

**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**

**BOARD MEETING**

**MINUTES OF FEBRUARY 11, 2019**

Department of Consumer Affairs  
1747 North Market Blvd.  
HQ2 Hearing Room 186, 1<sup>st</sup> Floor  
Sacramento, California

**BOARD MEMBERS PRESENT**

Dr. Kari Williams, President  
Lisa Thong, Vice President  
Jacquelyn Crabtree  
Andrew Drabkin  
Joseph Federico  
Steve Weeks

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Michael Santiago, Board Legal Representative  
Marcene Melliza, Board Analyst

**BOARD MEMBERS ABSENT**

Bobbie Jean Anderson  
Polly Codorniz

**[Note: Agenda Items 6 and 7 were taken out of order. These minutes reflect these Agenda Items as listed on the agenda and not as taken in chronological order.]**

**1. Agenda Item #1, CALL TO ORDER/ ROLL CALL/ ESTABLISHMENT OF A QUORUM**

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

**2. Agenda Item #2, BOARD PRESIDENT'S OPENING REMARKS**

Dr. Williams stated how proud she was of the collaborative work that the Board has done to emphasize the importance of licensing and regulation in this industry and the work and attention to prioritize public health and safety with increasing popularity of on-demand services. She stated she is proud of the great work that staff and the Board have done with the growing relationship with the California Bureau for Private Postsecondary Education (BPPE) to improve oversight of the schools so that future licensees receive the education they need to safely provide services to the public, along with the hard work to create a comprehensive health and safety course that enhances the awareness and knowledge that students have about the importance of protecting themselves and the public. She stated she looks forward to continuing the work with this

group of wonderful and intelligent individuals who are committed to protecting the public and doing the work necessary to manage the evolving needs of this industry.

**3. Agenda Item #3, ANNUAL ELECTION OF OFFICERS**

Dr. Williams asked for nominations for President of the Board for 2019.

**MOTION:** Mr. Drabkin made a motion, seconded by Dr. Williams, to elect Lisa Thong as President of the Board for 2019. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Federico, Thong, Weeks, and Williams.

Dr. Williams asked for nominations for Vice President of the Board for 2019.

**MOTION:** Mr. Federico made a motion, seconded by Dr. Williams, to elect Andrew Drabkin as Vice President of the Board for 2019. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Federico, Thong, Weeks, and Williams.

**4. Agenda Item #4, BOARD MEMBER REMARKS**

Mr. Federico stated this may be his last meeting. He thanked the Board for their congenial and collaborative nature. He stated his hope that that continues long after he is gone and that it will continue to be solution-oriented and forward-thinking to stay ahead of the Legislature.

Mr. Weeks stated he was sad to hear this may be Mr. Federico’s last meeting. He stated his hope that that is not the case. He stated his company’s employee evaluation process was simple. They would ask one question: is the company better off because the person being evaluated was a part of it? Mr. Weeks stated it can universally be said that this Board is better off because Mr. Federico served and gave so much extra. He thanked Mr. Federico for his service.

**5. Agenda Item #5, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), agreed with Mr. Weeks’s comments about Mr. Federico and prayed this was not Mr. Federico’s last Board meeting. Mr. Jones reminded everyone that the 19<sup>th</sup> Annual PBFC Welcome to Our World (WOW) event is Monday, May 6, 2019, from 3:00 to 6:30 p.m.

**[Note: Agenda Items 6 and 7 were taken out of order and were heard after Agenda Item 8.]**

**6. Agenda Item #6, DEPARTMENT OF CONSUMER AFFAIRS EXECUTIVE UPDATE**

Ms. Thong welcomed Mr. Grafilo and thanked him for giving his presentation today.

Dean Grafilo, Director, Department of Consumer Affairs (DCA or Department), provided an overview of the DCA’s accomplishments this past year, transition and governor’s

proposed budget, Director's quarterly meeting, required Board Member training, and sunset review. He stated his goal from day one has been to fight hard against the tendency of potential silence due to the broad and vast nature of the DCA. He stated this Board has done that in many ways and he wanted to continue to support those efforts. The Board's activities not only brought everyone together for open dialogue with the Department's boards and bureaus, it also furthered the mission to protect California consumers. He invited the Board to review the 2018 Annual Report for a comprehensive view of the Department's achievements.

