



**CALIFORNIA STATE BOARD OF  
BARBERING AND COSMETOLOGY  
MINUTES OF OCTOBER 21, 2013**

**The Courtyard by Marriott  
595 Hotel Circle South  
San Diego, CA 92108**

**BOARD MEMBERS PRESENT**

Joseph Federico, President  
Richard Hedges  
Christie Tran  
Andrew Drabkin  
Bobbie Anderson  
Mary Lou Amaro  
Dr. Kari Williams

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Tami Guess, Board Policy Analyst  
Gary Duke, Legal Counsel

**ABSENT:**

Wen Ling Cheng, Vice President

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

Mr. Federico called the meeting to order at 10:00 a.m. The Board members introduced themselves.

**2. Agenda Item, #2, Public Comment on Items Not on the Agenda**

*Note: The Board may not discuss or take action on any matter raised during this public comment section except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]*

**Public Comment**

Danny LeClair addressed crossover between cosmetology and barbering and the need for additional hours of instruction to be eligible to receive a license. He requested additional conversation on this agenda or a future agenda about transforming the way that the Board of Barbering and Cosmetology (BBC) licenses stylists. He would like esthetics removed from the Cosmetology license.

Hilda Zhang, Health and Beauty, addressed the board regarding skin care and public health. She is looking to promote advanced skincare from a health perspective though a

Doctor of Interdisciplinary program. Upon her completion of her Harvard University's transformative PhD degree a comprehensive written project will be completed for BBC. The project includes: Regulations and procedures for Naturopathic Skincare. Licensing policies and exam materials. A review of current four year Bachelor's degree curriculums of Naturopathic Healthcare and the modification of such for skin care. Documents related to the participating schools and universities that provide advanced skin care courses and Bachelor degree programs in Naturopathic Healthcare for the skin. She urged BBC to work together with her to help people live longer, healthier lives.

Dan Fortier, Fortier Insurance Services, addressed the board regarding healthcare coverage under the Affordable Care Act. Covered California is in charge of helping millions of Californians enroll in health insurance. He believes that the beauty industry would benefit greatly by taking advantage of the Affordable Care Act. Fortier Insurance Services would like to enlist the help of the BBC to assist in any and all ways possible to inform all licensees about this new health insurance law and possible premium assistance.

Katherine Maxwell, an esthetician and former esthetics instructor, addressed the preferred treatments being deemed illegal for use by estheticians: micro current use, LED light therapy. She asks BBC to reconsider the economic impact on the industry of these restrictions on procedures and technology already in use.

Federico Composi introduced his company named Hair Salon Educators. They have a unique haircutting educational system based on a foundation of science and mathematics. He would like BBC's assistance in helping to expose their unique program.

Diane Buccola, licensed esthetician, NCA certified and licensed court reporter. She suggested the formation of a Board committee to research and provide information to the Board that might be helpful with the field of esthetics.

Angie Nandin, esthetician, asked that education not be limited. She requested that BBC bring back the license for instructors of cosmetology and to create a license for educators of esthetics. Esthetics needs its own education and license.

Sana Peter, stylist, asked the Board what is the fastest or easiest way to find out the new laws and regulations. Licensees are encouraged to check the Board's website.

Mr. Hedges requested that Ms. Underwood address the following: (1) possibility of link to Healthy Californian from the BBC website; (2) Is microderm illegal? (3) licensing of cosmetology teachers; (4) ways to find out about new regulations.

Ms. Underwood stated there is a link for Covered California on the BBC website and the BBC has been in touch with the state office to try to get that information out to the licensees. There have not been any regulatory or statutory changes pertaining to LED or microderm. The Board is looking to make regulatory changes so that LED is acceptable for use by estheticians. Research has been done on LED lights. Anytime a regulation change is made, BBC notifies its licensees. BBC is required by law to notify anyone that is impacted by health and safety changes. There is a link on the website for notices of public hearings and meetings held in the regulatory process. Instructor license has been researched and discussed in the past. The Board is not pursuing looking at the instructor license at this time.

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

Mr. Federico did not have anything to report.

