

CALIFORNIA STATE  
BOARD OF BARBERING AND COSMETOLOGY

# Personal Service Permit



## Summary of Contents

The *Report on the Implementation Progress of the Personal Service Permit* includes a review of the efforts of the California Board of Barbering and Cosmetology (BBC) to gather information from stakeholders to determine how the industry wants the Personal Service Permit (PSP) enacted. This report includes a summary of:

- four stakeholder meetings conducted by BBC;
- the information gathered on a survey performed by BBC;
- a survey conducted by the California Estheticians Facebook Group;
- the July 17, 2016 Board meeting;
- the November 14, 2016 Licensing and Examination meetings;
- the fiscal impact of the implementation of the PSP;
- the future actions of the BBC for implementation of the PSP.

To download a copy of the report: [http://www.barbercosmo.ca.gov/forms\\_pubs](http://www.barbercosmo.ca.gov/forms_pubs)

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Board of Barbering and Cosmetology  
**Report on the Implementation Progress of the  
Personal Service Permit**

In March of 2015, the Senate and Assembly Business and Professions Committees conducted a joint oversight Sunset review hearing of the California Board of Barbering and Cosmetology (Board). Assembly Bill 181 (AB 181) was the resulting legislative law from the joint Committees hearing. The provisions of AB 181 became effective on January 1, 2016. Included in the legislative changes as promulgated by the bill was the requirement that the Board may issue a Personal Service Permit (PSP) to an individual who meets the criteria for a PSP as set forth by Board regulation. The Committees requested that at a minimum, two Stakeholder meetings be held to thoroughly determine if and how the industry wanted the PSP to be enacted. The Board is to report on the progress of the regulatory process and issuance of the PSP to the Legislature on or before July 1, 2017.

**Personal Service Permit Definition**

A permit that authorizes an individual to perform services, for which he or she holds a license, outside of an establishment in accordance with regulations established by the Board.

**Industry Trends**

California consumers are beginning to seek barbering and beauty services outside the walls of a traditional brick and mortar establishment. In addition, California is currently experiencing an upsurge of smart phone applications designed to connect a technician to a client with the intent of providing barbering or beauty services at an office, bridal suite, client home or other location, outside the confines of the licensed brick and mortar establishment. Generally speaking, services rendered primarily include hairstyling, make up and nail polish changes.

Entrepreneurs with a personal nail service business model approached the Board staff to discuss how to legitimize the offering of nail services to office workers of large corporations within the State of California.

The Board sees numerous articles from industry magazines endorsing the freelance career pathway.

There are numerous advertisements in newspapers, blogs and posting boards, such as Craig's List, advertising services being offered outside a licensed establishment.

**Current Law**

Provides the licensure and regulation of the practices of Barbering, Cosmetology and Electrology by the California Board of Barbering and Cosmetology. (BP&C\* 7312)

States that it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology or electrolysis practices for compensation, in an establishment or mobile unit which is not licensed by the Board. (BP&C 7317)

Provides for an exemption from licensure if the person employed to render the services is in the course of and incidental to the business of employers engaged in the theatrical, radio, television or motion picture production company. (BP&C 7319 (c))

Requires any person, firm or corporation operating an establishment where activity regulated under the Board is practiced, to apply for an establishment license. Existing law prohibits the Board from issuing a license to any applicant who has committed specified acts or crimes which are grounds for denial of licensure. Requires operation of the establishment only at the location for which the license was issued. (BP&C 7347)

Requires any person, firm or corporation operating an establishment where activity regulated under the Board is practiced, to comply with the Board's rules and regulations. (BP&C 7402)

Authorizes the Board to assess administrative fines for the violation of the Act or regulations adopted by the Board. (BP&C 7406)

### **Stakeholder Meeting Overview**

The focus of the Stakeholder meetings was to gather information from Stakeholders regarding whether the industry wanted the addition of a PSP, proposed regulations Stakeholders would like to see incorporated in the creation of the PSP, and enforcement options available, if the permit was enacted.

Executive Officer Kristy Underwood presented a PowerPoint presentation which highlighted the best practice options as compiled from the other State Boards of Barbering and Cosmetology within the United States. Time was scheduled to allow for questions and comments from the interested parties. The agenda to these meetings was posted on the Board's website and agenda mail outs and emails were sent to the interested parties. In addition, the Board made use of social media (Facebook, Twitter) to advertise the pending meetings. Four meetings were conducted, two meetings in Northern California and two in Southern California locations. The first two meetings were webcast (March 29, 2016 – Sacramento, CA and April 4, 2016 – Riverside, CA). The webcasted meetings are currently archived on the Board's BarberCosmo website. The interested parties were encouraged to submit suggestions/comments either by email or by comment cards provided at the meeting sites.

Meeting agenda items included:

- Summary of Best Practices from Other State Boards.
- Discussion of Appropriate Licensing Categories and the Feasibility of the Personal Service Permit within the Licensing Category in Order to Protect Consumer Safety (BPC § 7402.5(c) (1)).
- Discussion of Proof of Liability Insurance and Criminal Background Clearance Requirements (BPC § 7402.5(c) (5)).
- Discussion of Permit Fee, Renewal Fee and Delinquency Fee. (BPC § 7402.5(d)).
- Discussion and Identification of Specific Draft Language of Regulations Pertaining to the Personal Service Permit.