Director Grafilo discussed the transition and governor's proposed budget. He stated the Department has met with the transition team. He noted that there is nothing the Board needs to do differently other than to continue the great service and great work it has been doing.

Director Grafilo discussed the sunset review. He stated the Board is one of ten programs undergoing sunset review this year. He wished the Board his best and hoped that it was a smooth process. He offered his support and assistance during this process and stated the Legislative Affairs Office is available for guidance or preparation needed for the hearing such as conducting mock hearings or reviewing Q&As. Ms. Underwood stated a mock hearing has been scheduled.

Ms. Thong thanked Director Grafilo for his report and stated the Board is looking forward to working with the Department team on the preparation for the sunset review hearing.

**7. Agenda Item #7, PRESENTATION ON "WHY WE REGULATE THE BEAUTY INDUSTRY" BY LESLIE ROSTE**

Ms. Thong invited Leslie Roste to present this agenda item.

Leslie Roste, RN, BSN, National Director, Education and Market Development, King Research, provided an overview, with the slide presentation, of the importance of a dedicated Board, increasing the impact of the Board, and the worst that can happen without a Board.

Ms. Crabtree asked if Ms. Roste's presentation slides have been shown to the Legislature to help them understand the importance of being licensed. Ms. Roste stated not in California but she has presented to legislative committees and hearings in other states.

Ms. Thong asked staff to email the link to Ms. Roste's presentation to legislative staff.

**8. Agenda Item #8, EXECUTIVE OFFICER'S REPORT**

- a. Licensing Statistics**
- b. Examination Statistics**
- c. Disciplinary Review Committee Statistics**
- d. Enforcement Statistics**
- e. Budget Updates**
- f. Outreach Updates**
- g. Practice Status Survey Results**

Kristy Underwood, Executive Officer, acknowledged new and existing staff in attendance:

- James Anderson, Board Enforcement Unit and Spanish Outreach Programs
- Rachel Gaytan, Board School Analyst
- Michelle Allee, Board Inspections Manager
- Allison Lee, Board Project Manager
- Carrie Harris, Board Enforcement Manager
- Theresa Rister, Board Cite and Fine Manager

Ms. Underwood reviewed the statistics and update reports, which were included in the meeting packet. She stated, at the Board's request, interpreter services provided at the Disciplinary Review Committee (DRC) hearings have been added to the statistics. She presented per report:

- Staff attended the International Salon and Spa Expo (ISSE) show in Long Beach in January. Attendance seemed lower than in the past.
- Health and Safety Regulations are currently being translated in Chinese, Farsi, and Arabic and will be posted on the website.
- Staff did an outreach event at the Mexican Consulate in Los Angeles and another organization has asked staff to present in Perris, Victorville, and Coachella on getting a license with an Individual Taxpayer Identification Number (ITIN) number.
- Staff is working on a communications plan directed at consumers and is looking at press releases and social media outlets.

### Questions and Discussion

Mr. Weeks asked if staff will continue to do outreach annually with the Mexican Consulate. He suggested requesting to speak last and limiting the amount of time that schools can speak.

Mr. Drabkin asked staff to add a column to the examination reports of the historical examination pass rates for comparison.

Ms. Thong asked if there are numbers for the remote translations. Ms. Underwood stated staff is working on that.

Ms. Thong suggested sending a press release publicizing the translation interpreter services available to licensees. She suggested pairing outreach activities in the areas where staff is traveling.

Mr. Weeks asked about the budgeting process. Ms. Underwood described the Budget Change Proposal process. She stated staff meets annually with the budget analyst to build the next year's budget. She suggested asking the budget office to present at the next Board meeting.

**9. Agenda Item #9, APPROVAL OF BOARD MEETING MINUTES**

- **October 22, 2018**

**MOTION:** Mr. Federico moved approval of the October 22, 2018, California State Board of Barbering and Cosmetology Meeting Minutes as presented. Ms. Crabtree seconded. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Federico, Thong, Weeks, and Williams.

**10. Agenda Item #10, DISCUSSION AND POSSIBLE ACTION REGARDING THE 2019 BOARD MEMBER GUIDELINES AND PROCEDURES MANUAL**

Ms. Underwood summarized the changes made to the Annual Board Member Guidelines and Procedure Manual.