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

Ms. Kristy Underwood, Executive Officer, reported. There are statistics in the packets. The Board has finally implemented the new Breeze database.

Mr. Hedges stated that the Disciplinary Review Committee is catching up on its backlog and the committee is hopeful to shorten the delay to no more than six months before a case is heard.

**5. Agenda Item #5, Approval of Board Meeting Minutes [July 15, 2013]**

Upon motion by Mr. Federico and second by Mr. Hedges to approve the minutes from the July 15, 2013, meeting, the minutes were approved by a vote of 7-0.

**6. Agenda Item #6, Proposed Regulations -- Discussion/Review and Approval of Proposed Changes**

- **Equipment for Schools** -- Board has approved the language in the past and is being presented the final statement of reasons. The Board did not receive any public comments on these regulations. The Board is requesting a motion to approve and to file the regulations with the Office of Administrative Law. A motion was made by Mr. Hedges and seconded by Mr. Federico and was approved by a vote of 7-0.
- **Apprenticeship Regulations** -- Status report only. The documents are currently going through the process and a hearing date will be set. Interested parties are encouraged to get on the Interested Parties list for notification of public hearings pertaining to regulatory changes.

**Public Comment**

Fred Jones, Professional Beauty Federation of California, questioned: On the apprenticeship regulation that is moving forward, it is his understanding that as soon as the apprentice applies for and qualifies for the exam, their apprenticeship permit will immediately expire. Will they be able to continue to work until they get their test results? Ms. Underwood stated they have two years on an apprentice license. If they have completed the two years, the apprentice license is no longer valid. Mr. Jones stated this will be a concern to the industry. Ms. Underwood stated that the Board will extend the apprenticeship license for the period when an apprentice is waiting for an exam date. If an apprentice has taken and failed the examination, the Board will not extend the license.

Regina Pelayo, cosmetology/esthetician, Skyline Beauty College instructor, asked BBC if it has a solution for the issue of undocumented hairstylists. A lot of students are having problems getting jobs because there are undocumented people in the profession. Mr. Federico stated this requires a legislative change.

- **Health and Safety Regulations** -- The Board has seen these regulations in the past, held two public hearings, and did not receive any public comments. However, it did receive comments from the Department of Public Health. The Board has pulled the regulations and is bringing them back to the public. Any changes to health and safety regulations have to be approved by the Department of Public Health. The Board is looking for a motion to approve. The regulations will require an additional public hearing.

The wording, “perform any act which affects the structure or function of the living tissue of the face and body,” is causing problems with the use of LED lights. The Board suggests striking this wording from the regulations. There will be another hearing before finalizing.

Mr. Hedges posed two questions. The FDA classifies LED as either a Class 1 or Class 2 medical device and there are various levels of intensity that it is used at. Mr. Hedges does not know of any regulation addressing the level of intensity. There are states that allow LED, but they allow it under an advanced esthetician’s license. The advanced licensure requires additional hours of training.

Mr. Federico stated that there are other instruments/tools that estheticians are allowed to use that if used improperly can cause harm. So once again, it is the training and ensuring that the training is properly introduced and followed through.

### **Public Comment**

Mike Poling, President and CEO of Lightwave Technology, designer and developer of an LED system, is willing to address questions about safety. He asks the Board to reconsider the economic impact on the industry if LED usage is banned. There are no reported cases of consumer harm from the use of LED. Certain aspects or uses or indications for LED may need to be revisited.

Jennifer Allanach, Vice President of Marketing with Light Stem, is in complete agreement with Mike Poling and stated the FDA has determined LED to be safe.

Amy Gardner stated that all equipment that is used by estheticians -- microcurrent, high frequency, LED -- is available in retail to California consumers.

Patrick Johnson, President and CEO of Biophotos Incorporated, a manufacturer of LED devices that are FDA cleared for use in dermatological conditions and musculoskeletal conditions, stated that the FDA does not have a product category in which it approves and reviews LED devices.

Suzanne Schmaling, Director of Education for Associated Skin Care Professionals (ASCP), the largest association in the United States for licensed estheticians, stated the association provides liability insurance as part of its membership. The association has not received any claims associated with the use of LED. The FDA is proposing omitting LED from the radiation emitting products guideline.