### **Results of the March 29, 2016 Meeting – Sacramento, CA**

Fred Jones, Professional Beauty Federation of California (PBFC) was the only attendee and a number of individuals attended via webcast. Mr. Jones encouraged the Board to recognize the pressures and realities currently facing brick and mortar salons. This includes establishments which are employee based, commission based, booth rental based and pyramid based. The recent changes and proposed changes (minimum wage [AB 1513], piece rate wage, etc.) have put pressure on the employee based salon owners. Mr. Jones cautioned the Board on the possibility of unintended consequences. If the PSP is implemented, the PBFC would like to see a direct connection between the PSP holder and a physical brick and mortar establishment. This would allow Board inspectors access to check the permit holder's protocols, tools and verify that the Board's health and safety regulations are being followed. Without the physical establishment, the health and safety of consumers cannot be monitored. This may or may not include traditional salon establishments or office type establishments. PBFC recommends personal liability insurance for the holder of a PSP.

### **Results of the April 5, 2016 Meeting – Riverside, CA**

Over 75 individuals attended and a number of individuals attended via webcast. The attendees were primarily Riverside Community College, Citrus College and Royal College of Beauty students and staff. There was a representative of the California Estheticians Facebook group (approximately 1500 members) present, a kit company owner and establishment owners.

Views on the PSP were numerous and varied. The attendees appeared to be split on a decision if the permit should even be pursued. Reasoning included the fact that providing personal services already occurs within the State (illegally) with no documented consumer harm. The group seemed to be split on the requirement of personal liability insurance. While most felt it should be encouraged, it should not be required by the State. In addition, if the PSP was linked to the establishment, the establishment owner should carry the personal liability insurance on the PSP employee.

The point was also clearly made that the Board cannot currently conduct its regular yearly inspections on licensed establishments, how will it be able to enforce or inspect more worksites? Generally speaking, most felt that there would be no real enforcement and that this type of permit would breed a reactive response from the Board. Consumers would have possible recourse *after* the harm but not *before* the harm occurs. Many felt this was in opposition to the Board's mission to provide consumer protection.

The Estheticians Facebook group stated that the group is in favor of the PSP. They do not think electrology services should be offered as a PSP service. They want the entire scope of practice of the esthetician to be included in PSP services. It was felt by this group that the majority esthetic services that would be requested in a PSP setting would be waxing, lash extensions and facials. They do not want the PSP connected to a traditional brick and mortar establishment. The group representative stated that it is the general feeling of the group that if a PSP is obtained, the holder of the PSP should be held to a higher expectation level. PSP holders should carry personal liability insurance (recommended, but not required), hold a blood-borne pathogen training certificate and receive a background check/live scan, not just a "you pay this amount and you get this additional opportunity".

Concerns were raised during this meeting regarding the lack of control the Board would have on ensuring consumers were safe. For example if the services took place in a home setting and the consumers were receiving potentially harmful chemicals on them (such as ingredients in acrylic nail products), how would the Board be able to verify that there was proper ventilation (exposure to the elderly or children)? Also, how would the Board monitor environmental issues, such as disposing of disinfectant or harmful chemicals down the drain? In general, it was felt that the Board would not have a way to inspect the worksite or even be able to control or enforce any potential concerns. Even if the inspectors could inspect the worksite (for privacy issues, they could not), the sheer volume of inspections would greatly outweigh the number of inspectors within the State. There would not be viable enforcement monitoring by the Board. Any sort of Enforcement would have to be completely complaint driven by the consumer.

Many felt, if the PSP were implemented, they should not have to pay an additional fee to be the holder of the PSP.

Issues were raised regarding services being offered that could potentially cause unintended blood exposure, such as a barber shaving or a manicurist that nips the nail cuticle. Some felt that these services should not be offered outside the confines of a licensed establishment.

It was recommended that if the PSP is linked with an establishment, then the owners should be required to do specified training as some establishment owners have not gone through schooling to learn basic health and safety protocols.

It was felt by a few in the audience that if the PSP moves forward, then the actual service locations such as home, church, work site, etc. should be included in regulation, to prevent little street corner stands from popping up.

The suggestion was made that if the PSP moves forward, then it should possibly be limited to licensees who are in good standing with the Board and have not received any significant health and safety violations within a year.

It was recommended by some that the PSP holder be required to display and print their personal license number and PSP number on any business cards and both license and permit be displayed at the worksite.

### **Results of the May 16, 2016 Meeting – Costa Mesa, CA**

There were 16 individuals present. The meeting was not webcast. Attendees included representatives from Supercuts, Fantastic Sam's and Sports Clips, a Paul Mitchell establishment owner, a Paul Mitchell school representative and stylists. The establishment owners of Supercuts, Fantastic Sam's and Sports Clips (which represented hundreds of California based establishments) were adamantly opposed to the implementation of a PSP. In summary, the reasons are listed below:

- Some freelance services are already being performed within the State illegally. Establishment owners already have difficulty in finding staff to hire. The fact that freelance services are illegal, acts as a 'gatekeeper' for the flux of staff availability. If a PSP is implemented and not linked to an establishment, it could potentially cause establishments to fail due to the unavailability of staff to hire.

