming in huge numbers. Last Friday, staff had another all-staff email day to respond to those emails and try to get them within a reasonable range. There is a delayed response of over eight days, and staff must balance between processing applications and answering emails continuously.

Mr. Weeks asked if other boards in California had the same issue with the number of emails. Ms. Underwood did not believe so. She stated that other boards don't have the same volume as the Board. Many applications come in daily, and most people apply online without attaching their proof of training, so they then have to send another email with the proof of training, which gets mixed up with all the other emails. Ms. Underwood stated that staff had recently held a town hall meeting with schools to walk students through the application process and show them how to attach the proof of training. She hoped that that would help reduce the number of emails received.

Mr. Weeks also asked if contractors have a standing telephone operation to answer questions. Ms. Underwood stated that contractors have their call centers. She further explained that the automated email response is amended weekly to let people know what the timeframe is in responding and the processing times and give information on how they can get help regarding their BreEze accounts.

Mr. Rostovsky wondered if there was a way to install software that would filter messages and create a curated response. Ms. Underwood stated that she was unaware of any state agency with such software. The Department of Consumer Affairs (DCA) would be the one to have it. She also mentioned that an additional email box had been set up expressly for proof of training because those need a quick response. Staff currently filters the emails manually. Mr. Weeks agreed that the email issue was a significant problem that had to be sorted out quickly to ensure people get a timely response.

Ms. Underwood reported that the new examination was released on July 1, 2022. She presented the quarterly applications received and noted that they were currently average. Exam pass rates had dropped in barbering and cosmetology, but they had maintained in aesthetics, manicuring, and electrology. Staff met with PSI and DCA's Office of Professional Examination Services to look at the low pass rates.

Ms. Underwood also looked at some schools with the highest failure rates to determine the problem. She found out that for one school with the highest number of individuals who had failed the barber test, they had completed 1500-hour programs. The required education was there, but the individuals took the test multiple times. This indicated that the number of individuals who took the test was lower than usual from a regular quarter. In another school with the highest failures, 18 individuals failed the barber exam and the majority of those 18 were transfer students. They were in another school for 800 hours and transferred to the school in question to complete 200 hours to finish the course with 1000 hours. The school that one completes a program from is what goes on their record of pass-fail rates. This means they might have received inaccurate education at the first school where they completed more hours.

Another reason for the dip was that many schools were not memorizing the tests anymore. Ms. Underwood stated that she had also looked at some of the schools performing well. She reiterated that staff is working with PSI and DCA to monitor the

results, and they had noted that they are gradually increasing by about 3% all the time, and they will continue increasing.

Ms. Fairley noted that the Spanish pass-fail rates were high, with one of the contributing factors being that some students chose to take the test in Spanish even though they completed the course in English. She asked if Ms. Underwood had discussed that issue with the schools to advise them to ensure that their students took the exam in the same language they took the course. Ms. Fairley further mentioned that changing the exam had not helped the licensees because she observed that the number of failures was even more than before the exam was changed. She felt that there could be a disconnect that should be addressed if people who were taking the exam multiple times were still failing. Ms. Underwood agreed that people were taking the exam multiple times and failing. She added that the exam was displayed in both languages and that the schools knew the problem. She indicated that she knew one school in particular that advised its students not to take the exam in Spanish, but it was up to the student to choose. Ms. Underwood further mentioned a survey carried out several years ago, where all the Spanish students were asked if they could take the exam in Spanish again. Most students had said they would take it in Spanish even though they had failed.

Mr. Weeks asked if the transitional period of mixing the long hours with shorter hours could be part of the problem and will be a temporary one that will end quickly. Ms. Underwood stated that it could be so, adding that there was an improvement in the pass rates. She had received the pass rates for last week earlier and noted that they were up even more.

Ms. Underwood also stated that schools must look at the exams and compare them with how they teach. She mentioned that staff and PSI had scheduled a barber workshop with schools to review the exam's content to try to help some of the barber schools. Cosmetology is low too, but those are increasing faster. Ms. Fairley asked if there had been any school feedback concerning the pass-fail rates. Ms. Underwood stated that she had yet to receive any feedback. She added that there had been no complaints from any barber or cosmetology school.

Mr. Weeks requested Shawn Conder, the account manager of barbering and cosmetology at PSI, to give a summary of what was happening in other states. Mr. Conder stated that PSI has been working with staff to monitor the exam rates, mainly since it is a new exam. He stated that the psychometric people were saying that it was working fine. He also mentioned that the significant thing that changed with the exams was the concept, which went from many different things to strictly health and public safety. He expressed excitement about the upcoming barber workshop and added that he has been working on Spanish-speaking issues for many years and trying to figure out how to remove the barrier. Mr. Conder stated that other states have also seen pass rates plummet from the previous pass rates and then increase about 3 to 5% per month. He assured the Board that the pass rates would accelerate at a certain point to where they were in the past.

Mr. Weeks asked about how the exams are tweaked. Mr. Conder stated that the Psychometric Department test development looks at questions on a regular basis and flags them. An evaluation tells if many people need to include the questions or if everybody is getting the right. He added that six questions in the barber exam had been taken off the exam and replaced with other questions. He further mentioned that the exam was performing very well in California.

Mr. Isbell asked if the written exams were at a specific grade level for the language used. Mr. Conder stated that they were for 16 years old, and 10th grade. Mr. Isbell asked if the level could be lowered. Ms. Underwood stated that it could only be lowered in the statute.

Ms. Fairley inquired if the information provided to the schools is heavily focused on health and safety or if it is general information to help students pass the test. Mr. Conder stated that the content outline of the examinations usually shows the classifications where the questions lie. He added that better-educated barbers would come out of the exams if the schools listened to PSI and followed the content outline.

Ms. Fairley mentioned that most schools are focused on teaching skills rather than health and safety. She wondered if the exams focusing on health and safety meet the level of the people taking the test. Mr. Conder stated that schools are responsible for teaching people how to be successful. It is, however, the State's responsibility to ensure the people will be safe while they are becoming successful. He also stated that the questions are related to the skillsets, and things are essential health and safety factors that they need to follow daily.

Mr. Isbel pointed out that the issue was not about lowered health and safety concerns. It was about people's understanding of the questions and the words used there. He suggested discussing the statute at the next legislative committee meeting.

Mr. Rostovsky believed that with the change of the exam, the low pass rates might be a good thing since they indicated that people were memorizing instead of learning. He was optimistic that the pass rates would now go up since people would be focused on learning public health and safety.

Ms. Pham expressed concern for the first many students who had to take the new exam. She asked about the cost of a retake, how soon the retake could be taken, and how many locations were proctoring the exam. Ms. Underwood stated that a retake costs \$75 and can be applied right after a student fails. Some students opt to take more time and will book their re-exam after a few weeks. The processing time then takes around four to six weeks. Over 20 locations are proctoring the exams throughout the State.

Ms. Underwood further mentioned that staff was working with PSI on changing the data processes to provide schools with content areas where their students were performing

poorly. Schools can go into the PSI partner site and pull up their information. This will be rolled out on March 1.

Mr. Matos proposed reaching out to schools to solicit feedback from them. Ms. Underwood stated that the next town hall meeting would be hybrid. She hoped to get more interaction from the schools. She added that staff could also reach out to the schools.

Regarding licenses issued, Ms. Underwood reported that fiscal year 21/22 increased compared to the last five years. This is because 2021 was so low. The licensed population held steady at over 600,000. The number is expected to stabilize with the current volume coming in.

Ms. Underwood stated that the next Disciplinary Review Committee hearings would be scheduled in January.

(c) Enforcement, Inspections, and Cite and Fine

Ms. Underwood stated a new manager, Tiffany Moore, was hired for the Inspections and Cite and Fine unit. There's also a new probation analyst and a new inspector in the unit who will be helping in the Orange County area. Two manager positions are still vacant in the Enforcement team. Announcements will be made in the next few days to fill those positions.

Ms. Underwood directed board members to a chart of vacant inspector positions and their counties. Ms. Munoz provided contacts at the Sacramento State Career Development team that staff had met with to try and get the word out about the vacant positions. So far, the candidates received for those positions have yet to be successful. Ms. Underwood reported that staff wants to change inspector positions to higher-level special investigators. These investigators would do a more extensive inspection than regular inspectors. The process has to go through the State's Department of Human Resources. More information will be provided at the next Board meeting.

Ms. Underwood further presented some charts showing the types of complaints received. Health and safety remain the biggest, followed by unlicensed activity. The enforcement statistics indicated that the number of complaints received for the first quarter was slightly above 1300.

An extern chart was added to the report. The goal is to track the number of schools that have an agreement with an establishment for externs. Ms. Underwood stated that SB 803 increased the ability for externs to learn more hours and be paid, so the number of externs were increasing. Staff is currently working with the Licensing Committee on some potential regulations that might strengthen the extern program.

On request for payment notices and payment plans, Ms. Underwood reported a success rate of 40% in collecting outstanding fines.

(d) Outreach

Ms. Underwood listed the recent outreach events:

- Face and Body Skin Care and NailPro Show in San Jose
- East Bay Refugee and Immigrant Community Consultation presentation to assist Afghan refugees on how they can get licensed. These people had been licensed in their own country and are now refugees in California. Staff is looking to have something similar for Ukrainian refugees.
- Jazz Z Beauty and Barber Trade Show in Anaheim.
- Virtual Townhall meeting on how to apply for the examination

Ms. Underwood provided updates on new/updated publications. A new fact sheet on home salons was created and the illegal tools flyer and skin care machines/devices industry bulletin were updated.

Ms. Underwood stated that three email blasts were sent to licensees regarding the Personal Service Permit (PSP), industry bulletins, and home salons.

Mr. Weeks asked why no increase was seen in the number of people getting the PSP. Ms. Underwood stated that many people did not need another certificate since they were already working from home. The enforcement division was looking into this matter. Cases will be sent straight to the investigation division for in-home establishments that were not doing things correctly.

(e) SB 803 (Roth) Implementation Plan.

Ms. Underwood stated that most of SB 803 has been implemented. Staff is still working on the hairstylist's license, which is projected to be ready in July 2023. Exam development is still in process. The pre-apprentice training is in the process of being developed by the Board. Four more schools were approved for thousand-hour courses. Staff will work on regulations for externs and provide them at the next Board meeting. Staff are developing the language for updated health and safety regulations and the impact of fines.

6. AGENDA ITEM #6, PROPOSED BOARD MEETING DATES AND LOCATIONS FOR 2023.

Board members agreed with the proposed dates provided in the meeting materials.

Public Comment:

Parisa Mohamadi stated that her husband was a barber for over 30 years but has had problems with the exam. He speaks and understands English reasonably well, however, since he is Arabic-speaking, understanding exam questions has been challenging for him. This is also the case with many other Arab-speaking barbers. She recognized the importance of safety, but she noted that some questions were asked about the human body that was of no importance to barbers. She also stated that they have been looking for a translator for the past two years. She noted that the exam is not offered in

languages other than those that have met the required level of 5%. She wondered what would happen to the rest of the languages that could not pass the exams in the languages that it was being offered.

Fred Jones, Professional Beauty Federation of California, stated that the licensing exam had been continuously going down. He mentioned that in the past, the aggregate score ensured that students who were not good at written knowledge could prove their skills in the practical. SB 803 had done away with the practicals and had reduced the number of education hours. Now with the new exams mainly focusing on health and safety, Mr. Jones was concerned that students would start focusing more on health and safety and nothing else, which would end up hurting the industry and consumers.

7. AGENDA ITEM #7, REVIEW AND POSSIBLE APPROVAL OF THE BOARD'S PROPOSED STRATEGIC PLAN (2023-2027)

Ms. Underwood stated that the Board and staff developed the goals and objectives of the strategic plan through the strategic planning process with the Department of Consumer Affairs (DCA). If the Board adopts the proposed strategic plan, staff will work with DCA to create an action plan. Status updates will then be regularly provided to the Board in future meetings. Mr. Weeks mentioned that the strategic plan needed to be followed up with a financial plan. Ms. Underwood clarified that a standard strategic plan does come with a financial plan.

MOTION: Ms. Pham moved to adopt the proposed strategic plan for 2023 to 2027. Ms. Fairley seconded.

No comments were received from the public.

Motion to adopt the proposed strategic plan for 2023-2027 carried; 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The committee members voted "Yes": Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Kellie Funk, Reese Isbell, Derick Matos, and Jacob Rostovsky.

8. AGENDA ITEM #8, OVERVIEW OF THE BOARD'S ENFORCEMENT PROCESSES

(a) Probation

- A case is forwarded to the Attorney General for formal discipline.
- The Enforcement unit starts planning for settlement. They submit terms of settlement if they see fit. If they refuse a settlement, they go straight for revocation. Most cases, however, look to settle.
- Deputy Attorney General works with the licensee to determine if a settlement is an option. Some licensees opt to argue their cases and so go to court.
- If the decision is to settle, it is sent to the Board members with the terms the enforcement analyst has provided for a mail vote.
- If the Board does not approve or adopt the decision by mail vote, it is brought in a Board meeting. This rarely happens with this Board. The vote is usually unanimous in adopting the decision that was made.

- If the Board adopts the decision, the licensee is put on probation. A new case is opened and given to the probation monitor. Around 133 cases are currently on probation.
- The probation monitor schedules an orientation with the licensee. He explains all the details of the final decision and ensures the licensee understands what is required of them.
- The probationer ensures that all terms are followed during the probation period. They provide quarterly reports and are in quarterly contact with the probation monitor.
- If the probationer fails to follow the terms, staff files a case with the attorney general to revoke the probation.

(b) Reinstatement

The reinstatement process occurs when a license is revoked, and the licensee asks for the license back after one year.

- The licensee will reach out to the Board. They're provided a reinstatement packet. The packet recommends that the individual submit any letters of reference, community service documentation, remedial education, proof of fine payments, and any evidence of rehabilitation.
- Upon receipt of the petition, the case is reviewed and determined if it is eligible for reinstatement. The probation analyst will coordinate the reinstatement hearing at the next Board meeting if they are. An administrative law judge will be present to oversee the hearing. A deputy attorney general will present the case.
- Board members hear the case in an open session and then decide in a closed session.
- The administrative law judge then prepares that Board's decision, and the decision goes back to the Board for adoption. The petitioner is then provided with the decision.

Ms. Underwood stated that when licensees come before the Board to ask for their licenses back, the Board usually asks if the licensee got some remedial education. The licensee would argue that they were not told to do remedial education. Ms. Underwood pointed out that it is not within the Board's authority to ask someone to do remedial education. She further mentioned that there had been much confusion and thus proposed that the Enforcement Committee determine whether the Board can recommend remedial education.

Mr. Rostovsky asked if the Board could suggest remedial education. Ms. Fairley stated that if the Board cannot guide the licensees, then suggesting remedial education would be like setting them up for failure. She felt that if the Board cannot provide remedial education, it should be removed from the reinstatement process.

Ms. Pham asked if it could be rephrased to ongoing education. She believed that would be a better way to determine if the licensee had done anything to stay engaged in the industry. Ms. Fairley reiterated that there are no guidelines for any education concerning reinstatement, not even on the Board site. Ms. Sabina Knight agreed that the word

remedial should be removed. She also proposed having a section of frequently asked questions on the website, particularly regarding reinstatement. Ms. Fairley stated that it would still go back to the issue of the Board asking for some form of continuing education without providing any guidelines. She suggested that the Board find a way of removing itself from that direction. Mr. Weeks proposed pushing the matter to the Committee for them to come up with some recommendations.

(c) Inspections

- A complaint is received. Staff determines if it is within its jurisdiction. If it's not, it is referred to the appropriate agency, and the complainant is notified.
- A case is opened and forwarded to an enforcement analyst if it is within the Board's jurisdiction.
- The enforcement analyst looks at the complaint and determines if it needs an immediate inspection or not.
- If it needs immediate inspection, the analyst requests a directed inspection right away. If not, they do further research to obtain more information from the person who complained.
- The information goes out to the inspector. Inspection is conducted, and results are mailed back to Sacramento.
- If inspection is not needed, an enforcement decision is made immediately.

(d) Cite and Fine

- The inspection report is received in the cite and fine unit if an inspection is done.
- The report is reviewed along with all provided photographs. Staff look at history and determine if the violations warrant a citation. If there's no violation, the licensee is informed.
- If the inspection report has violations, the cite and fine analyst looks at the history of prior offenses, if any, and then issues a citation.
- The citation is mailed to the licensee. The licensee has 30 days to appeal.
- If an appeal is received, it goes to the Disciplinary Review Committee, where hearings are done.
- If no appeal is received, the citation is final, and the payment is due.

Public Comment:

Wendy Cochran, licensed esthetician, inquired about the process for retaliation reports for inspection. She mentioned that she had been reported to the Board for wrong labels and dirty items, and the report was made for an establishment that closed down during the pandemic. She had not worked in that establishment for several years. Ms. Cochran stated that she got a call from the Board in August and had yet to receive a response. She had no way of knowing if she was still under investigation. Ms. Cochran stated that there were many retaliation cases in the market and asked about a follow-up process and knowing what would happen afterward.

9. AGENDA ITEM #9, REVIEW AND DISCUSSION OF CURRENT MATERIALS THE BOARD DISTRIBUTES DURING:

(a) Establishment License and Renewal Issuance

The following materials are provided with an establishment license or a renewal:

- Message to the Consumer
- Owners Must Know This flyer
- Gender-Based Discrimination policy
- Self-Inspection Worksheet.
- Most Common Violations Cited During an Inspection
- Schedule of the Administrative Fines
- Fee Relief Information

Mr. Isbell noted that the Owners Must Know This sheet stated “Notice to limited-English individuals.” He suggested that that language be changed to something like “Language notice” as the statement assumed that California is an English-only state, which is not the case.

Ms. Pham asked if the website had a central place where someone could find all the materials in the language they wanted. Ms. Underwood stated that currently, the materials appear in Spanish, Vietnamese, and Korean. Additional information, such as the health and safety regulations, is provided in Arabic, Farsi, Simplified Chinese, and traditional Chinese.

Mr. Rostovsky suggested that trans, non-binary, and LGBTQ be included under the gender-based discrimination policy. Ms. Underwood stated that the form belongs to the DCA, but she will contact them and see if they will agree to that addition.

(b) Inspections

The following materials are provided during inspections:

- Self-Inspection Worksheet
- Most Common Violations Cited During an Inspection
- Disinfection Fact Sheet
- Illegal Tools flyer
- Foot Spa Cleaning Guides
- Sample instructions for foot spa logs
- Message to the Consumer
- Gender-Based Discrimination policy
- Department of Industrial Relations required posting
- Apprentice information

Mr. Isbell asked if the materials to be posted have been updated to include the human trafficking one. Ms. Underwood answered no.

(c) Citation Mailing

A sample of a citation was provided.

(d) Enforcement Case Correspondence

The enforcement analyst determines what to send out based on the complaint. The materials include various industry bulletins, the Self-Inspection Worksheet, Most Common Violations Cited During an Inspection, Schedule of Administrative Fines, Esthetics Scope of Practice Tri-Fold, Foot Spa Cleaning Guides, Sample instructions for foot spa logs, and Reinstatement Information packet.

10. AGENDA ITEM #10, REPORT ON THE SEPTEMBER 26, 2022, HEALTH AND SAFETY ADVISORY COMMITTEE MEETING

Chair Pham stated a very productive meeting was held in which members discussed standardizing fine levels according to risk for consumer harm, updating regulatory language to reflect current practices and services in the industry, and updating language to make things more transparent for licensees. Staff is currently working on the information from the meeting and will provide an update to the Board soon.

11. AGENDA ITEM #11, REPORT ON THE OCTOBER 10, 2022, LICENSING AND EXAMINATION COMMITTEE MEETING

Chair Matos stated the committee discussed the following:

- The number of applications that were received and those that were pending.
- The number of candidates that were scheduled at PSI.
- Examination pass rates.
- Application processing time is currently about six to seven weeks. The goal is to bring it down to four weeks.
- The struggle with the high number of emails.
- Spanish language exam pass rates. Ms. Underwood will discuss with other states to try and gather information on how to reduce the fail rate.

12. AGENDA ITEM #12, REPORT ON THE OCTOBER 10, 2022, EDUCATION AND OUTREACH COMMITTEE MEETING

Chair Fairley shared that the Committee discussed the following:

- Recent and upcoming outreach events and plans.
- The Board created a new fact sheet and updated the illegal tools flyer.
- Email blasts are being sent out to licensees monthly.
- The Committee recommended that staff research whether the Board can require licensees to provide their emails and phone numbers, explore the possibility of sending mass texts, and find ways to help improve the website.

13. AGENDA ITEM #13, REPORT ON THE OCTOBER 10, 2022, ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING

Ms. Underwood provided the Committee update as Chair Munoz was not present. The Committee went over the cite and fine process chart flow. They also discussed the possibility of offering remedial education to reduce or remove an administrative fine. Staff will bring back recommendations to the Committee on moving forward with that concept.

Public Comment:

Peter Westbrook from the Riverside Community College District recognized the presence of his students at the Board meeting. The students are all licensed professionals and are currently in a training program developing pedagogical methodologies for cosmetology students.

14. AGENDA ITEM #14, LEGISLATIVE UPDATE

a) AB 646 (Low) Department of Consumer Affairs: Board: Expunged Convictions

Ms. Underwood stated the bill died and did not move forward.

b) AB 1601 (Holden) The Upward Mobility Act of 2022: Board and Commissions: Civil Service: Examinations: Classifications

Ms. Underwood stated the Governor signed the bill. It required that boards be diverse. It will have minimal impact on this Board since this is one of the most diverse boards.

c) AB 1661 (Davies) Human Trafficking: Notice

Ms. Underwood stated the bill was signed. The Board will be providing the notice with the initial establishment licenses.

d) AB 1773 (Quirk) State Bodies: Open Meetings

Ms. Underwood stated the bill died, but some language was put in a trailer bill that allows virtual meetings until June 30th, unless something else is enacted. The January Board meeting will be hybrid. It will be held in Sacramento, and the hybrid ability will allow people who will not be able to get to Sacramento to participate.

e) AB 2196 (Maienschein) Barbering and Cosmetology: Instructional Hours

Ms. Underwood stated this is the cleanup bill. More additional cleanup language is needed. The Board will work this session to get some of that included. The implementation of the bill goes to the implementation of SB 803. The bill also cleaned up some of the statutes.

15. AGENDA ITEM #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)**

Ms. Underwood stated that a version of the SB 803 cleanup language had been provided to the Board in January and now the forms are being provided to the Board for review and possible approval. The proof of training document was cleaned up. It was an extensive cleanup because the pre-application process and the practical exams had been removed. The cleanup also removed information that was no longer accurate. A new proof of training was developed and provided to the Board. Ms. Underwood assured the Board that the cleanup would not impact the Board's current processes.

MOTION: Ms. Pham moved to direct staff to submit the text to the director of the Department of Consumer Affairs and the Business Consumer Affairs and Housing Agency for review. 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 and adopt the proposed regulations at sections 904, 909, 931, 932, 937, and 962, and repeal sections 928, 934, 950.1, 950.2, 950.3, 950.4 as noticed. 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.

Ms. Fairley seconded the motion.

Public Comment:

Fred Jones, Professional Beauty Federation of California, stated that Section 962 (e) referenced externship vis-à-vis cosmetology only. He believed that in light of the recent statutory change in AB 2196, it should also be referencing barbering. Ms. Underwood agreed.

Ms. Pham amended her motion to include the additional change proposed by Mr. Jones. Ms. Fairley amended her second.

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

The committee members voted "Yes": Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Kellie Funk, Reese Isbell, Derick Matos, and Jacob Rostovsky.

- 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)**

This is a big package that is currently being worked on. Staff is working with legal on the

program and will present it at the next Board meeting.

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)

Ms. Underwood explained that the language allows transferring from one course to another. The language had been updated after various corrections and reviews by the legal counsel.

MOTION: Ms. Fairley moved to rescind the Board's prior July 25, 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.

Ms. Ellis seconded the motion.

Public Comment:

Wendy Cochran, California Aesthetic Alliance, questioned if this package would allow schools to turn down students for not attending their school as the primary school. She was concerned schools were making these determinations and not accepting outside prior education.

Ms. Parisa Mohamadi asked why there is difficulty transferring an out of State license to California when taking the exam.

Motion to rescind the Board's prior July 25, 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 as Section 950.10 as noticed, carried; 7 yes, 1 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Kellie Funk, Reese Isbell, and Jacob Rostovsky.

The following Committee Members voted "No": Derick Matos.

d) Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials)

Ms. Underwood stated the instructional material language has been approved and finalized. It was adopted by OAL and will go into effect on January 1. It explains in the regulation that schools must have a textbook. Notices will be sent out to schools.

e) Rulemaking Proposal to Amend Title 16, CCR sections 962, 962.1, and 962.2 (Externs)

Ms. Underwood stated the package is being worked on. Staff hopes that the new regulations analyst will make things move faster.

f) Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)

Ms. Underwood stated updates on the package have yet to start. Staff had initial conversations with the regulations' legal counsel to get things moving.

g) Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)

Ms. Underwood stated the Board talked about the Disciplinary Review Committee in 2020. The Committee used to meet monthly for three days, but that stopped during COVID. It was an informal process in front of three Board members who serve on the Committee to have someone come in and appeal their citation. The challenge was that it took much time for people's days to come and sit in hearings for three days. The regulation required that it be Board members, but this proposed regulation would allow non-Board members appointed as DRC Committee members to hear the hearings. Ms. Underwood asked if the Board would like to move forward with the regulations or leave them as they are.

Ms. Fairley opposed the changes. She was in support of having Board members only servicing the DRC. Mr. Isbell and Mr. Weeks echoed her sentiments. They stated that more people had come on the Board, so it would be easier to serve in the DRC. Mr. Isbell asked if there was another DRC planned for the South soon. Ms. Underwood stated that none had been planned yet. It will be done next year.

16. AGENDA ITEM #16, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No comments were received from the public.

17. AGENDA ITEM #17, SUGGESTIONS FOR FUTURE AGENDA ITEMS.

Ms. Funk suggested discussing changes in extraction training in schools. She proposed using cotton-tipped wood applicators, which are disposable, effective, and have minimal tissue damage, instead of gloved fingers. She offered to present her suggested model at the next meeting and discuss it as a school adjustment.

Ms. Fairley requested another update on the PSI testing and the Spanish fail rates. She proposed that the Board discuss the language issue and how it affects the industry.

Mr. Rostovsky proposed discussing the accessibility and affordability of education training and requirements. He mentioned that many lower socioeconomic communities could not afford to attend school and become licensed.

18. AGENDA ITEM #18, CLOSED SESSION:

Pursuant to Section 11126 of the Government Code, the Board will meet to Conduct the Executive Officer's performance review in a Closed Session.

19. AGENDA ITEM #19, ADJOURNMENT

With no further to discuss, the meeting adjourned at approximately 11:35 a.m.



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MEMORANDUM

DATE	January 23, 2023
TO	Board of Barbering and Cosmetology
FROM	Alex Torkelson, Licensing and Operations Chief
SUBJECT	Agenda Item 9 Administration/Operations Report

Staffing Update

On December 5, 2022, the Board hired Savannah Hughes as the new Board Reports Analyst Ms. Hughes came from the Bureau of Household Goods and Services.

On December 30, 2022, Patricia Garcia, the Board's Budgets Analyst, retired from state service.

Vacancies

On December 23, 2022, interviews for the Board's Budget Analyst took place, and we are moving through the hiring process.

Career Outreach

The Board, in an effort to recruit more candidates for vacancies, held a collaboration with California State University Sacramento (CSUS) called "Meet the Employer" on December 12, 2022, via Zoom. The Board's HR Liaison, Shelby Edmiston, hosted the event. She provided an overview of the Board, DCA, and the current vacancies available to students and graduates. Shelby was able to answer questions that were received regarding the recruitment process. There will be more events held in collaboration with CSUS this year. We would like to thank Board Member Munoz for connecting us with CSUS.

New Fleet Purchase Orders

The Tesla Model 3 was delivered on November 29, 2022. The estimated time of delivery for the four (4) Honda Accord Hybrids is the last week of January 2023. The vehicle purchases will be allocated to the FY 2021/22 budget.

Strategic Plan

SOLID is now finalizing the strategic plan and action plan.

Budget Projection Reports and Fund Condition

Below is the Budget Report Fiscal Year (FY) 2022-23 Expenditure Projection based on Fiscal Month 5 (FM) (November 2022). Based on these projections, the Board is scheduled to revert \$1,096,576 back into the Board's Fund.

**Board of Barbering and Cosmetology
FM 5 Fiscal Year 2022/23
Projected Expenditures 11/30/2022**

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
5100 Permanent	5,789,000	5,082,282	706,718
5100 Temporary	587,000	576,091	10,909
5105-5108 Per Diem, Overtime & Lump Sum	0	72,565	(72,565)
5150 Staff Benefits	3,470,000	3,398,857	71,143
5170 Salary Savings	0	0	0
Total of Personnel Services	9,846,000	9,129,795	716,205
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
5301 General Expense	166,000	128,572	37,428
5302 Printing	250,000	465,088	(215,088)
5304 Communication	21,000	62,542	(41,542)
5306 Postage	232,000	53,528	178,472
5308 Insurance	4,000	13,362	(9,362)
53202-204 Travel In State	73,000	47,062	25,938
53206-208 Travel, Out-of-State	0	2,500	(2,500)
5322 Training	11,000	5,200	5,800
5324 Facilities Operations	1,022,000	1,076,669	(54,669)
53402-53404 Attorney General, OAH, C&P Services Interdept	1,672,000	475,201	1,196,799
53404-53405 Consultant & Professional Svs. - External	1,646,000	2,208,223	(562,223)
5342 DCA Pro Rata	6,078,000	6,078,000	0
5342 Interagency Services	1,000	108,626	(107,626)
5344 Consolidated Data Center	68,000	32,000	36,000
5346 Information Technology	38,000	63,987	(25,987)
5362-5368 Equipment	223,000	223,000	0
5390 Other Items of Expense & Vehicles	43,000	97,095	(54,095)
54 Special Items and Expenses	0	26,974	(26,974)
Total Operating Expenses & Equipment	11,548,000	11,167,629	380,371
Total Expenses	21,394,000	20,297,424	1,096,576
Schedule Reim. Other			
Net Appropriation	21,394,000	20,297,424	1,096,576
		SURPLUS/(DEFICIT)	5.13%

The below analysis of the Board’s Fund Condition projects to have 9.6 months in reserve for FY 2022-23. This means the Board would be able to continue to operate for 9.6 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

Prepared 1.10.2023

(Dollars in Thousands)

2023-24 Governor's Budget w FM 5 projections

Fiscal Year	ACTUAL	CY	BY	BY +1
	2021-22	2022-23	2023-24	2024-25
BEGINNING BALANCE	\$ 23,812	\$ 26,587	\$ 17,529	\$ 16,018
Prior Year Adjustment	\$ 2,727	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 26,539	\$ 26,587	\$ 17,529	\$ 16,018
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4121200 - Delinquent fees	\$ 223	\$ 111	\$ 1,079	\$ 1,079
4127400 - Renewal fees	\$ 439	\$ 451	\$ 9,584	\$ 9,584
4129200 - Other regulatory fees	\$ 2,003	\$ 2,060	\$ 5,207	\$ 5,207
4129400 - Other regulatory licenses and permits	\$ 4,120	\$ 4,201	\$ 4,340	\$ 4,340
4143500 - Miscellaneous Services to the Public	\$ 15	\$ 7	\$ 7	\$ 7
4163000 - Income from surplus money investments	\$ 138	\$ 254	\$ 219	\$ 205
4171400 - Escheat of unclaimed checks and warrants	\$ 13	\$ 22	\$ 22	\$ 22
4172500 - Miscellaneous revenues	\$ 4	\$ 2	\$ 2	\$ 2
Totals, Revenues	\$ 6,955	\$ 7,108	\$ 20,460	\$ 20,446
Transfers and Loans				
Loan Repayment 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 (AB 84)	\$ -723	\$ 0	\$ 0	\$ 0
Totals, Transfers and Other Adjustments	\$ -723	\$ 0	\$ 0	\$ 25,000
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 6,232	\$ 7,108	\$ 20,460	\$ 45,446
TOTAL RESOURCES	\$ 32,771	\$ 33,695	\$ 37,989	\$ 61,464
Expenditures:				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 17,479	\$ 20,297	\$ 21,295	\$ 21,934
9892 Supplemental Pension Payments (State Operations)	\$ 316	\$ 316	\$ 316	\$ 316
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 1,189	\$ 1,197	\$ 360	\$ 360
Less funding provided by the General Fund (State Operations)	\$ -12,800	\$ -5,644	\$ 0	\$ 0
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 6,184	\$ 16,166	\$ 21,971	\$ 22,610
FUND BALANCE				
Reserve for economic uncertainties	\$ 26,587	\$ 17,529	\$ 16,018	\$ 38,854
Months in Reserve	19.7	9.6	8.5	20.3

NOTES:

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



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MEMORANDUM

DATE	January 23, 2023
TO	Board of Barbering and Cosmetology
FROM	Alex Torkelson, Licensing and Operations Chief
SUBJECT	Agenda Item 9 Licensing, Exams, and Disciplinary Review Committee Report

Staffing Update

On December 19, 2022, Jasmine Shaw started as the second Licensing Manager.

On January 3, 2023, LaTasha Williams started in Licensing as an Associate Governmental Program Analyst.

On January 27, 2023, Madisen Madrigal, Licensing Staff Services Analyst, will be leaving the Board.

Vacancies

The Licensing Unit is recruiting for one permanent Program Technician II, and four limited term Program Technician II positions.