An unidentified woman wanted clarification regarding section 991, if the language is stricken, does that mean that licensees are allowed to use LED equipment? Mr. Federico stated yes.

Deedee Crossett, licensee and school owner, stated that the information that the Board is striking is perfect not only as it pertains to LED, but it also protects licensees in the future when new technology comes out.

Mr. Hedges addressed other regulation changes. Regarding Regulation 979(b) (2), he believes the Board has over-stricken some of the language of the regulation. The regulation requires that the disinfectant be changed according to manufacturer’s instructions and “at least once per week or when visibly cloudy or dirty” has been stricken. He believes it is a mistake to strike the last line. Audience members agree. He would suggest that the regulation be changed to “according to manufacturer’s instructions or whenever cloudy or

contains debris.” Mr. Hedges is proposing this amendment. Mr. Federico seconded the proposal.

### **Public Comment**

Deedee Crossett commented regarding 979(a) (3). It reads to allow tools to completely dry. There has been a challenge to people putting items out on drying racks. Does the Board want to be specific and state that they have to dry using a paper towel or just leave allow tools to completely dry?

Mr. Hedges suggested putting an active clause in the regulation that says dry tools with a paper towel. The Board requires paper towels to be used on the foot spas, so this change to the regulation would be consistent with other regulations. Fellow Board members are in agreement. Ms. Underwood reminded everyone that these regulations will be going through the regulatory process.

### **Public Comment**

Deborah Sue Olsen would like to add clean paper towels.

Deedee Crossett believes there is an OSHA regulation that states that tongs or gloves be used to remove tools from the disinfectant. Dipping bare hands into disinfectant will contaminate the product. BBC should be specific on how tools are removed from the disinfectant.

Mr. Federico made a secondary amendment to add in all the things that were just taken into consideration: dry tool completely with a clean paper towel; make sure that tongs or gloves are utilized when removing the tools from the disinfectant. Mr. Hedges seconded the amendment.

Regulatory changes with amendments as proposed passed with a vote of 7-0.

- **Lash/Brow Tinting** -- As discussed in the past, there is not currently a product that is approved for lash or brow tinting. This regulation package would remove lash/brow tinting from the curriculum. The Board will move forward with what the FDA has said, which is that it does not approve any current lash or brow tinting product. Mr. Hedges moved approval. Mr. Drabkin raised a question regarding the education of lash and brow tinting if in the future a product was approved for use. Mr. Hedges suggested it would be added to the curriculum.

### **Public Comment**

Jamie Schragebeck, Precision Nails, stated that within the scope of practice for cosmetology, it mentions in 7316(a) (3) dying the hair but not specifying where on the body the hair is. So in terms of regulations, the Board would not have to worry about putting something back in to specify lashes and brows.

Ms. Underwood stated enforcement will continue as is. Once the Board approves these regulations, after a period of time, the Board will publicly notice it for a regulatory hearing. A minimum of 45 days is allowed for comments. She estimates the entire process will take a few months.

Deedee Crossett believes taking it out is a mistake because there are products that are specially designed and there are other products used on the eyes. She

suggested signage that alerts the consumer that the FDA does not approve a product for lash and brow tinting. Ms. Crossett pointed out that taking it out of the regulations and schools doesn't mean the practice will stop.

Dr. Kari Williams pointed out that the Board is not getting any assistance from the manufacturers of the dye product to combat the FDA stand on non-approval of the dye.

Nadene Bruders stated up until the 90's that Roux dye was approved by the FDA. She does not agree with taking it out.

Tami Guess, Board Policy Analyst, stated she had spoken with a representative of Colomar the parent company that produces Roux dye. Colomar provided a statement from their legal department in Spain which showed they had performed numerous toxicology reports but were unable to provide any statement from the FDA showing their product was approved, at any time, for use in the United States.

Yolanda Duran, school owner, remembers being introduced to this product and has used it in the industry. She again raised the subject of licensing instructors and licensees' knowledge of skin care. She feels instructors are not adequately trained to teach skin care.