- There are numerous new and potential encumbrances being put on establishment owners, such as, the new minimum wage requirement, piece wage (commission payment) requirement, potential training requirements, etc. The representatives feel that the unintended consequences of a PSP may potentially put a large number of establishments out of business since it will no longer be lucrative to be an establishment owner in California.
- It is impossible for the Board to enforce any regulations on the holder of a PSP as they would have no way to inspect the work site. Consumer health and safety will be at risk. PSP is a slippery slope; there is a possibility of losing control of the order established for consumer safety. (Order vs. Anarchy)
- Implementation of a PSP because a company comes into California and wants to “Uberize” the nail industry is not the right reason to implement the permit. These licensees would be considered employees under California laws. Uber has faced many legal issues and there could be similar issues for PSP holders.
- It was expressed that if the PSP was linked through a brick and mortar establishment, the establishment owner would have to carry additional liability insurance. If the PSP was not linked through the establishment, the personal licensee would need to carry personal liability insurance.
- Valuable training and mentoring by seasoned establishment employees would be lost on new licensees who enter the industry and go right to a PSP situation.
- The PSP degrades the industry. It opens the door for unsafe practices. It is not playing on an even playing field between establishment owners and the individual PSP holder.
- Concern was expressed that there would be an increase in fraudulent activity. The PSP could be “borrowed out” to others, even if it is tied to an establishment, the Board does not have the resources to check the validity of the information provided from the PSP holder.

It was noted by a participant that while we may not personally like the general idea of a PSP, it is the next business model trending within the State. It is the future of the industry. People are already performing services outside the confines of a licensed brick and mortar establishment. It is the direction the industry is currently moving in and she felt that PSP services will only increase within the State. She expressed that the Board should at least set up some regulations to help protect the health and safety of California consumers and be accountable. This gives licensees the opportunity to be legitimate. The industry needs to decide how to manage off site services because it happening and will continue to happen.

A stylist was present and was in favor of the PSP. She feels that regulations can be implemented to enforce the PSP and hairstyling is the only service that should be offered under the PSP. She was unsure if makeup services should be offered.

A stylist recommended that the PSP be linked to a special event (such as a wedding) and not just for services offered out of the home or elsewhere.

## **Results of the May 18, 2016 Meeting – Sacramento, CA**

A representative from a marketing firm representing various booth renters from the Orange county area was present. Her clients (booth renters) would like to have the PSP implemented if it could be tied to the traditional brick and mortar establishment. The booth renters are looking for opportunities to expand their business income and to have the ability to offer services in non-traditional settings and time frames. They wish to retain the traditional services and the business plan of the licensed brick and mortar establishment.

Fred Jones, Professional Beauty Federation of California (PBFC) was present and reiterated the concerns he expressed at the March 29, 2016 meeting. He clearly stated that the PBFC was not in favor of the establishment of a PSP. There is no way of guaranteeing consumer health and safety when the pool of licensees increase. There will be industry ramifications since the State Board will not be able to properly enforce the health and safety regulations in a PSP environment. The PSP creates unfair competitive economic realities between brick and mortar establishments and the PSP holder. PBFC believes that implementation of this permit will cause unintended consequences/hardships on employee based establishment owners within the State. This is in part due to recent legislative action (rise in minimum wage, piece wage bill, etc.). By 2022, establishment owners will have to pay their employees \$15.00 per hour, tips and absorb an additional 30% more in payroll expenses. He noted that in the 1980's and 90's, workers compensation rates were on the rise and this directly lead to the booth rental explosion. Salon owners could not afford the additional workers compensation expenses. Booth rental became a way for employee based establishments to avoid the workers compensation fees. While many booth rental salons operate within the confines of the law, it should be noted that many use booth rental as a way to escape the payment of taxes, workers compensation and such. This booth rental model has done a disservice to the employee based salons and the industry as a whole. The non-payment of taxes has led to a reduction in student loan money available to the next generation of licensees. In addition, a new law was just signed in October by Governor Brown that undermines the ability to pay a stylist through commissions (AB 1513). It is now cost prohibited to pay via commission. The PBFC has concerns that the PSP could turn into the next booth renter phenomenon and do further damage to the industry. PBFC expressed concern that if services were allowed to be performed outside of the confines of a brick and mortar establishment that there may be a surge in individuals, who only held back because it was illegal, to start entering the off-site services field, without the training or experience to provide healthy, safe services. The "bad-actors" could increase by 10 fold. Even though the Board could restrict which services were performed, there is no way the Board could actually enforce what is being done. If the Board moves forward with the PSP, it must be linked to a brick and mortar establishment and personal liability insurance is a must. If the Board moves forward with the PSP, the PBFC will offer constructive suggestions on regulatory language for enforcement.