The Licensing Unit is also recruiting for the Staff Services Analyst position.

Emails

Staff have reduced the number of emails to a manageable level. The number of emails waiting for a response in our general inbox has gone from 2,000 to 100 on average daily. We reduced the number of emails by redirecting all staff to respond to emails. Once vacant positions are filled, we will have dedicated staff to be able to maintain the volume of emails received.

Town Halls

On October 17, 2022, Board staff hosted a town hall on how to apply for the exam with emphasis on attaching the Proof of Training (POT) document online at the same time applicants submit their application. The goal of the town hall was to educate applicants on how to ensure they attach their POT document when applying online and applying correctly. Applicants not attaching their POT at the same time they apply has created more emails and work for Licensing staff. When applicants email their POT because they didn't attach it online when applying, Licensing staff must manually attach it to BreZE and respond to the email.

On December 5, 2022, Board staff along with representatives from PSI, the Board's exam vendor, held a barber town hall and provided an overview of the content of the exam. We took questions and comments related to the exams and the application process.

Performance Measures

Applications Received

The number of applications received decreased from 13,238 to 12,827, a 3% decrease from the prior quarter. This is likely due to the holidays in the second quarter.

Quarterly Applications Received Fiscal Year 22/23

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Personal Service Permit	35	56			91
Establishment	1,751	1,543			3,294
Mobile Unit	9	10			19
Barber					-
Initial Application	911	876			1,787
Re-Exam	704	736			1,440
<i>Sub-Total</i>	<u>1,615</u>	<u>1,612</u>	-	-	3,227
Reciprocity	54	43			97
Apprentice	393	319			712
Cosmetology					-
Initial Application	1,969	2,159			4,128
Re-Exam	1,252	1,389			2,641
<i>Sub-Total</i>	<u>3,221</u>	<u>3,548</u>	-	-	6,769
Reciprocity	337	321			658
Apprentice	287	264			551
Electrology					-
Initial Application	24	26			50
Re-Exam	5	9			14
<i>Sub-Total</i>	<u>29</u>	<u>35</u>	-	-	64
Reciprocity	--	1			1
Apprentice	--	--			-
Esthetician					-
Initial Application	2,222	1,909			4,131
Re-Exam	1,054	968			2,022
<i>Sub-Total</i>	<u>3,276</u>	<u>2,877</u>	-	-	6,153
Reciprocity	177	164			341
Manicurist					-
Initial Application	1,249	1,184			2,433
Re-Exam	644	755			1,399
<i>Sub-Total</i>	<u>1,893</u>	<u>1,939</u>	-	-	3,832
Reciprocity	161	161			322
Total	13,238	12,827			26,065

Examinations

Since the implementation of the new exam, Board staff and PSI, the Board's examination vendor, have been monitoring the examination passing scores which initially did have a drop in passing scores and is now slightly going back up except for in electrology which dropped 14% in passing scores.

Barber	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	490	883	1,373	36%	26%
Korean	0	0	0	N/A	N/A
Spanish	16	188	204	8%	9%
Vietnamese	2	8	10	20%	20%
Total	508	1,079	1,587	32%	24%

Cosmo	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	1,215	1,045	2,260	54%	50%
Korean	5	22	27	19%	7%
Spanish	92	601	693	13%	12%
Vietnamese	26	126	152	17%	18%
Total	1,338	1,794	3,132	43%	40%

Esthetician	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	1,801	764	2,565	70%	67%
Korean	12	6	18	67%	50%
Spanish	18	30	48	38%	56%
Vietnamese	66	148	214	31%	24%
Total	1,897	948	2,845	67%	64%

Manicurist	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	548	242	790	69%	69%
Korean	1	8	9	11%	20%
Spanish	24	38	62	39%	25%
Vietnamese	360	539	899	40%	28%
Total	933	827	1,760	53%	52%

Electrologist	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	18	10	28	64%	78%
Korean	0	0	0	N/A	N/A
Spanish	0	0	0	N/A	N/A
Vietnamese	0	0	0	N/A	N/A
Total	18	10	28	64%	78%

Written Exam Results by Educational Background

Exam passing scores for candidates coming from California school programs continue to be much higher than scores of candidates coming from apprentice programs and out of country school backgrounds.

Written Exam Results
October 1, 2022 - December 31, 2022
Comparison of Schools, Apprentice Programs,
and Out of Country

Written Exam Results - Apprentice Program

License Type	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
Barber	105	384	489	21%	13%
Cosmetologist	85	492	577	15%	15%
Esthetician	0	0	0	NA	NA
Total	190	876	1,066	18%	14%

Written Exam Results - Out of Country

License Type	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
Barber	2	34	36	6%	6%
Cosmetologist	66	163	229	29%	9%
Electrologist	0	2	2	0%	NA
Esthetician	45	42	87	52%	23%
Manicure	12	39	51	24%	42%
Total	125	280	405	31%	16%

Written Exam Results - School Program

License Type	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
Barber	401	661	1,062	38%	28%
Cosmetologist	1,187	1,139	2,326	51%	47%
Electrologist	18	8	26	69%	88%
Esthetician	1,852	906	2,758	67%	65%
Manicurist	921	788	1,709	54%	52%
Total	4,379	3,502	7,881	56%	52%

Written Exam Results by Language

Candidates that attended a California school continue to have 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 October 1, 2022 - December 31, 2022
Comparison of Schools, Apprentice Programs, and Out of Country**

Apprentice Programs

Barber	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	103	282	385	27%	15%
Spanish	2	102	104	2%	7%
Total	105	384	489	21%	13%

Cosmo	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	39	96	135	29%	26%
Korean	0	0	0	NA	NA
Spanish	46	383	429	11%	9%
Vietnamese	0	13	13	0%	0%
Total	85	492	577	15%	15%

Out of Country Schools

Barber	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	1	20	21	5%	11%
Korean	0	0	0	NA	NA
Spanish	1	14	15	7%	0%
Total	2	34	36	6%	6%

Cosmetologist	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	60	85	145	41%	12%
Korean	2	2	4	50%	0%
Spanish	4	69	73	5%	2%
Vietnamese	0	7	7	0%	25%
Total	66	163	229	29%	9%

Electrology	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	0	2	2	0%	NA
Total	0	2	2	0%	NA

Esthetician	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	43	36	79	54%	22%
Korean	2	0	2	100%	NA
Spanish	0	5	5	0%	33%
Vietnamese	0	1	1	0%	0%
Total	45	42	87	52%	23%

Manicurist	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	10	30	40	25%	55%
Spanish	0	1	1	0%	0%
Vietnamese	2	8	10	20%	0%
Total	12	39	51	24%	42%

School Programs

Barber	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	386	581	967	40%	30%
Korean	0	0	0	NA	NA
Spanish	13	72	85	15%	13%
Vietnamese	2	8	10	20%	20%
Total	401	661	1,062	38%	28%

Cosmo	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	1,116	864	1,980	56%	54%
Korean	3	20	23	13%	8%
Spanish	42	149	191	22%	17%
Vietnamese	26	106	132	20%	20%
Total	1,187	1,139	2,326	51%	47%

Electrologist	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	18	8	26	69%	88%
Total	18	8	26	69%	88%

Esthetician	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	1,758	728	2,486	71%	68%
Korean	10	6	16	63%	50%
Spanish	18	25	43	42%	60%
Vietnamese	66	147	213	31%	24%
Total	1,852	906	2,758	67%	65%

Manicurist	Passed	Failed	Total	Q2 Pass Rate	Q1 Pass Rate
English	538	212	750	72%	70%
Korean	1	8	9	11%	20%
Spanish	24	37	61	39%	25%
Vietnamese	358	531	889	40%	29%
Total	921	788	1,709	54%	52%

Licenses Issued

The total number of licenses issued has increased from 5,999 to 7,427, a 24% increase from the last quarter.

Licenses Issued Fiscal Year 22/23

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Barber	289	446			735
Barber Apprentice	372	350			722
Cosmetology	1,133	1,437			2,570
Cosmetology Apprentice	273	302			575
Electrology	7	16			23
Electrology Apprentice	--	--			-
Esthetician	1,687	1,944			3,631
Manicurist	774	992			1,766
Establishment	1,442	1,893			3,335
Mobile Unit	2	2			4
Personal Service Permit	20	45			65
Totals	5,999	7,427			13,426

Licenses Issued Last 5 Years

If the number of licenses issued continues at the same rate as FY 22/23 Quarter 1 and 2 for the remaining quarters, we expect about 27,000 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	735
Barber Apprentice	854	810	874	1,422	722
Cosmetology	6,468	4,810	3,153	6,901	2,570
Cosmetology Apprentice	842	642	584	963	575
Electrology	31	30	26	66	23
Electrology Apprentice	-	0	0	0	0
Esthetician	4,890	3,699	2,887	7,505	3,631
Manicurist	4,414	3,437	2,065	4,581	1,766
Establishment	7,706	6,937	6,302	6,604	3,335
Mobile Unit	-	5	8	12	4
Personal Service Permit				16	65
Totals	27,171	22,061	16,976	31,090	13,426

License Population

Compared to the previous quarter, the license population has increased from 623,098 to 625,164, a 0.33% increase from the last quarter.

License Population

Barber	35,436
Barber Apprentice	2,402
Cosmetology	301,239
Cosmetology Apprentice	1,711
Electrology	1,570
Electrology Apprentice	-
Esthetician	99,325
Manicurist	126,340
Personal Service Permit	83
Establishment	56,992
Mobile Unit	66
Total	625,164

Disciplinary Review Committee Appeals

Compared to the previous quarter, for the North, the number of appeals received has decreased by 14% and the amount pending has increased by 64%. We did not have any appeal hearings for the North this quarter due to there not being enough appeals pending. Compared to the previous quarter for the South, the number of appeals received has increased by 20% and the amount pending has decreased by 16%.

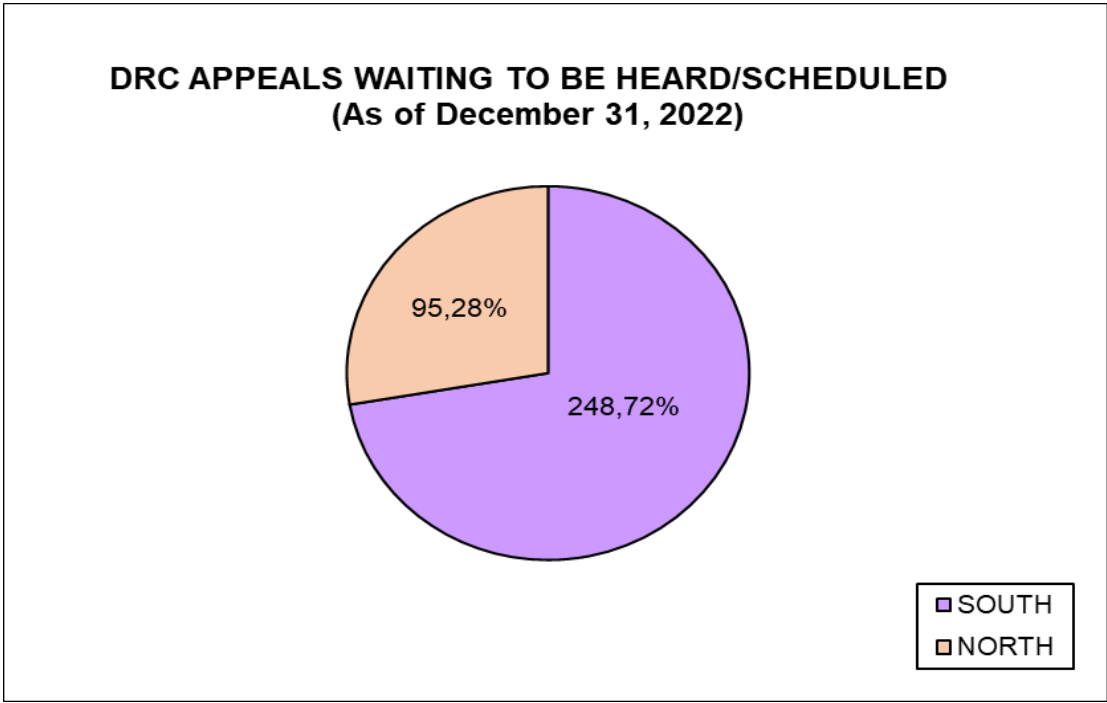
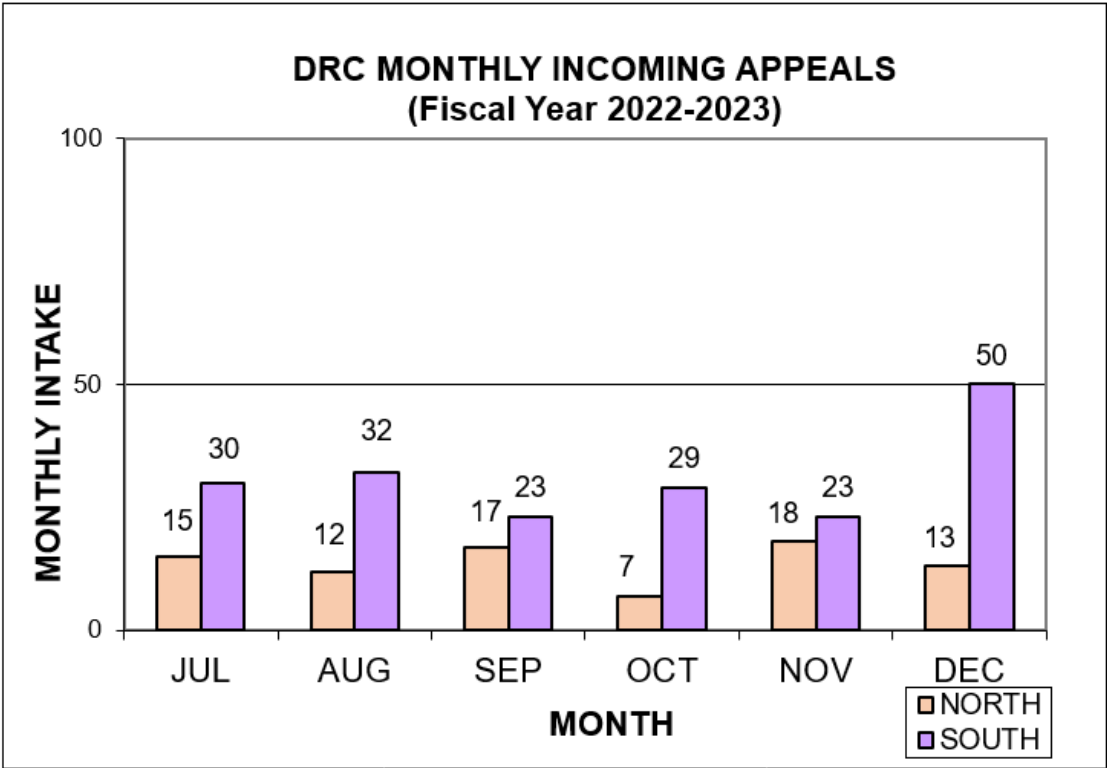
Disciplinary Review Committee Appeals Fiscal Year 22/23

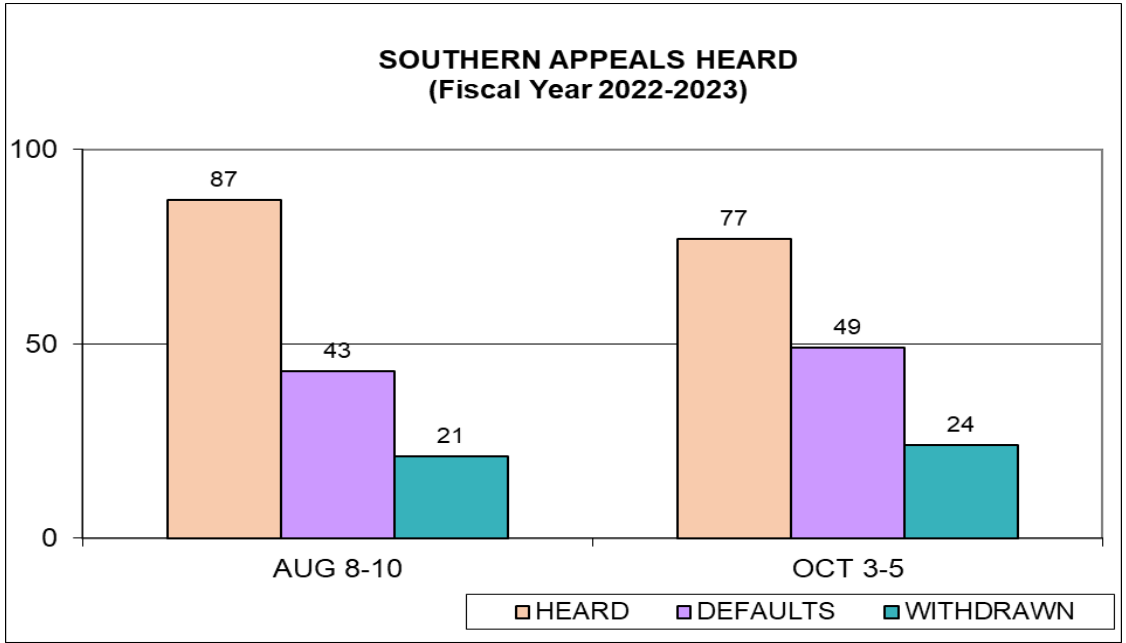
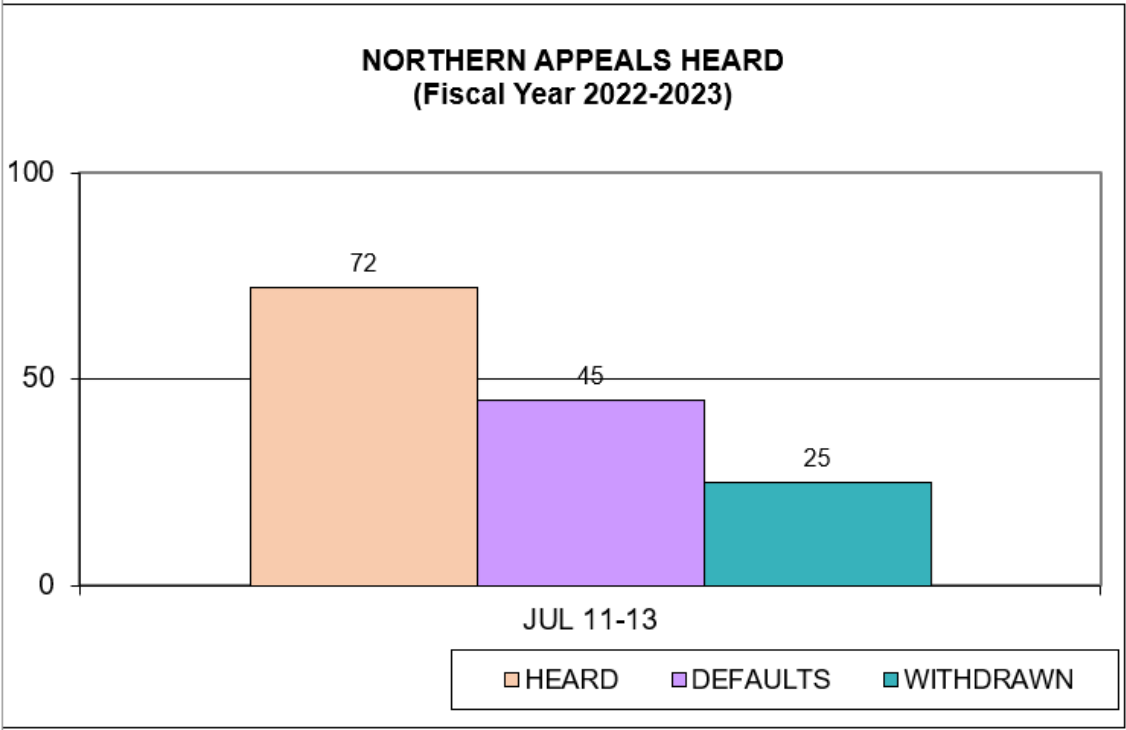
Northern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	142	0			142
Received	44	38			82
Pending ¹	58	95			95 ²

Southern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	151	150			301
Received	85	102			187
Pending ¹	294	248			248 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 12/31/2022.







BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
 DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
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 Website: www.barbercosmo.ca.gov



MEMORANDUM

DATE	January 23, 2023
TO	Board of Barbering and Cosmetology
FROM	Nicole Quinn, Enforcement Chief
SUBJECT	Agenda Item 9 Enforcement, Inspections, and Cite and Fine Report

Staffing Update

On November 4, 2022, the Enforcement Unit welcomed Denise Murata as its new Enforcement Manager. Denise comes to the Board with a background in enforcement with the Board of Accountancy.

On November 7, 2022, Cassandra Hunter was promoted from within the Enforcement Unit to a Manager.

On December 5, 2023, the Inspections Unit welcomed Galina Babadzhanyan as a new Inspector I for Los Angeles County. Galina comes to the Board with a background as a legal assistant and conducting claims investigations.

On January 17, 2023, the Cite and Fine/Inspections Unit will be welcoming Aubre Poppen as its new Cite and Fine Payment and Coding Program Technician II. Aubre comes to the Board with an extensive background in data entry, medical billing, coding and payments.

Vacancies

The Enforcement Unit is currently in the hiring process for three analyst positions.

The Inspections Unit is currently recruiting for six Inspector positions. There are two positions in Northern California and four positions are in Southern California.

Vacant Inspector Positions	
Classification	Location
Inspector I/II	Kern County
Inspector I/II	Riverside/ San Bernardino County
Inspector I/II	Orange County
Inspector I/II	Northern California
Inspector III	Southern
Inspector III	Northern

We continue to work with Human Resources to create three Special Investigator positions. The desired counties for the positions are Sacramento, San Diego and Los Angeles. 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.

ENFORCEMENT

Probation

The probation desk currently has 134 open cases. There are currently 106 active cases and 29 cases that are tolled because the licensee is not working. There are currently three Immediate Suspension cases open.

Attorney General's Office

The number of cases referred to the Attorney General's Office in the second quarter of FY 2022/23 is 17. This is the most referrals for a quarter since FY 2019/20.

Schools

The Board currently has 253 approved schools, as of January 6, 2023. There are currently 15 open school cases. The Board received 46 cases in quarter two of FY 2022/23. 42 of those cases were referred to the Bureau for Private Post-Secondary Education because the complaint alleged possible violations of their laws and regulations.

Externs

The chart below indicates how many schools are participating in the extern program and how many establishments externs are working in.

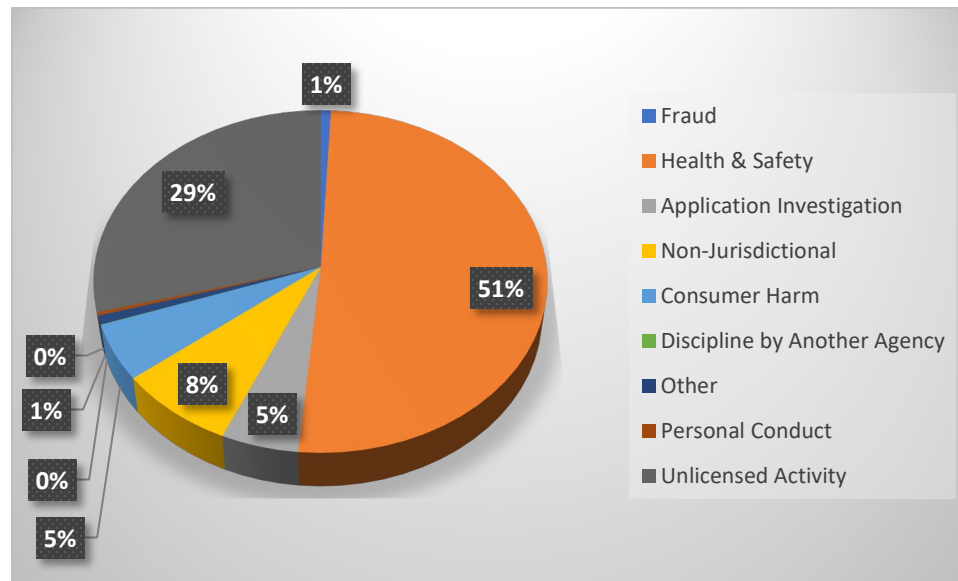
Extern Programs					
	2019	2020	2021	2022	Total
Number of Schools	2	12	10	15	39
Number of Establishments	6	56	74	76	212

Complaint Intake

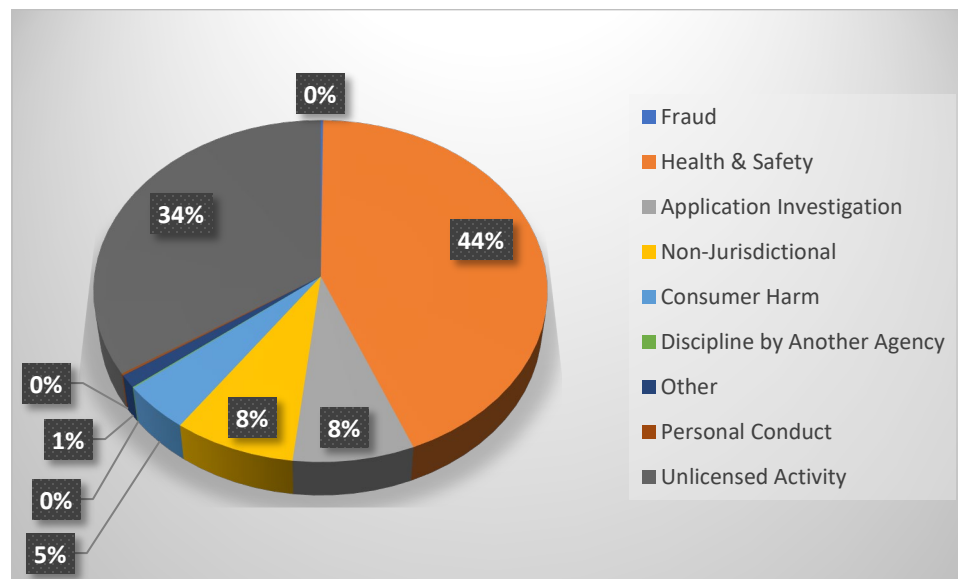
The number of complaints received for the second quarter of FY 22-23 is 1,065.

COMPLAINTS					
Complaints Received	FY 2022/23				
	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
	1,353	1,065			2,418

Complaints Received by Complaint Type -January 2018 through December 2022 (Last Five Years)



Complaints Received by Complaint Type - October 1, 2022, through December 31, 2022



Enforcement Statistics

Enforcement Statistics							
COMPLAINTS							
	FY2020/21	FY2021/22	FY 2022/23				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Complaints Received	6,699	4,467	1,353	1,065			2,418
Referred to DOI	6	17	40	7			47
Complaints Closed	7,278	4,542	1,037	991			2,028
Total Complaints Pending	1,335	1,356	1,763	1,784			1,784
Average Days to Close (Quarterly)	169	110	92	131			111
APPLICATION INVESTIGATIONS							
	FY2020/21	FY2021/22	FY 2022/23				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Received	6	16	2	9			11
Pending	9	6	4	13			13
Closed	8	10	3	5			8
ATTORNEY GENERAL							
	FY2020/21	FY2021/22	FY 2022/23				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Referred	21	29	16	17			33
Accusations Filed	24	18	9	7			16
Statement of Issues Filed	2	2	1	0			1
Total Pending	73	26	41	52			52
DISCIPLINARY PROCESS							
	FY2020/21	FY2021/22	FY 2022/23				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Proposed Decisions	6	3	0	0			0
Default Decision	15	2	1	0			1
Stipulation	17	5	1	4			5

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			2
Revoke, Stay, Probation	6	3	1	0			1
Revoke, Stay, Suspend/Prob	16	2	0	1			0
Revocation, Stay w/ Suspend	0	0	0	0			0
Probation Only	0	0	1	0			1
Suspension Only	0	0	0	0			0
Suspension & Probation	0	0	0	0			0
Suspension, Stay, Probation	1	2	0	0			0
Surrender of License	11	3	0	2			2
Public Reprimands	0	0	0	0			0
License Denied	0	0	0	0			0
Other	2	0	0	0			0
Total	61	20	3	4			7
PROBATION							
	FY2020/21	FY2021/22	FY 2022/23				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Active	107	112	107	106			106

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	1,051			1,841
Barber	18	276	69	97			166
Barber Apprentice	17	83	14	18			32
Cosmetologist	69	542	166	189			356
Cosmetologist Apprentice	4	19	10	10			20
Electrologist	0	0	0	0			0
Electrologist Apprentice	0	0	0	0			0
Manicurist	30	399	157	260			417
Esthetician	16	132	19	33			52
Unlicensed Est.	169	315	74	83			147
Unlicensed Individual	72	267	51	96			146
Total	914	5,295	1,339	1,837			3,176

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	1,251	533			1,784
Establishments w/o violations	214	2,119	316	231			547
Total	1,758	6,598	1,567	764			2,331

*Inspection Conducted through November 2022.

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	126	85	77	53								434
Closed on Call	172	185	161	162	166								846
TOTAL ISSUED	265	311	246	239	219								1,280

ESTABLISHMENT INSPECTIONS REPORTS ISSUED

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishments w/ violations	465	441	345	271	262								1,784
Establishments w/o violations	86	137	93	129	102								547
TOTAL ISSUED	551	578	438	400	364								2,331

Citations

As of January 12, 2023, the Cite and Fine Unit is at a 42 day turn-around time frame from when an inspection is completed to when the citation is mailed out to the establishment or licensee. This is a 14 day improvement from last quarter which was a 56 day turn-around time frame.

CITATIONS ISSUED

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishment	299	266	211	368	267	416							1,827
Individual	152	156	127	210	170	227							1,042
Unlicensed Establishments	26	24	24	19	26	38							157
Unlicensed Individuals	21	19	11	29	27	40							147
TOTAL ISSUED	498	465	373	626	490	721							3,173

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 are 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, notices 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 - FY 2022-2023					
	July - September	October - December	January- March	March - June	Total
Request for Payment Notice 1	619	344			963
Request for Payment Notice 2	407	71			478
Request for Payment Notice 3	90	3			93
Referred to Collections	0	0			0
Referred to Franchise Tax Board	0	0			0
Grand Total	1,116	418			1,534

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 dollars (\$500.00). Of the 183 requests for payment plans that have been submitted, 81 citations have been paid in full giving a success rate of approximately 44%. It is taking an average of 328 days for the fines to be paid in full. The average fine amount is \$1,173.00 for payment plans.

Payment Plans – FY 22-23		
	July - September	October - December
New	44	13
Paid in Full	17	12
Total Pending Payment Plans	105	102
Initial Fine Amount Total:	\$129,400.00	\$119,625.00
Total Amount Paid	\$35,873.00	\$36,087.10
Current Total Balance:	\$93,596.00	\$83,537.90



MEMORANDUM

DATE	January 23, 2023
TO	Members, Board of Barbering and Cosmetology
FROM	Kristy Underwood, Executive Officer
SUBJECT	Agenda Item 9 – Outreach Update

Recent Outreach Events

On December 5, 2022, Board staff held a Barber Townhall with PSI to provide test information and study suggestions to school instructors and answer questions. This was the Board’s first hybrid event in which staff attended the event in-person and attendees could join in-person or online. Approximately 100 individuals attended the event.

New/Updated Publications

Board staff created two new “What to Know Before Choosing a School” pamphlets to help prospective barbering and cosmetology students. These pamphlets provide a description of each license type, advice for selecting a school, an explanation of accreditation, the hour and curriculum requirements, and information about the Bureau for Private Post-Secondary Education (BPPE).

Board staff updated the Reinstatement Packet Information in all languages on the website. Additionally, Board staff added a “Petition for Reinstatement” section to the Frequently Asked Questions page.

The Board updated the Human Trafficking Notice on the website that establishments are required to post starting January 1, 2023, to include an explanation of where to notice must be posted and why.

Email Blasts

The Board has sent three email blasts to schools and to interested parties regarding the December 5 Barber Townhall. In addition, the Board also sent an email to schools and to interested parties regarding the Instructional Materials Regulations Package that is effective January 1, 2023.

In Addition, the Board emailed Licensees and Interested parties about Personal Service Permit Videos, a New Translation Guide, and The BarberCosmo Update. The New Translation Guide and The BarberCosmo Update was uploaded to the website. The Board also posted the BarberCosmo Update to our social media platforms.

The Board will continue to send (at minimum) a monthly email blast to licensees and interested parties.

Future Outreach

On February 6, 2023, the Board will be hosting a virtual Cosmetology Townhall to provide schools with an overview of the cosmetology examination and answer any questions.

On April 2-3, 2023, the Board will attend the Premiere Anaheim Tradeshow (formally known as ISSE).

On May 20-21, 2023, the Board will attend the Jazz Z Beauty & Barber Trade Show in Anaheim.



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



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
7316 Hairstylist License	<ul style="list-style-type: none"> • Conduct occupational analysis • Develop examination • Prepare regulation package • Update and modify BreEZe 	<ul style="list-style-type: none"> • OPES has conducted the Occupational Analysis, three Item Writing Workshop, and two Item Review Workshop with Subject Matter Experts. • A final review workshop is scheduled for March 2023 • A Passing Score Workshop is scheduled for April 2023. • OPES anticipates the Hairstylist exam will be ready July 1, 2023.
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 developing the content for the on-line training system for the pre-apprentice training.
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 January 11, 2023, the Board has received new course applications from 216 schools. 210 have been approved with 6 pending. (There are 253 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"> • 7395.2 Barber Externs updated in statute as of January 1, 2023. • Extern regulation package being drafted by staff.
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 will be continued during March Health and Safety Committee Meeting. • Board staff are finalizing the regulatory language and will work with DCA Legal to approve before the committee refers it to the full Board.