**MOTION:** Dr. Williams moved approval of the 2019 Guidelines and Procedure Manual as updated. Mr. Drabkin seconded. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Federico, Thong, Weeks, and Williams.

**11. Agenda Item #11, APPOINTMENT OF COMMITTEE MEMBERS TO STANDING COMMITTEES FOR 2019**

Ms. Underwood suggested tabling this agenda item to the next meeting due to Board vacancies.

Ms. Thong tabled this agenda item to the next Board meeting.

**12. Agenda Item #12, UPDATE ON 2019 SUNSET REVIEW REPORT**

Ms. Underwood stated she anticipates the report from legislative staff any day. The sunset review hearing is on February 26<sup>th</sup>. The Board will then have 30 days to prepare the final responses. She suggested an additional Board meeting in March for Board approval of the draft responses.

**13. Agenda Item #13, DISCUSSION AND POSSIBLE ACTION APPROVING EDITS OF THE HEALTH AND SAFETY COURSE AFTER PILOT TESTING (BPC SECTION 7389)**

Ms. Underwood summarized the Health and Safety Course Pilot Test Report, which was included in the meeting packet. She stated the recommended changes to the course made by the pilot test participants and subject matter experts are listed in page seven of the report.

**MOTION:** Ms. Crabtree moved approval of the Health and Safety Course Pilot Test Report. Seconded by Mr. Federico. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Federico, Thong, Weeks, and Williams.

**14. Agenda Item #14, DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS FROM THE SPANISH LANGUAGE EXAMINATION TASK FORCE**

Ms. Underwood summarized the discussion points and recommendations made by the Spanish Language Examination Task Force outlined in the Staff Memo, which was included in the meeting packet.

Michael Santiago, Board Legal Representative, stated, since this comes to the Board as a recommendation from a Committee, it comes as a motion and a second.

Questions and Discussion

Mr. Federico asked if it requires legislative approval for the Board to ask schools to provide enrollment information. Ms. Underwood stated it would require statutory authority.

Mr. Drabkin asked if English will also be at a lower grade level if translation grade levels are lowered. Ms. Underwood stated she will look into that.

**VOTE:** Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Federico, Thong, Weeks, and Williams.

Mr. Weeks moved that the staff amend the regulatory language for the California Code of Regulations Section 932 to remove criterion-referenced scoring and instead require scoring be based on a weighted combined score where practical counts for more than the written portion. He suggested that Section 932 be amended to read “examination shall consist of a practical demonstration and a written test. In establishing passing grades and examinations, the Board shall work with its contractor to ensure practical demonstration scores shall prevail in importance over the written portion of the test by utilizing a combined weighted scoring method.” Mr. Federico seconded.

Mr. Drabkin stated the Board just voted to accept the recommendation from the Task Force for the National-Interstate Council of State Boards of Cosmetology (NIC) to do a data analysis to see if the scoring would change. This motion seeks to change it now without the analysis. He suggested tabling this motion, doing the data analysis, and expect the results presented by the March or May Board meetings.

Mr. Weeks stated it would be interesting to have this resolution going into the sunset review process to show the Legislature that the Board is diligent in looking at this issue. He stated the general consensus of the Task Force was that there would be a change.

Ms. Underwood stated, if this motion passes, staff would prepare the regulatory language that would need to come back to the Board for approval. Regulatory language would be approved as well as potentially providing the results of the data analysis at the March meeting.

Mr. Drabkin asked if staff could draft the regulatory language to have it ready if the results of the data analysis shows it would benefit. It would communicate to the Legislature during the sunset review that the Board is working on this problem and drafting the language if the results show that this is the way to go. Mr. Weeks agreed.

Ms. Thong stated she was okay with looking at a regulatory language change, but she cautioned the Board to look at this holistically. This change is coming out of a need to address the Spanish language pass rates, but changing the exam overall will impact all licensees. She asked the Board to think critically if this is the change that needs to be made to address the Spanish language pass rates. She stated changing the exam itself is not beneficial to addressing a specific challenge because it is not really addressing the challenge – it is just changing the test so that the numbers fit.