Two establishment owners from San Ramon were present and initially indicated that they were in favor of the PSP. They recognized the fact that illegal services are taking place in the State and felt that the PSP might help add a higher standard or expectation of health and safety protocols to be followed if it was perceived that the Board is watching the conduct of the permit holders. They feel that personal liability insurance should be required. They did not feel the State was in the position of properly enforcing the PSP, partly due to costs involved in hiring a sizeable inspections staff. If implemented, services should be limited to only bridal hair and makeup. Concern was expressed regarding the numerous on-demand apps and agencies that hire licensed and non-licensed operators. If the PSP is implemented, how would the Board ever



be able to enforce any sort of consumer protection with these agencies or on-demand apps? Concern was also expressed that new licensees may, upon receiving their license, immediately apply for a PSP. They felt that a person should be licensed for a period of time, to gain actual industry experience, before applying for a PSP. Concern was expressed that since a PSP holder would not necessarily have to be tied to a licensed brick and mortar establishment, that establishment owners might have increased difficulty in being able to find enough staff to hire. If implemented, the PSP should be linked to a traditional brick and mortar establishment. By the end of the meeting, they were not in favor of establishing the PSP due to the comments brought forward by Fred Jones (PBFC).

Gary Federico, salon and school owner, was present and made the point that the Board should take in consideration what is best for the entire industry overall. He does not feel that this is the PSP. There would be a major fiscal impact to the industry since the Board would have to hire several more inspectors.

### **Email Comments**

The Board received a total of four email comments from March 29, 2016 to May 19, 2016. The applicable portions of the emails are included below:

1. "I want to follow up from the stakeholder's meeting in Sacramento regarding the personal service permit. This is a change I strongly agree with that will help the barber industry by providing more job opportunities for the barbers which will often go along with a gig at their current barber shops. I was surprised of the current law when I found out, since many states such as New York allow of such service, especially since there are many ways to operate safely.

The safety and quality of service will be maintained by background checks and even out of establishment inspections if necessary. I noticed a few businesses such hairdoo.com and shearapp.com that currently operate in California."

2. "Hi, so I will not be able to attend the meeting for southern CA because ironically I will be on location for the month doing Makeup for a movie in Hollywood. I understand they want to charge a yearly fee for like a mobile license which is not my problem my problem is setting limitations on how many photo shoots or music videos or movies I can do because I have an Esthetic license? Will this only be for Esthetic treatments on locations or does it include makeup which you don't need one for. Have they considered the Hollywood industry all services are mobile do you think celebrities go to the Salon we travel to their homes or to hotels. I would hope that they would consider not setting limitations like how many days you can work."

3. "I am currently a student at Royale College of Beauty in Temecula, CA. I do not agree with having limited services with the PSP as well as having a fee to pay to the board after already having to pay for my license yearly. I think if the PSP comes into effect, it should have to go through as any other business license (permit) & submit through the Board of Equalization. I think that many of us that come in to this industry to be their own boss. I personally do not want to work at a salon or have to work for anyone. My license should be sufficient enough to be able work out of someone's home with a required waiver/disclosure stating that I am coming to their home & if anything happens to their home, i.e. color stain on sink, monomer spilling etc. I cannot be liable because they are asking me to do a service at their home. I do not agree with having to put my license # on anything except having it on my license that I will be receiving from the board. I think we should not have limits to what type of services we can or cannot provide in a

home or whatever place we would be called to. That to me would be diminishing the capabilities of my license. I think having the PSP be unlimited to how many times it can be used as well, if this actually becomes a thing. Having liability insurance is definitely for us normally a MUST. I do not think any extra testing should be required since we've already been tested during our licensing exam. I do think it is important to give the consumer a way to get ahold of the board if they have been harmed by the licensee. I do not think that we should have to display our license. I do think a background check would be a good idea. I definitely do not want to pay an extra \$135 more to be my own boss. I am sorry if I rambled on. I do appreciate your time and thank you for allowing us to send in our comments."

4. "I'm watching the current stakeholder's meeting and want to add more input regarding the personal service permit:

- Should not be directly connected with an establishment, because barbers may want to operate outside of their job. Many times stylist are asked if they can cut hair at home from the actual barber. Cutting hair at home does not need to be related to a store. Keeping records and inspections can still be implemented but outside of a shop, perhaps an office where everything is inspected and recorded.

- Time of a permit should not be any shorter than 12 months as this can cause a lot of hassle for barbers and hurt their pockets.

- As far as which locations should be allowed to receive haircuts shouldn't be too limited as a mutual agreement between two individuals is enough to assume they are operated safely for both individuals. Insurance and a background check will solve this together.

- Shaving should be allowed although it may be hazardous the idea is that the barber and board work with each other to maintain everything. It's the job of the Barber & Cosmetology Association to give licenses to prepared individuals and it assumes the individual is prepared to safely operate.

The big message I want to put out is the Barber & Cosmetology Association is here to prepare barbers and cosmetologist to operate safely whether it'd be in or outside of an establishment. Complaints can still be made and I believe anyone who doesn't inspect their own tools and maintain a professional service as trained by Barber & Cosmetology Association will be dealt with accordingly.

Limiting the procedure is not the right path; the right path is operating normal services and maintaining its quality and safety which can all be done through insurance, agreements, etc."