MEMORANDUM

DATE January 23, 2023
 TO: Board Members
 FROM: Kristy Underwood, Executive Officer
 SUBJECT: Review and Discussion of Affordability and Accessibility of Education

Board staff reviewed all websites for Board-approved schools for information regarding their tuition and programs and found the following:

Barbering 1,000 Hour Program	
Low Tuition Range	\$3,600 - \$7,000
Medium Tuition Range	\$10,000 - \$13,000
High Tuition Range	\$15,000 - \$19,000

Barbering 1,500 Hour Program	
Low Tuition Range	\$3,900 - \$7,000
Medium Tuition Range	\$10,000 - \$12,000
High Tuition Range	\$16,000 - \$21,900

Cosmetology 1,000 Hour Program	
Low Tuition Range	\$2,200 - \$7,000
Medium Tuition Range	\$10,000 - \$14,000
High Tuition Range	\$15,000 - \$23,000

Cosmetology 1,600 Hour Program	
Low Tuition Range	\$1,400 - \$8,000
Medium Tuition Range	\$8,000 - \$12,000
High Tuition Range	\$15,000 - \$22,800

Electrology 600 Hour Program	
Low Tuition Range	\$8,000 - \$9,000
Medium Tuition Range	\$9,000 - \$9,499
High Tuition Range	\$9,500 - \$10,000

Esthetician 600 Hour Program	
Low Tuition Range	\$1,200 - \$4,000
Medium Tuition Range	\$6,000 - \$8,000
High Tuition Range	\$9,000 - \$13,900

Manicurist 400 Hour Program	
Low Tuition Range	\$600 - \$1,900
Medium Tuition Range	\$2,000 - \$4,000
High Tuition Range	\$5,000 - \$7,520

Manicurist 600 Hour Program	
Low Tuition Range	\$1,740 - \$4,000
Medium Tuition Range	\$6,000 - \$7,900
High Tuition Range	\$8,000 - \$10,900

Barber Crossover 200 Hour Program	
Low Tuition Range	\$500 - \$1,900
Medium Tuition Range	\$2,000 - \$2,900
High Tuition Range	\$3,000 - \$4,150

Cosmetology Crossover 200 Hour Program	
Low Tuition Range	\$500 - \$1,900
Medium Tuition Range	\$2,000 - \$2,500
High Tuition Range	\$3,000 - \$4,500

Board staff also found that schools' programs and tuition may vary due to geographic population/location. This means that some cities (Example: Los Angeles and San Diego) may charge more for their program(s).

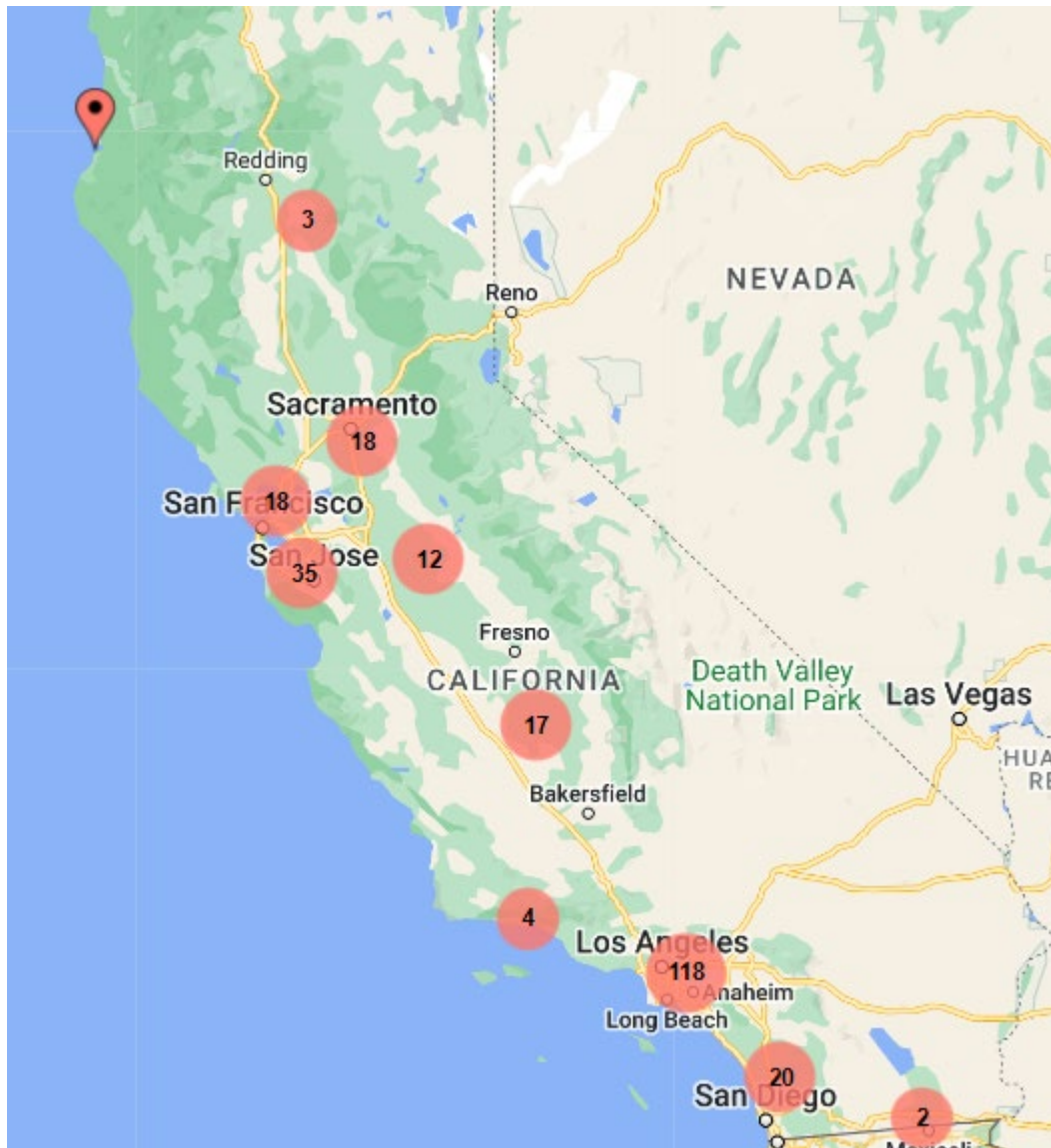
Community College	
Enrollment Fee	\$46 per unit

In community colleges, students can receive funding and/or grants, which could affect their tuition total. Students could take additional course which would also affect their tuition total.

Apprenticeships	
Low Tuition Range	\$1,500 - \$3,000
Medium Tuition Range	\$5,000 - \$6,500
High Tuition Range	\$7,500 - \$10,000

Apprenticeship tuition may vary in price for a variety of different reasons. For example, the school, schools may have more expensive kits, mandatory ASSN fees (a non-profit organization that charges fees to employers who train apprentices [mandatory] and may or may not charge fees to apprentices and trainers. More information can be found at <https://www.sccbea.org/>) or could be operating as Exempt by the Bureau for Private Postsecondary Education.

Regarding accessibility, the 253 Board-approved schools are located throughout California. Below is a map of California with school locations marked.





For questions, comments, or complaints, contact the Board.

BOARD OF BARBERING AND COSMETOLOGY

2420 DEL PASO ROAD, SUITE 100
SACRAMENTO, CA 95834

www.barbercosmo.ca.gov

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WHAT TO KNOW BEFORE CHOOSING A BARBER SCHOOL

MISSION OF THE BOARD

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

WHY DO I NEED A BARBER LICENSE?

Barbers are licensed and regulated in California by the Board of Barbering and Cosmetology. The Board works to ensure that barbers follow state law and infection control standards to protect consumers.



DOES THE BOARD RECOMMEND SCHOOLS?

The Board can not recommend particular schools. The Board developed this pamphlet to help prospective students know what to look for in a barber school.



THE PRACTICE OF BARBERING IS ALL OR ANY COMBINATION OF THE FOLLOWING PRACTICES:

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

BOARD-APPROVED BARBER SCHOOLS

The Board approves schools of barbering. For a school to be approved by the Board, it must meet the Board's minimum curriculum requirements. Courses that are taught by non-Board-approved schools will not be recognized by the Board, and any hours obtained taking these courses and any certificates received will not qualify you for a Board examination.

A list of **approved schools** can be found on the Board's website at: www.barbercosmo.ca.gov/schools/approved_schools.pdf.

Barbering programs' minimum requirements are 1,000 hours. Schools may offer programs that exceed 1,000 hours. If the minimum program requirements of the school exceed the minimum requirements for state licensure, the school shall disclose this, including a list of those programs that are not required for state licensure. Please check with schools about which programs they offer.



RESEARCH THE SCHOOL

Using the Board's list of approved schools, visit the school's website, call, or visit the campus to learn about their programs offered, curriculum, tuition costs, student services, and more. Look online for reviews from past students. Research multiple schools to see which would be the right fit for you.

To obtain a barber license, you will need to pass a written licensing exam. You can review a school's **pass/fail rates** for the licensing exam at: www.barbercosmo.ca.gov/schools/schls_rsllts.shtml.

ACCREDITATION

Accreditation is the recognition from an accrediting agency that an institution maintains a certain level of educational standards. The U.S. Department of Education maintains a database of accrediting agencies it recognizes at: <https://ope.ed.gov/dapip>. The Board can not make any recommendations on accrediting agencies.

Accreditation ensures a certain level of academic quality. Accreditation means a school demonstrates positive student outcomes, like retention, graduation, and employment. Schools approved by the Board are not required to be accredited, but that is something to recognize when researching schools.

CURRICULUM

The curriculum for a barbering course shall, at a minimum, include technical and practical instruction in the following areas:

- **100 hours in health and safety**, which includes hazardous substances, chemical safety, safety data sheets, protection from hazardous chemicals, preventing chemical injuries, health and safety laws and regulations, and preventing communicable diseases.
- **100 hours in disinfection and sanitation**, which includes disinfection procedures to protect the health and safety of consumers as well as the technician and proper disinfection procedures for equipment used in establishments.
- **200 hours in chemical hair services**, which includes coloring, straightening, waving, bleaching, hair analysis, predisposition and strand tests, safety precautions, formula mixing, and the use of dye removers.
- **200 hours in hairstyling services**, which includes arranging, blow drying, cleansing, curling, dressing, hair analysis, shampooing, waving and nonchemical straightening, and hair cutting, including the use of shears, razors, electrical clippers and trimmers, and thinning shears, for wet and dry cutting.
- **200 hours in shaving and trimming of the beard**, which includes preparing the client's hair for shaving, assessing the condition of the client's skin, performing shaving techniques, applying aftershave antiseptic following facial services, and massaging the face and rolling cream massages.



FILING A COMPLAINT

The Board has jurisdiction over Board-approved schools for violations of the Barbering and Cosmetology Act and Regulations regarding health and safety issues, meeting minimum equipment requirements, and/or operating without approval from the Board. If you have concerns under the Board's jurisdiction, you may file a complaint on the Board's website at: <https://barbercosmo.ca.gov/enforcement/complaint.shtml>. You may also submit a complaint if a school offers to sell you hours or is not teaching the required curriculum.

THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

All schools must meet the minimum operating requirements in order to legally operate. The Bureau for Private Postsecondary Education (BPPE) protects students and consumers through the oversight of California's private postsecondary educational institutions.

If you have concerns regarding fraud, contractual issues (enrollment agreement not followed), unqualified faculty, operating without BPPE approval, and disciplinary actions taken by another state or state agency, you can visit BPPE's website at <https://www.bppe.ca.gov>, call toll-free at (888) 370-7589, or email: bppe@dca.ca.gov.





For questions, comments, or complaints, contact the Board.

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WHAT TO KNOW BEFORE CHOOSING A COSMETOLOGY SCHOOL

MISSION OF THE BOARD

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

WHY DO I NEED A LICENSE?

Cosmetologists, estheticians, and manicurists are licensed and regulated in California by the Board of Barbering and Cosmetology. The Board works to ensure that these licensees follow state law and infection control standards to protect consumers.

WHICH LICENSE TYPE SHOULD I GET?

Think about which types of services you would want to provide. Note that cosmetologists (hair, skin, and nail care) can provide the same services as estheticians (skin care) and manicurists (nail care).

DOES THE BOARD RECOMMEND SCHOOLS?

The Board can not recommend particular schools. The Board developed this pamphlet to help prospective students know what to look for in a cosmetology school.



THE PRACTICE OF COSMETOLOGY IS ALL OR ANY COMBINATION OF THE FOLLOWING PRACTICES:

- Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, beautifying, or otherwise treating by any means the hair of any person.
- Massaging, cleaning, or stimulating the scalp, face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.¹
- Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.¹
- Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals or preparations, or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.¹
- Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person.²
- Massaging, cleansing, treating, or beautifying the hands or feet of any person.²
- Tinting and perming of the eyelashes and brows, or applying eyelashes to any person.¹



¹ included in the practice of skin care

² included in the practice of nail care

BOARD-APPROVED COSMETOLOGY SCHOOLS

The Board approves schools of cosmetology. For a school to be approved by the Board, it must meet the Board's minimum curriculum requirements. Courses taught by schools not approved by the Board will not be recognized and any hours obtained taking these courses and any certificates received will not qualify you for a Board examination.

The Board does not approve of manicuring, esthetics, makeup, or eyelash extension schools. Any services that fall under cosmetology must be taught in an approved cosmetology school that meets all school requirements and offers the full cosmetology course. A list of **approved schools** can be found on the Board's website at: www.barbercosmo.ca.gov/schools/approved_schools.pdf.

The curriculum minimum hours are as follows:

- Cosmetology = 1,000 hours
- Esthetics = 600 hours
- Manicuring = 400 hours

Schools may offer programs that exceed the minimum hours. If the minimum program requirements of the school exceed the minimum requirements for state licensure, the school shall disclose this, including a list of those programs that are not required for state licensure. Please check with schools about which programs they offer.



RESEARCH THE SCHOOL

Using the Board's list of approved schools, visit the school's website, call, or visit the campus to learn about their programs offered, curriculum, tuition costs, student services, and more. Look online for reviews from past students. Research multiple schools to see which would be the right fit for you.

To obtain a cosmetologist, esthetician, or manicurist license, you will need to pass a written licensing exam. You can review a school's **pass/fail rates** for the licensing exam at: www.barbercosmo.ca.gov/schools/schls_rslts.shtml.



ACCREDITATION

Accreditation is the recognition from an accrediting agency that an institution maintains a certain level of educational standards. The U.S. Department of Education maintains a database of accrediting agencies it recognizes at: <https://ope.ed.gov/dapip>. The Board can not make any recommendations on accrediting agencies.

Accreditation ensures a certain level of academic quality. Accreditation means a school demonstrates positive student outcomes, like retention, graduation, and employment. Schools approved by the Board are not required to be accredited, but that is something to recognize when researching schools.



CURRICULUM

The curriculum for a **cosmetology** course shall, at a minimum, include technical and practical instruction in the following areas:

- 100 hours in health and safety
- 100 hours in disinfection and sanitation
- 200 hours in chemical hair services
- 200 hours in hairstyling services
- 150 hours in skin care services
- 50 hours in hair removal and lash and brow beautification
- 100 hours in manicure and pedicure

The curriculum for an **esthetic (skin care)** course shall, at a minimum, include technical and practical instruction in the following areas:

- 100 hours in health and safety
- 100 hours in disinfection and sanitation
- 350 hours in skin care
- 50 hours in hair removal and lash and brow beautification

The curriculum for a **nail care** course shall, at a minimum, include the technical and practical instruction in the following areas:

- 100 hours in health and safety
- 100 hours in disinfection and sanitation
- 150 hours in manicure and pedicure

For additional minimum curriculum requirement information, please review Business and Professions Code sections 7362.5, 7364, and 7365.

FILING A COMPLAINT

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MEMORANDUM

DATE January 23, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: January 9, 2023, Licensing and Examination Committee Meeting Update

The Licensing and Examination Committee (Committee) reviewed and discussed the exam pass rates. Staff provided new data on pass rates by individual schools and found that some schools have been performing poorly since 2019. This indicated to staff that the issue is not the new exam or the reduction of hours, but rather the Board's limited oversight of schools. The Board currently does not have an application fee, renewal requirements, or control over the quality of education. The Board is resuming joint inspections with the Bureau for Private Postsecondary Education (BPPE) to target low performing schools.

Board staff will contact accreditation companies to get input on what an acceptable pass rate should be, and Board staff will work on a regulation package to increase oversight of schools. The Committee will review and discuss this regulation package's timeline at the next committee meeting.

The Committee received an update that the December 5, 2022, hybrid Barber Townhall was a success and a virtual Cosmetology Townhall is scheduled for February 6, 2023.

The Committee reviewed and discussed the high school educational requirements for licensure. The Committee agreed they were against lowering the education level as lower levels of critical thinking skills and reading ability would result in lower exam passage rates and would not facilitate more individuals from joining the industry.



MEMORANDUM

DATE January 23, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Tonya Fairley, Committee Chairperson

SUBJECT: January 9, 2023, Education and Outreach Committee Meeting Update

The Education and Outreach Committee (Committee) received an update on changes coming soon to the website to be more consumer friendly. The Committee also reviewed the new pamphlets telling prospective students what to look for in barbering and cosmetology schools.

The Committee discussed how other boards and bureaus require licensees to disclose their email address and phone number. The Committee was in favor as being able to communicate with licensees effectively requires the Board to have current contact information. The Committee recommended that the full Board make a motion to require licensees to disclose their email address and phone number (if they have either). The Board should also discuss how often their information should be updated (during renewal or within a certain time period after a change).

Action: make a motion to direct staff to prepare regulatory language requiring licensees to disclose their email address and phone number if they have one.

The Committee also reviewed and discussed text messaging board information to licensees. It is unknown how many licensees would be interested in opting-in to receiving text messages, so staff will work on a survey to gather data, which will help when requesting quotes from vendors for the potential costs.

Action: The Board shall discuss whether the Board shall further pursue sending mass text messages to licensees.

To aid in discussion, below is the information that was presented to the Committee.

Board staff conducted an Instagram poll asking followers if they would want the Board to send text messages. 200 individuals (78%) voted Yes and 58 voted No (22%). The Board also asked individuals to explain why they voted either way. The main points are summarized below.

Reasons For Text Messages	Reasons Against Texts Messages
<ul style="list-style-type: none"> • Texts are faster and easier to read • Like to stay informed and receive instant updates • A text saying to check my email would help • I want to know important information faster • It's easier to read than lengthy email • I want to know about my exam date • I want to keep up on regulations 	<ul style="list-style-type: none"> • I get too many texts and emails are easier to save • I don't have text messages on when working • It might be overwhelming • We can't reply back • I already get too many texts • Doesn't seem to be a need • Email is better

Below is a Pro and Con list to help with discussion.

PROS	CONS
<ul style="list-style-type: none"> • Text messages are fast and convenient for licensees to read. • Text messages do not require an internet connection, so they can be accessed almost anywhere. • The cost would be less than the cost of mailing an informational document to same number of licensees. • Licensees may feel that text messages are more personal, and the Board is able to share information in a more informal communication style. • Licensees would opt-in and give their permission to receive texts. If they don't like receiving texts, they have the option to unsubscribe. 	<ul style="list-style-type: none"> • There are costs to send text messages. DCA's Office of Information Services (OIS) already has a platform to send messages, however they would need a vetted list of cell phone numbers. If the Board were to obtain its own contract, staff would need to request quotes. However, to request quotes, Board staff would need to know how many individuals would be interested in signing up so the vendor could determine whether they could accommodate that many users. A DCA Bureau's previous contract cost approximately \$500 for 12,000 messages per year and overage usage was not allowed. • Individuals would need to sign up to receive the messages. It may be difficult to reach new audiences that don't already follow the Board on other platforms. • Text messages are limited to 160 characters. Sending short messages may cause confusion or misinterpretation as there is not enough room to fully explain the information trying to be shared. • Sending text messages would be an additional workload on Board staff. The Board does not have staff dedicated to social media/outreach, so this would take away time and resources.

	<ul style="list-style-type: none">• This may be creating more work to reach the same licensees. Licensees that want to receive updates are already subscribed to the Board's email list and follow the Board on social media, so they already receive the current updates, and that population is very low compared to the entire licensee population. This may not be the proper solution to the Board trying to reach other licensees that may not be as tech-savvy.• There may be backlash from the industry of too much communication and that we are wasting their time with the same messages being sent across different platforms.• If texts are only sent in English, information is not being shared to all licensees. However, translating the texts would be an additional cost and the Board may not have the technology to manage different lists based on language preference.• Technology is confusing to licensees that are not tech-savvy. They may try to respond to the texts not realizing it is an automated message, thus causing more confusion and frustration.
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Additional topics to discuss:

- What type of content would be sent through text messages (industry bulletins, health and safety reminders, etc.)?
- How often would the Board send text messages?



MEMORANDUM

DATE January 23, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Danielle Munoz, Committee Chairperson

SUBJECT: January 9, 2023, Enforcement and Inspections Committee Meeting Update

The Enforcement and Inspections Committee discussed remedial education to reduce or remove administrative fines. Since this would require a statutory change, the Committee recommended the following language for the full Board's consideration of a legislative proposal.

Section 7407.1 of the Business and Professions Code is amended to read:

(a) The board shall determine by regulation when a fine shall be assessed to both the holder of the establishment license and the individual licensee for the same violation. The board shall also determine by regulation when a fine shall be assessed to only the holder of the establishment license or to only an individual licensee for the same violation. In making these determinations, the board shall consider the egregiousness of the violation of the health and safety regulations and whether the violation is a repeated violation by licensees within the same establishment.

(b) The Board shall establish by regulation a remedial education program in lieu of a first offense of a health and safety violation, which may include a fee to cover the cost of administering the program.

Action Needed: The Board shall review the Committee's recommendation and may motion to direct staff to pursue legislative change by sponsoring the legislation and finding an author.



MEMORANDUM

DATE January 23, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Review, Discussion, and Possible Action Regarding the Cosmetology Compact Proposed Legislative Language

The Council of State Governments partnered with the Department of Defense and multiple state boards of cosmetology to develop a new interstate compact for cosmetology. This will create a new pathway for reciprocity among participating states and increase shared enforcement data in order to protect consumers.

The development of model language was completed over a period of months by a Technical Advisory Committee and then a Document Writing Committee. These two committees consisted of representatives from 11 states (including California), and industry associations. The result of the committees' work is the model language that is attached to this memorandum.

Benefits

In 2022, the licensing process for an individual coming to California was drastically improved. Senate Bill 803 (Chapter 648, Statutes of 2021) allowed an individual who holds a license in another state to be issued a license in California. One benefit of the compact for cosmetology licensees is the transparent access to enforcement information shared through a database. For example, if an individual licensed in another state is disciplined by that state, the California State Board would have access to that information instantly. The compact would also grant the Board the authority to participate in joint investigations with other states.

Action

The Board should discuss whether they support being part of this inter-state compact. For the Board to participate, the Board would need legislation to enact the model language that is attached. The Board would need a motion to proceed with seeking a legislative change.

Note: no substantive changes should be made to the model language. Any substantive changes may jeopardize the state's participation in the compact.

Attachments

Fact Sheet
Model Language



**National Center for
Interstate Compacts**
THE COUNCIL OF STATE GOVERNMENTS

Cosmetology Licensure Compact Fact Sheet

This project is funded by the Department of Defense

What other professions have an interstate compact?

Interstate Medical Licensure Compact (IMLC)

Nurse Licensure Compact (NLC) and Advanced
Practice Nurse Compact (APRN Compact)

Emergency Medical Service Officials Licensure
Compact (EMS Compact)

Physical Therapists Licensure Compact (PT Compact)

Psychology Interjurisdictional Compact (PSYPACT)

Audiology and Speech-Language Pathology
Interstate Compact (ASLP-IC)

Occupational Therapy Interstate Licensure
Compact (OT Compact)

Counseling Interstate Licensure Compact

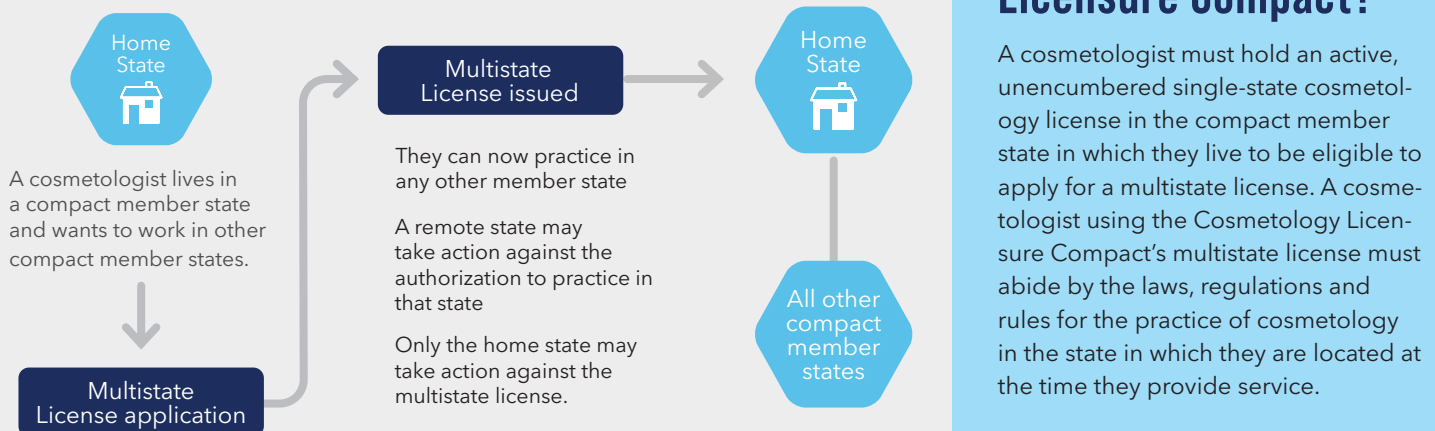
What is the Cosmetology Licensure Compact?

The Cosmetology Licensure Compact is an interstate occupational licensure compact. Interstate compacts are constitutionally authorized, legislatively enacted, legally binding agreements among states. The Cosmetology Licensure Compact will enable cosmetologists to get a multistate license to practice in all states that join the compact, rather than get an individual license in every state in which they want to practice. Like the compact for a driver's license, each compact member state agrees to mutually recognize the practitioner licenses issued by every other member state.

What's Next?

The Cosmetology Licensure Compact model legislation must be passed by a state's legislature and signed into law by the Governor for a state to become a member. The model legislation is available to states for consideration and enactment during 2023 state legislative sessions

How does the Cosmetology Licensure Compact work?



Home state verifies that cosmetologist meets the compact's requirements and issues the multistate license.

Who can use the Cosmetology Licensure Compact?

A cosmetologist must hold an active, unencumbered single-state cosmetology license in the compact member state in which they live to be eligible to apply for a multistate license. A cosmetologist using the Cosmetology Licensure Compact's multistate license must abide by the laws, regulations and rules for the practice of cosmetology in the state in which they are located at the time they provide service.

For more information or to learn more about advocating for the Cosmetology Licensure Compact, please visit cosmetologycompact.org or email cosmetologycompact@csge.org.

Cosmetology Licensure COMPACT

Cosmetology Licensure Compact Model Legislation

This project was funded by the Department of Defense.

The following language must be enacted into law by a state to officially join the Cosmetology Licensure Compact.

No substantive changes should be made to the model language. Any substantive changes may jeopardize the enacting state's participation in the Compact.

The Council of State Governments National Center for Interstate Compacts reviews state compact legislation to ensure consistency with the model language. Please direct inquiries to Keith Buckhout at kbuckhout@csg.org.

1 **COSMETOLOGY LICENSURE COMPACT**

2 **ARTICLE 1- PURPOSE**

3 The purpose of this Compact is to facilitate the interstate practice and regulation of
4 Cosmetology with the goal of improving public access to, and the safety of, Cosmetology
5 Services and reducing unnecessary burdens related to Cosmetology licensure. Through this
6 Compact, the Member States seek to establish a regulatory framework which provides for a
7 new multistate licensing program. Through this new licensing program, the Member States
8 seek to provide increased value and mobility to licensed Cosmetologists in the Member States,
9 while ensuring the provision of safe, effective, and reliable services to the public.

10 This Compact is designed to achieve the following objectives, and the Member States hereby
11 ratify the same intentions by subscribing hereto:

- 12 A. Provide opportunities for interstate practice by Cosmetologists who meet uniform
13 requirements for multistate licensure;
- 14
- 15 B. Enhance the abilities of Member States to protect public health and safety, and prevent fraud
16 and unlicensed activity within the profession;
- 17
- 18 C. Ensure and encourage cooperation between Member States in the licensure and regulation of
19 the Practice of Cosmetology;
- 20
- 21 D. Support relocating military members and their spouses;
- 22
- 23 E. Facilitate the exchange of information between Member States related to the licensure,
24 investigation, and discipline of the Practice of Cosmetology;
- 25
- 26 F. Provide for the licensure and mobility of the workforce in the profession, while addressing
27 the shortage of workers and lessening the associated burdens on the Member States.
- 28

29 **ARTICLE 2- DEFINITIONS**

30 As used in this Compact, and except as otherwise provided, the following definitions shall
31 govern the terms herein:

- 32 A. “Active Duty Military” means any individual in full-time duty status in the active uniformed
33 service of the United States including members of the National Guard and Reserve.
34
- 35 B. “Adverse Action” means any administrative, civil, equitable, or criminal action permitted by
36 a Member State’s laws which is imposed by a State Licensing Authority or other regulatory
37 body against a or Cosmetologist, including actions against an individual’s license or
38 Authorization to Practice such as revocation, suspension, probation, monitoring of the
39 Licensee, limitation of the Licensee’s practice, or any other Encumbrance on a license

40 affecting an individual's ability to participate in the Cosmetology industry, including the
41 issuance of a cease and desist order.

- 42
- 43 C. "Authorization to Practice" means a legal authorization associated with a Multistate License
44 permitting the Practice of Cosmetology in that Remote State, which shall be subject to the
45 enforcement jurisdiction of the State Licensing Authority in that Remote State.
- 46
- 47 D. "Alternative Program" means a non-disciplinary monitoring or prosecutorial diversion
48 program approved by a Member State's State Licensing Authority.
- 49
- 50 E. "Background Check" means the submission of information for an applicant for the purpose
51 of obtaining that applicant's criminal history record information, as further defined in 28
52 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the agency responsible for
53 retaining State criminal or disciplinary history in the applicant's Home State.
- 54
- 55 F. "Charter Member State" means Member States who have enacted legislation to adopt this
56 Compact where such legislation predates the effective date of this Compact as defined in
57 Article 13.
- 58
- 59 G. "Commission" the government agency whose membership consists of all States that have
60 enacted this Compact, which is known as the Cosmetology Licensure Compact Commission,
61 as defined in Article 9, and which shall operate as an instrumentality of the Member States.
- 62
- 63 H. "Cosmetologist" means an individual licensed in their Home State to practice Cosmetology.
- 64
- 65 I. "Cosmetology", "Cosmetology Services", and the "Practice of Cosmetology" mean the care
66 and services provided by a Cosmetologist as set forth in the Member State's statutes and
67 regulations in the State where the services are being provided.
- 68
- 69 J. "Current Significant Investigative Information" means:
- 70
- 71 1. Investigative Information that a State Licensing Authority, after an inquiry or
72 investigation that complies with a Member State's due process requirements, has
73 reason to believe is not groundless and, if proved true, would indicate a violation
74 of that State's laws regarding fraud or the Practice of Cosmetology; or - 75
 - 76 2. Investigative Information that indicates that a Licensee has engaged in fraud or
77 represents an immediate threat to public health and safety, regardless of whether
78 the Licensee has been notified and had an opportunity to respond.
 - 79
- 80 K. "Data System" means a repository of information about Licensees, including but not limited
81 to license status, Investigative Information, and Adverse Actions.
- 82

- 83 L. “Disqualifying Event” means any event which shall disqualify an individual from holding a
84 Multistate License under this Compact, which the Commission may by Rule or order specify.
85
- 86 M. “Encumbered License” means a license in which an Adverse Action restricts the Practice of
87 Cosmetology by a Licensee, or where said Adverse Action has been reported to the
88 Commission.
89
- 90 N. “Encumbrance” means a revocation or suspension of, or any limitation on, the full and
91 unrestricted Practice of Cosmetology by a State Licensing Authority.
92
- 93 O. “Executive Committee” means a group of delegates elected or appointed to act on behalf of,
94 and within the powers granted to them by, the Commission.
95
- 96 P. “Home State” means the Member State which is a Licensee’s primary State of residence, and
97 where that Licensee holds an active and unencumbered license to practice Cosmetology.
98
- 99 Q. “Investigative Information” means information, records, or documents received or generated
100 by a State Licensing Authority pursuant to an investigation or other inquiry.
101
- 102 R. “Jurisprudence Requirement” means the assessment of an individual’s knowledge of the laws
103 and rules governing the Practice of Cosmetology in a State.
104
- 105 S. “Licensee” means an individual who currently holds a license from a Member State to
106 practice as a Cosmetologist.
107
- 108 T. “Member State” means any State that has adopted this Compact.
109
- 110 U. “Multistate License” means a license issued and subject to the enforcement jurisdiction of the
111 State Licensing Authority in a Licensee’s Home State, which authorizes the Practice of
112 Cosmetology in Member States and includes Authorizations to Practice Cosmetology in all
113 Remote States pursuant to this Compact.
114
- 115 V. “Remote State” means any Member State, other than the Licensee’s Home State.
116
- 117 W. “Rule” means any rule or regulation promulgated by the Commission under this Compact
118 which has the force of law.
119
- 120 X. “Single-State License” means a Cosmetology license issued by a Member State that
121 authorizes practice of Cosmetology only within the issuing State and does not include any
122 authorization outside of the issuing State.
123
- 124 Y. “State” means a State, territory, or possession of the United States and the District of
125 Columbia.