Danny LeClair believes what the Board should be doing is adding language that suggests that this is a practice to be done, only with an FDA approved product, therefore, not having to strike it and then reinsert it. He pointed out that there are FDA approved products that are oftentimes used instead of lash and brow tinting products that will continue the practice in the salons. Tami Guess stated according to the FDA, there are no tints or dyes allowed around the eye area, including the use of hair color. Danny LeClair stated that inserting this language would automatically allow for the practice to resume when there is an FDA approved product.

Mr. Federico suggested inserting the language recommended by Danny LeClair, that once a chemical or product does come on the market that is FDA approved, the industry can pick back up where it left off.

Mr. Hedges motioned to table this to later in the meeting so that legal counsel can draft an amendment to the current regulations based on the Board's desire and public comment. Mr. Federico seconded the motion. The motion was passed with a 7-0 vote.

**7. Agenda Item #7, Discussion and Recommendation of Crossover and Transfer of Credit Relating to Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.8, 950.9, and 950.10**

This item based on the crossover courses was discussed at the last Board meeting. Currently, licensees have to complete a 400-hour course if you are a cosmetologist and you want to become a barber or vice versa. The two curriculums are the same other than the specified areas: Barbers are shaving; cosmetology has skin care and nail care. What this proposal will do is make regulatory changes as well as a statutory change to allow an individual to attend an approved school and obtain only the hours that they need.

### **Public Comment**

Deborah Sue Olsen stated that barbers do facials and skin care. She believes barbers and cosmetologists need to be tested, but the amount of hours maybe can be adjusted.

Danny LeClair stated requiring additional education in order to comply with the various disciplines, whether it is cosmetology or barbering, is absolutely essential. He believes what is missing is a variety of other extenuating circumstances such as experience in the industry, significant enough to warrant foregoing the hours. He believes there is an out-of-region crossover that needs to be addressed. He would like to see some sort of an apprenticeship for a Barber to crossover to a Cosmetologist. This would alleviate the need to attend school hours.

Mr. Federico believes that what the Board is doing now is a good first step in to trying to tear down some of the walls and allowing our licensees to be able to perform a little bit more and be able to get more education. He reminded everyone that the Board is there for consumer safety and protection. He stated what is proposed by Mr. LeClair would take legislative change.

### **Public Comment**

Deedee Crossett stated barbers can do facials but the required esthetic instruction also includes make up, lashes, hair removal and manicuring. She was hoping for less hours for the crossover from a cosmetologist to a barber. When she totals up the shaving hours of required instruction it is much less than 400 hours.

Lynelle Lynch asked, Do we have to have the full Barbering program when offering a crossover course?

Mr. Federico stated schools would only need to have the program approved. They wouldn't necessarily have to have student enrollment. Mr. Federico made a motion to approve the proposed crossover and transfer of credit. The motion was seconded by Mr. Drabkin. The motion passed with a vote of 7-0.

## **8. Agenda Item #8, Update and Discussion of Proposed Bill that Could Impact BBC**

### **AB 1153 – Advanced Esthetician Curriculum Bill**

#### **Public Comment**

Deedee Crossett thanked Kristy and her team. She acknowledged the proactive and progressiveness of training for a master esthetics license. The purpose of AB 1153 would not only be to better define the scope of practice, but it would also then add in a master esthetics license. What estheticians are allowed to do on the face, they would like to be able to extend that to the rest of the body as well. Examination would be required. Obviously, the main concern is consumer protection. Regarding those who have been working and thought they were allowed to do these services, they would still have to take the exam, but there would be a limited time period for the potential licensee to examine without additional school training, and then after the time period, they would need to complete the additional 600 hours of school training to qualify to take the exam. Cosmetologists would still be able to perform services under the guise of a normal 600-hour program. The scope of practice would then be expanded so that a master esthetician could use needle-like instruments for the purpose of extractions.

Julia Sambrano is in favor of the master's program. She would like to see the bar raised to weed out estheticians who aren't serious and don't take their job seriously.