Ms. Thong stated, if the only way to increase the Spanish language pass rate is to make this change, then that is a decision that the Board can come to at the next meeting when it examines the regulatory changes to the language for testing. She stated she is wary of moving in this direction because it is not fair to Spanish language test takers that the Board is not actually looking into the root cause of why they are not passing the test in its current form, since they are the only category in which the pass rate is so low. Changing the weight of the scoring so the numbers change does not change anything on the side of the test takers and does not address their challenges.

Mr. Weeks stated the Board should also remember what is currently in the California Code – “in the conduct and grading of examinations, practical examinations shall prevail over written tests.” He stated it is already there for the Board to adhere to.

Ms. Thong suggested dedicating a large portion of the next meeting to discussing this compliance issue and inviting the department that oversees the examination process to present how the Board is currently in compliance with that language and whether or not practical is currently prevailing in the scoring methodology so that everyone is on the same page in understanding how the scoring is currently working.

### **Public Comment**

Wendy Cochran, California Aesthetic Alliance, stated testing should be the responsibility of the schools. Schools should release individuals who are competent in their practices. She suggested removing the practical test and putting the onus on the schools of releasing competent students who can provide these services on a daily basis and not under a panic situation. She stated this discussion negates Ms. Roste’s presentation on the importance of understanding health and safety.

Tracy Montez, Ph.D., Chief, Division of Programs and Policy Review, DCA, stated, as a long-term state employee, she would strongly suggest that the Board not yet begin drafting regulations. There is a great opportunity to explore a number of things based on the Spanish Language Examination Task Force. This program is complex. It is good to step back and look at the examination program. It is important to be thoughtful because the past has shown that individuals can pass the practical and still miss key health and safety issues on the written test. She suggested letting the Task Force continue looking at this issue.

Mr. Jones stated two-thirds of Spanish candidates are failing the exam every year since the Board moved away from aggregate scoring. These are real people whose lives have been placed on hold because of a change of policy by this Board recommended by the Office of Professional Examination Services (OPES) in clear contradiction to state law. He stated Mr. Weeks was not quoting a regulation, rule, or policy, it was the Business and Professions Code that says that for purposes of grading, the practical demonstration shall prevail or the written. He stated the Legislature set that policy because this is a hands-on industry. It does not matter how much theoretical knowledge has been gained if the student cannot apply it in a salon setting.

Mr. Jones stated health and safety is almost the entire element of the practical examination. The idea that theoretical knowledge is the only means by which schools can convey health and safety to their students is bogus. Business and Professions Code Section 7338 states that for purposes of grading the practical shall prevail. There are clear policy reasons and clear industry realities why the practical shall prevail. The wreckage of not allowing it to prevail is that two-thirds of Spanish test-takers, who have gone through a year of schooling, cannot practice legally in the industry.

Mr. Jones stated unlicensed activity is one of the greatest threats to the industry. Because the Board is ignoring state law, it is encouraging more unlicensed activity. He stated his belief that Mr. Weeks comes to this as an incredibly diligent Board member who has done his homework. He has done his due diligence. He stated this discussion began as a bonified concern about low Spanish test scores and, given the sunset review and the influence of the Latino Caucus, this is an eyesore on the statistics. Proactive actions should be shown before going to the sunset review hearing. It is bigger than that. It is the fact that the Legislature has already made it clear, and that the Board is out of compliance with the law.

Dr. Montez stated she did not believe that her office was involved when that regulation was put in place. Business and Professions Code Section 139, which was also put in place by the Legislature in 1989, did say that the DCA's boards and bureaus are mandated to follow professional guidelines and technical standards for exam validation. These are the same professional guidelines and technical standards that are used for examinations across the nation. She stated she feels confident that the Board can defend the process that it has in place.

Ms. Roste stated individuals who pass the exam can become an instructor the next day. She stated she made the point in her presentation about junk in, junk out. If students do not know the information in theory, they arguably cannot teach it. She stated her concern that the Board does not require anything additional of instructors. She suggested making the exam the quality necessary for that individual to become an instructor for the next person who comes through school.

John Moreno, Vice President, Bakersfield Barber College, stated combining the tests will remove the stress that could cause a student to fail the practical or written exam. Failing a combined test means the student failed in the act of being sanitary in a practical and written sense. He stated he has had many students



who have finished the course leave or fail to take the test and then never go back. Students need to take their test. It would help the passage rate and possibly the rate of unlicensed individuals.