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Z. “State Licensing Authority” means a Member State’s regulatory body responsible for issuing Cosmetology licenses or otherwise overseeing the Practice of Cosmetology in that State.

ARTICLE 3- MEMBER STATE REQUIREMENTS

A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State must:

1. License and regulate Cosmetology;
2. Have a mechanism or entity in place to receive and investigate complaints about Licensees practicing in that State;
3. Require that Licensees within the State pass a Cosmetology competency examination prior to being licensed to provide Cosmetology Services to the public in that State;
4. Require that Licensees satisfy educational or training requirements in Cosmetology prior to being licensed to provide Cosmetology Services to the public in that State;
5. Implement procedures for considering one or more of the following categories of information from applicants for licensure: criminal history; disciplinary history; or Background Check. Such procedures may include the submission of information by applicants for the purpose of obtaining an applicant’s Background Check as defined herein;
6. Participate in the Data System, including through the use of unique identifying numbers;
7. Share information related to Adverse Actions with the Commission and other Member States, both through the Data System and otherwise;
8. Notify the Commission and other Member States, in compliance with the terms of the Compact and Rules of the Commission, of the existence of Investigative Information or Current Significant Investigative Information in the State’s possession regarding a Licensee practicing in that State;
9. Comply with such Rules as may be enacted by the Commission to administer the Compact; and
10. Accept Licensees from other Member States as established herein.

B. Member States may charge a fee for granting a license to practice Cosmetology.

- 167 C. Individuals not residing in a Member State shall continue to be able to apply for a Member
168 State's Single-State License as provided under the laws of each Member State. However, the
169 Single-State License granted to these individuals shall not be recognized as granting a
170 Multistate License to provide services in any other Member State.
171
- 172 D. Nothing in this Compact shall affect the requirements established by a Member State for the
173 issuance of a Single-State License.
174
- 175 E. A Multistate License issued to a Licensee by a Home State to a resident of that State shall be
176 recognized by each Member State as authorizing a Licensee to practice Cosmetology in each
177 Member State.
178
- 179 F. At no point shall the Commission have the power to define the educational or professional
180 requirements for a license to practice Cosmetology. The Member States shall retain sole
181 jurisdiction over the provision of these requirements.

182 **ARTICLE 4- MULTISTATE LICENSE**

- 183 A. To be eligible to apply to their Home State's State Licensing Authority for an initial
184 Multistate License under this Compact, a Licensee must hold an active and unencumbered
185 Single-State License to practice Cosmetology in their Home State.
186
- 187 B. Upon the receipt of an application for a Multistate License, according to the Rules of the
188 Commission, a Member State's State Licensing Authority shall ascertain whether the
189 applicant meets the requirements for a Multistate License under this Compact.
190
- 191 C. If an applicant meets the requirements for a Multistate License under this Compact and any
192 applicable Rules of the Commission, the State Licensing Authority in receipt of the
193 application shall, within a reasonable time, grant a Multistate License to that applicant, and
194 inform all Member States of the grant of said Multistate License.
195
- 196 D. A Multistate License to practice Cosmetology issued by a Member State's State Licensing
197 Authority shall be recognized by each Member State as authorizing the practice thereof as
198 though that Licensee held a Single-State License to do so in each Member State, subject to
199 the restrictions herein.
200
- 201 E. A Multistate License granted pursuant to this Compact may be effective for a definite period
202 of time, concurrent with the licensure renewal period in the Home State.
203
- 204 F. To maintain a Multistate License under this Compact, a Licensee must:
205

- 206 1. Agree to abide by the rules of the State Licensing Authority, and the State scope of
207 practice laws governing the Practice of Cosmetology, of any Member State in which the
208 Licensee provides services;
209
210 2. Pay all required fees related to the application and process, and any other fees which the
211 Commission may by Rule require; and
212
213 3. Comply with any and all other requirements regarding Multistate Licenses which the
214 Commission may by Rule provide.
215
216 G. A Licensee practicing in a Member State is subject to all scope of practice laws governing
217 Cosmetology Services in that State.
218
219 H. The Practice of Cosmetology under a Multistate License granted pursuant to this Compact
220 will subject the Licensee to the jurisdiction of the State Licensing Authority, the courts, and
221 the laws of the Member State in which the Cosmetology Services are provided.

222 **ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE**

- 223 A. A Licensee may hold a Multistate License, issued by their Home State, in only one Member
224 State at any given time.
225
226 B. If a Licensee changes their Home State by moving between two Member States:
227
228 1. The Licensee shall immediately apply for the reissuance of their Multistate License in
229 their new Home State. The Licensee shall pay all applicable fees and notify the prior
230 Home State in accordance with the Rules of the Commission.
231
232 2. Upon receipt of an application to reissue a Multistate License, the new Home State shall
233 verify that the Multistate License is active, unencumbered and eligible for reissuance
234 under the terms of the Compact and the Rules of the Commission. The Multistate License
235 issued by the prior Home State will be deactivated and all Member States notified in
236 accordance with the applicable Rules adopted by the Commission.
237
238 3. If required for initial licensure, the new Home State may require a Background Check as
239 specified in the laws of that State, or the compliance with any Jurisprudence
240 Requirements of the new Home State.
241
242 4. Notwithstanding any other provision of this Compact, if a Licensee does not meet the
243 requirements set forth in this Compact for the reissuance of a Multistate License by the
244 new Home State, then the Licensee shall be subject to the new Home State requirements
245 for the issuance of a Single-State License in that State.
246

- 247 C. If a Licensee changes their primary state of residence by moving from a Member State to a
248 non-Member State, or from a non-Member State to a Member State, then the Licensee shall
249 be subject to the State requirements for the issuance of a Single-State License in the new
250 Home State.
251
- 252 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single-State
253 License in multiple States; however, for the purposes of this Compact, a Licensee shall have
254 only one Home State, and only one Multistate License.
255
- 256 E. Nothing in this Compact shall interfere with the requirements established by a Member State
257 for the issuance of a Single-State License.

258 **ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER**
259 **STATE LICENSING AUTHORITIES**

- 260 A. Nothing in this Compact, nor any Rule or regulation of the Commission, shall be construed
261 to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce
262 laws, regulations, or other rules related to the Practice of Cosmetology in that State, where
263 those laws, regulations, or other rules are not inconsistent with the provisions of this
264 Compact.
265
- 266 B. Insofar as practical, a Member State's State Licensing Authority shall cooperate with the
267 Commission and with each entity exercising independent regulatory authority over the
268 Practice of Cosmetology according to the provisions of this Compact.
269
- 270 C. Discipline shall be the sole responsibility of the State in which Cosmetology Services are
271 provided. Accordingly, each Member State's State Licensing Authority shall be responsible
272 for receiving complaints about individuals practicing Cosmetology in that State, and for
273 communicating all relevant Investigative Information about any such Adverse Action to the
274 other Member States through the Data System in addition to any other methods the
275 Commission may by Rule require.

276 **ARTICLE 7- ADVERSE ACTIONS**

- 277 A. A Licensee's Home State shall have exclusive power to impose an Adverse Action against a
278 Licensee's Multistate License issued by the Home State.
279
- 280 B. A Home State may take Adverse Action on a Multistate License based on the Investigative
281 Information, Current Significant Investigative Information, or Adverse Action of a Remote
282 State.
283
- 284 C. In addition to the powers conferred by State law, each Remote State's State Licensing
285 Authority shall have the power to:
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1. Take Adverse Action against a Licensee’s Authorization to Practice Cosmetology through the Multistate License in that Member State, provided that:
 - a. Only the Licensee’s Home State shall have the power to take Adverse Action against the Multistate License issued by the Home State; and
 - b. For the purposes of taking Adverse Action, the Home State’s State Licensing Authority shall give the same priority and effect to reported conduct received from a Remote State as it would if such conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine the appropriate action.
 2. Issue cease and desist orders or impose an Encumbrance on a Licensee’s Authorization to Practice within that Member State.
 3. Complete any pending investigations of a Licensee who changes their primary state of residence during the course of such an investigation. The State Licensing Authority shall also be empowered to report the results of such an investigation to the Commission through the Data System as described herein.
 4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a State Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing State Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.
 5. If otherwise permitted by State law, recover from the affected Licensee the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Licensee.
 6. Take Adverse Action against the Licensee’s Authorization to Practice in that State based on the factual findings of another Remote State.
- D. A Licensee’s Home State shall complete any pending investigation(s) of a Cosmetologist who changes their primary state of residence during the course of the investigation(s). The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the Data System.

329 E. If an Adverse Action is taken by the Home State against Licensee’s Multistate License, the
330 Licensee’s Authorization to Practice in all other Member States shall be deactivated until all
331 Encumbrances have been removed from the Home State license. All Home State disciplinary
332 orders that impose an Adverse Action against a Licensee’s Multistate License shall include a
333 statement that the Cosmetologist’s Authorization to Practice is deactivated in all Member
334 States during the pendency of the order.

335
336 F. Nothing in this Compact shall override a Member State’s authority to accept a Licensee’s
337 participation in an Alternative Program in lieu of Adverse Action. A Licensee’s Multistate
338 License shall be suspended for the duration of the Licensee’s participation in any Alternative
339 Program.

340
341 G. Joint Investigations

342
343 1. In addition to the authority granted to a Member State by its respective scope of practice
344 laws or other applicable State law, a Member State may participate with other Member
345 States in joint investigations of Licensees.

346
347 2. Member States shall share any investigative, litigation, or compliance materials in
348 furtherance of any joint or individual investigation initiated under the Compact.

349 **ARTICLE 8- ACTIVE DUTY MILITARY AND THEIR SPOUSES**

350 Active Duty Military personnel, or their spouses, shall designate a Home State where the
351 individual has a current license to practice Cosmetology in good standing. The individual may
352 retain their Home State designation during any period of service when that individual or their
353 spouse is on active duty assignment.

354 **ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY**
355 **LICENSURE COMPACT COMMISSION**

356 A. The Compact Member States hereby create and establish a joint government agency whose
357 membership consists of all Member States that have enacted the Compact known as the
358 Cosmetology Licensure Compact Commission. The Commission is an instrumentality of the
359 Compact Member States acting jointly and not an instrumentality of any one State. The
360 Commission shall come into existence on or after the effective date of the Compact as set
361 forth in Article 13.

362 B. Membership, Voting, and Meetings

363 1. Each Member State shall have and be limited to one (1) delegate selected by that Member
364 State’s State Licensing Authority.

- 365 2. The delegate shall be an administrator of the State Licensing Authority of the Member
366 State or their designee.
- 367 3. The Commission shall by Rule or bylaw establish a term of office for delegates and may
368 by Rule or bylaw establish term limits.
- 369 4. The Commission may recommend removal or suspension of any delegate from office.
- 370 5. A Member State's State Licensing Authority shall fill any vacancy of its delegate
371 occurring on the Commission within 60 days of the vacancy.
- 372 6. Each delegate shall be entitled to one vote on all matters that are voted on by the
373 Commission.
- 374 7. The Commission shall meet at least once during each calendar year. Additional meetings
375 may be held as set forth in the bylaws. The Commission may meet by
376 telecommunication, video conference or other similar electronic means.

377 C. The Commission shall have the following powers:

- 378 1. Establish the fiscal year of the Commission;
- 379 2. Establish code of conduct and conflict of interest policies;
- 380 3. Adopt Rules and bylaws;
- 381 4. Maintain its financial records in accordance with the bylaws;
- 382 5. Meet and take such actions as are consistent with the provisions of this Compact, the
383 Commission's Rules, and the bylaws;
- 384 6. Initiate and conclude legal proceedings or actions in the name of the Commission,
385 provided that the standing of any State Licensing Authority to sue or be sued under
386 applicable law shall not be affected;
- 387 7. Maintain and certify records and information provided to a Member State as the
388 authenticated business records of the Commission, and designate an agent to do so on the
389 Commission's behalf;
- 390 8. Purchase and maintain insurance and bonds;
- 391 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
392 employees of a Member State;
- 393 10. Conduct an annual financial review;

- 394 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
395 individuals appropriate authority to carry out the purposes of the Compact, and establish
396 the Commission's personnel policies and programs relating to conflicts of interest,
397 qualifications of personnel, and other related personnel matters;
- 398 12. As set forth in the Commission Rules, charge a fee to a Licensee for the grant of a
399 Multistate License and thereafter, as may be established by Commission Rule, charge the
400 Licensee a Multistate License renewal fee for each renewal period. Nothing herein shall
401 be construed to prevent a Home State from charging a Licensee a fee for a Multistate
402 License or renewals of a Multistate License, or a fee for the jurisprudence requirement if
403 the Member State imposes such a requirement for the grant of Multistate License;
- 404 13. Assess and collect fees;
- 405 14. Accept any and all appropriate gifts, donations, grants of money, other sources of
406 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of
407 the same; provided that at all times the Commission shall avoid any appearance of
408 impropriety or conflict of interest;
- 409 15. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed,
410 or any undivided interest therein;
- 411 16. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
412 property real, personal, or mixed;
- 413 17. Establish a budget and make expenditures;
- 414 18. Borrow money;
- 415 19. Appoint committees, including standing committees, composed of members, State
416 regulators, State legislators or their representatives, and consumer representatives, and
417 such other interested persons as may be designated in this Compact and the bylaws;
- 418 20. Provide and receive information from, and cooperate with, law enforcement agencies
- 419 21. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the
420 Commission as provided in the Commission's bylaws;
- 421 22. Establish and elect an Executive Committee, including a chair and a vice chair;
- 422 23. Adopt and provide to the Participating States an annual report.
- 423 24. Determine whether a State's adopted language is materially different from the model
424 Compact language such that the State would not qualify for participation in the Compact;
425 and

426 25. Perform such other functions as may be necessary or appropriate to achieve the purposes
427 of this Compact.

428 D. The Executive Committee

429 1. The Executive Committee shall have the power to act on behalf of the Commission
430 according to the terms of this Compact. The powers, duties, and responsibilities of the
431 Executive Committee shall include:

432 a. Overseeing the day-to-day activities of the administration of the Compact including
433 compliance with the provisions of the Compact, the Commission's Rules and bylaws,
434 and other such duties as deemed necessary;

435 b. Recommending to the Commission changes to the Rules or bylaws, changes to this
436 Compact legislation, fees charged to Compact Member States, fees charged to
437 Licensees, and other fees;

438 c. Ensuring Compact administration services are appropriately provided, including by
439 contract;

440 d. Preparing and recommending the budget;

441 e. Maintaining financial records on behalf of the Commission;

442 f. Monitoring Compact compliance of Member States and providing compliance reports
443 to the Commission;

444 g. Establishing additional committees as necessary;

445 h. Exercise the powers and duties of the Commission during the interim between
446 Commission meetings, except for adopting or amending Rules, adopting or amending
447 bylaws, and exercising any other powers and duties expressly reserved to the
448 Commission by Rule or bylaw; and

449 i. Other duties as provided in the Rules or bylaws of the Commission.

450 2. The Executive Committee shall be composed of up to seven voting members:

451 a. The chair and vice chair of the Commission and any other members if the
452 Commission who serve on the Executive Committee shall be voting members of the
453 Executive Committee; and

454 b. Other than the chair and vice-chair, secretary and treasurer, the Commission shall
455 elect three voting members from the current membership of the Commission.

456 c. The Commission may elect ex-officio, nonvoting members from a recognized
457 national Cosmetology professional association as approved by the Commission. The
458 Commission's bylaws shall identify qualifying organizations and the manner of
459 appointment if the number of organizations seeking to appoint an ex officio member
460 exceeds the number of members specified in this Article.

461 3. The Commission may remove any member of the Executive Committee as provided in
462 the Commission's bylaws.

463 4. The Executive Committee shall meet at least annually.

464 a. Annual Executive Committee meetings, as well as any Executive Committee meeting
465 at which it does not take or intend to take formal action on a matter for which a
466 Commission vote would otherwise be required, shall be open to the public, except
467 that the Executive Committee may meet in a closed, non-public session of a public
468 meeting when dealing with any of the matters covered under Article 9.F.4.

469 b. The Executive Committee shall give five business days advance notice of its public
470 meetings, posted on its website and as determined to provide notice to persons with
471 an interest in the public matters the Executive Committee intends to address at those
472 meetings.

473 5. The Executive Committee may hold an emergency meeting when acting for the
474 Commission to:

475 a. Meet an imminent threat to public health, safety, or welfare;

476 b. Prevent a loss of Commission or Participating State funds; or

477 c. Protect public health and safety.

478 E. The Commission shall adopt and provide to the Member States an annual report.

479 F. Meetings of the Commission

480 1. All meetings of the Commission that are not closed pursuant to Article 9.F.4 shall be
481 open to the public. Notice of public meetings shall be posted on the Commission's
482 website at least thirty (30) days prior to the public meeting.

483 2. Notwithstanding Article 9.F.1, the Commission may convene an emergency public
484 meeting by providing at least twenty-four (24) hours prior notice on the Commission's
485 website, and any other means as provided in the Commission's Rules, for any of the
486 reasons it may dispense with notice of proposed rulemaking under Article 11.L. The
487 Commission's legal counsel shall certify that one of the reasons justifying an
488 emergency public meeting has been met.

- 489 3. Notice of all Commission meetings shall provide the time, date, and location of the
490 meeting, and if the meeting is to be held or accessible via telecommunication, video
491 conference, or other electronic means, the notice shall include the mechanism for access
492 to the meeting.
- 493 4. The Commission may convene in a closed, non-public meeting for the Commission to
494 discuss:
- 495 a. Non-compliance of a Member State with its obligations under the Compact;
- 496 b. The employment, compensation, discipline or other matters, practices or procedures
497 related to specific employees or other matters related to the Commission's internal
498 personnel practices and procedures;
- 499 c. Current or threatened discipline of a Licensee by the Commission or by a Member
500 State's Licensing Authority;
- 501 d. Current, threatened, or reasonably anticipated litigation;
- 502 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
503 estate;
- 504 f. Accusing any person of a crime or formally censuring any person;
- 505 g. Trade secrets or commercial or financial information that is privileged or
506 confidential;
- 507 h. Information of a personal nature where disclosure would constitute a clearly
508 unwarranted invasion of personal privacy;
- 509 i. Investigative records compiled for law enforcement purposes;
- 510 j. Information related to any investigative reports prepared by or on behalf of or for use
511 of the Commission or other committee charged with responsibility of investigation or
512 determination of compliance issues pursuant to the Compact;
- 513 k. Legal Advice
- 514 l. Matters specifically exempted from disclosure to the public by federal or Member
515 State law; or
- 516 m. Other matters as promulgated by the Commission by Rule.
- 517 5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
518 meeting will be closed and reference each relevant exempting provision, and such
519 reference shall be recorded in the minutes.

520 6. The Commission shall keep minutes that fully and clearly describe all matters discussed
521 in a meeting and shall provide a full and accurate summary of actions taken, and the
522 reasons therefore, including a description of the views expressed. All documents
523 considered in connection with an action shall be identified in such minutes. All minutes
524 and documents of a closed meeting shall remain under seal, subject to release only by a
525 majority vote of the Commission or order of a court of competent jurisdiction.

526 G. Financing of the Commission

527 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its
528 establishment, organization, and ongoing activities.

529 2. The Commission may accept any and all appropriate sources of revenue, donations, and
530 grants of money, equipment, supplies, materials, and services.

531 3. The Commission may levy on and collect an annual assessment from each Member State
532 and impose fees on Licensees of Member States to whom it grants a Multistate License to
533 cover the cost of the operations and activities of the Commission and its staff, which must
534 be in a total amount sufficient to cover its annual budget as approved each year for which
535 revenue is not provided by other sources. The aggregate annual assessment amount for
536 Member States shall be allocated based upon a formula that the Commission shall
537 promulgate by Rule.

538 4. The Commission shall not incur obligations of any kind prior to securing the funds
539 adequate to meet the same; nor shall the Commission pledge the credit of any Member
540 States, except by and with the authority of the Member State.

541 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
542 receipts and disbursements of the Commission shall be subject to the financial review and
543 accounting procedures established under its bylaws. All receipts and disbursements of
544 funds handled by the Commission shall be subject to an annual financial review by a
545 certified or licensed public accountant, and the report of the financial review shall be
546 included in and become part of the annual report of the Commission.

547 H. Qualified Immunity, Defense, and Indemnification

548 1. The members, officers, executive director, employees and representatives of the
549 Commission shall be immune from suit and liability, both personally and in their official
550 capacity, for any claim for damage to or loss of property or personal injury or other civil
551 liability caused by or arising out of any actual or alleged act, error, or omission that
552 occurred, or that the person against whom the claim is made had a reasonable basis for
553 believing occurred within the scope of Commission employment, duties or
554 responsibilities; provided that nothing in this paragraph shall be construed to protect any
555 such person from suit or liability for any damage, loss, injury, or liability caused by the
556 intentional or willful or wanton misconduct of that person. The procurement of insurance

557 of any type by the Commission shall not in any way compromise or limit the immunity
558 granted hereunder.

559 2. The Commission shall defend any member, officer, executive director, employee, and
560 representative of the Commission in any civil action seeking to impose liability arising
561 out of any actual or alleged act, error, or omission that occurred within the scope of
562 Commission employment, duties, or responsibilities, or as determined by the
563 Commission that the person against whom the claim is made had a reasonable basis for
564 believing occurred within the scope of Commission employment, duties, or
565 responsibilities; provided that nothing herein shall be construed to prohibit that person
566 from retaining their own counsel at their own expense; and provided further, that the
567 actual or alleged act, error, or omission did not result from that person's intentional or
568 willful or wanton misconduct.

569 3. The Commission shall indemnify and hold harmless any member, officer, executive
570 director, employee, and representative of the Commission for the amount of any
571 settlement or judgment obtained against that person arising out of any actual or alleged
572 act, error, or omission that occurred within the scope of Commission employment, duties,
573 or responsibilities, or that such person had a reasonable basis for believing occurred
574 within the scope of Commission employment, duties, or responsibilities, provided that the
575 actual or alleged act, error, or omission did not result from the intentional or willful or
576 wanton misconduct of that person.

577 4. Nothing herein shall be construed as a limitation on the liability of any Licensee for
578 professional malpractice or misconduct, which shall be governed solely by any other
579 applicable State laws.

580 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member
581 State's State action immunity or State action affirmative defense with respect to antitrust
582 claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or
583 anticompetitive law or regulation.

584 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the
585 Member States or by the Commission.

586 **ARTICLE 10- DATA SYSTEM**

587 A. The Commission shall provide for the development, maintenance, operation, and utilization
588 of a coordinated database and reporting system.

589 B. The Commission shall assign each applicant for a Multistate License a unique identifier, as
590 determined by the Rules of the Commission.

591 C. Notwithstanding any other provision of State law to the contrary, a Member State shall
592 submit a uniform data set to the Data System on all individuals to whom this Compact is

- 593 applicable as required by the Rules of the Commission, including:
- 594 1. Identifying information;
- 595 2. Licensure data;
- 596 3. Adverse Actions against a license and information related thereto;
- 597 4. Non-confidential information related to Alternative Program participation, the beginning
598 and ending dates of such participation, and other information related to such
599 participation;
- 600 5. Any denial of application for licensure, and the reason(s) for such denial (excluding the
601 reporting of any criminal history record information where prohibited by law);
- 602 6. The existence of Investigative Information;
- 603 7. The existence of Current Significant Investigative Information; and
- 604 8. Other information that may facilitate the administration of this Compact or the protection
605 of the public, as determined by the Rules of the Commission.
- 606 D. The records and information provided to a Member State pursuant to this Compact or
607 through the Data System, when certified by the Commission or an agent thereof, shall
608 constitute the authenticated business records of the Commission, and shall be entitled to any
609 associated hearsay exception in any relevant judicial, quasi-judicial or administrative
610 proceedings in a Member State.
- 611 E. The existence of Current Significant Investigative Information and the existence of
612 Investigative Information pertaining to a Licensee in any Member State will only be
613 available to other Member States.
- 614 F. It is the responsibility of the Member States to monitor the database to determine whether
615 Adverse Action has been taken against such a Licensee or License applicant. Adverse Action
616 information pertaining to a Licensee or License applicant in any Member State will be
617 available to any other Member State.
- 618 G. Member States contributing information to the Data System may designate information that
619 may not be shared with the public without the express permission of the contributing State.
- 620 H. Any information submitted to the Data System that is subsequently expunged pursuant to
621 federal law or the laws of the Member State contributing the information shall be removed
622 from the Data System.

623 **ARTICLE 11- RULEMAKING**

- 624 A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently
625 implement and administer the purposes and provisions of the Compact. A Rule shall be
626 invalid and have no force or effect only if a court of competent jurisdiction holds that the
627 Rule is invalid because the Commission exercised its rulemaking authority in a manner that
628 is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based
629 upon another applicable standard of review.
- 630 B. The Rules of the Commission shall have the force of law in each Member State, provided
631 however that where the Rules of the Commission conflict with the laws of the Member State
632 that establish the Member State's scope of practice laws governing the Practice of
633 Cosmetology as held by a court of competent jurisdiction, the Rules of the Commission shall
634 be ineffective in that State to the extent of the conflict.
- 635 C. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this
636 Article and the Rules adopted thereunder. Rules shall become binding as of the date specified
637 by the Commission for each Rule.
- 638 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by
639 enactment of a statute or resolution in the same manner used to adopt the Compact within
640 four (4) years of the date of adoption of the Rule, then such Rule shall have no further force
641 and effect in any Member State or to any State applying to participate in the Compact.
- 642 E. Rules shall be adopted at a regular or special meeting of the Commission.
- 643 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow
644 persons to provide oral and written comments, data, facts, opinions, and arguments.
- 645 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in
646 advance of the meeting at which the Commission will hold a public hearing on the proposed
647 Rule, the Commission shall provide a notice of proposed rulemaking:
- 648 1. On the website of the Commission or other publicly accessible platform;
 - 649 2. To persons who have requested notice of the Commission's notices of proposed
650 rulemaking, and
 - 651 3. In such other way(s) as the Commission may by Rule specify.
- 652 H. The notice of proposed rulemaking shall include:
- 653 1. The time, date, and location of the public hearing at which the Commission will hear
654 public comments on the proposed Rule and, if different, the time, date, and location of
655 the meeting where the Commission will consider and vote on the proposed Rule;
 - 656 2. If the hearing is held via telecommunication, video conference, or other electronic means,

657 the Commission shall include the mechanism for access to the hearing in the notice of
658 proposed rulemaking;

659 3. The text of the proposed Rule and the reason therefor;

660 4. A request for comments on the proposed Rule from any interested person; and

661 5. The manner in which interested persons may submit written comments.

662 I. All hearings will be recorded. A copy of the recording and all written comments and
663 documents received by the Commission in response to the proposed Rule shall be available
664 to the public.

665 J. Nothing in this Article shall be construed as requiring a separate hearing on each Rule. Rules
666 may be grouped for the convenience of the Commission at hearings required by this Article.

667 K. The Commission shall, by majority vote of all members, take final action on the proposed
668 Rule based on the rulemaking record and the full text of the Rule.

669 1. The Commission may adopt changes to the proposed Rule provided the changes do not
670 enlarge the original purpose of the proposed Rule.

671 2. The Commission shall provide an explanation of the reasons for substantive changes
672 made to the proposed Rule as well as reasons for substantive changes not made that were
673 recommended by commenters.

674 3. The Commission shall determine a reasonable effective date for the Rule. Except for an
675 emergency as provided in Article 11.L, the effective date of the Rule shall be no sooner
676 than forty-five (45) days after the Commission issuing the notice that it adopted or
677 amended the Rule.

678 L. Upon determination that an emergency exists, the Commission may consider and adopt an
679 emergency Rule with five (5) days' notice, with opportunity to comment, provided that the
680 usual rulemaking procedures provided in the Compact and in this Article shall be
681 retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety
682 (90) days after the effective date of the Rule. For the purposes of this provision, an
683 emergency Rule is one that must be adopted immediately to:

684 1. Meet an imminent threat to public health, safety, or welfare;

685 2. Prevent a loss of Commission or Member State funds;

686 3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule;
687 or

688 4. Protect public health and safety.

689 M. The Commission or an authorized committee of the Commission may direct revisions to a
690 previously adopted Rule for purposes of correcting typographical errors, errors in format,
691 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on
692 the website of the Commission. The revision shall be subject to challenge by any person for a
693 period of thirty (30) days after posting. The revision may be challenged only on grounds that
694 the revision results in a material change to a Rule. A challenge shall be made in writing and
695 delivered to the Commission prior to the end of the notice period. If no challenge is made,
696 the revision will take effect without further action. If the revision is challenged, the revision
697 may not take effect without the approval of the Commission.

698 N. No Member State's rulemaking requirements shall apply under this Compact.

699 **ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

700 A. Oversight

701 1. The executive and judicial branches of State government in each Member State shall
702 enforce this Compact and take all actions necessary and appropriate to implement the
703 Compact.

704 2. Venue is proper and judicial proceedings by or against the Commission shall be brought
705 solely and exclusively in a court of competent jurisdiction where the principal office of
706 the Commission is located. The Commission may waive venue and jurisdictional
707 defenses to the extent it adopts or consents to participate in alternative dispute resolution
708 proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any
709 action against a Licensee for professional malpractice, misconduct or any such similar
710 matter.

711 3. The Commission shall be entitled to receive service of process in any proceeding
712 regarding the enforcement or interpretation of the Compact and shall have standing to
713 intervene in such a proceeding for all purposes. Failure to provide the Commission
714 service of process shall render a judgment or order void as to the Commission, this
715 Compact, or promulgated Rules.

716 B. Default, Technical Assistance, and Termination

717 1. If the Commission determines that a Member State has defaulted in the performance of
718 its obligations or responsibilities under this Compact or the promulgated Rules, the
719 Commission shall provide written notice to the defaulting State. The notice of default
720 shall describe the default, the proposed means of curing the default, and any other action
721 that the Commission may take, and shall offer training and specific technical assistance
722 regarding the default.

723 2. The Commission shall provide a copy of the notice of default to the other Member States.

724

- 725 3. If a State in default fails to cure the default, the defaulting State may be terminated from
726 the Compact upon an affirmative vote of a majority of the delegates of the Member
727 States, and all rights, privileges and benefits conferred on that State by this Compact may
728 be terminated on the effective date of termination. A cure of the default does not relieve
729 the offending State of obligations or liabilities incurred during the period of default.
- 730 4. Termination of membership in the Compact shall be imposed only after all other means
731 of securing compliance have been exhausted. Notice of intent to suspend or terminate
732 shall be given by the Commission to the governor, the majority and minority leaders of
733 the defaulting State's legislature, the defaulting State's State Licensing Authority and
734 each of the Member States' State Licensing Authority.
- 735 5. A State that has been terminated is responsible for all assessments, obligations, and
736 liabilities incurred through the effective date of termination, including obligations that
737 extend beyond the effective date of termination.
- 738 6. Upon the termination of a State's membership from this Compact, that State shall
739 immediately provide notice to all Licensees who hold a Multistate License within that
740 State of such termination. The terminated State shall continue to recognize all licenses
741 granted pursuant to this Compact for a minimum of one hundred eighty (180) days after
742 the date of said notice of termination.
- 743 7. The Commission shall not bear any costs related to a State that is found to be in default or
744 that has been terminated from the Compact, unless agreed upon in writing between the
745 Commission and the defaulting State.
- 746 8. The defaulting State may appeal the action of the Commission by petitioning the U.S.
747 District Court for the District of Columbia or the federal district where the Commission
748 has its principal offices. The prevailing party shall be awarded all costs of such litigation,
749 including reasonable attorney's fees.

750 C. Dispute Resolution

- 751 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
752 related to the Compact that arise among Member States and between Member and non-
753 Member States.
- 754 2. The Commission shall promulgate a Rule providing for both mediation and binding
755 dispute resolution for disputes as appropriate.

756 D. Enforcement

- 757 1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions
758 of this Compact and the Commission's Rules.
- 759 2. By majority vote as provided by Commission Rule, the Commission may initiate legal

760 action against a Member State in default in the United States District Court for the
761 District of Columbia or the federal district where the Commission has its principal offices
762 to enforce compliance with the provisions of the Compact and its promulgated Rules. The
763 relief sought may include both injunctive relief and damages. In the event judicial
764 enforcement is necessary, the prevailing party shall be awarded all costs of such
765 litigation, including reasonable attorney's fees. The remedies herein shall not be the
766 exclusive remedies of the Commission. The Commission may pursue any other remedies
767 available under federal or the defaulting Member State's law.

768 3. A Member State may initiate legal action against the Commission in the U.S. District
769 Court for the District of Columbia or the federal district where the Commission has its
770 principal offices to enforce compliance with the provisions of the Compact and its
771 promulgated Rules. The relief sought may include both injunctive relief and damages. In
772 the event judicial enforcement is necessary, the prevailing party shall be awarded all costs
773 of such litigation, including reasonable attorney's fees.

774 4. No individual or entity other than a Member State may enforce this Compact against the
775 Commission.

776 **ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

777 A. The Compact shall come into effect on the date on which the Compact statute is enacted
778 into law in the seventh Member State.

779 1. On or after the effective date of the Compact, the Commission shall convene and
780 review the enactment of each of the Charter Member States to determine if the
781 statute enacted by each such Charter Member State is materially different than the
782 model Compact statute.