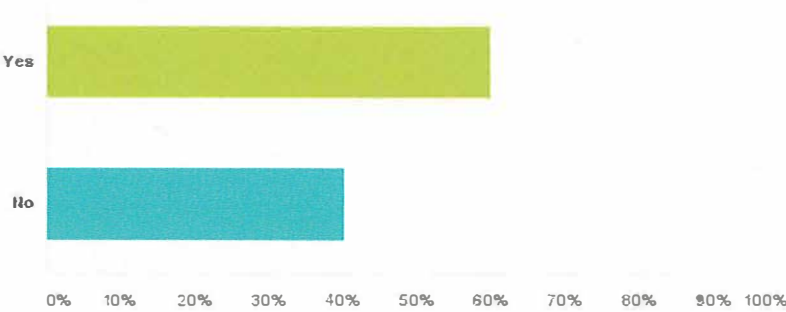
Note: For privacy reasons, personal information has been removed and some comments have been grammatically edited.

**Board Survey Results**

From April 22, 2016 to May 23, 2016, the Board posted the following survey on its BarberCosmo website.

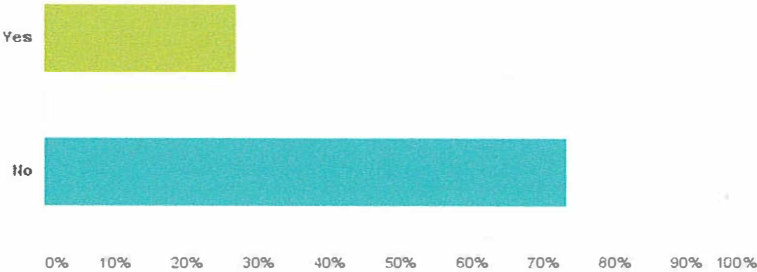
**Q1 Do you think the Board should implement the PSP, to enable licensees to perform services outside of a licensed establishment?**

Answered: 157 Skipped: 1



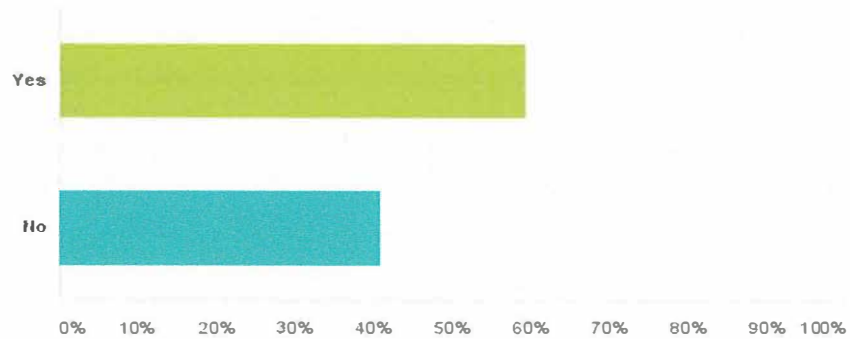
**Q2 If the PSP is implemented, should the permit holder be required to make the appointments through the salon they currently work in?**

Answered: 154 Skipped: 4



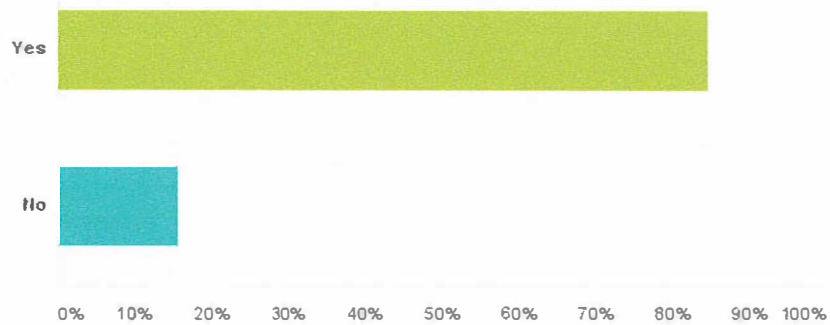
**Q3 Do you think there are any services that should not be allowed to be performed outside of a licensed establishment? (For instance, should chemical work such as perms, hair colors, skin peels, etc. be allowed to be performed outside of a licensed establishment?)**

Answered: 157 Skipped: 1



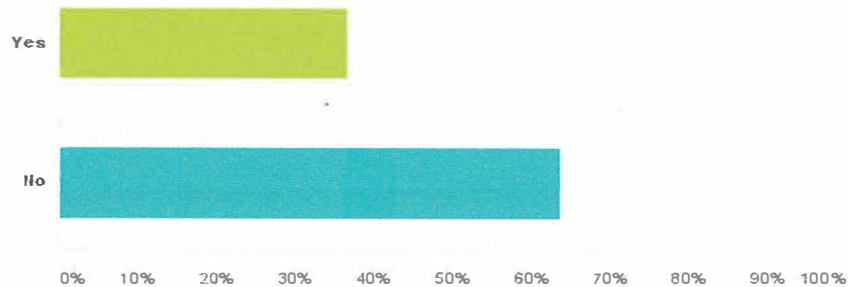
**Q4 Should the holder of a PSP be required to hold personal liability insurance?**