Fred Jones, Professional Beauty Federation of California, stated his organization had some bright lines that they wanted to make sure were protected in this bill. One was to protect the existing esthetician license. Another was to protect the interest of the students. A student who takes 600 hours and wants to go to work after those 600 hours, even though they may have intended to go the full 1200, should have the right to go to work. The Coalition that is sponsoring the bill had indicated their support of that. His organization believes that there ought to be some mechanism by which experienced estheticians can take advantage of their experience and skills and eventually get a master esthetician license short of having to re-enroll in school and go through a whole new 600-hour program. What about marrying an industry cert program with a crash course on the increased scope of practice for master esthetician.

Raylene Horta, District Manager with Murad, stated that her company is in complete support of this bill.

Lynelle Lynch, Bellus Academy -- on behalf of the Coalition, she definitely wants to reach out and thank you all, especially Kristy and Tami.

Michael Johnston, Champion Institute in Palm Springs -- There are two problems. Who is going to be legally certified to teach the advanced course? In terms of protecting existing licensees, what is the grandfathering provision for cosmetologists?

Jamie Schrabec, Precision Nails, is concerned with the scope of practice. It would seem that previously unregulated body treatments have gone from requiring zero hours and no licensing to 1200 hours. (referencing body scrubs, wraps, hydrotherapy treatments)

Regina Pelayo believes the last statement was kind of a disservice because she has been teaching skin care for 25 years and Skyline has a very successful program. Skyline College is on the cutting edge. She has spent thousands of dollars educating herself on all the newest techniques so she can relay current procedures to her 600-hour students. She believes that those people who can prove to the Board that they have continued their education would be qualified to teach.

Deborah Sue Olsen, Royal College of Beauty, would like the Board to consider adding additional hours to this bill because barbers also do skin care and she thinks they deserve to be included.

Mike Poling, stated a person simply cannot say I am qualified to teach an advanced program because I'm qualified.

Victoria Larson, licensed esthetician, stated the industry does not have continuing education as part of a requirement to continue licensure. She proposes that instead of a whole certification program, that the BBC just regulate that licensees have to send in CEU's to maintain their status and that their experience and their continuing education show the consumer that licensees are invested in their careers.

Deedee Crossett stated the point of grandfathering is to get people licensed and to get the process moving forward.

Jerry Tyler, Beauty Education Development 729 Beauty, stated that as the industry goes down this road, he would urge the Board to leave enough broadness in perspective that as new technologies and products come up, the industry can follow those so that it doesn't have to keep going back to invent new parts to this.

Tara Valdez, Co-founder of Nu Face, Nu Face has been working with Bellus Academy for over five years now and has been successful with educating the esthetician on microcurrent technology and LED. As an esthetician, a consumer, and a founder of a manufacturing company, she would encourage passing this bill.

Mr. Hedges is very much in support of this concept. He thinks without some changes, there are some unintended consequences in this bill. One of the things that is happening in California is that estheticians are being brought into medical practices every day. There will be more and more estheticians working in doctors' offices and they need more training. He would be in favor of changing some other regulations that would not make it necessary for a licensed doctor to post the health and safety regulations and the establishment license in the waiting room but in the esthetician's room. He has some concerns on the enforcement aspects of what this bill will mean for BBC. He thinks there needs to be clarification on who can use needles. In addition, estheticians who cannot use needles cannot be working in the same room as master estheticians, who are using needles for extractions.

He would also suggest that somewhere in the bill or maybe through regulation, when the BBC allows people to take the test based on experience instead of taking schooling, there has to be a limit as to how many times they are allowed to take the test and fail, without taking required schooling.

He is troubled with the term master. Master in other industries has a different meaning than what the industry is doing and he thinks this will be confusing to the public. For that reason, he favors the word advanced. He made a motion to support this bill, if amended properly. This was seconded by Ms. Tran.

### **Public Comment**

Deedee Crossett responded to Mr. Hedges' comment. Staff prefers master as opposed to advanced.

The motion carried by a vote of 6 aye votes and 1 abstention (Mr. Drabkin).

**SB308 Sunset Review Bill** was signed by the Governor and the BBC has been extended for two years.

## **9. Agenda Item #9, Committee Report: Licensing and Examinations Committee (Joseph Federico, Chair)**

There was a committee meeting on July 16. There was discussion and recommendations were made on continuing education requirements for licensees. The committee recommended that the Board not pursue continuing education at that time.