783 a. A Charter Member State whose enactment is found to be materially different
784 from the model Compact statute shall be entitled to the default process set forth
785 in Article 12.

786 b. If any Member State is later found to be in default, or is terminated or withdraws
787 from the Compact, the Commission shall remain in existence and the Compact
788 shall remain in effect even if the number of Member States should be less than
789 seven (7).

790 2. Member States enacting the Compact subsequent to the Charter Member States shall
791 be subject to the process set forth in Article 9.C.24 to determine if their enactments
792 are materially different from the model Compact statute and whether they qualify for
793 participation in the Compact.

794 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
795 of the administration of the Compact prior to the effective date of the Compact or the

- 796 Commission coming into existence shall be considered to be actions of the
797 Commission unless specifically repudiated by the Commission.
- 798 4. Any State that joins the Compact shall be subject to the Commission's Rules and
799 bylaws as they exist on the date on which the Compact becomes law in that State.
800 Any Rule that has been previously adopted by the Commission shall have the full
801 force and effect of law on the day the Compact becomes law in that State.
- 802 B. Any Member State may withdraw from this Compact by enacting a statute repealing that
803 State's enactment of the Compact.
- 804 1. A Member State's withdrawal shall not take effect until one hundred eighty (180)
805 days after enactment of the repealing statute.
- 806 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
807 State Licensing Authority to comply with the investigative and Adverse Action
808 reporting requirements of this Compact prior to the effective date of withdrawal.
- 809 3. Upon the enactment of a statute withdrawing from this Compact, a State shall
810 immediately provide notice of such withdrawal to all Licensees within that State.
811 Notwithstanding any subsequent statutory enactment to the contrary, such
812 withdrawing State shall continue to recognize all licenses granted pursuant to this
813 Compact for a minimum of 180 days after the date of such notice of withdrawal.
- 814 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
815 licensure agreement or other cooperative arrangement between a Member State and a
816 non-Member State that does not conflict with the provisions of this Compact.
817
- 818 D. This Compact may be amended by the Member States. No amendment to this Compact
819 shall become effective and binding upon any Member State until it is enacted into the
820 laws of all Member States.

821 **ARTICLE 14. CONSTRUCTION AND SEVERABILITY**

- 822 A. This Compact and the Commission's rulemaking authority shall be liberally construed so as
823 to effectuate the purposes, and the implementation and administration of the Compact.
824 Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall
825 not be construed to limit the Commission's rulemaking authority solely for those purposes.
- 826 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or
827 provision of this Compact is held by a court of competent jurisdiction to be contrary to the
828 constitution of any Member State, a State seeking participation in the Compact, or of the
829 United States, or the applicability thereof to any government, agency, person or circumstance
830 is held to be unconstitutional by a court of competent jurisdiction, the validity of the
831 remainder of this Compact and the applicability thereof to any other government, agency,

832 person or circumstance shall not be affected thereby.

833 C. Notwithstanding Article 14.B, the Commission may deny a State's participation in the
834 Compact or, in accordance with the requirements of Article 12, terminate a Member State's
835 participation in the Compact, if it determines that a constitutional requirement of a Member
836 State is a material departure from the Compact. Otherwise, if this Compact shall be held to be
837 contrary to the constitution of any Member State, the Compact shall remain in full force and
838 effect as to the remaining Member States and in full force and effect as to the Member State
839 affected as to all severable matters.

840 **ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

841 A. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State
842 that is not inconsistent with the Compact.

843
844 B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict
845 with the Compact are superseded to the extent of the conflict.

846
847 C. All permissible agreements between the Commission and the Member States are binding in
848 accordance with their terms.



MEMORANDUM

DATE January 23, 2023

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Discussion and Possible Action Regarding Rulemaking Proposals:

- a. Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular 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. Update Regarding 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.
 1. Discussion and Possible Action to Consider Comments Received During the 45-Day Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16, CCR section 950.10 (Transfer of Credit)
 2. Discussion and Consideration of Proposed Regulation to Amend Title 16, CCR section 950.10 (Transfer of Credit)
- d. Discussion Regarding New Rulemaking Proposal to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)
- e. Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)

Item 18.a.: SB 803 Cleanup

The Board originally approved proposed amendments and authorized initiation of a rulemaking to amend sections 904, 909, 931, 932, 937, and 962, and repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 at the October 24, 2022 board meeting. Upon further review of the package, staff is recommending the following changes:

- (1) to add Simplified Chinese to the list of languages offered for the licensing examination as it will begin to be offered in March 2023, which is around the time that this rulemaking is anticipated to be finalized. To ensure that the regulation is most current by the time the proposal would be adopted by the Board, staff recommends that the Board add this additional language type to the list of excluded languages for which an interpreter would not be allowed (since the Board would be offering the examination in that language) at proposed Section 931.
- (2) On Question No. 12 of the proposed "1008 Application for Mobile Unit License" Form #03A-202 at proposed section 937, the staff recommend adding the following clarifying information

so that applicants understand the Board’s requirements for adequate ventilation and can accurately respond to the question:

“12. Does the mobile unit have adequate ventilation (which includes at least one window capable of opening and a powered ventilation fan)?”

Please see the attached proposals with changes highlighted for your review at Attachment No. 1. Attachment No. 1 also includes highlighted changes made by the Board after public comment at the October 2022 meeting to include the words “the practice of barbering or cosmetology” and “from a barbering or cosmetology school” as part of proposed amendments to Section 962. A clean copy is included for your possible approval and filing with the Office of Administrative Law at Attachment No. 2.

Action Needed:

Staff needs the following motion to authorize the two changes and reauthorize initiation of the rulemaking:

Move to rescind the Board’s prior October 24, 2022 motion and approve the proposed regulatory text for Title 16, CCR sections 904, 909, 931, 932, 937, 962, 928, 934, 950.1, 950.2, 950.3, and 950.4 as provided in the meeting materials at Attachment 2, 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 and adopt the proposed regulations at Sections 904, 909, 931, 932, 937, and 962, and repeal sections 928, 934, 950.1, 950.2, 950.3, 950.4 as noticed.

Item 18 c.1 Consideration of Comments Received - Transfer of Credit (Title 16, CCR section 950.10)

This regulation package required a 45-day comment period. The comment period ended on December 27, 2022. The Board received two public comments. The comment responses were drafted by staff as suggested responses and are being submitted to the Board for approval.

Summary of, and Responses to, Comments Received During the 45-day Comment Period on the Original Language

The following two (2) individuals/organizations submitted written comments to the Board on the proposed rulemaking during the comment period, which ended on December 27, 2022:

- Bridgette Jordan, Licensed Cosmetologist and Salon Owner

Comment No. 1 from Bridgette Jordan: Bridgette Jordan expressed concern over licensees who wanted to transfer credit from one license type to another (e.g., if a licensed cosmetologist wanted to become an electrologist, etc.). She indicated concerns regarding clarifying transfer and credits for license holders. For example, if a licensed Cosmetologist wanted to become an Esthetician what are the requirements in doing so? If a licensed Cosmetologist wanted to “become Electrolysis etc. Can the Broad Clarify Scenario as such?”

Response: The Board acknowledges the comment. However, the Board believes that the process for transferring credits from one license type to another is sufficiently clear in the current proposal. No further changes to the proposed text are required, as these issues are specifically addressed in the regulation proposal for each licensee type who transfers “identical” credit (as defined in this proposal) to another course of study leading to another license type.

In the examples cited by the commenter, a licensed cosmetologist could transfer identical course work taken for enrollment in a new skin care program (which leads to licensure as an esthetician) in accordance with proposed Section 950.10(b)(2) for instruction hours taken in health and safety, disinfection and sanitation, chemical hair services, and hairstyling services up to the minimums required for licensure as an esthetician. Similarly, in Section 950.10(b)(5), for a licensed cosmetologist who enrolls in a new electrolysis education program, the cosmetologist would receive credit for identical course work taken in the areas of health and safety and disinfection and sanitation up to the minimums required for licensure as an electrologist. For other instructional hours that are identical to the proposed course for which a student enrolls, a student would be eligible for credit in accordance with proposed subsection (h).

- Anthony Padilla, Salon Owner

Comment No. 2 from Anthony Padilla: Anthony Padilla expressed concern regarding student’s receiving credit hours from schools/facilities outside of their primary school in order to obtain supplemental credit hours. The commenter specifically requests that the Board consider: “If students decide to obtain outside training to supplement learning in schools, is there a provision being considered to grant hours credit (sic) for the outside learning taking place?”

Response: The Board acknowledges the comment. No further changes to the proposed text are required, as this is specifically addressed in the regulation package, as students may transfer approved credit hours from Board approved schools. In addition, this question appears to be outside the scope of this rulemaking proposal and the authority for the Board to address in this rulemaking. The Board is currently only authorized to set standards for accepting credit for a program of instruction at a Board approved school in accordance with Article 8 of the Act (commencing with section 7362 of the Business and Professions Code).

Action Needed:

After review, the Board may consider any of the following actions:

Option No. 1 (If the members agree with the staff recommended responses): Direct staff to proceed as recommended to reject comments as specified and provide the responses to the comments as indicated in the meeting materials.

Option No. 2: (If the members have any edits to the recommended responses or disagree with staff and wish to accept any comments or make any other changes to its responses): Direct staff to accept the following comments and make the following edits to the text: [identify comments to accept and text to change here], but otherwise proceed as recommended to reject comments as specified and provide the responses to the comments as indicated in the meeting materials.

Item 18 c.2 Consideration of Amendments and Possible Action - Transfer of Credit (Title 16, CCR section 950.10)

If the Board rejects the previously discussed comments and makes no further changes to the proposed text, staff recommends the Board consider the following motion to complete the rulemaking process and adopt the proposed text:

Option No. 1 (If there are no changes to the proposed text by members):

Direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as noticed for 16 CCR section 950.10.

If the Board decides it wishes to make changes to the originally proposed and noticed text, the Board may use the following motion:

Option No. 2 (If there are changes to the proposed text by members at this meeting):

To approve the proposed modified regulatory text for section 950.10 that includes the following changes [describe amendments here] and direct staff to take all steps necessary to complete the rulemaking process, including sending out the modified text with these changes for an additional 15-day comment period. 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 regulation, and adopt the proposed regulations as described in the modified text notice for Title 16 CCR section 950.10.

Documents included with this memo for reference:

1. Written Comments Received During the Public Comment Period on Originally Proposed Regulatory Language
2. Originally Proposed Regulatory Language (Noticed to the Public)

The following regulation packages are being updated by staff:

- 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)
- Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs) - Please note, this package is a new concept to combine proposed changes to the Board's extern regulations with a new proposal to address the Board's school approval process in accordance with Business and Professions Code section 7362.
- Title 16, CCR Section 972 (Disciplinary Guidelines)

BOARD OF BARBERING AND COSMETOLOGY

Division 9, Title 16, of the California Code of Regulations.

SPECIFIC LANGUAGE

LEGEND

<u>Underlined</u>	Indicates proposed amendments or additions to the existing regulation.
Strikeout	Indicates proposed deletions to the existing regulation.

1. Amend Section 904, Title 16, California Code of Regulations as follows:

§ 904. Enforcement.

(a) Article 12 of the Bboard's regulations, within Title 16, Division 9 of the California Code of Regulations, contains the Bboard's "Health and Safety Rules".

(b) The holder or holders of an establishment license or a mobile unit license, and the person in charge of any such establishment or mobile unit, shall implement and maintain the Health and Safety Rules in such establishment or mobile unit individually and jointly with all persons in or employed by or working in or on the premises of such establishment or mobile unit.

(c) All licensed barbers, cosmetologists, hairstylists, estheticians, manicurists, electrologists, instructors, or apprentices shall individually implement and maintain the Health and Safety Rules.

(d) All persons performing acts of a barber, cosmetologist, hairstylist, esthetician, manicurist or electrologist, except students in schools, shall, upon request of an authorized representative of the Bboard, present satisfactory proof of identification. Satisfactory proof shall be in the form of a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity.

(e) Failure to present valid proof of identification shall be grounds for disciplinary action.

(f) The executive officer and any authorized representative of the Board shall have access to and inspect all areas within an establishment, mobile unit, or school, including any room, closet, cabinet, drawer, container, or mobile or fixed storage or display unit.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312, 7313, 7316 and 7404, Business and Professions Code.

2. Amend Section 909, Title 16, California Code of Regulations as follows:

(a) Every application for examination in which the applicant is using training received in a school in this state approved by the Board in order to qualify for examination must be accompanied by proof of that training.

(b) For the purpose of this section, ~~P~~proof of training shall be a completed document entitled "Proof of Training" (Form #F-BBC-05 New 10/2022), which is hereby incorporated by reference. The Proof of Training document shall be completed prepared by the school where the applicant completed the qualifying training, that includes all of the following:

~~(1) The course title.~~

~~(2) The student's name, address, and date of birth.~~

~~(3) The school's name, address, and school code issued by the board.~~

~~(4) The date training started and the date training was completed at the school completing the training.~~

~~(5) The total number of hours of training the student received.~~

~~(6) If the applicant has done any one of the following, the document shall also include the information as specified for each:~~

~~(A) If the applicant has received any of the training at another school, the document must specify, for each school attended, the school's name and school code, the number of hours of training received, the date training started, and the last date of attendance.~~

~~(B) If the applicant has received credit from a course transfer, the document must specify the course and the number of hours of training received, the date training started and the last date of attendance before transferring, and the number of hours of credit received.~~

~~(C) If the applicant has received credit for holding a manicurist or cosmetician license issued by the board, the document must specify the type of license, the license number, its date of expiration, and the number of hours of credit received.~~

~~(D) If the applicant has received credit for out-of-state training and/or experience, a copy of the letter from the board granting that credit shall be attached to the document.~~

~~(7) A statement confirming that the student has met the course curriculum requirements as specified by regulation.~~

~~(8) A statement, dated and signed under penalty of perjury by the school and the student, that all the information on the document is true and correct. The statement shall be worded as follows:~~

~~“We, the undersigned, certify under penalty of perjury under the laws of the state of California, that all the information contained herein is true and correct.”~~

~~(9) The document must include the name and title of the individual signing for the school clearly printed or typed.~~

~~(c) The information contained in any proof of training document prepared by an approved school in this state must be clearly identified by the number and presented in the order specified in subdivision (b).~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7321, 7321.5, 7322, 7324, 7326, 7330, 7331, 7337, 7362.5, 7363, 7364, 7365, 7367 and 7391, Business and Professions Code.

3. Repeal Section 928, Title 16, California Code of Regulations as follows:

§ 928. Preapplication for Examination.

~~(a) A preapplication for examination must be submitted to the board postmarked within 7 calendar days from the day the applicant completed 75 percent of the required course hours and curriculum requirements (60 percent for students of the manicurist course) from an approved barbering, cosmetology or electrology school, or any person licensed as an apprentice in barbering, cosmetology, skin care, or nail care who has completed at least 75 percent of the required apprenticeship training hours.~~

~~(b) A preapplication for examination shall be in writing, on a form prepared by the board (Form PRE1, Request for Pre-Application, Rev. 1/05).~~

~~(c) The preapplication form shall be submitted with the following:~~

~~(1) The required preapplication fee specified in Section 998;~~

~~(2) The application for examination, including the required fee and all proof of qualifications of the applicant for examination, except the proof of training document specified in Section 909 or (for apprentices) the certificate of apprenticeship completion specified in Section 924.~~

~~(3) A stamped envelope, addressed to the school from which the applicant completed training or to the apprentice program sponsor from which the applicant completed training.~~

~~(d) The preapplication form shall include an anticipated date that the student/apprentice shall complete his/her course of study/apprenticeship, and a statement, signed by the student/apprentice and the school/apprentice program sponsor and certified to under penalty of perjury, that the student/apprentice has completed the curriculum requirements and number of clock hours required to submit a preapplication.~~

~~(e) Within 30 calendar days of receipt of the preapplication the board shall notify the applicant in writing, at the school/apprentice program sponsor from which the applicant completed training, that the preapplication is either complete or is deficient and what information or documentation is required to complete the application.~~

~~(1) If the application is complete, the notification (that portion of form PRE1 filled out by the board) shall also contain the applicant's scheduled examination date.~~

~~(2) If a preapplication is deficient, the applicant shall not be scheduled for examination with the pre-application population until the deficiencies are corrected and the application is resubmitted.~~

~~(f) The proof of training document/certificate of apprenticeship completion and the portion of form PRE1 filled out by the board must be mailed to the board, postmarked within three working days after the applicant's anticipated date of course/apprenticeship completion. If this requirement is not met, the applicant will not be permitted to be examined on the scheduled date and the applicant will be scheduled for examination with the general application population.~~

~~(g) Within ten working days of receipt of the proof of training document/certificate of apprenticeship completion, the board shall notify the applicant in writing that it is either complete or is deficient and what information or documentation is required to complete the document.~~

~~(1) If the proof of training document/certificate of apprenticeship completion is complete, the board will mail an examination admission letter to the applicant.~~

~~(2) If the proof of training document/certificate of apprenticeship completion is deficient, the applicant will not be permitted to be examined on the scheduled date and will be rescheduled for examinations at the time of receipt of a complete proof of training document/certificate of apprenticeship completion.~~

~~Note: Authority cited: Sections 7312 and 7337.5, Business and Professions Code.
Reference: Section 7337.5, Business and Professions Code.~~

4. Amend Section 931, Title 16, California Code of Regulations as follows:

§ 931. Interpreter and Interpreter/Model.

(a) An applicant for the barber, cosmetologist, hairstylist, esthetician, manicurist, or electrologist examination may use an Interpreter ~~or an Interpreter/Model~~ during examination if the applicant is unable to speak, read, or write in the English, Korean, Spanish, Vietnamese, or Simplified Chinese languages at a 10th grade level and, if the applicant and/or the interpreter complies with the requirements of subsections (c), (d), (f), (h), (i), and (j), as applicable.

(b) To request approval from the Board for an individual designated by the applicant to act as an Interpreter, the applicant shall file with the application for examination, or not later than thirty (30) days prior to the date of the examination, a notice of permission to use an Interpreter or Interpreter/Model on a form prescribed by the board a completed Application to Use an Interpreter (Form #03B-125, Form G, Request for Use of an Interpreter or Interpreter/Model, Rev. #03A-126 New 8/10/942022) and executed by the applicant under penalty of perjury.

~~(c) The person designated by the applicant to act as an Interpreter or an Interpreter/Model shall file with the board, not later than fifteen (15) days prior to the date of the examination and on a form prescribed by the board (Form #03A-126, Form H, Rev 8/94) and executed by the person under oath or penalty of perjury, a request to act as an interpreter or an interpreter/model, along with two 1 1/2 x 1 1/2 inch signed photographs of himself or herself.~~

~~(d) The Interpreter or Interpreter/Model shall be a person who is fluent both in English and in the native language of the applicant and must certify to this fact in writing under penalty of perjury.~~

~~(e) An Interpreter may interpret only for the written portion of the examination.~~

~~(f) An Interpreter/Model may interpret for the written and practical portions of the examination and shall serve as the model for the practical examination.~~

~~(gd)~~ A person shall be allowed to act as an Interpreter or ~~Interpreter/Model~~ only once in two (2) years in any examination.

~~(h) An Interpreter shall not be used in the barber or cosmetology instructor examinations.~~

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

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

(1) Persons less than 15 years of age.

(2) Persons who are current or former students in barbering, ~~or any of the branches of cosmetology, hairstyling, electrology, nail care, or skin care.~~

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

(4) Persons who are currently or have been formerly enrolled in a barber, ~~cosmetologist, skin care, nail care, or electrology~~ apprentice training program.

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

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

~~(75)~~ Persons who are currently or have been formerly owners or employees of any school of barbering, cosmetology, ~~or electrology, hairstyling, nail care, or skin care.~~

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

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

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

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

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

5. Amend Section 932, Title 16, California Code of Regulations as follows:

§ 932. Passing Grades in Examinations.

(a) Examinations shall consist of ~~a practical demonstration and~~ a written test.

(b) An applicant must obtain a passing score on ~~both the practical demonstration and~~ the written test. The ~~B~~board will determine the passing scores using a criterion-referenced method and based on the recommendation of subject matter experts under the direction of the Board and the Board's examination contractor.

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

6. Repeal Section 934, Title 16, California Code of Regulations as follows:

~~§ 934. Examination Appeal.~~

~~(a) An applicant who has received a fail score on the written or practical examination shall be eligible to appeal to the board for a review of his or her examination results.~~

~~(b) The appeal shall be filed with the board within fifteen (15) days after the date of notification of his or her examination results. The appeal shall be made in writing, and it shall state the reason for appeal. The board shall only consider appeals regarding significant procedural error in or adverse environmental conditions during the test administration.~~

~~(c) The review of the appeal shall be conducted by one or more board members, or the board's designee, to determine if there is clear and convincing evidence to sustain the applicant's appeal. Such findings shall be subject to the approval of the board.~~

~~(d) Within thirty (30) days after the board has approved the determination on appeal, the applicant shall be notified in writing of the results of his or her appeal. In acting on appeals, the board may take such action as it deems appropriate, including the issuance of a license where the board has determined that the applicant has demonstrated the required competence.~~

~~Note: Authority cited: Sections 7312 and 7340, Business and Professions Code.
Reference: Sections 7340 and 7341, Business and Professions Code.~~

7. Amend Section 937, Title 16, California Code of Regulations as follows:

§ 937. Licensing and Operation.

(a) An application for a license to operate a mobile unit shall be on a form prescribed and provided by the Bboard (Form #03A-202, "(1008) Application for Mobile Unit License" to Operate A Mobile Unit, Rev 1/93New 10/2022), which is hereby incorporated by reference, accompanied by the nonrefundable application fee and the initial inspection and license fee specified in section 998, and such evidence, statements, or documents as required by Section 7355(b) of the Business and Professions Code.

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

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

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

~~(e) All equipment which is not stored in storage cabinets shall be securely anchored to the mobile unit.~~

~~(f) No services shall be performed while the mobile unit is in motion.~~

~~(g) A ramp or lift shall be provided for access to the mobile unit if providing services for disabled individuals.~~

(hg) The owners of mobile units shall be responsible for adherence to all local, state and federal laws and regulations regarding the operation of vehicles to be used as mobile units.

(ih) An itinerary showing dates, locations, and times of service shall be made available, upon request, to an authorized representative of the Bboard.

(ji) The Bboard shall inform the applicant in writing that the application is either complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application within 10 calendar days of receipt of an application for a license to operate a mobile unit.

(ki) The Bboard shall inform the applicant in writing of its decision regarding an application within 21 calendar days from the date of filing of a completed application. The decision is contingent upon the applicant scheduling an appointment with the Bboard, or its representative, for an inspection of the mobile unit for final approval, pursuant to section 7355(a) of the Business and Professions Code, within seven calendar days of receipt of the notice of a completed application. If the application is determined to be incomplete and the applicant fails to complete the application within the time specified in Business and Professions Code section 7345, the Board shall return the initial inspection and license fee to the applicant after the time period in Section 7345 expires.

(lk) The inspection for final approval shall be conducted to ensure compliance with Sections 7345 and 7357(b) of the Business and Professions Code.

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

8. Repeal Section 950.1, Title 16, California Code of Regulations as follows:

~~§ 950.1. Curriculum for Barbering Course.~~

~~(a) The curriculum for students enrolled in a barbering course shall consist of fifteen hundred (1500) hours of technical instruction and practical training covering all practices of a barber pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a~~

practical operation. Technical instruction and practical training shall include the following hours:

~~(1) 1100 Hours of Technical Instruction and Practical Training in Hair Dressing~~

~~The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Hairstyling (65 hours of Technical Instruction and 240 Practical Operations):~~

~~The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb-outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.~~

~~Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 105 Practical Operations):~~

~~The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.~~

~~Hair Coloring and Bleaching (60 hours of Technical Instruction and 50 Practical Operations):~~

~~The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers.~~

~~Hair Cutting (20 hour of Technical Instruction and 80 Practical Operations):~~

~~The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.~~

~~(2) 200 Hours of Technical Instruction and Practical Training in Shaving~~

~~The required subjects of instruction in Shaving shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Preparation and Performance (100 hours of Technical Instruction and 40 Practical Operations)~~

~~The subject of Preparation and Performance shall include, but is not limited to the following techniques and procedures: Preparing the client's hair for shaving, assessing the condition of the client's skin, performing shaving techniques, applying after-shave antiseptic following facial services, massaging the client's face, rolling cream massages.~~

~~(3) 200 Hours of Technical Instruction in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject matter as follows:~~

~~Laws and Regulations (20 hours of Technical Instruction)~~

~~The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (45 hours of Technical Instruction)~~

~~Health and Safety/hazardous substances including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, bacteriology and preventing communicable diseases including HIV/AIDS and Hepatitis B.~~

~~Disinfection and Sanitation (20 hours of Technical Instruction)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician, proper disinfection procedures for equipment used in establishments.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.~~

~~Anatomy and Physiology (15 hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology.~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, client record keeping, decorum, basic tax information relating to booth renters, independent contractors, employees, and employers.~~

Note: Authority cited: Sections 7312 and 7362(b), Business and Professions Code.
Reference: Sections 7316, 7321.5(d)(1), 7362.5(a) and 7389, Business and Professions Code.

9. Repeal Section 950.2, Title 16, California Code of Regulations as follows:

~~§ 950.2. Curriculum for Cosmetology Course.~~

~~(a) The curriculum for students enrolled in a cosmetology course shall consist of sixteen hundred (1600) hours of technical instruction and practical training covering all practices constituting the art of cosmetology pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical and practical training shall include the following hours and/or operations:~~

~~(1) 1100 Hours of Technical Instruction and Practical Training in Hair Dressing~~

~~The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Hairstyling (65 hours of Technical Instruction and 240 Practical Operations)~~

~~The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.~~

~~Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 105 Practical Operations)~~

~~The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and~~

~~alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.~~

~~Hair Coloring and Bleaching (60 hours of Technical Instruction and 50 Practical Operations)~~

~~The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers~~

~~Hair Cutting (20 hours of Technical Instruction and 80 Practical Operations)~~

~~The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.~~

~~(2) 200 Hours of Technical Instruction in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject matter as follows:~~

~~Laws and Regulations (20 hours of Technical Instruction)~~

~~The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (45 hours of Technical Instruction)~~

~~The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Cosmetology chemistry including the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Elementary chemical makeup, chemical skin peels and chemical and physical changes of matter. Hazardous substances including training in chemicals and health in establishments, protection from hazardous chemicals and preventing chemical injuries, ergonomics, theory of electricity in cosmetology, bacteriology, communicable diseases, including HIV/AIDS, Hepatitis B, and staph and Material Safety Data Sheets.~~

~~Disinfection and Sanitation (20 hours of Technical Instruction)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures for equipment used in establishments.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.~~

~~Anatomy and Physiology (15 hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology.~~

~~(3) 200 Hours of Technical Instruction and Practical Training in Esthetics~~

~~The required subjects of instruction in Esthetics shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Manual, Electrical and Chemical Facials (25 hours of Technical Instruction and 40 Practical Operations)~~

~~The subject of manual, electrical and chemical facials shall include, but is not limited to the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling.~~

~~Eyebrow Beautification and Make-up (25 hours of Technical Instruction and 30 Practical Operations)~~

~~The subject of Eyebrow Beautification shall include, but is not limited to, the following issues: Eyebrow Arching and Hair Removal, including the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.~~

~~The subject of Makeup shall include, but is not limited to, the following issues: skin analysis, complete and corrective makeup, the application of false eyelashes, and lash and brow tinting, if a product exists that is not disapproved, prohibited or banned by the U.S. Food and Drug Administration, the~~

Occupational Safety and Health Administration, or the U.S. Environmental Protection Agency.

~~(4) 100 Hours of Technical Instruction and Practical Training in Manicuring and Pedicuring~~

~~The required subjects of instruction in Manicuring and Pedicuring shall be completed with the minimum hours of technical instruction and practical operation for each subject-matter as follows:~~

~~Manicuring and Pedicuring (10 hours of Technical Instruction and 25 Practical Operations)~~

~~The subject of Manicuring and Pedicuring shall include, but are not limited to, the following issues: Water and oil manicure, including nail analysis, and hand/foot and arm/ankle massage.~~

~~Artificial Nails and Wraps (25 hours of Technical Instruction and 120 (nails) Practical Operations)~~

~~Artificial nails including acrylic: liquid and powder brush-ons, artificial nail tips and nail wraps and repairs~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service records.~~

~~Note: Authority cited: Sections 7312, 7362 and 7362.1(c), Business and Professions Code. Reference: Sections 7316(b), 7321(d)(1), 7362, 7362.5(b) and 7389, Business and Professions Code.~~

10. Repeal Section 950.3, Title 16, California Code of Regulations as follows:

~~§ 950.3. Curriculum for Skin Care Course.~~

~~(a) The curriculum for students enrolled in a skin care course shall consist of six hundred (600) hours of technical instruction and practical training covering all practices of an esthetician pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another~~

person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

~~(1) 350 Hours of Technical Instruction and Practical Training in Facials~~

~~The required subjects of instruction in Facials shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Manual, Electrical and Chemical Facials 70 Hours of Technical Instruction and 140 Practical Operations)~~

~~The subject of manual, electrical and chemical facials shall include, but is not limited to the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling. Preparation (15 hours of Technical Instruction)~~

~~The subject of Preparation shall include, but not be limited to the following issues: Client consultation, intake procedures, contraindications, professionalism, client record keeping, pre and post-operative care, CPR/AED, salon and spa skills.~~

~~(2) 200 Hours of Technical Instruction in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum number of hours of technical instruction for each subject-matter as follows:~~

~~Laws and Regulations (10 hours of Technical Instruction)~~

~~The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (40 hours of Technical Instruction)~~

~~The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, communicable diseases including HIV/AIDS and Hepatitis B. Chemical composition and purpose of cosmetic and skin care preparation. Elementary chemical makeup, chemical skin peels, physical and chemical changes of matter. Electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.~~

~~Disinfection and Sanitation (10 hours of Technical Instruction)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.~~

~~Anatomy and Physiology (15 Hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology, Bacteriology, skin analysis and conditions.~~

~~(3) 50 Hours of Technical Instruction and Practical Training in Hair Removal and Make-up~~

~~The required subjects of instruction in Hair Removal shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Eyebrow Beautification (25 hours of Technical Instruction and 50 Practical Operations)~~

~~The subject of Eyebrow Beautification shall include, but is not limited to, the following issues: Eyebrow shaping and hair removal techniques, hair analysis, waxing, tweezing, manual or electrical depilatories.~~

~~Make-up (20 hours of Technical Instruction and 40 Practical Operations)~~

~~The subject of Make-up shall include, but is not limited to, the following issues:
Skin analysis, basic and corrective application, application of false eyelashes.~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, client service records, basic tax information relating to booth renters, independent contractors, employees, and employers.~~

~~Note: Authority cited: Sections 7312, 7362 and 7364, Business and Professions Code.
Reference: Sections 7316(c)(1), 7324(d)(1), 7362, 7364 and 7389, Business and Professions Code.~~

11. Repeal Section 950.4, Title 16, California Code of Regulations as follows:

~~§ 950.4. Curriculum for Nail Care Course.~~

~~(a) The curriculum for students enrolled in a nail care course shall consist of not less than four hundred (400) hours of technical instruction and practical training covering all practices of a manicurist, pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:~~

~~(1) 300 Hours of Technical Instruction and Practical Training in Nail Care~~

~~The required subjects of instruction in Nail Care shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:~~

~~Manicures and Pedicures (60 hours of Technical Instruction, 60 Practical Operations and 180 nails)~~

~~The subject of Manicures and Pedicures shall include, but is not limited to, the following techniques and procedures: Water and oil manicures including hand and arm massage, complete pedicure including foot and ankle massage, application of artificial nails including liquid, gel, and powder brush-ons, nail tips, nail wraps and repairs, and nail analysis.~~

~~(2) 100 Hours of Technical Instruction and Practical Training in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum number of hours of technical instruction and practical operations for each subject matter as follows:~~

~~Laws and Regulations (10 hours of Technical Instruction)~~

~~The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (25 hours of Technical Instruction)~~

~~The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Chemistry pertaining to the practices of a manicurist including the chemical composition and purpose of nail care preparations. Health and Safety/Hazardous Substances, including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.~~

~~Disinfection and Sanitation (20 hours of Technical Instruction and 10 Practical Operations)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Procedures to protect the health and safety of the consumer as well as the technician.~~

~~The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment, with special attention given to pedicure foot spa and basin disinfection procedures detailed in Sections 980.1, 980.2 and 980.3.~~

~~Bacteriology, Anatomy and Physiology (10 hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Bacteriology, anatomy, physiology, and nail analysis and conditions.~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record-keeping, client service record cards, basic tax responsibilities related to independent contractors, booth renters, employees, and employers.~~

~~Note: Authority cited: Sections 7312, 7362 and 7365, Business and Professions Code.
Reference: Sections 7316(c)(2), 7326(d)(1), 7362, 7365 and 7389, Business and Professions Code.~~

12. Amend Section 962, Title 16, California Code of Regulations as follows:

§ 962. Definitions.

(a) For purposes of Section 7395.1 as specified in subdivision (c)(3) of the Business and Professions Code, the term “good standing” means the following:

(1) The licensee maintains a valid, current barber, cosmetology, electrology, hairstyling, esthetician, or manicurist license issued by the Board of Barbering and Cosmetology.

(2) There is no current or pending discipline against the license pursuant to Article 11 of the Barbering and Cosmetology Act.

(3) The licensee has no unpaid fine issued pursuant to Article 12 of the Barbering and Cosmetology Act.