Answered: 156 Skipped: 2



**Q5 Do you have any suggestions regarding regulations that should be imposed upon the holder of a PSP?**

Answered: 145 Skipped: 13



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**Comments:**

- Don't feel you should allow the PSP to be allowed at all.
- Limited timeframe for the permits.
- Don't let this pass!! All regulations should be imposed!
- Holder of PSP must be a licensed by State Board of Barbering and Cosmetology.
- They should be able to be checked on by state-board like salons.
- There should be NO PSP.
- They should only be able perform these services on folks who are unable to leave their home/facility and go out into the world to get the service done. So some kind of proof of disability/residency.
- Random house visits to check their work area like it is done at the salon.
- Again, if you are licensed through the state and in good standing, No other regulations imposed.
- This license must be the sole responsibility of the individual applying for the PSP.
- Offsite sanitation requirements, maybe a checklist or written requirements to spell out what the offsite work space should contain.
- They should be asked to hold a premise insurance. Uniform pricing. Standardized products. Dispute regulations. Must have city license.
- There should be basic sanitation regulations.

- Sanitation regulations should include the car or service vehicle being used.
- If you are licensed you know what you are doing. I think just having and a permit is enough and if you ever get a complaint the stylist knows they could get their license taken away. That is enough.
- Impossible to regulate and inspect.
- Yes, stop this nonsense....
- They would need to pay a license and be available for random inspections just like salons. The problem is how do you know when/where they are working to inspect.
- They should be required to hold the same permit, licenses, and certificates that a salon is required to hold.
- They should abide by the same rules and regulations that's a licensed cosmetologist follows.
- In home inspection to maintain compliance similar to and above the current laws should be held to the same standards as an operating business. Just don't allow PSP.
- Yes. Proper documentation of all outside work for bookkeeping purposes.
- Yes please do not allow non-licensed people to get this permit and help put a stop to all the people who aren't licensed providing services. There has been talk amongst them being "grandfathered in" to this Permit since they have been providing hair services for so many years. It upsets me because we went to school for a long time, learned all of our regulations all of our sanitation and everything else involved with cosmetology, spent thousands of dollars for our education and there's people out there that completely disregard this. I know for fact two people that have had state board called on them for doing hair for bridal that are makeup artist that used to work behind a makeup counter. They are not licensed to do hair they know nothing of the industry the rules or regulations and when the state board lady confronted them they simply said oh we don't do hair we just do make up. Which if you look at any of their websites you will see the truth of the matter and it's become very frustrating for us to have worked hard for our businesses.
- Be responsible for the same sanitation practices.
- They shouldn't be allowed to do any chemical services out of the salon.
- They shouldn't give them the permit to work at home if they are employee.
- Following the NY regulations would be a good move, there's no need to look for every aspect of this to limit.
- We already have thousands of people doing hair at home both licensed and unlicensed and getting paid for it and not declaring the money as income. There is not enough

enforcement of the current regulations and the public doesn't care... until someone gets hurt.

- All professionals should be required to carry Liability insurance.
- That if the services performed, will have no reflection on the establishment they're employed. I case the results aren't what expected.
- Already made them.
- No PSP!! It's impossible to regulate or monitor. When they're in someone's home, you have no idea what's going on behind closed doors.
- How about an oath to provide quality work in a clean and professional environment? Going to a hotel for bridal services isn't an issue, but the random apartment services are a little sketchy.
- They should not be allowed but if this happens they should be held to all same standards of any operating salon.
- I think we should hold the same standard as if we have our own business establishment.
- The only reason I can see for a PSP is if someone was physically not able to visit an establishment (i.e., bedbound, etc.)
- The regulations imposed on professionals in salons should remain the same for personal service permit holders. For displaying of the license maybe a badge version of the license could be issued to permit holders so it could be displayed in the work space or attached to clothing.
- I believe there should be a kit requirement similar to State Board Examination that ensures sanitation and disinfection procedures are followed: I.e. Clean implements container, to be disinfected container, individually sealed bags with disposables per client.
- Proof of Liability Insurance Lifescan documentation Blood Borne Pathogen documentation Basic First Aid/CPR documentation clean record with the BBC/DCA, with allowable minor fines (labeling, minor corrective actions upon inspection, etc.)
- Proof of Liability insurance should have to be provided. License should still need to be prominently displayed.
- I think it should be renewed every year and they should provide proof of liability insurance to the board before it is issued.
- Only that they maintain consistency in following rules of sanitation i.e. No double dipping.

- I believe the infection control and sanitation protocols should be the same. I think the main problem with this is accountability. Hopefully you guys can come up with a way to make these professionals perform at the same high standards as in a spa/salon.
- The applicant should have at least 3-5 years working in licensed establishment so they have a significant amount of experience working with the public under supervised professionals. This way the person has an understanding of how to deal with multiple situations and scenarios that can occur while performing cosmetology services.
- Vote No on PSP.
- It should be strictly controlled and limited to certain locations that the services can be performed.
- Should be a booth renter to get a permit not to go outside the dhip.
- The permit holder should work under an establishment licensed salon. Giving the salon the right to set prices, receive revenue from these holders and provide the client with reassurance.
- Same as in salon with the exception in volunteering non chemical services to needy Ex. Homeless running water many use water bottles and go out to the street to help.
- Clean and safety regulations.
- There should be no difference between a PSP and regular license.
- They should be held to the same requirements as a licensed establishment, and be required to have regular kit inspections.
- They must keep up to code..sanitation and sterilization are key. Cosmetologist's licenses should suffice.
- Sanitation and disinfection always.
- A PSP should require a license verification of some sort. There needs to be a way to make consumers aware that there are licensed professionals performing these services.
- Why not make the PSP an extension of an establishment license instead of the individual's license? It will create less work for the board by issuing to an establishment vs. many individual permits. I believe it will also create a more regulated system as the salon owners will also be held accountable.
- Must have adequate equipment and supplies for sanitations and be a licensed professional under the scope of services being performed.