There was discussion and recommendation on establishing a freelance authorization. The committee is proposing a couple of options to the Board. The committee was asked to bring back some scenarios on establishing a freelance authorization which would allow an individual licensee

to go to a location such as a wedding or a prom to perform services. There are two states that have this type of certification. Both states actually tie the freelance authorization to the personal license and not to the establishment license. Performance review would be based on consumer input and complaints. Signage would be posted informing consumers where they can contact the Board. This would require a statutory change and would have to go to the Legislature. Mr. Federico feels this validates the practice of operating without being attached to a salon. Mr. Hedges believes this item needs to be fine-tuned. Mr. Hedges believes the freelance operator must be tied to an establishment. This discussion will be continued in future meetings.

There was discussion and recommendation on establishing a booth rental license. The Board asked the committee to bring back a recommendation to discuss requiring a booth rental license. The booth rental is a portion of a licensed establishment that is rented out to an individual and allows for fees to be charged. Should the Board wish to pursue this, it would take a Legislative change. Mr. Hedges noted that in the past it was brought up that the booth renter license would be required through regulations to have insurance. He feels strongly that this should stay intact. He feels this way because most booth renters will be operating under already existing establishment which carries insurance, but when they have a separate establishment, they will not be insured. Mr. Federico agrees.

Mr. Hedges moved that staff work with people within the industry who are interested in booth rental to develop a bill that the Board can support in the future to go forward to the Legislature. Mr. Federico seconded the motion.

### **Public Comment**

Fred Jones wanted to clarify what he proposed a couple years ago was under a creative legal interpretation of his that an establishment in the B&P Code is any part thereof. If the establishment has insurance and requires that each booth renter has their own establishment license and proof is shown that each of the booth renters has their own liability insurance, then the State Board would not have a double fine, one on the master establishment licensee and one on the sub-establishment or booth renter licensee. The Federation as an organization does believe that booth renters should be licensed. Mr. Jones stated that in Oregon and Washington, the freelance operators are required to have insurance.

Danny LeClair offered to participate as a committee member if a Booth Rental task force is compiled. For a booth renter, there is the ongoing relationship between the establishment and the booth renter and the compensation structures. There are a lot of compensation structures that resemble booth rental but are actually starting to cross over into possible employment practices and the EDD is currently looking very closely at what is that line. There is also a concern regarding workers' compensation.

Jerry Tyler, Beauty Education Development 729 Beauty, stated that the distance between employment and being a landlord has always been problematic because it's very hard to establish who is in charge. You have an employment model where the owner is in charge and the employees can be compliant because the employer has that control. When you go into the independent contractor/ booth rental license that shifts.

Jamie Schragebeck, Precision Nails, states that she is focused on word detail and word choice. With regards to the booth rental, she thinks there needs to be a distinction that the booth renter is the person not the portion of the establishment license and that if we're talking about a booth rental, we're talking about a contractual

arrangement and perhaps the actual space within the salon. She believes insurance should be required for both a booth renter and an establishment owner regardless of how they are licensed. The booth renter should be providing 1099s to the establishment owner at the end of the year. She believes that the Board is really talking about mobile units when they talk about freelancers. She believes the mobile services need to be tied to both the license and the establishment. The brick and mortar locations are competing against people who are offering services on Craig's List.

Sana Peter, Joelle's Salon Day Spa, salon owner, she makes staff pay liability insurance. It is the salon owner's responsibility to enforce that. She suggested the Board research how other states offer apprenticeship programs. She also suggested that salons can have unlicensed assistants who would perform shampoos or rinse out color. Ms. Peter stated that on the east coast when an operator would go to someone's house, it is the operator's responsibility not the salon's responsibility.

Mr. Federico made a motion to continue this discussion in regards to the booth rental license with the interested parties. The motion passed with a vote of 7-0.

**10. Agenda Item #10, Update on the Status of the Board's 2013-2017 Strategic Plan**

This is an information item. The strategic plan with comments for each of the objectives is included in the packet and the Board is on task.