(b) For purposes of Section 7395.1 as specified in subdivision (g)(3) of the Business and Professions Code and this section, the term “appropriate training” means the student extern has completed 6025% of the required ~~minimum practical operations and~~ minimum hours of practical and technical instruction set forth in Sections ~~7362.5 950.2-950.4~~ of this division of the Business and Professions Code.

(c) For purposes of Section 7395.1 as specified in subdivision (g)(3) of the Business and Professions Code, the term “chemical treatment” means any product or procedure, including the preparation and/or application of the product, that alters or changes the molecular structure of the hair, skin or nails through the chemical treatments. These treatments may include, but are not limited to the following:

(1) permanent waving

(2) soft permanent waving

(3) chemical straightening

- (4) sodium hydroxide and other base solutions
- (5) hair coloring and bleaching (semi-permanent and permanent)
- (6) chemical skin peel products
- (7) depilatory products
- (8) lash and brow tinting products

(d) For purposes of Section 7395.1 subdivision (g)(3) of the Business and Professions Code, the term “direct and immediate supervision” means the student extern may work on a paying client, only in an assisting capacity, when a designated licensee is present to oversee the work process. The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

(e) For purposes of Section 7395.1 subdivision (g)(3) of the Business and Professions Code, the term “directly superviseds” means the student extern may perform those acts considered the practice of barbering or cosmetology as listed in Section 7316 of the Business and Professions Code only not use or apply chemical treatments unless if a designated licensee is present to oversee those acts and the extern meets the requirements of this section. An extern shall not use or apply chemical treatments on any client unless the extern has received appropriate training in the application of those treatments from a barbering or cosmetology school the work process approved by the Board pursuant to section 941. The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7316, 7362.5, 7395.1, Business and Professions Code.



(1008) APPLICATION FOR MOBILE UNIT LICENSE INSTRUCTIONS (\$50 Nonrefundable Application Fee and \$100 License and Inspection Fee)

Complete this form in accordance with the instructions below and include additional pages and documents as necessary. The California Board of Barbering and Cosmetology (Board) cannot process the document unless all applicable requested information is provided.

EXPEDITED APPLICATION PROCESSING

1. If you qualify for expedited application processing based on the criteria listed on the application, select the appropriate box. If this section does not apply, leave blank.

SECTION A – APPLICANT/OWNERSHIP INFORMATION

2. NAME: Provide the Last Name, First Name, and Middle Name (if applicable) of the applicant/owner of the mobile unit.
3. ADDRESS: Provide the permanent base address from which the mobile unit will operate.
4. TELEPHONE NUMBER: Provide a current telephone number, including area code.
5. E-MAIL ADDRESS (OPTIONAL): Provide a current e-mail address if you would like to receive correspondence and updates from the Board.
6. CONTACT PERSON: Name of the person to contact with any questions concerning the application.
7. TELEPHONE NUMBER: Provide a current telephone number, including area code, for the contact person.

SECTION B – EMPLOYEE/OFFICER RESPONSIBLE FOR DRIVING THE MOBILE UNIT

8. NAME: Provide the full legal name of the individual who will be operating/driving the mobile unit.
9. DRIVER'S LICENSE: Provide the full California Driver's License Number for the individual who will be operating/driving the mobile unit.

SECTION C – CERTIFICATION

10. NAME: Print the full legal name of the applicant/owner of the mobile unit.
11. SIGNATURE OF APPLICANT/OWNER: The applicant/owner who completed Sections A and B provides their signature and the date they signed the form (Month/Day/Year).

SECTION D – FORM OF BUSINESS ORGANIZATION

12. Select **ONE** ownership option and complete the section which applies
 - a. **SOLE PROPRIETORSHIP/INDIVIDUAL OWNER**
 - i. NAME: Provide your Last Name, First Name, and Middle Name (if applicable).
 - ii. SOCIAL SECURITY NUMBER/INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER: Provide your Social Security Number or Individual Taxpayer Identification Number.
 - iii. DATE OF BIRTH: Provide your date of birth (Month/Day/Year).

b. PARTNERSHIP

- i. FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN): Provide the FEIN for the partnership.
- ii. NAME: Provide the Last Name, First Name, and Middle Name (if applicable) of all partners.
- iii. DATE OF BIRTH: Provide the date of birth of all partners (Month/Day/Year).

c. CORPORATION

- i. NAME OF CORPORATION: Provide the full legal name of the corporation.
- ii. SECRETARY OF STATE CORPORATE ENTITY REGISTRATION NUMBER: Provide the full California Corporation Number (7 or 12 digits). Note: Please provide a current and active California Secretary of State corporate entity registration number below. For questions regarding registration requirements, please contact the California Secretary of State; their information is available at www.sos.ca.gov.)
- iii. CORP. OFFICER TITLE: Provide the title for each controlling officer of the corporation (e.g., CEO, CFO, etc.). For the purposes of this application, “controlling officer” shall mean the principal individuals who are the officers, directors, managers or officials of the corporation who are responsible for the operations or management of the corporation.
- iv. NAME: Provide the Last Name, First Name, and Middle Name (if applicable) of each controlling officer of the corporation.
- v. CORP. OFFICER SOCIAL SECURITY NUMBER/ITIN: Provide the Social Security Numbers or Taxpayer Identification Number (ITIN) for each controlling officer of the corporation.
- vi. CORP. OFFICER DATE OF BIRTH: Provide the date of birth for each controlling officer of the corporation (Month/Day/Year).

SECTION E – BACKGROUND INFORMATION

13. Select “Yes” or “No” in response to the questions listed on the form and provide the information listed in Section E. 1. or 2, as applicable, if you select a “Yes” response.

- a. Question #1 – NOTE: Applicants are not required to disclose any of the following convictions in response to this question:
 - i. Convictions dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement.
 - ii. Convictions for which the person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code;
 - iii. Convictions for which the person has been granted clemency or a pardon by a state or federal executive;
 - iv. An arrest that resulted in a disposition other than a conviction including an infraction or citation
 - v. Convictions that were adjudicated in the juvenile court; or,
 - vi. Convictions under California Health and Safety Code sections 11357(b), (c), (d), (e), or section 11360(b) which are two years or older.

- b. Question #2 – NOTE: For the purposes of this application, “disciplined” shall mean suspended, revoked, placed on probation, public reproof, reprimand or any other form of restriction placed upon any other license, registration, certification or permit that the applicant held or currently holds. An applicant shall not be required to disclose any discipline that was based upon a conviction that has been dismissed pursuant to section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a comparable dismissal or expungement.
- c. Question # 5 – NOTE: “Evidence” shall include:
 - i. Form I-94, arrival/departure record, with an admission class code such as “re” (refugee) or “ay” (asylee) or other information designating the person as a refugee or asylee.
 - ii. Special Immigrant Visa that includes the “si” or “sq”.
 - iii. Permanent resident card (Form I-551), commonly known as a “green card”, with a category designation indicating that the person was admitted as a refugee or asylee.
 - iv. An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Board that the applicant qualifies for expedited licensure per Business and Professions Code section 135.4.

SECTION F – FINAL CERTIFICATION

14. WHO MUST SIGN THE FORM (AS APPLICABLE):

- a. Sole Proprietor/Individual Owner
- b. If Partnership
 - i. ALL Partners
- c. If Corporation
 - i. Authorized Representative(s). This is the person or persons who have been authorized to complete the application on behalf of the corporation.

Notice to Applicants

The nonrefundable application fee of \$50 must accompany this application. In addition, the Board requires the initial inspection and license fee of \$100 to be submitted with this application or the application will be deemed incomplete. If the application is determined to be incomplete and the applicant fails to complete the application within one year after it has been filed, the Board shall return the initial inspection and license fee to the applicant after that one-year period expires.

APPLICATION FOR MOBILE UNIT SCHEDULE OF FEES

FEE TYPE	FEE AMOUNT
Application Fee (Nonrefundable)	\$50
Initial Inspection & License Fee	\$100
Renewal Fee	\$40
Delinquency Fee	\$20

INFORMATION COLLECTION, ACCESS, AND DISCLOSURE

***This statement is for your information.** The Information Practices Act, Section 1798.17 of the 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: Phone: (916) 574-7570 Fax: (916) 575-7281

AUTHORITY WHICH AUTHORIZES THE MAINTENANCE OF THE INFORMATION: BPC Sections 30, 31, 494.5, 7355, 7357, and 7358 and CCR section 937.

CONSEQUENCES OF NOT PROVIDING ALL OR ANY PART OF THE REQUESTED INFORMATION: It is mandatory that you provide all information requested. Omission of any item of requested information will result in the application 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 and to establish positive identification. Each individual has the right to review their files or records maintained on them by this agency, unless the records are exempted by section 1798.40 of the California Civil Code.

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. 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), if the application is approved and the license granted, the personal or business name of the applicant and the address information entered on the attached form(s) will become public information subject to disclosure. However, in addition to the name and address, except for the SSN, ITIN or FEIN, other information provided on this form may be disclosed to a member of the public, upon request, under the California Public Records Act or pursuant to a court order or subpoena.

SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER (SSN/ITIN): Disclosure of your social security number or taxpayer identification number 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)] authorize collection of your social security number or taxpayer identification number. Your social security number or taxpayer identification number 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 social security number, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

TAX OBLIGATION DISCLOSURE NOTICE: Under BPC sections 31 and 494.5, the California Department of Tax and Fee Administration (CDTFA) and the Franchise Tax Board (FTB) may share taxpayer information with the Board. You are required to pay your state tax obligation. This application may be denied, or your license may be suspended if you have a state tax obligation, and the state tax obligation is not paid, and your name appears on either the CDTFA or FTB certified list of top 500 tax delinquencies.



(1008) APPLICATION FOR MOBILE UNIT LICENSE
(\$50 Nonrefundable Application Fee and \$100 License and Inspection Fee)

Cashiering (1020) Use Only:	Entity #:	Receipt #:	Amount: \$
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I qualify for expedited application processing based on one of the below criteria:

- Honorably Discharged Veteran of the United States Armed Forces or National Guard
- Admitted to the United States as a Refugee, Granted Asylum, or Have a Special Immigrant Visa Status

SECTION A: APPLICANT/OWNERSHIP INFORMATION

Full Legal Name of Applicant/Owner of Mobile Unit

Last Name <i>(please print clearly)</i>		First Name	Middle Name	
Permanent Base Address from which Mobile Unit Will Operate	Apt./Suite	City	State	Zip Code
Telephone Number (<input type="text"/> <input type="text"/> <input type="text"/>) <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		Email Address (optional)		
Name of Contact Person for this Application:		Telephone Number (<input type="text"/> <input type="text"/> <input type="text"/>) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		

SECTION B: EMPLOYEE/OFFICER RESPONSIBLE FOR DRIVING THE MOBILE UNIT

Operator/Driver Full Name	California Driver's License Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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SECTION C: CERTIFICATION

We, the undersigned, certify under penalty of perjury under the laws of the State of California that all information contained on this document and on any attachments is true and correct.

Printed Name of Applicant/Owner	
Signature of Applicant/Owner	Date (Month/Day/Year)

SECTION D: FORM OF BUSINESS ORGANIZATION – Select ONE ownership option below and complete that section.

- SOLE PROPRIETORSHIP/INDIVIDUAL OWNER** **PARTNERSHIP** **CORPORATION**

Last Name		First Name		Middle Name	
Social Security Number/Individual Taxpayer Identification Number □□□□ - □□ - □□□□□□			Date of Birth □□ - □□ - □□□□ Month Day Year		
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Last Name		First Name		Middle Name	
Date of Birth □□ - □□ - □□□□□□ Month Day Year					
Name of Corporation			Secretary of State Corporate Entity Registration Number □□□□□□□□□□□□□□		
Corp. Officer Title	Last Name		First Name		Middle Name
Corp. Officer Social Security Number/ITIN □□□□ - □□ - □□□□□□			Corp. Officer Date of Birth □□ - □□ - □□□□□□ Month Day Year		
Corp. Officer Title	Last Name		First Name		Middle Name
Corp. Officer Social Security Number/ITIN □□□□ - □□ - □□□□□□			Corp. Officer Date of Birth □□ - □□ - □□□□□□ Month Day Year		
Corp. Officer Title	Last Name		First Name		Middle Name
Corp. Officer Social Security Number/ITIN □□□□ - □□ - □□□□□□			Corp. Officer Date of Birth □□ - □□ - □□□□□□ Month Day Year		

1. Has the applicant, any partner, or controlling officer of the partnership or corporation ever been convicted of any crime or offense for which a license may be denied pursuant to BPC section 480, including:
- a. A criminal conviction for a serious felony under Penal Code section 1192.7;
 - b. A criminal conviction that qualifies as a registerable offense under Penal Code section 290(d)(2) or (d)(3);
 - c. A criminal conviction that occurred within the last seven (7) years preceding the application date;
 - d. A criminal conviction for which the applicant or controlling officer is presently incarcerated; or,
 - e. Any conviction for which the applicant or controlling officer was released from incarceration within the preceding seven (7) years?

Yes No

**If YES, the applicant shall attach documents or a written statement on a separate sheet(s) of paper that contains the following information, as applicable:*

- (A) plea/conviction date,
- (B) incarceration date,
- (C) incarceration release date,
- (D) probation/parole release date,
- (E) arresting agency,
- (F) court name/location,
- (G) name of the case and case/docket number,
- (H) list of codes or laws violated,
- (I) explanation of the offense(s)/details of the crime(s), and,
- (J) a statement of any rehabilitation efforts or mitigating information that the applicant would like to submit.

2. Within the preceding seven (7) years from the date of the application, has the applicant, or any partner officer or controlling officer of the business had a license, permit, registration, or certification ("license") that was formally disciplined by a licensing board in or outside of California?

**If YES, the applicant shall attach copies of the disciplinary decision taken by the licensing board, agency, or other governmental organization ("board") that contains the following information:*

- (A) the type of disciplinary action taken (e.g., revocation, suspension, probation),
- (B) the effective date of the disciplinary action,
- (C) the license type,
- (C) the license number,
- (D) the name and location of the licensing board, and
- (E) an explanation of the violations found by the licensing board.

Yes No

In addition, the applicant may submit a statement or documents showing the applicant's rehabilitation efforts or any mitigating information that the applicant would like the Board to consider.

3. Does the applicant hold any professional or vocational license(s) with a California Board?

Yes No

**If YES, list License Number(s), License Type, and Name of the Issuing California Board here:*

<p>4. Are you serving in, or have you previously served in, the United States military? (BPC section 114.5)</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>5. If you answered "Yes" to Question No. 4 above, are you requesting expediting of this application for honorably discharged members of the U.S. Armed Forces? (BPC section 115.4)</p> <p><i>*If YES, attach a copy of your previous military service (DD214 – Certificate of Release or Discharge from Active Duty, or current military orders) for expedited review of your application.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>6. Do any of the following statements apply to you:</p> <ul style="list-style-type: none"> a. You were admitted to the United States as a refugee pursuant to section 1157 of Title 8 of the United States Code, b. You were granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to section 1158 of Title 8 of the United States Code; or, c. You have a special immigrant visa and were granted a status pursuant to section 1244 of Public Law 110-181, Public Law 109-163, or section 602 (b) of Title VI of Division F of Public Law 111-8 [relating to Iraqi and Afghan translators/interpreters of those who worked for or on behalf of the United States Government]. <p><i>*If YES, you must attach evidence of your status as a refugee, asylee, or special immigrant visa holder as provided in the instructions page above. Failure to do so may result in application processing delays.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>7. Are you providing a detailed floor plan with this application showing the layout and dimensions of the mobile unit and the location of doors, windows, restrooms, sinks, lift or ramps, ventilation, and other necessary equipment in compliance with the Board's health and safety regulations in Article 12 of Division 9 of the CCR (commencing with Section 977)?</p> <p><i>*If YES, please submit a copy of the floor plan with this application.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>8. Does the mobile unit have the required equipment in compliance with the Board's mobile unit regulations in Article 5 of Division 9 of the CCR (commencing with Section 937(c))?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>9. Are you providing proof of purchase (cancelled check or transaction receipt showing mobile unit purchase by the applicant or authorized representative) or lease (copy of lease agreement between the applicant and the mobile unit owner) of the mobile unit with this application?</p> <p><i>*If YES, please submit a copy of the proof of purchase or lease, as applicable, with this application.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>10. Does the mobile unit have a self-contained potable water supply (if shampooing services are offered)?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>11. Does the mobile unit have continuous, on-demand hot water tanks which shall not be less than six-gallon capacity?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

12.

Yes No

I declare under penalty of perjury under the laws of the State of California that I am authorized to sign this application on behalf of the applicant, that I have read this application and the information provided herein along with any accompanying documents, and that the foregoing and all attachments are true and correct.

In signing this application, I further acknowledge receiving notice of the following:

BPC section 7359 states:

“It is unlawful for any person, firm or corporation to hire, employ, allow to be employed, or permit to work, in or about a mobile unit, any person who performs or practices any occupation regulated under this chapter who is not duly licensed by the board. Any person violating this section is guilty of a misdemeanor.”

Who must sign this form: Individual owner, or if Partnership – all partners, or if Corporation – authorized representative(s).

Signature	Printed Name	Title	Date (Month/Day/Year)
Signature	Printed Name	Title	Date (Month/Day/Year)
Signature	Printed Name	Title	Date (Month/Day/Year)

BOARD OF BARBERING AND COSMETOLOGY

Division 9, Title 16, of the California Code of Regulations.

SPECIFIC LANGUAGE

LEGEND

<u>Underlined</u>	Indicates proposed amendments or additions to the existing regulation.
Strikeout	Indicates proposed deletions to the existing regulation.

1. Amend Section 904, Title 16, California Code of Regulations as follows:

§ 904. Enforcement.

(a) Article 12 of the Bboard's regulations, within Title 16, Division 9 of the California Code of Regulations, contains the Bboard's "Health and Safety Rules".

(b) The holder or holders of an establishment license or a mobile unit license, and the person in charge of any such establishment or mobile unit, shall implement and maintain the Health and Safety Rules in such establishment or mobile unit individually and jointly with all persons in or employed by or working in or on the premises of such establishment or mobile unit.

(c) All licensed barbers, cosmetologists, hairstylists, estheticians, manicurists, electrologists, instructors, or apprentices shall individually implement and maintain the Health and Safety Rules.

(d) All persons performing acts of a barber, cosmetologist, hairstylist, esthetician, manicurist or electrologist, except students in schools, shall, upon request of an authorized representative of the Bboard, present satisfactory proof of identification. Satisfactory proof shall be in the form of a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity.

(e) Failure to present valid proof of identification shall be grounds for disciplinary action.

(f) The executive officer and any authorized representative of the Bboard shall have access to and inspect all areas within an establishment, mobile unit, or school, including any room, closet, cabinet, drawer, container, or mobile or fixed storage or display unit.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312, 7313, 7316 and 7404, Business and Professions Code.

2. Amend Section 909, Title 16, California Code of Regulations as follows:

(a) Every application for examination in which the applicant is using training received in a school in this state approved by the Bboard in order to qualify for examination must be accompanied by proof of that training.

(b) For the purpose of this section, ~~P~~proof of training shall be a completed document entitled "Proof of Training" (Form #F-BBC-05 New 10/2022), which is hereby incorporated by reference. The Proof of Training document shall be completed prepared by the school where the applicant completed the qualifying training, that includes all of the following:

~~(1) The course title.~~

~~(2) The student's name, address, and date of birth.~~

~~(3) The school's name, address, and school code issued by the board.~~

~~(4) The date training started and the date training was completed at the school completing the training.~~

~~(5) The total number of hours of training the student received.~~

~~(6) If the applicant has done any one of the following, the document shall also include the information as specified for each:~~

~~(A) If the applicant has received any of the training at another school, the document must specify, for each school attended, the school's name and school code, the number of hours of training received, the date training started, and the last date of attendance.~~

~~(B) If the applicant has received credit from a course transfer, the document must specify the course and the number of hours of training received, the date training started and the last date of attendance before transferring, and the number of hours of credit received.~~

~~(C) If the applicant has received credit for holding a manicurist or cosmetician license issued by the board, the document must specify the type of license, the license number, its date of expiration, and the number of hours of credit received.~~

~~(D) If the applicant has received credit for out-of-state training and/or experience, a copy of the letter from the board granting that credit shall be attached to the document.~~

~~(7) A statement confirming that the student has met the course curriculum requirements as specified by regulation.~~

~~(8) A statement, dated and signed under penalty of perjury by the school and the student, that all the information on the document is true and correct. The statement shall be worded as follows:~~

~~“We, the undersigned, certify under penalty of perjury under the laws of the state of California, that all the information contained herein is true and correct.”~~

~~(9) The document must include the name and title of the individual signing for the school clearly printed or typed.~~

~~(c) The information contained in any proof of training document prepared by an approved school in this state must be clearly identified by the number and presented in the order specified in subdivision (b).~~

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7321, 7321.5, 7322, 7324, 7326, 7330, 7331, 7337, 7362.5, 7363, 7364, 7365, 7367 and 7391, Business and Professions Code.

3. Repeal Section 928, Title 16, California Code of Regulations as follows:

~~§ 928. Preapplication for Examination.~~

~~(a) A preapplication for examination must be submitted to the board postmarked within 7 calendar days from the day the applicant completed 75 percent of the required course hours and curriculum requirements (60 percent for students of the manicurist course) from an approved barbering, cosmetology or electrology school, or any person licensed as an apprentice in barbering, cosmetology, skin care, or nail care who has completed at least 75 percent of the required apprenticeship training hours.~~

~~(b) A preapplication for examination shall be in writing, on a form prepared by the board (Form PRE1, Request for Pre-Application, Rev. 1/05).~~

~~(c) The preapplication form shall be submitted with the following:~~

~~(1) The required preapplication fee specified in Section 998;~~

~~(2) The application for examination, including the required fee and all proof of qualifications of the applicant for examination, except the proof of training document specified in Section 909 or (for apprentices) the certificate of apprenticeship completion specified in Section 924.~~

~~(3) A stamped envelope, addressed to the school from which the applicant completed training or to the apprentice program sponsor from which the applicant completed training.~~

~~(d) The preapplication form shall include an anticipated date that the student/apprentice shall complete his/her course of study/apprenticeship, and a statement, signed by the student/apprentice and the school/apprentice program sponsor and certified to under penalty of perjury, that the student/apprentice has completed the curriculum requirements and number of clock hours required to submit a preapplication.~~

~~(e) Within 30 calendar days of receipt of the preapplication the board shall notify the applicant in writing, at the school/apprentice program sponsor from which the applicant completed training, that the preapplication is either complete or is deficient and what information or documentation is required to complete the application.~~

~~(1) If the application is complete, the notification (that portion of form PRE1 filled out by the board) shall also contain the applicant's scheduled examination date.~~

~~(2) If a preapplication is deficient, the applicant shall not be scheduled for examination with the pre-application population until the deficiencies are corrected and the application is resubmitted.~~

~~(f) The proof of training document/certificate of apprenticeship completion and the portion of form PRE1 filled out by the board must be mailed to the board, postmarked within three working days after the applicant's anticipated date of course/apprenticeship completion. If this requirement is not met, the applicant will not be permitted to be examined on the scheduled date and the applicant will be scheduled for examination with the general application population.~~

~~(g) Within ten working days of receipt of the proof of training document/certificate of apprenticeship completion, the board shall notify the applicant in writing that it is either complete or is deficient and what information or documentation is required to complete the document.~~

~~(1) If the proof of training document/certificate of apprenticeship completion is complete, the board will mail an examination admission letter to the applicant.~~

~~(2) If the proof of training document/certificate of apprenticeship completion is deficient, the applicant will not be permitted to be examined on the scheduled date and will be rescheduled for examinations at the time of receipt of a complete proof of training document/certificate of apprenticeship completion.~~

~~Note: Authority cited: Sections 7312 and 7337.5, Business and Professions Code.
Reference: Section 7337.5, Business and Professions Code.~~

4. Amend Section 931, Title 16, California Code of Regulations as follows:

§ 931. Interpreter and Interpreter/Model.

(a) An applicant for the barber, cosmetologist, hairstylist, esthetician, manicurist, or electrologist examination may use an Interpreter ~~or an Interpreter/Model~~ during examination if the applicant is unable to speak, read, or write in the English, Korean, Spanish, Vietnamese, or Simplified Chinese languages at a 10th grade level and, if the applicant and/or the interpreter complies with the requirements of subsections (c), (d), (f), (h), (i), and (j), as applicable.

(b) To request approval from the Board for an individual designated by the applicant to act as an Interpreter, ~~The applicant shall file with the application for examination, or not later than thirty (30) days prior to the date of the examination, a notice of permission to use an Interpreter or Interpreter/Model on a form prescribed by the board~~ a completed Application to Use an Interpreter (Form #03B-125, Form G, Request for Use of an Interpreter or Interpreter/Model, Rev. #03A-126 New 8/10/942022) and ~~executed by the applicant under penalty of perjury.~~

~~(c) The person designated by the applicant to act as an Interpreter or an Interpreter/Model shall file with the board, not later than fifteen (15) days prior to the date of the examination and on a form prescribed by the board (Form #03A-126, Form H, Rev 8/94) and executed by the person under oath or penalty of perjury, a request to act as an interpreter or an interpreter/model, along with two 1 1/2 x 1 1/2 inch signed photographs of himself or herself.~~

~~(d) The Interpreter or Interpreter/Model shall be a person who is fluent both in English and in the native language of the applicant and must certify to this fact in writing under penalty of perjury.~~

~~(e) An Interpreter may interpret only for the written portion of the examination.~~

~~(f) An Interpreter/Model may interpret for the written and practical portions of the examination and shall serve as the model for the practical examination.~~

~~(gd)~~ A person shall be allowed to act as an Interpreter or ~~Interpreter/Model~~ only once in two (2) years in any examination.

~~(h) An Interpreter shall not be used in the barber or cosmetology instructor examinations.~~

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

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

(1) Persons less than 15 years of age.

(2) Persons who are current or former students in barbering, ~~or any of the branches of cosmetology, hairstyling, electrology, nail care, or skin care.~~

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

(4) Persons who are currently or have been formerly enrolled in a barber, ~~cosmetologist, skin care, nail care, or electrology~~ apprentice training program.

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

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

~~(75)~~ Persons who are currently or have been formerly owners or employees of any school of barbering, cosmetology, ~~or electrology, hairstyling, nail care, or skin care.~~

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

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

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

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

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

5. Amend Section 932, Title 16, California Code of Regulations as follows:

§ 932. Passing Grades in Examinations.

(a) Examinations shall consist of ~~a practical demonstration and~~ a written test.

(b) An applicant must obtain a passing score on ~~both the practical demonstration and~~ the written test. The ~~B~~board will determine the passing scores using a criterion-referenced method and based on the recommendation of subject matter experts under the direction of the Board and the Board's examination contractor.

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

6. Repeal Section 934, Title 16, California Code of Regulations as follows:

~~§ 934. Examination Appeal.~~

~~(a) An applicant who has received a fail score on the written or practical examination shall be eligible to appeal to the board for a review of his or her examination results.~~

~~(b) The appeal shall be filed with the board within fifteen (15) days after the date of notification of his or her examination results. The appeal shall be made in writing, and it shall state the reason for appeal. The board shall only consider appeals regarding significant procedural error in or adverse environmental conditions during the test administration.~~

~~(c) The review of the appeal shall be conducted by one or more board members, or the board's designee, to determine if there is clear and convincing evidence to sustain the applicant's appeal. Such findings shall be subject to the approval of the board.~~

~~(d) Within thirty (30) days after the board has approved the determination on appeal, the applicant shall be notified in writing of the results of his or her appeal. In acting on appeals, the board may take such action as it deems appropriate, including the issuance of a license where the board has determined that the applicant has demonstrated the required competence.~~

~~Note: Authority cited: Sections 7312 and 7340, Business and Professions Code.
Reference: Sections 7340 and 7341, Business and Professions Code.~~

7. Amend Section 937, Title 16, California Code of Regulations as follows:

§ 937. Licensing and Operation.

(a) An application for a license to operate a mobile unit shall be on a form prescribed and provided by the Bboard (Form #03A-202, “(1008) Application for Mobile Unit License” to Operate A Mobile Unit, Rev 1/93New 10/2022), which is hereby incorporated by reference, accompanied by the nonrefundable application fee and the initial inspection and license fee specified in section 998, and such evidence, statements, or documents as required by Section 7355(b) of the Business and Professions Code.

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

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

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

~~(e) All equipment which is not stored in storage cabinets shall be securely anchored to the mobile unit.~~

~~(f) No services shall be performed while the mobile unit is in motion.~~

~~(g) A ramp or lift shall be provided for access to the mobile unit if providing services for disabled individuals.~~

(hg) The owners of mobile units shall be responsible for adherence to all local, state and federal laws and regulations regarding the operation of vehicles to be used as mobile units.

(ih) An itinerary showing dates, locations, and times of service shall be made available, upon request, to an authorized representative of the Bboard.

(ji) The Bboard shall inform the applicant in writing that the application is either complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application within 10 calendar days of receipt of an application for a license to operate a mobile unit.

(ki) The Bboard shall inform the applicant in writing of its decision regarding an application within 21 calendar days from the date of filing of a completed application. The decision is contingent upon the applicant scheduling an appointment with the Bboard, or its representative, for an inspection of the mobile unit for final approval, pursuant to section 7355(a) of the Business and Professions Code, within seven calendar days of receipt of the notice of a completed application. If the application is determined to be incomplete and the applicant fails to complete the application within the time specified in Business and Professions Code section 7345, the Board shall return the initial inspection and license fee to the applicant after the time period in Section 7345 expires.

(lk) The inspection for final approval shall be conducted to ensure compliance with Sections 7345 and 7357(b) of the Business and Professions Code.

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

8. Repeal Section 950.1, Title 16, California Code of Regulations as follows:

~~§ 950.1. Curriculum for Barbering Course.~~

~~(a) The curriculum for students enrolled in a barbering course shall consist of fifteen hundred (1500) hours of technical instruction and practical training covering all practices of a barber pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a~~

practical operation. Technical instruction and practical training shall include the following hours:

~~(1) 1100 Hours of Technical Instruction and Practical Training in Hair Dressing~~

~~The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Hairstyling (65 hours of Technical Instruction and 240 Practical Operations):~~

~~The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb-outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.~~

~~Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 105 Practical Operations):~~

~~The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.~~

~~Hair Coloring and Bleaching (60 hours of Technical Instruction and 50 Practical Operations):~~

~~The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers.~~

~~Hair Cutting (20 hour of Technical Instruction and 80 Practical Operations):~~

~~The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.~~

~~(2) 200 Hours of Technical Instruction and Practical Training in Shaving~~

~~The required subjects of instruction in Shaving shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Preparation and Performance (100 hours of Technical Instruction and 40 Practical Operations)~~

~~The subject of Preparation and Performance shall include, but is not limited to the following techniques and procedures: Preparing the client's hair for shaving, assessing the condition of the client's skin, performing shaving techniques, applying after-shave antiseptic following facial services, massaging the client's face, rolling cream massages.~~

~~(3) 200 Hours of Technical Instruction in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject matter as follows:~~

~~Laws and Regulations (20 hours of Technical Instruction)~~

~~The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (45 hours of Technical Instruction)~~

~~Health and Safety/hazardous substances including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, bacteriology and preventing communicable diseases including HIV/AIDS and Hepatitis B.~~

~~Disinfection and Sanitation (20 hours of Technical Instruction)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician, proper disinfection procedures for equipment used in establishments.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.~~

~~Anatomy and Physiology (15 hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology.~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, client record keeping, decorum, basic tax information relating to booth renters, independent contractors, employees, and employers.~~

Note: Authority cited: Sections 7312 and 7362(b), Business and Professions Code.
Reference: Sections 7316, 7321.5(d)(1), 7362.5(a) and 7389, Business and Professions Code.

9. Repeal Section 950.2, Title 16, California Code of Regulations as follows:

~~§ 950.2. Curriculum for Cosmetology Course.~~

~~(a) The curriculum for students enrolled in a cosmetology course shall consist of sixteen hundred (1600) hours of technical instruction and practical training covering all practices constituting the art of cosmetology pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical and practical training shall include the following hours and/or operations:~~

~~(1) 1100 Hours of Technical Instruction and Practical Training in Hair Dressing~~

~~The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Hairstyling (65 hours of Technical Instruction and 240 Practical Operations)~~

~~The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.~~

~~Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 105 Practical Operations)~~

~~The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and~~

~~alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.~~

~~Hair Coloring and Bleaching (60 hours of Technical Instruction and 50 Practical Operations)~~

~~The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers~~

~~Hair Cutting (20 hours of Technical Instruction and 80 Practical Operations)~~

~~The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.~~

~~(2) 200 Hours of Technical Instruction in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject matter as follows:~~

~~Laws and Regulations (20 hours of Technical Instruction)~~

~~The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (45 hours of Technical Instruction)~~

~~The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Cosmetology chemistry including the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Elementary chemical makeup, chemical skin peels and chemical and physical changes of matter. Hazardous substances including training in chemicals and health in establishments, protection from hazardous chemicals and preventing chemical injuries, ergonomics, theory of electricity in cosmetology, bacteriology, communicable diseases, including HIV/AIDS, Hepatitis B, and staph and Material Safety Data Sheets.~~

~~Disinfection and Sanitation (20 hours of Technical Instruction)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures for equipment used in establishments.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.~~

~~Anatomy and Physiology (15 hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology.~~

~~(3) 200 Hours of Technical Instruction and Practical Training in Esthetics~~

~~The required subjects of instruction in Esthetics shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Manual, Electrical and Chemical Facials (25 hours of Technical Instruction and 40 Practical Operations)~~

~~The subject of manual, electrical and chemical facials shall include, but is not limited to the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling.~~

~~Eyebrow Beautification and Make-up (25 hours of Technical Instruction and 30 Practical Operations)~~

~~The subject of Eyebrow Beautification shall include, but is not limited to, the following issues: Eyebrow Arching and Hair Removal, including the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.~~

~~The subject of Makeup shall include, but is not limited to, the following issues: skin analysis, complete and corrective makeup, the application of false eyelashes, and lash and brow tinting, if a product exists that is not disapproved, prohibited or banned by the U.S. Food and Drug Administration, the~~

Occupational Safety and Health Administration, or the U.S. Environmental Protection Agency.