**Q6 Please provide any additional suggestions, concerns or ideas you may have regarding the implementation of the PSP.**

**Comments:**

- I think having a PSP is a great idea for stylists, there are many occasions that being "on location" for your client would be very convenient. I also think it's a way for the board to set licensed aestheticians and cosmetologists apart from the unlicensed "makeup artists" who are not trained in sanitation and disinfection practices. To say you have insurance and a personal service permit comes off as very professional and assures the client you are serious about their health and safety.
- I really feel strongly about individuals that will be performing out of a licensed establishment. If they will be able to do so with the PSP regulation then, this should mean the possession of personal liability insurance should be also implemented to the individual performing these outside jobs.
- Safety, it will also have an impact on salon business and there will also be no way to regulate services performed are going to be safe.
- As a client I would want to make sure the permit holder has had a clean background check.
- There should be very consistent and thorough inspections for those operating from mobile units or home based establishments. Those providing on site services should have routine check ins with inspectors to ensure proper tools etc. are within codes.
- DON'T DO IT!!
- This is a horrible idea and should not happen, this will destroy everything we have worked for by building salon cultures and stylists working together!
- #1 safety of the clients don't let this pass to take away from the salon experience of getting your hair done.
- If this was to happen salon owners wouldn't make any money and the establishment wouldn't have any return guests. Everyone would want to have the stylist just go to their homes to do the service. It would take too much time out of our day and time with our guests.
- Dry Bar and Glam App are already doing services at client's homes. Are all makeup and cosmetic stores licensed establishments? I think that we, the ones that pay for professional licensing, establishment license, insurance and are otherwise abiding to rules and regulations are scrutinized the hardest and intimidated on regular basis by State Board regulations / enforcement/lack of.
- I think this would be a wonderful addition to our license. Not all people are able come in our office for various reasons.

- I don't think this should pass. You're basically allowing stylists to come to an establishment learn someone's technique and then quit and take the guests with them. You will have salons go out of businesses and if you let a brand new stylist get this permit they will make mistakes left and right and what does that mean for you? This is a reckless idea.
- I disagree.
- There is no way the board will be able to keep up with and be able to do inspections if these PSP holders are never in the same place. You will be allowing a lot of things to go wrong. You will not be able to check that safety and disinfection are being done appropriately.
- I think this is way too risky to have in existence at all. I fear stylist will lose their license. Seems like stylist will be able to cut corners on safety and sanitation regulations. This could be a detriment to salon business everywhere, as stylist can choose what to charge, then create a clientele off the grid. I DO NOT SUPPORT THIS IN ANY WAY!
- DO NOT PASS!!!! THERE IS NO REAL WAY TO REGULATE THIS!!! IF A BUSINESS HAS TO DO IT THE RIGHT WAY, WHY GIVE SOMEONE A FREE PASS?!
- None, licensed individuals should be allowed to run a business the way they wish, as long as it follows all regulation and guidelines.
- Don't make it impossible for an independent person to obtain such a license. Also for anyone who is working as a makeup artist that is not licensed under the board should have to take a one day class on sanitation before they can get this license and should have to update class every 2 years to get renewal, just like us.
- As the trend of app driven services continues to grow so will the desire for stylists to add to their income. Requiring stylists to carry liability insurance while performing services outside of the salon protects the consumer and the stylist. App driven services will have the responsibility of verifying licenses and liability insurance of the service provider. Salon owners may require their employees to NOT have a PSP, this can be done by amending their rules and regulations in their employee handbook, effectively making it an employment condition.
- This practice in whole is not ethical and should not be encouraged as it can cause more harm in the community.
- This would allow small business/at home to grow their business and offer services to those who may not like/or cannot travel to a salon. Those who are disabled, cannot drive can benefit from a mobile service. Thank you.
- Becoming a licensed establishment is too hard and expensive to do hair out of the home.
- The PSP holder should be solely responsible for all fines and fees. It makes no sense to attach the fines and/or fees to the establishment.