Ms. Thong clarified that the motion is for staff to come back with regulatory language regarding the weight of the practical versus the written exam.

Mr. Drabkin added that the intent is to draft the language with the pathway to making the regulatory change as opposed to having a draft available as a tool to use in the future.

Mr. Santiago stated directing staff to draft the language will require that language to be approved by the Board. Then the Board would initiate the rulemaking, which is another motion. This is in the early draft stage. The Board has leeway to do what it wants with the draft language that is brought back.

**MOTION:** Mr. Weeks moved that the staff amend the regulatory language for the California Code of Regulations Section 932 to remove criterion-referenced scoring and instead require scoring be based on a weighted combined score where practical counts for more than the written. Section 932 shall be amended to read “examination shall consist of a practical demonstration and a written test. In establishing passing grades and examinations, the Board shall work with its contractor to ensure practical demonstration scores shall prevail in importance over the written portion of the test by utilizing a combined weighted scoring method.” Seconded by Mr. Federico. Motion failed 3 yes, 3 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Drabkin, Federico, and Weeks.

The following Board Members voted “No”: Crabtree, Thong, and Williams.

Mr. Weeks stated he voted yes to ensure that the Board is full adhering to the California Code of Regulations and to address the iniquities in the Spanish language examination pass rate.

Ms. Thong stated she voted no. There should be changes made to the code but this may not be the right direction to move in just yet. More time is required to be more thoughtful about the language being changed with this particular code. Also, the Board should be looking at other factors that are impacting Spanish language pass rates specifically including alignment with the Apprenticeship Standards Board looking into perhaps licensing individuals who teach, especially since it was found that many of the Spanish language test takers were not taking courses in Spanish. There is a lot to be done at the student and school levels before the Board begins to change the examination process.

Mr. Federico stated he voted yes because this is the beginning of something that can be changed multiple times along the way. It is good to have something on the table so the Board can continue moving along with this issue.

Ms. Crabtree stated she voted no because she agreed with Ms. Thong.

Mr. Drabkin stated he voted yes based on the fact that the Board is drafting language but not taking action on it. Drafting language now gives the Board language to take action with to modify if it chooses to go that direction.

Mr. Weeks stated he agreed with Ms. Thong's earlier suggestion to devote a significant amount of time at the next meeting to this issue and to invite individuals to attend who would provide understanding and support.

**15. Agenda Item #15, UPDATE AND DISCUSSION RELATING TO CERTIFICATION OF STUDENT HOURS**

Ms. Underwood stated this item has been brought before the Board several times before about the issues being found in schools. She summarized the Update on Certification of School Hours memo on the progress made since the last Board meeting, which was included in the meeting packet. Staff will follow up with the thirteen cited schools to ensure they have improved. Staff positions have been redirected to handle the increased workload and new positions will be brought in in the near future.

Questions and Discussion

Ms. Thong asked about the history of licensing teachers. She asked how it stopped and what it would take to reinstate that requirement. Ms. Underwood stated it would take a statutory change. The instructor Certificate of Authorization and practical examination was removed in 2004.

Mr. Federico agreed and stated the idea was that the Board should just be regulating the active industry and not regulating the instructors. That was given over to a now-defunct department, which would go through an approval process for instructors. It has since been given to the BPPE, whose only requirement is that individuals applying to teach must have three years of experience.

Ms. Thong asked to discuss this further at the next Board meeting and to invite a representative from the BPPE to present a review of how instructors are being approved.

**16. Agenda Item #16, LEGISLATIVE UPDATE: DISCUSSION AND POSSIBLE ACTION ON PROPOSED BILLS**

**a. AB 193 (Patterson) – Barbering and Cosmetology Scope of Practice Changes**

Ms. Underwood summarized the Bill Analysis for Assembly Bill (AB) 193, which was included in the meeting packet.

Questions and Discussion

Ms. Thong suggested proactively meeting with the B&P members to ensure that they are aware of the Board's concerns. The last iteration of this bill was supported by many members of the Legislature because they saw it as a barrier to entry bill. She stated the importance of getting ahead of it this time around and being proactive with meetings to let concerns be known.

Ms. Crabtree agreed and stated the need to include showing health and safety issues that can happen as a result of deregulation.