~~(4) 100 Hours of Technical Instruction and Practical Training in Manicuring and Pedicuring~~

~~The required subjects of instruction in Manicuring and Pedicuring shall be completed with the minimum hours of technical instruction and practical operation for each subject-matter as follows:~~

~~Manicuring and Pedicuring (10 hours of Technical Instruction and 25 Practical Operations)~~

~~The subject of Manicuring and Pedicuring shall include, but are not limited to, the following issues: Water and oil manicure, including nail analysis, and hand/foot and arm/ankle massage.~~

~~Artificial Nails and Wraps (25 hours of Technical Instruction and 120 (nails) Practical Operations)~~

~~Artificial nails including acrylic: liquid and powder brush-ons, artificial nail tips and nail wraps and repairs~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service records.~~

~~Note: Authority cited: Sections 7312, 7362 and 7362.1(c), Business and Professions Code. Reference: Sections 7316(b), 7321(d)(1), 7362, 7362.5(b) and 7389, Business and Professions Code.~~

10. Repeal Section 950.3, Title 16, California Code of Regulations as follows:

~~§ 950.3. Curriculum for Skin Care Course.~~

~~(a) The curriculum for students enrolled in a skin care course shall consist of six hundred (600) hours of technical instruction and practical training covering all practices of an esthetician pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another~~

person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

~~(1) 350 Hours of Technical Instruction and Practical Training in Facials~~

~~The required subjects of instruction in Facials shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Manual, Electrical and Chemical Facials 70 Hours of Technical Instruction and 140 Practical Operations)~~

~~The subject of manual, electrical and chemical facials shall include, but is not limited to the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling. Preparation (15 hours of Technical Instruction)~~

~~The subject of Preparation shall include, but not be limited to the following issues: Client consultation, intake procedures, contraindications, professionalism, client record keeping, pre and post-operative care, CPR/AED, salon and spa skills.~~

~~(2) 200 Hours of Technical Instruction in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum number of hours of technical instruction for each subject-matter as follows:~~

~~Laws and Regulations (10 hours of Technical Instruction)~~

~~The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (40 hours of Technical Instruction)~~

~~The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, communicable diseases including HIV/AIDS and Hepatitis B. Chemical composition and purpose of cosmetic and skin care preparation. Elementary chemical makeup, chemical skin peels, physical and chemical changes of matter. Electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.~~

~~Disinfection and Sanitation (10 hours of Technical Instruction)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.~~

~~Anatomy and Physiology (15 Hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology, Bacteriology, skin analysis and conditions.~~

~~(3) 50 Hours of Technical Instruction and Practical Training in Hair Removal and Make-up~~

~~The required subjects of instruction in Hair Removal shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:~~

~~Eyebrow Beautification (25 hours of Technical Instruction and 50 Practical Operations)~~

~~The subject of Eyebrow Beautification shall include, but is not limited to, the following issues: Eyebrow shaping and hair removal techniques, hair analysis, waxing, tweezing, manual or electrical depilatories.~~

~~Make-up (20 hours of Technical Instruction and 40 Practical Operations)~~

~~The subject of Make-up shall include, but is not limited to, the following issues:
Skin analysis, basic and corrective application, application of false eyelashes.~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, client service records, basic tax information relating to booth renters, independent contractors, employees, and employers.~~

~~Note: Authority cited: Sections 7312, 7362 and 7364, Business and Professions Code.
Reference: Sections 7316(c)(1), 7324(d)(1), 7362, 7364 and 7389, Business and Professions Code.~~

11. Repeal Section 950.4, Title 16, California Code of Regulations as follows:

~~§ 950.4. Curriculum for Nail Care Course.~~

~~(a) The curriculum for students enrolled in a nail care course shall consist of not less than four hundred (400) hours of technical instruction and practical training covering all practices of a manicurist, pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:~~

~~(1) 300 Hours of Technical Instruction and Practical Training in Nail Care~~

~~The required subjects of instruction in Nail Care shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:~~

~~Manicures and Pedicures (60 hours of Technical Instruction, 60 Practical Operations and 180 nails)~~

~~The subject of Manicures and Pedicures shall include, but is not limited to, the following techniques and procedures: Water and oil manicures including hand and arm massage, complete pedicure including foot and ankle massage, application of artificial nails including liquid, gel, and powder brush-ons, nail tips, nail wraps and repairs, and nail analysis.~~

~~(2) 100 Hours of Technical Instruction and Practical Training in Health and Safety~~

~~The required subjects of instruction in Health and Safety shall be completed with the minimum number of hours of technical instruction and practical operations for each subject matter as follows:~~

~~Laws and Regulations (10 hours of Technical Instruction)~~

~~The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.~~

~~Health and Safety Considerations (25 hours of Technical Instruction)~~

~~The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Chemistry pertaining to the practices of a manicurist including the chemical composition and purpose of nail care preparations. Health and Safety/Hazardous Substances, including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.~~

~~Disinfection and Sanitation (20 hours of Technical Instruction and 10 Practical Operations)~~

~~The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Procedures to protect the health and safety of the consumer as well as the technician.~~

~~The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980.~~

~~Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment, with special attention given to pedicure foot spa and basin disinfection procedures detailed in Sections 980.1, 980.2 and 980.3.~~

~~Bacteriology, Anatomy and Physiology (10 hours of Technical Instruction)~~

~~The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Bacteriology, anatomy, physiology, and nail analysis and conditions.~~

~~(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record-keeping, client service record cards, basic tax responsibilities related to independent contractors, booth renters, employees, and employers.~~

~~Note: Authority cited: Sections 7312, 7362 and 7365, Business and Professions Code.
Reference: Sections 7316(c)(2), 7326(d)(1), 7362, 7365 and 7389, Business and Professions Code.~~

12. Amend Section 962, Title 16, California Code of Regulations as follows:

§ 962. Definitions.

(a) For purposes of Section 7395.1 as specified in subdivision (c)(3) of the Business and Professions Code, the term “good standing” means the following:

(1) The licensee maintains a valid, current barber, cosmetology, electrology, hairstyling, esthetician, or manicurist license issued by the Board of Barbering and Cosmetology.

(2) There is no current or pending discipline against the license pursuant to Article 11 of the Barbering and Cosmetology Act.

(3) The licensee has no unpaid fine issued pursuant to Article 12 of the Barbering and Cosmetology Act.

(b) For purposes of Section 7395.1 as specified in subdivision (g)(3) of the Business and Professions Code and this section, the term “appropriate training” means the student extern has completed 6025% of the required ~~minimum practical operations and~~ minimum hours of practical and technical instruction set forth in Sections ~~7362.5 950.2-950.4 of this division of the Business and Professions Code.~~

(c) For purposes of Section 7395.1 as specified in subdivision (g)(3) of the Business and Professions Code, the term “chemical treatment” means any product or procedure, including the preparation and/or application of the product, that alters or changes the molecular structure of the hair, skin or nails through the chemical treatments. These treatments may include, but are not limited to the following:

(1) permanent waving

(2) soft permanent waving

(3) chemical straightening

- (4) sodium hydroxide and other base solutions
- (5) hair coloring and bleaching (semi-permanent and permanent)
- (6) chemical skin peel products
- (7) depilatory products
- (8) lash and brow tinting products

(d) For purposes of Section 7395.1 subdivision (g)(3) of the Business and Professions Code, the term “direct and immediate supervision” means the student extern may work on a paying client, only in an assisting capacity, when a designated licensee is present to oversee the work process. The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

(e) For purposes of Section 7395.1 subdivision (g)(3) of the Business and Professions Code, the term “directly superviseds” means the student extern may perform those acts considered the practice of barbering or cosmetology as listed in Section 7316 of the Business and Professions Code only not use or apply chemical treatments unless if a designated licensee is present to oversee those acts and the extern meets the requirements of this section. An extern shall not use or apply chemical treatments on any client unless the extern has received appropriate training in the application of those treatments from a barbering or cosmetology school the work process approved by the Board pursuant to section 941. The tasks performed by the student extern must be within the scope of practice of the designated licensee who is supervising the student extern.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7316, 7362.5, 7395.1, Business and Professions Code.



(1008) APPLICATION FOR MOBILE UNIT LICENSE INSTRUCTIONS (\$50 Nonrefundable Application Fee and \$100 License and Inspection Fee)

Complete this form in accordance with the instructions below and include additional pages and documents as necessary. The California Board of Barbering and Cosmetology (Board) cannot process the document unless all applicable requested information is provided.

EXPEDITED APPLICATION PROCESSING

1. If you qualify for expedited application processing based on the criteria listed on the application, select the appropriate box. If this section does not apply, leave blank.

SECTION A – APPLICANT/OWNERSHIP INFORMATION

2. NAME: Provide the Last Name, First Name, and Middle Name (if applicable) of the applicant/owner of the mobile unit.
3. ADDRESS: Provide the permanent base address from which the mobile unit will operate.
4. TELEPHONE NUMBER: Provide a current telephone number, including area code.
5. E-MAIL ADDRESS (OPTIONAL): Provide a current e-mail address if you would like to receive correspondence and updates from the Board.
6. CONTACT PERSON: Name of the person to contact with any questions concerning the application.
7. TELEPHONE NUMBER: Provide a current telephone number, including area code, for the contact person.

SECTION B – EMPLOYEE/OFFICER RESPONSIBLE FOR DRIVING THE MOBILE UNIT

8. NAME: Provide the full legal name of the individual who will be operating/driving the mobile unit.
9. DRIVER'S LICENSE: Provide the full California Driver's License Number for the individual who will be operating/driving the mobile unit.

SECTION C – CERTIFICATION

10. NAME: Print the full legal name of the applicant/owner of the mobile unit.
11. SIGNATURE OF APPLICANT/OWNER: The applicant/owner who completed Sections A and B provides their signature and the date they signed the form (Month/Day/Year).

SECTION D – FORM OF BUSINESS ORGANIZATION

12. Select **ONE** ownership option and complete the section which applies
 - a. **SOLE PROPRIETORSHIP/INDIVIDUAL OWNER**
 - i. NAME: Provide your Last Name, First Name, and Middle Name (if applicable).
 - ii. SOCIAL SECURITY NUMBER/INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER: Provide your Social Security Number or Individual Taxpayer Identification Number.
 - iii. DATE OF BIRTH: Provide your date of birth (Month/Day/Year).

b. PARTNERSHIP

- i. FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN): Provide the FEIN for the partnership.
- ii. NAME: Provide the Last Name, First Name, and Middle Name (if applicable) of all partners.
- iii. DATE OF BIRTH: Provide the date of birth of all partners (Month/Day/Year).

c. CORPORATION

- i. NAME OF CORPORATION: Provide the full legal name of the corporation.
- ii. SECRETARY OF STATE CORPORATE ENTITY REGISTRATION NUMBER: Provide the full California Corporation Number (7 or 12 digits). Note: Please provide a current and active California Secretary of State corporate entity registration number below. For questions regarding registration requirements, please contact the California Secretary of State; their information is available at www.sos.ca.gov.)
- iii. CORP. OFFICER TITLE: Provide the title for each controlling officer of the corporation (e.g., CEO, CFO, etc.). For the purposes of this application, “controlling officer” shall mean the principal individuals who are the officers, directors, managers or officials of the corporation who are responsible for the operations or management of the corporation.
- iv. NAME: Provide the Last Name, First Name, and Middle Name (if applicable) of each controlling officer of the corporation.
- v. CORP. OFFICER SOCIAL SECURITY NUMBER/ITIN: Provide the Social Security Numbers or Taxpayer Identification Number (ITIN) for each controlling officer of the corporation.
- vi. CORP. OFFICER DATE OF BIRTH: Provide the date of birth for each controlling officer of the corporation (Month/Day/Year).

SECTION E – BACKGROUND INFORMATION

13. Select “Yes” or “No” in response to the questions listed on the form and provide the information listed in Section E. 1. or 2, as applicable, if you select a “Yes” response.

- a. Question #1 – NOTE: Applicants are not required to disclose any of the following convictions in response to this question:
 - i. Convictions dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement.
 - ii. Convictions for which the person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code;
 - iii. Convictions for which the person has been granted clemency or a pardon by a state or federal executive;
 - iv. An arrest that resulted in a disposition other than a conviction including an infraction or citation
 - v. Convictions that were adjudicated in the juvenile court; or,
 - vi. Convictions under California Health and Safety Code sections 11357(b), (c), (d), (e), or section 11360(b) which are two years or older.

- b. Question #2 – NOTE: For the purposes of this application, “disciplined” shall mean suspended, revoked, placed on probation, public reproof, reprimand or any other form of restriction placed upon any other license, registration, certification or permit that the applicant held or currently holds. An applicant shall not be required to disclose any discipline that was based upon a conviction that has been dismissed pursuant to section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a comparable dismissal or expungement.
- c. Question # 5 – NOTE: “Evidence” shall include:
 - i. Form I-94, arrival/departure record, with an admission class code such as “re” (refugee) or “ay” (asylee) or other information designating the person as a refugee or asylee.
 - ii. Special Immigrant Visa that includes the “si” or “sq”.
 - iii. Permanent resident card (Form I-551), commonly known as a “green card”, with a category designation indicating that the person was admitted as a refugee or asylee.
 - iv. An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Board that the applicant qualifies for expedited licensure per Business and Professions Code section 135.4.

SECTION F – FINAL CERTIFICATION

14. WHO MUST SIGN THE FORM (AS APPLICABLE):

- a. Sole Proprietor/Individual Owner
- b. If Partnership
 - i. ALL Partners
- c. If Corporation
 - i. Authorized Representative(s). This is the person or persons who have been authorized to complete the application on behalf of the corporation.

Notice to Applicants

The nonrefundable application fee of \$50 must accompany this application. In addition, the Board requires the initial inspection and license fee of \$100 to be submitted with this application or the application will be deemed incomplete. If the application is determined to be incomplete and the applicant fails to complete the application within one year after it has been filed, the Board shall return the initial inspection and license fee to the applicant after that one-year period expires.

APPLICATION FOR MOBILE UNIT SCHEDULE OF FEES

Application Fee (Nonrefundable)	\$50
Initial Inspection & License Fee	\$100
Renewal Fee	\$40
Delinquency Fee	\$20

INFORMATION COLLECTION, ACCESS, AND DISCLOSURE

***This statement is for your information.** The Information Practices Act, Section 1798.17 of the 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: Phone: (916) 574-7570 Fax: (916) 575-7281

AUTHORITY WHICH AUTHORIZES THE MAINTENANCE OF THE INFORMATION: BPC Sections 30, 31, 494.5, 7355, 7357, and 7358 and CCR section 937.

CONSEQUENCES OF NOT PROVIDING ALL OR ANY PART OF THE REQUESTED INFORMATION: It is mandatory that you provide all information requested. Omission of any item of requested information will result in the application 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 and to establish positive identification. Each individual has the right to review their files or records maintained on them by this agency, unless the records are exempted by section 1798.40 of the California Civil Code.

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. 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), if the application is approved and the license granted, the personal or business name of the applicant and the address information entered on the attached form(s) will become public information subject to disclosure. However, in addition to the name and address, except for the SSN, ITIN or FEIN, other information provided on this form may be disclosed to a member of the public, upon request, under the California Public Records Act or pursuant to a court order or subpoena.

SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER (SSN/ITIN): Disclosure of your social security number or taxpayer identification number 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)] authorize collection of your social security number or taxpayer identification number. Your social security number or taxpayer identification number 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 social security number, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

TAX OBLIGATION DISCLOSURE NOTICE: Under BPC sections 31 and 494.5, the California Department of Tax and Fee Administration (CDTFA) and the Franchise Tax Board (FTB) may share taxpayer information with the Board. You are required to pay your state tax obligation. This application may be denied, or your license may be suspended if you have a state tax obligation, and the state tax obligation is not paid, and your name appears on either the CDTFA or FTB certified list of top 500 tax delinquencies.



(1008) APPLICATION FOR MOBILE UNIT LICENSE
(\$50 Nonrefundable Application Fee and \$100 License and Inspection Fee)

Cashiering (1020) Use Only:	Entity #:	Receipt #:	Amount: \$
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I qualify for expedited application processing based on one of the below criteria:

- Honorably Discharged Veteran of the United States Armed Forces or National Guard
- Admitted to the United States as a Refugee, Granted Asylum, or Have a Special Immigrant Visa Status

SECTION A: APPLICANT/OWNERSHIP INFORMATION

Full Legal Name of Applicant/Owner of Mobile Unit

Last Name <i>(please print clearly)</i>		First Name	Middle Name	
Permanent Base Address from which Mobile Unit Will Operate	Apt./Suite	City	State	Zip Code
Telephone Number (<input type="text"/> <input type="text"/> <input type="text"/>) <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		Email Address (optional)		
Name of Contact Person for this Application:		Telephone Number (<input type="text"/> <input type="text"/> <input type="text"/>) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		

SECTION B: EMPLOYEE/OFFICER RESPONSIBLE FOR DRIVING THE MOBILE UNIT

Operator/Driver Full Name	California Driver's License Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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SECTION C: CERTIFICATION

We, the undersigned, certify under penalty of perjury under the laws of the State of California that all information contained on this document and on any attachments is true and correct.

Printed Name of Applicant/Owner	
Signature of Applicant/Owner	Date (Month/Day/Year)

SECTION D: FORM OF BUSINESS ORGANIZATION – Select ONE ownership option below and complete that section.

- SOLE PROPRIETORSHIP/INDIVIDUAL OWNER** **PARTNERSHIP** **CORPORATION**

Last Name		First Name		Middle Name	
Social Security Number/Individual Taxpayer Identification Number □□□□ - □□ - □□□□□□			Date of Birth □□ - □□ - □□□□ Month Day Year		
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Last Name		First Name		Middle Name	
Date of Birth □□ - □□ - □□□□□□ Month Day Year					
Name of Corporation			Secretary of State Corporate Entity Registration Number □□□□□□□□□□□□□□		
Corp. Officer Title	Last Name		First Name		Middle Name
Corp. Officer Social Security Number/ITIN □□□□ - □□ - □□□□□□			Corp. Officer Date of Birth □□ - □□ - □□□□□□ Month Day Year		
Corp. Officer Title	Last Name		First Name		Middle Name
Corp. Officer Social Security Number/ITIN □□□□ - □□ - □□□□□□			Corp. Officer Date of Birth □□ - □□ - □□□□□□ Month Day Year		
Corp. Officer Title	Last Name		First Name		Middle Name
Corp. Officer Social Security Number/ITIN □□□□ - □□ - □□□□□□			Corp. Officer Date of Birth □□ - □□ - □□□□□□ Month Day Year		

1. Has the applicant, any partner, or controlling officer of the partnership or corporation ever been convicted of any crime or offense for which a license may be denied pursuant to BPC section 480, including:
- a. A criminal conviction for a serious felony under Penal Code section 1192.7;
 - b. A criminal conviction that qualifies as a registerable offense under Penal Code section 290(d)(2) or (d)(3);
 - c. A criminal conviction that occurred within the last seven (7) years preceding the application date;
 - d. A criminal conviction for which the applicant or controlling officer is presently incarcerated; or,
 - e. Any conviction for which the applicant or controlling officer was released from incarceration within the preceding seven (7) years?

Yes No

**If YES, the applicant shall attach documents or a written statement on a separate sheet(s) of paper that contains the following information, as applicable:*

- (A) plea/conviction date,
- (B) incarceration date,
- (C) incarceration release date,
- (D) probation/parole release date,
- (E) arresting agency,
- (F) court name/location,
- (G) name of the case and case/docket number,
- (H) list of codes or laws violated,
- (I) explanation of the offense(s)/details of the crime(s), and,
- (J) a statement of any rehabilitation efforts or mitigating information that the applicant would like to submit.

2. Within the preceding seven (7) years from the date of the application, has the applicant, or any partner officer or controlling officer of the business had a license, permit, registration, or certification ("license") that was formally disciplined by a licensing board in or outside of California?

Yes No

**If YES, the applicant shall attach copies of the disciplinary decision taken by the licensing board, agency, or other governmental organization ("board") that contains the following information:*

- (A) the type of disciplinary action taken (e.g., revocation, suspension, probation),
- (B) the effective date of the disciplinary action,
- (C) the license type,
- (C) the license number,
- (D) the name and location of the licensing board, and
- (E) an explanation of the violations found by the licensing board.

In addition, the applicant may submit a statement or documents showing the applicant's rehabilitation efforts or any mitigating information that the applicant would like the Board to consider.

3. Does the applicant hold any professional or vocational license(s) with a California Board?

Yes No

**If YES, list License Number(s), License Type, and Name of the Issuing California Board here:*

<p>4. Are you serving in, or have you previously served in, the United States military? (BPC section 114.5)</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>5. If you answered "Yes" to Question No. 4 above, are you requesting expediting of this application for honorably discharged members of the U.S. Armed Forces? (BPC section 115.4)</p> <p><i>*If YES, attach a copy of your previous military service (DD214 – Certificate of Release or Discharge from Active Duty, or current military orders) for expedited review of your application.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>6. Do any of the following statements apply to you:</p> <ul style="list-style-type: none"> a. You were admitted to the United States as a refugee pursuant to section 1157 of Title 8 of the United States Code, b. You were granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to section 1158 of Title 8 of the United States Code; or, c. You have a special immigrant visa and were granted a status pursuant to section 1244 of Public Law 110-181, Public Law 109-163, or section 602 (b) of Title VI of Division F of Public Law 111-8 [relating to Iraqi and Afghan translators/interpreters of those who worked for or on behalf of the United States Government]. <p><i>*If YES, you must attach evidence of your status as a refugee, asylee, or special immigrant visa holder as provided in the instructions page above. Failure to do so may result in application processing delays.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>7. Are you providing a detailed floor plan with this application showing the layout and dimensions of the mobile unit and the location of doors, windows, restrooms, sinks, lift or ramps, ventilation, and other necessary equipment in compliance with the Board's health and safety regulations in Article 12 of Division 9 of the CCR (commencing with Section 977)?</p> <p><i>*If YES, please submit a copy of the floor plan with this application.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>8. Does the mobile unit have the required equipment in compliance with the Board's mobile unit regulations in Article 5 of Division 9 of the CCR (commencing with Section 937(c))?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>9. Are you providing proof of purchase (cancelled check or transaction receipt showing mobile unit purchase by the applicant or authorized representative) or lease (copy of lease agreement between the applicant and the mobile unit owner) of the mobile unit with this application?</p> <p><i>*If YES, please submit a copy of the proof of purchase or lease, as applicable, with this application.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>10. Does the mobile unit have a self-contained potable water supply (if shampooing services are offered)?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>11. Does the mobile unit have continuous, on-demand hot water tanks which shall not be less than six-gallon capacity?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

12. Does the mobile unit have adequate ventilation (which includes at least one window capable of opening and a powered ventilation fan)?

Yes No

I declare under penalty of perjury under the laws of the State of California that I am authorized to sign this application on behalf of the applicant, that I have read this application and the information provided herein along with any accompanying documents, and that the foregoing and all attachments are true and correct.

In signing this application, I further acknowledge receiving notice of the following:

BPC section 7359 states:

“It is unlawful for any person, firm or corporation to hire, employ, allow to be employed, or permit to work, in or about a mobile unit, any person who performs or practices any occupation regulated under this chapter who is not duly licensed by the board. Any person violating this section is guilty of a misdemeanor.”

Who must sign this form: Individual owner, or if Partnership – all partners, or if Corporation – authorized representative(s).

Signature	Printed Name	Title	Date (Month/Day/Year)
Signature	Printed Name	Title	Date (Month/Day/Year)
Signature	Printed Name	Title	Date (Month/Day/Year)



BOARD OF BARBERING AND COSMETOLOGY

P.O. BOX 944226
SACRAMENTO, CA 94244-2260
INFORMATION: (916) 445-7061 (916) 445-7008



Application for License to Operate a Mobile Unit

Please print in ink or type)

1. Name of Applicant(s) (If individual, name of owner; if copartnership, names of all partners; if corporation, name and/or corporation: of corporation and all corporate officers.)

Name (First, Middle, Last) (see instructions above)	Title (owner, officer, partner)	License No. (If licensed by board; if not write "none".	Social Security No.* (If corp., tax I.D. No.)

2. Permanent base address (Number and Street, City, State, Zip Code) Telephone Number

3. Name of person responsible for driving mobile unit (First, Middle, Last): California Driver's License Number:

4. Have you, any partner, or corporate officer been convicted of a criminal offense, felony, or misdemeanor (or entered a plea of nolo contendere) other than a minor traffic violation? Yes No
If answer is "Yes", please list actual conviction, date of crime, place committed and sentence received for each:

(Attach sheet if additional space is required)

5. Prior to final inspection, will the mobile unit meet all requirements set forth on the reverse side of this application? Yes No
If answer is "No", give full particulars:

(Attach sheet if additional space is required)

6. The following must accompany this application:

- Detailed floor plan showing the location of doors, windows, restrooms, facilities, sinks, lift or ramps, ventilation, equipment, and dimension of the mobile unit in compliance with this article.
- Proof of purchase of the mobile unit and shop equipment.
- Copies of applicable county and city licenses or permits to provide the mobile cosmetological services in each county and city of operation and the locations therein where the services will be offered.
- Proof of compliance with applicable city, county and state plumbing, electrical, and fire laws.

(See disclosure information on reverse)

I/We certify under penalty of perjury under the laws of the State of California that the information provided on this application is true and correct to the best of my/our knowledge."

If individual, the owner; If partnership, all partners; If corporation, president or secretary)

Signature	Date	Signature	Date
Signature	Date	Signature	Date

Alternate mailing if different than permanent base address of mobile unit (Number & Street, City, Zip Code)

To answer "yes" to #5 on the reverse side, the mobile unit must meet all of the following requirements:

- The mobile unit must be a self-contained, self-supporting, enclosed mobile unit which is at least 24 feet in length. (Business & Professions Code Section 7354)

Equipment requirements (Business & Professions Code Section 7357):

- a self-contained, potable water supply. The potable water tanks shall be not less than 100 gallons, and the holding tanks shall be of adequate capacity.
- continuous, on-demand hot water tanks which shall be not less than six-gallon capacity.
- a self-contained, recirculating, flush chemical toilet with holding tank.
- covered containers for purposes of depositing hair clippings, refuse, and other waste materials.
- a split lead generator with a remote starter, muffler, and a vent to the outside.
- a sealed combustible heater with an outside vent.

- Pursuant to Business & Professions Code Section 7355(c), after you receive initial approval of the application and floor plan from the board, you must schedule an appointment to show the mobile unit to the board, or representative of the board, for final approval. The inspection for final approval shall be made to ensure compliance with Sections 7354 and 7357 of the Business & Professions Code.

- Enclosed are copies of the Health and Safety Rules of the Board and excerpts from the Barbering and Cosmetology Act (Business & Professions Code) which relate to mobile units. Become familiar with them -- you are responsible for compliance with all applicable laws and regulations.

*Disclosure of your social security number is mandatory. Section 30 of the Business and Professions Code and Pub.L. 94-455 (42 USCA 405(c)(2)(C)) authorizes collection of your social security number. Your social security number will be used exclusively for tax enforcement purposes and for purposes of compliance with any judgement or order for family support in accordance with Section 11350.6 of the Welfare and Institutions Code. If you fail to disclose your social security number, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you. disclosure of the corporate tax identification number is voluntary.



APPLICATION TO USE AN INTERPRETER INSTRUCTIONS

Complete this form in accordance with the instructions below and include additional pages and documents as necessary. The California Board of Barbering and Cosmetology (Board) cannot process the document unless all applicable requested information is provided. To request a designated interpreter's approval, this form must be completed in its entirety and submitted to the Board with the applicant's application for examination. Applicants shall complete **Section A** of this form first, and then the person designated by the applicant to act as an interpreter shall complete the rest of this form beginning at **Section B**.

APPLICATION TO USE AN INTERPRETER

SECTION A – APPLICANT INFORMATION (TO BE COMPLETED BY APPLICANT ONLY)

1. LICENSE TYPE: Check the box next to the type of license you are applying for.
2. SOCIAL SECURITY NUMBER/INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER: Provide the last four (4) digits of your Social Security Number or Individual Taxpayer Identification Number.
3. DATE OF BIRTH: Provide your full date of birth (Month/Day/Year).
4. NAME: Provide your Last Name, First Name, and Middle Name (if applicable).
5. ADDRESS: Provide a mailing address where you would like to receive documents from the Board.
6. NATIVE LANGUAGE: Provide your native speaking language.
7. TELEPHONE NUMBER: Provide a current telephone number, including area code.
8. SIGNATURE OF APPLICANT: The applicant who completed **Section A** provides their signature and the date they signed the form (Month/Day/Year).

SECTION B – INTERPRETER INFORMATION (TO BE COMPLETED BY PROPOSED INTERPRETER ONLY)

9. NAME: Provide your Last Name, First Name, and Middle Name (if applicable).
10. ADDRESS: Provide a mailing address where you would like to receive documents from the Board.
11. DATE OF BIRTH: Provide your full date of birth (Month/Day/Year).
12. TELEPHONE NUMBER: Provide a current telephone number, including area code.

SECTION C – QUALIFYING CRITERIA (TO BE COMPLETED BY PROPOSED INTERPRETER ONLY)

13. QUALIFYING CRITERIA QUESTIONS: Check the box next to “**Yes**” or “**No**” in response to each of the questions listed in **Section C** to determine if you meet the Board's requirements to act as an interpreter for the applicant listed in **Section A**.
14. SIGNATURE OF PROPOSED INTERPRETER: The proposed interpreter who completed **Section B** and **Section C** provides their signature and the date they signed the form (Month/Day/Year).

Notice to Applicants

WHO CAN REQUEST AN INTERPRETER?

If an applicant has qualified for the barber, cosmetologist, manicurist, esthetician, or electrologist examination and cannot read, speak, or write in the English language at a 10th grade-level, the applicant may request authorization from the Board of Barbering and Cosmetology (Board) to use an interpreter for most languages except those languages in which the Board makes the written examination available (please see below section on “Korean, Spanish, Vietnamese, or Simplified Chinese Speaking Applicants”). An interpreter may be requested for the barber, cosmetologist, hairstylist, esthetician, electrologist and manicurist exams. The Board does NOT provide interpreters.

KOREAN, SPANISH, VIETNAMESE, OR SIMPLIFIED CHINESE SPEAKING APPLICANTS:

The examination for barbering, cosmetology, electrology, esthetician, and manicurist is available in English, Spanish, Korean, Vietnamese, and Simplified Chinese. An interpreter may not be used if the examination is available in the applicant’s native language.

THE FOLLOWING PERSONS ARE PROHIBITED FROM ACTING AS AN INTERPRETER:

- Persons less than 15 years of age.
- Persons who are current or former students in barbering, cosmetology, hairstyling, electrology, nail care, or skin care.
- Persons who are currently or have been formerly licensed as an operator or an instructor by this state or any other state in barbering, cosmetology, hairstyling, electrology, nail care, or skin care.
- Persons who are currently or have been formerly enrolled in a barber, cosmetologist, skin care, nail care, or electrology apprentice training program.
- Persons who are currently or have been formerly owners or employees of any school of barbering, cosmetology, electrology, hairstyling, nail care, or skin care.
- Persons who have acted as an interpreter within the past two years, regardless of the examination type.

WHAT FORMS MUST BE COMPLETED TO USE AN INTERPRETER?

The Board Application to use an Interpreter Form must be completed and sent to the Board with the application for examination. An applicant CANNOT use an interpreter if ANY of the following requirements are not met:

Applicant Requirements:

- Must fully complete **Section A** and submit to the Board with the application for examination.

Interpreter Requirements:

- Must fully complete **Section B**, fully complete and sign **Section C**, and return it to the applicant. By completing and signing this form, the interpreter is certifying under penalty of perjury under the laws of the State of California that he/she is fluent in both English and the native language of the applicant.

Upon the Board's evaluation and authorization of the request to use an interpreter, the Board will mail the applicant an admission letter that includes exam scheduling information that describes how the applicant may sign up for and schedule the licensing examination through the Board's examination administrator and return the last page of this form to the applicant who must present the form at the exam facility on the day of examination.

ON THE DAY OF THE EXAMINATION

At the examination facility, the applicant, and the interpreter MUST:

- The applicant and the interpreter shall each present one form of a current, government issued photographic identification.
 - Acceptable forms of identification include:
 - Unexpired State Driver's License or Identification Card – any state
 - U.S. Military Identification Card, including:
 - Active Duty, Retiree, Reservist military ID card (DD Form 2 or 2 A)
 - Military Dependent ID Card
 - Unexpired Passport – any country
 - United States Citizenship and Immigration Services (USCIS) Issued Identification Card, including:
 - Employment Authorization Document (Form I-766)
 - Permanent Resident Card (Form I-551)
 - Certificate of United States Citizenship, including:
 - Form N-550, Certificate of Naturalization
 - Form N-560, Certificate of Citizenship

Applicants will not be able to take the exam without a current and unexpired ID's for both the applicant and the interpreter.