**11. Agenda Item #11, Discussion on Natural Hairstyling/Braiding**

Dr. Kari Williams presented this item. The industry is changing and more consumers are requesting natural hair styling services. There is a provision within the law that allows a natural hairstylist to braid, lock, twist the hair with the use of a tool, but the scope of practice does not include shampooing, blow drying, cutting, coloring, and other services. In the past, the conversation has been that braiding and natural hairstyling is a cultural practice, but as the industry is changing, more and more consumers are requesting services -- cutting, coloring, trimming. The surfacing problem is that those individuals who have been braiding, twisting, locking have begun to offer these services outside their scope of practice and it is considered unlicensed activity. Dr. Williams wanted to resurrect the conversation so that there is an option for individuals who practice this form of styling to be able to expand their scope of practice to be able to include these services. The concern in the past has been because it is a cultural practice and it is not formally taught within the cosmetology schools that someone experienced with braiding, twisting, and locking hair would then have to go through a 1600-hour program where none of these items are taught just so they could go into an establishment and be able to shampoo, cut, and color someone's hair in addition to what they have naturally learned how to do.

The discussion is do we include a licensing category that is not 1600 hours but at least covers public health to include safety and sanitation, proper disinfection of tools, how to keep consumer safe, and then also includes the service scope.

Mr. Hedges would like to include it within the scope of practice and allow hope for a separate license with teaching proper techniques and a separate license to avoid traction alopecia and other issues that have come up and to also include it within the scope of practice of the cosmetologist. Dr. Williams supports.

Dr. Williams stated that currently if you don't have a license, you cannot shampoo hair.

Ms. Anderson asked whether they would also be subject to be liable for what they do if they are just shampooing even though they don't have a license.

### **Public Comment**

Kimberly Thompson, Simi Valley Cosmetology School, stated this is a long time coming and a long time overdue. She would like to see the addition of wig techniques. If braiding is being taught, students can be taught how to make a wig and different categories within making that wig. They would do braiding and different things. Then it could be narrowed down to a simplified 300- to 400-hour certification. Regarding assistants, she feels it may be beneficial to a lot of students to be assistants.

Hannah Carter stated she started an alternative hair care practice. There is an alarming growth in natural hair care. People are having extreme difficulty with the products that are on the market today with the deregulation and the damages being caused. She feels that natural hair care artists need to be licensed because of public health and safety and sanitation and sterilization issues. A lot of natural hairstylists do not wish to be exposed to chemicals.

Danny LeClair finds the proposal inspiring for more than just protecting consumers as well as stylists in the realm of natural hair braiding but also in the realm of styling, perhaps hot tool use, blow dries, and shampoos. There are people in the industry that are interested in being the support staff and not the stylist and they are forced to go through an extended program in order just to do an assisting position in a salon.

Waldo specializes in black African-American hair. Once he received his license, he took advanced courses on black African-American hair. He believes instruction on the care of black African-American hair should be put in school curriculum.

Kym Jackson, Skyline Beauty College, stated that students need more than what is in the book. She feels that though regulations may not have significantly changed much in the last few years, the scope of work in the industry has changed. Students need to be taught for the changing world.

Joaquin Regalado, Hair Salon Educators, realizes that students are not getting adequate education on haircutting. He helped develop a very simple program where they teach students visual mathematics, which brings the educational system to a different level. This generation of students is asking for more.

Jerry Tyler, Beauty Education Development 729 Beauty, on the subject of natural hair braiding, thinks the greatest disservice done to the textured hair community was deregulation. At the time deregulation took place, there wasn't enough information to know the negative impact of deregulation. He mentioned hair enhancement as being a subject that also needs to be addressed. Technologies are changing daily.

Dr. Williams moved to continue the discussion about how to move forward and implement some type of system for natural hairstyling. Mr. Hedges would like the Board staff to bring back proposed regulations based on what was discussed today to include the scope as well as within a separate license with about the same amount of hours as for manicurist. Dr. Williams seconded.

Ms. Underwood recommended the formation of a task force on this topic before staff comes forward. It will take legislation. This was in the last Sunset Review report and the BBC was not

successful. At that time, the recommendation was that braiding be considered part of the scope of practice of cosmetology.