### **Public Comment**

Ms. Roste stated showing the photos from her presentation can come across as a scare tactic. She stated other states have identified all steps associated with each salon service and asked her, as a subject matter expert, to identify the risks at each step and what can be done to mitigate them.

Ms. Cochrane spoke in opposition to AB 193. She stated makeup is missing in the bill language. It does not address the lash artists who are already performing unlicensed services.

Jaime Schrabec, Precision Nails, stated because the manicuring license requires the fewest number of hours and because Ms. Roste pointed out in her presentation how serious failures can be to consumers, manicurists may appear as the low-hanging fruit on the way to taking on esthetician and cosmetology licensing. She challenged the declaration that, as AB 193 proposes, licensees are burdened by their licenses and requirements to stay within a scope of practice. She asked about the meaning of "occupational licensing places an unnecessary burden on otherwise qualified workers." She asked how those workers get qualified. She stated she became qualified by going to school, passing a test, paying her licensing fees, and staying out of trouble. She stated for this bill to say that these people are qualified to do this work and somehow the Board is keeping them from participating in this industry is ridiculous.

Mr. Jones spoke in support of the motion to oppose SB 193.

**MOTION:** Ms. Thong moved to oppose Assembly Bill 193. Seconded by Ms. Crabtree. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Crabtree, Drabkin, Federico, Thong, Weeks, and Williams.

Mr. Drabkin asked staff to watch Assembly Bill 5, the codification of the Dynamex decision.

## **17. Agenda Item #17, PROPOSED REGULATIONS: DISCUSSION AND POSSIBLE ACTION OF PROPOSED REGULATORY CHANGES**

Ms. Underwood reviewed the Regulations Update memo, which was included in the meeting packet. She noted the three regulation packages that will require a Board vote:

- a. **Title 16, CCR Section 904 (Definition of Access)**
- b. **Title 16, CCR Section 950.10 (Transfer of Credit or Training)**
- c. **Title 16, CCR Section 961 (National Interstate Council (NIC) Translation Guides)**

**MOTION:** Mr. Federico made a motion to move forward with the proposed regulation changes to the NIC translation guides. Seconded by

Ms. Crabtree. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Federico, Thong, Weeks, and Williams.

**d. Title 16, CCR Section 962, 962.1, and 962.2 (Externs)**

**MOTION:** Dr. Williams made a motion to move forward with the proposed regulation changes to externships. Seconded by Ms. Crabtree. Motion carried 6 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Federico, Thong, Weeks, and Williams.

**e. Title 16, CCR Section 965.2 (Personal Service Permit)**

**MOTION:** Ms. Thong made a motion to move forward with the proposed regulation changes to the Personal Service Permit and included adding nail polish removal to the manicurist services that may be performed. Seconded by Dr. Williams. Motion carried 5 yes, 1 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Drabkin, Federico, Thong, Weeks, and Williams.

The following Board Member voted “No”: Crabtree.

**Public Comment**

Ms. Schrabec stated, if manicurists are allowed to apply nail polish as part of the Personal Service Permit, they should be allowed to remove nail polish. She stated the limitations of only filing and buffing the nails and applying nail polish are very restrictive. She asked that, at a minimum, nail polish removal be added.

Ms. Schrabec clarified that the Personal Service Permit does not replace or supplant, it must exist simultaneously with Article 2, Section 7318, which allows for practice outside a licensed establishment when a person is either mentally or physically incapacitated, which has not been defined by the Board. She noted that that licensing must be obtained from a licensed establishment.

**f. Title 16, CCR Section 972 (Disciplinary Guidelines)**

**g. Title 16, CCR Section 974 and 974.3 (Fine Schedule and Payment Plan)**

**18. Agenda Item #18, AGENDA ITEMS FOR THE NEXT MEETING**

Dr. Williams asked to include a discussion on the length of mobile units in the regulations. It needs to be updated.

Mr. Weeks suggested that a committee could discuss areas to improve the language and regulations followed at the DRC hearings.

Ms. Thong suggested that the Legislative Committee look at potential new services to regulate against, given Ms. Roste’s presentation today. She suggested a presentation on new services to watch out for.

Ms. Thong suggested that the Health and Safety Committee look into the environmental impact of the industry regarding chemical disposal to consider putting together a best practice guide at the state level.

**19. Agenda Item #19, ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 12:30 p.m.