IMPORTANT NOTES

- Interpreters are not permitted to read the examination to the applicant in English. The interpreter must interpret the examination in the applicant's native language.
- Interpreters may provide translation services ONLY. They may not help the applicant by providing "material assistance" including explaining, coaching, demonstrating, or giving answers. If it is determined that an interpreter is providing answers during the examination or any other material assistance to the applicant other than translating, the Board shall disqualify the interpreter and void the applicant's examination.
- For a period of one (1) year from the date that any person served as an Interpreter, that person shall be ineligible to apply to the Board of Barbering and Cosmetology for a license in barbering or any of the branches of cosmetology from which he or she provided Interpreter services.

INFORMATION COLLECTION, ACCESS, AND DISCLOSURE

***This statement is for your information.** The Information Practices Act, Section 1798.17 of the 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: Phone: (916) 574-7570 Fax: (916) 575-7281

AUTHORITY WHICH AUTHORIZES THE MAINTENANCE OF THE INFORMATION: Business and Professions Code sections 7338 and 7340, and Title 16, California Code of Regulations section 931.

CONSEQUENCES OF NOT PROVIDING ALL OR ANY PART OF THE REQUESTED INFORMATION: It is mandatory that you provide all information requested. Omission of any item of requested information will result in the application 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 use of an interpreter during a Board licensing examination and to establish positive identification. Each individual has the right to review their files or records maintained on them by this agency, unless the records are exempted by section 1798.40 of the California Civil Code.

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 the use of an interpreter during the written licensing examination. Information on your application may be transferred to other governmental or law enforcement agencies.

SOCIAL SECURITY NUMBER (SSN): Disclosure of your social security number 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)] authorize collection of your social security number. Your social security number 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 social security number, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.



APPLICATION TO USE AN INTERPRETER

Entity/File# (Board Use Only)



CHECK THE BOX FOR THE LICENSE TYPE YOU ARE APPLYING FOR:

BARBER
 COSMETOLOGIST
 HAIRSTYLIST
 ESTHETICIAN
 ELECTROLOGIST
 MANICURIST

Last 4 Digits of Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN)		Date of Birth	
□□□□		□□-□□-□□□□	
		Month	Day
		Year	

Last Name	First Name	Middle Name

Street Address	City	State	Zip Code

My Native Language:	Telephone Number
	(□□□) □□□-□□□□

I hereby certify under penalty of perjury under the laws of the State of California that all statements in Section A of this application are true and correct.

Signature of Applicant	Date (Month/Day/Year)



Last Name	First Name	Middle Name

Street Address	City	State	Zip Code

Date of Birth	Telephone Number
□□-□□-□□□□	(□□□) □□□-□□□□
Month	Date
Year	

Are you fluent in the native language of the applicant (as listed in Section A of this application) and in the English language?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you acted as an interpreter for a Board examination within the last two years preceding the date of your signature on this application?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you at least 15 years of age?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you a current or former student in barbering, cosmetology, hairstyling, electrology, nail care or skin care?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you currently or have you been formerly licensed as an operator or instructor by this state or any other state in barbering, cosmetology, hairstyling, electrology, nail care, or skin care?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you currently or have you been formerly enrolled in a barber, cosmetologist, skin care, nail care or electrology apprentice training program?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you currently or have you been formerly an owner or employee of any school of barbering, cosmetology, nail care, skin care, hairstyling, or electrology?	<input type="checkbox"/> Yes <input type="checkbox"/> No
I agree that the Board may tape record the interpreting of the written examination and my conversation with the applicant listed in Section A ("applicant") during the examination?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><u>By signing this form, I acknowledge receiving notice of the following:</u></p> <p>If the Board determines that any information provided on this form is false in a material respect the Board shall void the applicant's examination, if any. Persons who are only reading the examination to the applicant, but not interpreting to another language, will not be permitted. If the Board determines that I am providing the applicant with answers during the examination or any other material assistance other than translating during the conduct of the examination, the Board will disqualify me and void the applicant's examination.</p> <p><i>I hereby certify under penalty of perjury under the laws of the State of California that all statements in Section B of this application are true and correct.</i></p>	
Signature of Proposed Interpreter	Date (Month/Day/Year)

Last Name	First Name	Middle Name
Type of ID		ID Number
Date of Birth* <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Month Date Year		
Last Name	First Name	Middle Name
Type of ID		ID Number
Date of Birth* <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Month Date Year		Application Number
Exam Date		Exam Location

IMPORTANT NOTICE

This authorization must be presented along with the admission letter at the time of the examination. The services of an interpreter will not be allowed without this authorization and a current and unexpired government issued photographic identification.

Acceptable forms of identification include: (1) Current and unexpired State Driver's License or Identification Card – any state; (2) U.S. Military Identification Card, including: (A) Active Duty, Retiree, Reservist military identification card (DD Form 2 or 2 A), or (B) Military Dependent identification Card; (3) Current and unexpired Passport – any country; (4) United States Citizenship and Immigration Services (USCIS) Issued Identification Card, including: (A) Employment Authorization Document (Form I-766) or (B) Permanent Resident Card (Form I-551); or, (5) Certificate of United States Citizenship, including: (A) Form N-550, Certificate of Naturalization or (B) Form N-560, Certificate of Citizenship. **NOTE***: Birth date is only used to distinguish applicants or interpreters.



BOARD OF BARBERING AND COSMETOLOGY

P.O. BOX 944226

SACRAMENTO, CA 94244-2260

INFORMATION: (916) 445-7061 (916) 445-7008



This information is required by provisions of the Barbering and Cosmetology Act and Rules and Regulations of the Board of Barbering and Cosmetology. All items are mandatory. Failure to provide any of the requested information may result in the application being rejected as incomplete. This information is used to determine qualifications for use of an interpreter or interpreter/model. The official responsible for information maintenance is the Executive Officer of the Board of Barbering and Cosmetology. This information may be transferred to another governmental agency, such as a law enforcement agency, if necessary for it to perform its duties. Each individual has the right to review the files or records maintained on him or her by this agency, unless the records are exempted by Section 1798.40 of the California Civil Code.

REQUEST FOR USE OF AN INTERPRETER OR INTERPRETER/MODEL

(Pursuant to Section 931 of the Board's Rules and Regulations, Title 16, California Code of Regulations)

FORM G

THIS FORM **MUST BE COMPLETED BY THE APPLICANT ONLY**

(Cosmetologist written examinations are given in English and Spanish)

(Please type or print in ink, legibly)

1. Applicant's Name (First, Middle, Last)		2. Phone Number	
MY NATIVE LANGUAGE IS:			
3. Residence Address Number and Street		City State Zip Code	
4. I will be taking the following parts of the examination: Check One <input checked="" type="checkbox"/> Practical <input type="checkbox"/> Written <input type="checkbox"/> Both <input type="checkbox"/>			
5. Applicant's * Birth Date (Month/Day/Year)		6. Social Security Number (Optional)	
7. I hereby state that I:			
<input type="checkbox"/> Am unable to speak, read or write the English language (or Spanish, if applicable) at a 10th grade level. <input type="checkbox"/> Understand it is my own responsibility to obtain the interpreter or interpreter/model. <input type="checkbox"/> Understand I can use an interpreter only in the written part of the exam. An interpreter/Model may be used in both the practical and written portions of the examination. <input type="checkbox"/> Understand I cannot use a particular interpreter or interpreter/model if they have acted in either of these capacities within the past TWO years. <input type="checkbox"/> Understand that I cannot use an interpreter or interpreter/model if they are under 15 years of age or if they are currently or have been formerly any of the following: Students in any branch of Barbering, Cosmetology, or Electrology in this state or any other state, apprentices, or owners or employees of any school of Barbering, Cosmetology or Electrology. <input type="checkbox"/> Understand the interpreter or interpreter/model MUST BE FLUENT IN ENGLISH AND MY NATIVE LANGUAGE. <input type="checkbox"/> May not be coached by the interpreter or interpreter/model during any part of the examination. <input type="checkbox"/> Understand that the Board may tape record the interpreting of the written part of the examination.			
8. Interpreter's Name (First, Middle, Last)		Check One <input checked="" type="checkbox"/> Interpreter <input type="checkbox"/> Interpreter/Model <input type="checkbox"/>	
9. Interpreter's * Birth Date (Mo/Day/Year)		10. Social Security Number (Optional)	11. Interpreter's Phone Number
12. Signature of the Applicant			13. Date
14. NOTE: * Birth Date is used only to distinguish the candidates.			
Attach the following items to the "Application for Examination" FORM G <input type="checkbox"/> FORM H <input type="checkbox"/> TWO IDENTICAL PHOTOS <input type="checkbox"/>			
FOR OFFICE USE ONLY			
Application Number _____		Examination Date _____	Examination Location _____

THIS FORM IS TO BE COMPLETED BY THE INTERPRETER OR INTERPRETER/MODEL FORM H
 (THIS FORM MUST BE ACCOMPANIED BY TWO IDENTICAL FRONT VIEW PHOTOS OF THE INTERPRETER OR INTERPRETER/MODEL,
 THE SIZE OF THE PHOTO SHOULD BE 1½" x 1½", AND SIGNED BY THE INTERPRETER OR INTERPRETER/MODEL)
 (TYPE OR PRINT IN INK, LEGIBLY)

1. Interpreter's Name (First, Middle, Last)	2. Birth Date* (Mo/Day/Yr)	3. Check One/ <input type="checkbox"/> Interpreter <input type="checkbox"/> Interpreter/Model
4. Interpreter's Address Number and Street City State	Zip Code	5. Check One/ <input type="checkbox"/> Male <input type="checkbox"/> Female
"I declare under penalty of perjury under the laws of the State of California that the following is true and correct." I have not acted as an interpreter or interpreter/model in any examination given by the Board of Barbering and Cosmetology within the 2 years preceding the date of signature. I am at least 15 years of age. I am not or never have been any of the following: a student in any school of barbering, cosmetology, or electrology. a licensed apprentice, barber, cosmetologist, electrologist, cosmetology or barber instructor, junior operator, junior electrologist, electrology instructor, esthetician, or manicurist. an owner or employee of any school of barbering, cosmetology or electrology. I will not coach the applicant during any part of the examination. I AM FLUENT IN ENGLISH AND THE NATIVE LANGUAGE OF THE APPLICANT Understand that the Board may tape-record the interpreting of the written part of the examination.		
6. Signature of the interpreter or interpreter/model		Date (Mo/Day/Year)
7. This form was completed and signed at the following address: (Number, Street, City, State)		

03A-126 (Rev. 8/94)

Side No. 1

AUTHORIZATION TO USE AN INTERPRETER OR INTERPRETER/MODEL
 ♦♦♦ FOR BOARD USE ONLY ♦♦♦
 (DO NOT FILL OUT PRIOR TO YOUR EXAMINATION)

Name of Interpreter Interpreter/Model: _____	App. No. _____	
Applicant Name _____	Exam Date _____	
Records Check _____	Exam Location _____	
Type of I.D. _____		TEST SCORES
Number I.D. _____	WRITTEN _____	
Birth Date _____	PRACTICAL _____	
	TOTAL _____	

IMPORTANT NOTICE:

This authorization must be presented along with the admission letter at the time of the examination. The services of an Interpreter or Interpreter/Model WILL NOT be allowed without this authorization AND valid government issued photographic I.D. The following will be accepted: (1) a photographic driver's license (California or out-of-state), (2) passport, (3) CURRENT photographic alien registration, or (4) California photographic I.D. card available from the Department of Motor Vehicles.

NOTE: * Birth Date is used only to distinguish interpreters or interpreter/model

Side No. 2



PROOF OF TRAINING DOCUMENT INSTRUCTIONS

Complete this form in accordance with the instructions below and include additional pages and documents as necessary. The California Board of Barbering and Cosmetology (Board) cannot process the document unless all applicable requested information is provided.

PROGRAM TITLE (TO BE COMPLETED BY STUDENT)

1. Choose **ONE** program title which applies and check the appropriate box.

SECTION A – STUDENT INFORMATION (TO BE COMPLETED BY STUDENT)

2. SOCIAL SECURITY NUMBER/INDIVIDUAL TAXPAYER IDENTIFICATION: Provide your Social Security Number or Individual Taxpayer Identification Number.
3. DATE OF BIRTH: Provide your date of birth (Month/Day/Year) – **YOU MUST BE AT LEAST 17 YEARS OLD.**
4. NAME: Provide your Last Name, First Name, and Middle Name (if applicable). Your name must completely match your name on the application for examination.
5. ADDRESS: Provide a mailing address where you can receive documents from the Board. Note that government mail is NOT forwarded by the Post Office.
6. TELEPHONE NUMBER: Provide a current telephone number, including area code.
7. E-MAIL ADDRESS (**OPTIONAL**): Provide a current e-mail address if you would like to receive correspondence and updates from the Board.

SECTION B – SCHOOL INFORMATION (TO BE COMPLETED BY SCHOOL)

8. SCHOOL NAME: Provide the full name of the Board approved school.
9. SCHOOL CODE: Provide the school code issued by the Board.
10. ADDRESS: Provide the full physical address of the school including city and zip code.
11. AUTHORIZED SCHOOL REPRESENTATIVE: Provide the full name of the school representative authorized to be contacted regarding the Proof of Training Document.
12. SCHOOL REPRESENTATIVE'S TELEPHONE NUMBER: Provide the full telephone number, including area code (and extension if applicable) for the school representative.
13. SCHOOL REPRESENTATIVE'S E-MAIL ADDRESS: Provide the official e-mail address for school representative.
14. DATE TRAINING STARTED: Provide the month, day, and year the student's training began at this school.
15. HOURS COMPLETED AT THIS SCHOOL: Provide the number of hours the student completed at this school.
16. DATE TRAINING COMPLETED: Provide the month, day, and year the student's training was completed at this school.
17. TOTAL OF ALL TRAINING HOURS COMPLETED: Provide the number of hours the student completed. This includes the total hours from all schools attended.

SECTION C – CERTIFICATION (TO BE COMPLETED BY STUDENT AND SCHOOL)

18. SIGNATURE OF STUDENT AND DATE: The student provides their signature and the date they signed the form (Month/Day/Year).
19. PRINTED NAME AND TITLE OF AUTHORIZED SCHOOL REPRESENTATIVE: Provide the printed full name of the authorized school representative who completed Section B of the form.
20. SIGNATURE OF AUTHORIZED SCHOOL REPRESENTATIVE AND DATE: The authorized school representative who completed Section B of the form, provides their signature and the date they signed the form (Month/Day/Year).

SECTION D – TRAINING RECEIVED AT ANOTHER BOARD APPROVED SCHOOL (TO BE COMPLETED BY SCHOOL LISTED IN SECTION B) – (For a student that transferred from one Board-approved school and program to another.)

21. PROGRAM TITLE: Choose **ONE** program title which applies and check the appropriate box.
22. SCHOOL'S NAME (SCHOOL NO. 1): Provide the name of the school where the student previously attended.
23. SCHOOL CODE: Provide the school code issued by the Board where the student previously attended.
24. DATE TRAINING STARTED: Provide the date the student started training at the previously attended school (Month/Day/Year).
25. LAST DATE OF ATTENDANCE: Provide the last date the student attended the previous school (Month/Day/Year).
26. TOTAL HOURS OF TRAINING ACCEPTED: Provide the total number of hours being accepted by your school from the student's previous school.
27. SCHOOL'S NAME (SCHOOL NO. 2): Provide the name of the second school where the student previously attended.
28. SCHOOL CODE: Provide the school code issued by the Board where the student previously attended.
29. DATE TRAINING STARTED: Provide the date the student started training at the second previously attended school (Month/Day/Year).
30. LAST DATE OF ATTENDANCE: Provide the last date the student attended the second previous school (Month/Day/Year).
31. TOTAL HOURS OF TRAINING ACCEPTED: Provide the total number of hours being accepted by your school from the student's second previous school.

SECTION E – CREDITS FROM PROGRAM TRANSFER (TO BE COMPLETED BY SCHOOL LISTED IN SECTION B) – (For a student who transferred credit from a different field of study from another school.)

32. PROGRAM TITLE FOR SCHOOL NO. 1 IN SECTION D: Choose **ONE** program title which applies from School No.1 in Section D and check the appropriate box.
 - a. If the student listed is licensed by the Board, list their license number in the space provided, and only include the total hours of credit accepted by your school.
 - b. If the student is NOT licensed by the Board, provide BOTH total hours of training received by School No. 1 in Section D and the total hours of credit accepted by your school.
33. TOTAL HOURS OF TRAINING RECEIVED: Provide the total number of hours of training student received from School No. 1 in Section D.

34. TOTAL HOURS OF CREDIT ACCEPTED BY YOUR SCHOOL: Provide the total number of credit hours your school is accepting from School No. 1.
35. DATE TRAINING STARTED: Provide the date the student started training at the previously attended School No. 1 (Month/Day/Year).
36. LAST DATE OF ATTENDANCE: Provide the last date the student attended the previous School No. 1 (Month/Day/Year).
37. PROGRAM TITLE FOR SCHOOL NO. 2 IN SECTION D: Choose **ONE** program title which applies from School No. 2 in Section D and check the appropriate box.
38. TOTAL HOURS OF TRAINING RECEIVED: Provide the total number of hours of training student received from School No. 2 in Section D.
39. TOTAL HOURS OF CREDIT ACCEPTED BY YOUR SCHOOL: Provide the total number of credit hours your school is accepting from School No. 2.
40. DATE TRAINING STARTED: Provide the date the student started training at the previously attended School No. 2 (Month/Day/Year).
41. LAST DATE OF ATTENDANCE: Provide the last date the student attended the previous School No. 2 (Month/Day/Year).

SECTION F – OUT OF STATE TRAINING/EXPERIENCE (TO BE COMPLETED BY SCHOOL LISTED IN SECTION B)

42. STATE OR COUNTRY WHERE HOURS WERE RECEIVED: Provide the State or Country where the student listed in Section A received any out of state training.
43. TOTAL HOURS OF CREDIT ACCEPTED BY YOUR SCHOOL: Provide the total number of hours your school is accepting from the student's out of state training.

Notice to Applicants and Schools

For Applicants: This completed form must be submitted to the Board of Barbering and Cosmetology (Board) with your application for examination (application) as a barber, cosmetologist, esthetician, electrologist, hairstylist or manicurist as required by Title 16, California Code of Regulations (CCR) section 909 or your application will be rejected as incomplete (Business and Professions Code (BPC) section 7345). The information requested on this form is mandatory pursuant to BPC sections 30, 31, 7321, 7321.5, 7322, 7324, 7326, and 7330 and Title 16 CCR section 909. The information provided will be used to determine qualifications for licensure, for identification purposes, and for compliance with tax and family support obligations. The information may be provided to other governmental agencies, or in response to a court order, subpoena, or public records request. You have a right of access to records containing personal information unless the records are exempted from disclosure. Individuals may obtain information regarding the location of their records by contacting the Board's Executive Officer at 2420 Del Paso Rd., Suite 100, Sacramento, CA 95834, or by telephone at (916) 574-7570.

For Schools: The student identified in Section A below is applying for examination to become licensed as a barber, cosmetologist, esthetician, electrologist, hairstylist or manicurist in California. To qualify for examination, the applicant is required to provide proof of completion of training at a Board-approved school. Please check the appropriate boxes below relating to the training the applicant completed at your school. Please review the information provided in the paragraph above under "Notice to Applicants and Schools" regarding the requirements for collecting this information, the circumstances under which the information may be disclosed or withheld from disclosure, and where the personal information collected on this form is maintained.



PROOF OF TRAINING DOCUMENT

PROGRAM TITLE (Choose One)

BARBER
 COSMETOLOGIST
 HAIRSTYLIST
 ESTHETICIAN
 ELECTROLOGIST
 MANICURIST

SECTION A: STUDENT INFORMATION

Social Security Number or Individual Taxpayer Identification Number <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Date of Birth (must be at least 17 years old) <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <div style="display: flex; justify-content: space-around; font-size: small;"> Month Day Year </div>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Last Name <i>(please print clearly)</i>	First Name	Middle Name
-----------------------------------------	------------	-------------

Address	City	State	Zip Code
---------	------	-------	----------

Telephone Number (<input type="text"/> <input type="text"/> <input type="text"/>) <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Email Address (not required)
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------

SECTION B: SCHOOL INFORMATION - Please provide the information requested below regarding the training provided by your school for the student listed in Section A.

School Name	School Code Issued by the Board <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
-------------	---------------------------------------------------------------------------------------------------------------------------------------------

Address	City	Zip Code
---------	------	----------

Authorized School Representative	School Representative's Telephone Number Ext:	School Representative's Email
----------------------------------	--------------------------------------------------	-------------------------------

Date Training Started at This School	<input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <div style="display: flex; justify-content: space-around; font-size: small;"> Month Day Year </div>	Hours Completed at This School <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
---------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------

Date Training Completed at This School	<input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <div style="display: flex; justify-content: space-around; font-size: small;"> Month Day Year </div>	Total of all Training Hours Completed <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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SECTION C: CERTIFICATION

We, the undersigned, certify under penalty of perjury under the laws of the State of California that all information contained on this document and on any attachments is true and correct.

Signature of Student	Date
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Printed Name and Title of Authorized School Representative

Signature of Authorized School Representative	Date
-----------------------------------------------	------

PROGRAM TITLE

BARBER COSMETOLOGIST HAIRSTYLIST ESTHETICIAN ELECTROLOGIST MANICURIST

School's Name (School No. 1)

School Code Issued by the Board

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------	----------------------

Date Training Started

<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Month		Day		Year					

Last Date of Attendance

<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Month		Day		Year					

Total Hours of Training Accepted

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School's Name (School No. 2)

School Code Issued by the Board

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Date Training Started

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Month		Day		Year					

Last Date of Attendance

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Month		Day		Year					

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Swafford, Samuel@DCA

From: bridgette jordan <beeflawless@msn.com>
Sent: Monday, November 14, 2022 7:54 AM
To: Swafford, Samuel@DCA
Subject: Regarding Transfer of Credits Statues

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: beeflawless@msn.com

Hello Mr. Swafford

My name is Bridgette Jordan I'm a License Cosmetologist also a Salon Owner.

My concern regarding Transfer and Credits is for License Holders. Example: if a License Cosmetologist wanted to become an Esthetician what are the requirements in doing so?

Example: if a License Cosmetologist wanted to become Electrolysis etc. Can the Broad Clarify Scenario as such?

Thanks for listening
Bridgette Jordan
License Cosmetologist/
Salon Ower

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: [Anthony Padilla](#)
To: [Swafford, Samuel@DCA](mailto:Swafford.Samuel@DCA)
Subject: Comments / questions proposed regulatory changes
Date: Wednesday, November 16, 2022 9:17:24 AM

WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: anthony@the-comb.com

Mr. Swafford,
Regarding the sections below:

(2) **specifying by subject matter of program or license type** (cosmetologist licensee/cosmetology program, barber licensee/barbering program, esthetician licensee/skin care program, manicurist licensee/nail care program, hairstyling licensee/hairstyling program, and electrologist licensee/electrolysis program) **how credit may be granted to a student in accordance with BPC sections 7362.5, 7363, 7364, 7365 and 7366;**

(3) **specifying that for any other hours of practical and technical instruction** in courses that are earned by a student in excess of the minimum technical curriculum content hours prescribed by statute, **a student shall receive credit for identical prior hours earned**, as defined, that are required for licensure; and

COMMENT:

There is a wide disparity in schools adopting the 1000 hour requirement for Cosmetology and Barbering directly impacts practical training. Schools focus attention on the technical training and squeeze in whatever they can on practical training.

There exist outside practical training programs students can take to supplement what they learn in school which historically have been inadequate to properly prepare students to get a job in most salons.

RECOMMENDED ENHANCEMENT TO PROPOSED REGULATION:

If students decide to obtain outside training to supplement learning in schools, is there a provision being considered to grant hours credit for the outside learning taking place? As for the cost, we know schools will not be willing to subsidize or otherwise pay for any outside training so the students would likely bear that cost in addition to tuition unless there is a provision written in the regulation.

For example, students could seek outside training to strengthen haircutting skills up to a 50 hour limit, 5% of total required hours. Schools would have to pay for that outside training if credit hours are given from the tuition they receive.

This is one way to give student flexibility to seek other sources of training that

could supplement the school training and make them better candidates for a job. Schools could also benefit by directing students to highly specific practical training available from other expert sources that schools are unable to provide.

Thank you for your review and comment.

Tony Padilla
The Comb Institute
540 El Camino Real
Tustin CA 92780
(310) 266-1290

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BOARD OF BARBERING AND COSMETOLOGY

Division 9, Title 16, of the California Code of Regulations.

SPECIFIC LANGUAGE

LEGEND

<u>Underlined</u>	Indicates proposed amendments or additions to the existing regulation.
Strikeout	Indicates proposed deletions to the existing regulation.

- **Repeal Section 950.10, Title 16, California Code of Regulations, as follows:**

~~§ 950.10. Credit for Special License and Transfer of Training.~~

~~(a) A student transferring from one course of study to another, or a holder of a special license (e.g., manicurist or esthetician) who enrolls in a general course of study (e.g., cosmetologist), shall receive credit for total clock hours completed and credit for and a balance of the minimum hours of technical instruction and the minimum practical operations required in each applicable subject as follows:~~

~~(1) Total Clock Hours Credit.~~

~~(A) Cosmetologist course to esthetician course. A student transferring from the cosmetologist course to the esthetician course shall receive a credit of 35 percent of the total clock hours earned while enrolled in the cosmetologist course.~~

~~(B) Cosmetologist course to manicurist course. A student transferring from the cosmetologist course to the manicurist course shall receive a credit of 20 percent of the total clock hours earned while enrolled in the cosmetologist course.~~

~~(C) Esthetician course to cosmetologist course. A student transferring from the esthetician course to the cosmetologist course shall receive a credit of 65 percent of the total clock hours earned while enrolled in the esthetician course. A holder of a esthetician license enrolling in the cosmetologist course shall receive a credit of 65 percent of the total clock hours required for the esthetician course.~~

~~(D) Manicurist course to cosmetologist course. A student transferring from the manicurist course to the cosmetologist course shall receive a credit of 70 percent of the total clock hours earned while enrolled in the manicurist course. A holder of a manicurist license enrolling in the cosmetologist course shall receive a credit of 70 percent of the total clock hours required for the manicurist course.~~

~~(2) Credit and balance for the minimum hours of technical instruction and minimum practical operations required. A student transferring from one course of study to another, or a holder of a special license who enrolls in a general course of study, shall receive a credit and balance for the minimum hours of technical instruction and~~

~~minimum practical operations required by subtracting the number of hours and operations earned by the student or licensee while enrolled in the prior course from the minimum hours of technical instruction and minimum practical operations required for the new course in each applicable subject. If the student has earned more hours or operations in the prior course than are required in a specific subject of the new course, then that student's balance of hours and operations required in that subject shall be zero.~~

~~(b) Credit for a special course shall not be given to a student in the cosmetologist course until completion of the number of hours of instruction and training in a school of cosmetology which, when added to the number of hours for which the student is entitled to credit for the special course, will equal the minimum number of hours required for completion of the cosmetologist course.~~

~~(c) Effective until January 1, 2009, training received as an apprentice may be credited toward a course of training in a school. The maximum amount of hours that can be transferred from an apprenticeship program to a course of training in school shall not exceed 800 hours as reasonably determined by the school to which the apprentice is transferring and shall not exceed 50% credit for each hour earned as an apprentice. After January 1, 2009, training received as an apprentice shall not be credited toward a course of training in a school.~~

~~(d) Training received in a school shall not be credited toward training in an apprenticeship program.~~

~~Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7367, Business and Professions Code.~~

- **Adopt Section 950.10, Title 16, California Code of Regulations and title, as follows:**

§ 950.10. Transfer of Credit

(a) A student changing from one program of instruction to another shall receive credit for prior hours of technical and practical instruction earned in another program ("instruction hours") on an hour-for-hour basis if the following requirements are met:

(1) The prior instruction hours earned by the student are identical, which means instruction is of the same duration and covers the same content as that being offered by the new program; and,

(2) Credit for the instruction hours of the prior program is granted in accordance with the requirements of this section.

(b) Credit shall be granted to a student who is a cosmetologist licensee or who earned instruction hours as part of a cosmetology program of instruction as follows:

(1) For enrollment in a new barbering program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(b)(1) of the Business and Professions Code (“Code”);

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(b)(2) of the Code;

(C) 200 instruction hours in chemical hair services course content as defined in section 7362.5(b)(3) of the Code; and

(D) 200 instruction hours in hairstyling services course content as defined in section 7362.5(b)(4) of the Code.

(2) For enrollment in a new skin care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7364(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7364(b)(2) of the Code.

(C) 150 instruction hours in skin care services course content as defined in section 7362.5(c)(5) of the Code.

(D) 50 instruction hours in hair removal and lash and brow beautification course content as defined in section 7362.5(c)(6) of the Code.

(3) For enrollment in a new nail care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2) of the Code.

(C) 100 instruction hours in manicure and pedicure course content as defined in section 7362.5(c)(7) of the Code.

(4) For enrollment in a new hairstyling program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7363(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7363(b)(2) of the Code.

(C) 200 instruction hours in hair styling course content as defined in section 7363(b)(3) of the Code.

(5) For enrollment in a new electrolysis program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7366(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7366(b)(2) of the Code.

(c) Credit shall be granted to a student who is a barber licensee or who earned instruction hours as part of a barbering program of instruction as follows:

(1) For enrollment in a new cosmetology program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(c)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(c)(2) of the Code.

(C) 200 instruction hours in chemical hair services course content as defined in section 7362.5(c)(3) of the Code.

(D) 200 instruction hours in hairstyling services course content as defined in section 7362.5(c)(4) of the Code.

(2) For enrollment in a new skin care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section and 7364(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7364(b)(2) of the Code.

(3) For enrollment in a new nail care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2) of the Code.

(4) For enrollment in a new hairstyling program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7363(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7363(b)(2) of the Code.

(C) 200 instruction hours in hair styling course content as defined in section 7363(b)(3) of the Code.

(5) For enrollment in a new electrolysis program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7366(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7366(b)(2) of the Code.

(d) Credit shall be granted to a student who is an esthetician licensee or who earned instruction hours as part of a skin care program of instruction as follows:

(1) For enrollment in a new cosmetology program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(c)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in sections 7362.5(c)(2) of the Code.

(C) 150 instruction hours in skin care services course content as defined in section 7362.5(c)(5) of the Code.

(D) 50 hours in hair removal and lash and brow beautification course content as defined in section 7362.5(c)(6) of the Code.

(2) For enrollment in a new barbering program, up to:

(A) 100 instruction hours in health and safety course content as defined in sections 7362.5(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(b)(2) of the Code.

(3) For enrollment in a new nail care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1).

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2).

(4) For enrollment in a new hairstyling program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7363(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7363(b)(2) of the Code.

(5) For enrollment in a new electrolysis program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7366(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7366(b)(2) of the Code.

(e) Credit shall be granted to a student who is a manicurist licensee or who earned instruction hours as part of a nail care program of instruction as follows:

(1) For enrollment in a new cosmetology program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(c)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(c)(2) of the Code.

(C) 100 instruction hours in manicure and pedicure course content as defined in section 7362.5(c)(7) of the Code.

(2) For enrollment in a new barbering program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(b)(2) of the Code.

(3) For enrollment in a new skin care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7364(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7364(b)(2) of the Code.

(4) For enrollment in a new hairstyling program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7363(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7363(b)(2) of the Code.

(5) For enrollment in a new electrolysis program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7366(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7366(b)(2) of the Code.

(f) Credit shall be granted to a student who is a hairstyling licensee or who earned instruction hours as part of a hairstyling program of instruction as follows:

(1) For enrollment in a new cosmetology program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(c)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in sections 7362.5(c)(2) of the Code.

(C) 200 instruction hours in hairstyling services course content as defined in section 7362.5(c)(4) of the Code.

(2) For enrollment in a new barbering program, up to:

(A) 100 instruction hours in health and safety course content as defined in sections 7362.5(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(b)(2) of the Code.

(C) 200 instruction hours in hairstyling services course content as defined in section 7362.5(b)(4) of the Code.

(3) For enrollment in a new nail care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1).

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2).

(4) For enrollment in a new skin care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7364(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7364(b)(2) of the Code.

(5) For enrollment in a new electrolysis program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7366(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7366(b)(2) of the Code.

(g) Credit shall be granted to a student who is an electrologist licensee or who earned instruction hours as part of an electrolysis program of instruction as follows:

(1) For enrollment in a new cosmetology program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(c)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(c)(2) of the Code.

(2) For enrollment in a new barbering program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(b)(2) of the Code.

(3) For enrollment in a new skin care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7364(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7364(b)(2) of the Code.

(4) For enrollment in a new hairstyling program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7363(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7363(b)(2) of the Code.

(5) For enrollment in a new nail care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2) of the Code.

(h) In accordance with Section 7367 of the Code, for any hours of practical and technical instruction in courses that are earned by a student in excess of the minimum technical curriculum content hours prescribed by Sections 7362.5, 7363, 7364, 7365 and 7366 of the Code, a student shall receive credit for those prior hours earned that are required for licensure as a barber, cosmetologist, hairstylist, esthetician, manicurist or electrologist and are identical as defined in subsection (a)(1).

(i) For the purposes of this section, the following definitions apply:

(1) “Changing from one program of instruction to another” means: transferring from one program of instruction to another, or a licensee enrolling in a new program of instruction for a different license type issued by the Board.

(2) “Earned” means successfully completed the hours or program with a passing grade.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7316, 7362.5, 7363, 7364, 7365, 7366 and 7367, Business and Professions Code.

Agenda Items
No. 19-21
No Attachments