Mr. Hedges amended his motion based on staff's request. His motion included staff put together an industry task force of experts and suggests and that Mr. Williams and Mr. Tyler join the task force.

The amended motion was seconded by Ms. Anderson. The motion passed with a vote of 7-0.

**12. Agenda Item #12, Discussion and Approval of the Legislative Report on the Study of Appropriate Licensing Sub-categories**

The final report is in the packets. The Board was required to look at additional sub-category licensing via the Sunset Review report. In the committee and Board discussions, the Board believes that our license scope of practice should remain intact as is and that we would consider an industry certification program. That is what this report recommends, including some statutory language that would allow for this. This report is due to the Legislature by January 1, 2014. The Board has already approved the industry certification program and maintaining the existing scope of practice.

Mr. Federico made a motion to approve the report as presented. The motion was seconded by Mr. Hedges. The motion carried with a vote of 7-0.

**13. Agenda Item #13, Update on Apprenticeship Program Reforms**

The regulation changes include: an individual that is qualified for the exam will not be able to participate in the apprenticeship program. In other words, if they have completed school, they are deemed qualified for the exam or if they have completed their two-year apprenticeship program and just want another apprenticeship license, the Board will prevent that and require that they take the exam. An apprentice that discontinues their apprenticeship must notify the Board in order to be allowed back into the program. A trainer can supervise only two apprentices at a given time. The Board has been finding the issue of undocumented individuals in the apprenticeship program and are actually requiring at the time of application that applicants submit proof of Social Security. Mr. Hedges clarified that there cannot be more than two apprentices tied to one trainer.

Angie Nandin questioned whether there would be interference with right to work laws. Ms. Underwood stated that applicants for the exam are required to provide a Social Security number.

**14. Agenda Item #14, Agenda Items for Next Meeting**

- Report back with progress of Braiding task force
- Discuss permanent makeup as being included in the scope of practice of an esthetician

**15. Agenda Item #6, Proposed Regulations**

Mr. Duke in reference to item 6 regarding the Cosmetology curriculum the following language is recommended.

The section states, "The subject of makeup shall include but is not limited to the following issues: skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes." It is recommended that it be amended to, "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 with Federal Food and Drug Administration approved product."

Mr. Federico motioned to accept the language. Motion was seconded by Mr. Hedges. The motion was passed with a vote of 7-0.

**16. Agenda Item #15, Public Comment**

*Note: The Board may not discuss or take action on any matter raised during this public comment section except to decide whether to place the matter on the agenda for a future meeting. [Government Code Sections 11125, 11125.7(a)]*

**Public Comment**

Fred Jones wanted to thank the Board for being so responsive to industry input, for being out in front, already having proposed regulation on LED light therapy.

Danny LeClair is very inspired by how functional this Board is and how much time the Board has provided people to actually express themselves and how willing the Board is to allow people to get through their complete thought in order to express themselves to the Board. The reason why he came today was directly related to the concern his husband has about joining the union as a hairstylist and what it points out is the potential need for us to consider that hair should be only hair and that there should not be a requirement in the cosmetology license for esthetician services and that esthetician licensing should be in and of itself its own thing. The language, cosmetology license, is in a lot of arenas, including the union, including for licensing editorial stylists, and including some language in the law. And so when people come here from out of state or other countries where there is no esthetician requirement in their hairstyling world, they have to go through additional education in order to get a cosmetology license so that they can actually function in certain realms of this industry.

Ted Nelson, Professional Beauty Federation of California, feels moved to stand up and offer his thanks to each Board member for taking the time to be here doing what they do. He encouraged the public to continue to stay involved.

A male unidentified speaker asked for confirmation that it is against the law to charge a different price for a woman's haircut than a man's. Ms. Underwood stated it was not within the BBC's regulatory oversight. Danny LeClair stated that this is handled on a city by city basis. The unidentified speaker asked what happens when a licensee has multiple infractions against his/her license. Mr. Hedges stated that after repeated violations of the same provision, the Attorney General's office may get involved.

**17. CLOSED SESSION**