- Quit the increase burden you put on small businesses....
- As an established business/license holder it becomes extremely dis heartening to know that anyone can be conducting services, that I am licensed for, have put in due hours, and paid thousands of dollars in school tuition as well as passing state board. I believe all venues, hotels should maintain the copies of the permitted as well to have on hand so ALL parties are liable to maintain a permit as well as liable to only allow permit holders.
- In general, it seems unworkable and puts clients at risk due to difficulty of regulating. Therefore, I would not recommend implementing the PSP.
- It's a bad idea. Injury can easily be caused to a patron by a person that is not properly trained.
- This seems like a bad idea: salons are currently finding it difficult to hire with the reduction in schools. Now the state wants to create an additional way for stylists to avoid declaring income? How would these people get healthcare? It makes sense for people to get serviced inside a shop.
- By allowing PSP's, small businesses could go out of business as there would be fewer stylists willing to work in a salon and overhead costs would continue to be high to maintain state board standards in a Salon where there would be fewer clients coming in for service.
- PSP will put the public in danger. Why would you want to do something like this?
- If all stylists have Personal Service Permits, who will take care of their education and their personal benefits? What will customers do if they aren't happy with the service or the amount they are charged?
- They would need to carry their personal license and post it wherever they are, just like in the salon.
- This is ridiculous that I as a cosmetologist should have to have a separate license to do what I already do on location.
- So looking forward to this! It will be so nice to offer our clients non-chemical services within their home or hotel. This is a really great change our industry needs I just really hope they tighten up on it being for licensed only.
- Sanitation should be their priority.
- Individuals that hold this PSP are solely responsible for all services performed.
- As I said before this is a terrible idea and does not protect the 25,000 plus hair salons located with the state of California.
- NO PSP!!! It's a big mistake from every perspective!

- This is already happening so much. Some may not even realize it is against the rules, some may not care. It lowers the professional image of our industry and raising the bar would be better for us all.
- The PSP should be free of charge to any licensee who applies for one and meets all eligibility requirements.
- More suggestion to come...
- Please consider other issues like tax collection. I believe this would make it easier for income tax evasion.
- Issuing PSP permits would provide many opportunities for professionals and for clients seeking services, but if not properly regulated, it could also open the door to many new issues. Some suggestions: Have each individual applying for a PSP submit their business plan or their special event outline describing services offered and location conditions. Also have them provide a copy of their professional and business license. Each permit could be reviewed on a case by case basis. Have a reporting system where permit holders schedule/report events or services to an online website OR through a salon or beauty school. The Board inspectors could show up at any event just as they could to a salon. Have permit holders take a safety and regulations written test specific to providing services outside of a salon via online or at testing cite before issuing the permit.
- I really look forward to seeing this implemented in a productive way to help advance our offerings while also allowing another stream of income for State Board.
- This should be our opportunity to represent the DCA/BBC as licensees that can be trusted to provide the consumers with safe, ethical, professional treatments outside of a brick-and-mortar licensed establishment. As this is a situation that allows us to expand our business, the privilege of serving the public in this manner should be met with the highest business standards and ethics, ensuring the public that a PSP holder provides trusted, safe services.
- The hair industry has worked very hard to raise the standards of safety and sanitation, sending out PSP's would definitely undermine this. I also feel that PSP's plus the recent changes to min wage and commission pay would make it hard for salons to survive.
- PSP could lose their home if any wrong doing or bad service.
- It would be a tremendous advantage to implement a PSP to open up many business opportunities to the licensed professional.
- If doing an event, will a PSP be valid for the entire date range, or will the applicant have to apply for each date separate? I understand the need for regulation, but I feel that unless the inspectors are going to events how will this be enforced adequately?
- This will only be a benefit to customers who can't conform to salon hours. And will better protect and support what is already being done in the industry.

- It seems like a gateway to many at home disasters. At my salon, we do many color correction services and have to refuse some because of these low-cost at-home services bad results. In my opinion, NO to PSP.
- The PSP is a loophole where people can do services by just paying a permit/fee. Instead do required at least a 200 hours classes, plus a written exam toward state board as a minimum requirement. Then once student pass they do the PSP yearly. Do feel that PSP will get abuse and people will start doing beyond its entitlement.
- Tracking and keeping all records on outside work for follow up on board infractions.
- Required to post who the services were done to.
- The PSP should be part of the standard license. It should be treated the same as if someone chooses to rent a booth instead of being employed by a salon owner.
- If think the plan is great but I'm concerned that there will be more issues with safety as it will be hard to properly inspect or check on the PSP holders. There needs to be a way to hold them accountable. Maybe the license should specify the services they can provide and there is a routine lit inspections. Also, in general and to assist in regulating maybe the board should use social media and the Internet to monitor unlicensed activity. If someone unlicensed is advertising services or if someone is advertising services they are unlicensed to do.
- PSP is a path towards deregulation. There is no way to ensure proper sanitation requirements are being met, which I'd why we have you in the first place. This activity already goes on, however making it legal is going to hurt all hard working, rent paying owners, and put us out of business.
- Require the event to be registered with the board if having personal services outside an establishment. 1. Bride name 2. Date & location of service 3. Services to be performed and on whom 4. Marriage certificate number 5. Licensee name 6. License number 7. Insurance Provider contact info.
- Just they be required insurance and the license be displayed while working.

Note: For privacy reasons, personal information has been removed and some comments have been grammatically edited.

## **California Estheticians Facebook Group Survey**

The California Estheticians Facebook group contacted the Board after the March 29, 2016 PSP meeting in Sacramento. The group's moderator, hosted an informal survey based off the PowerPoint slides presented at the PSP March 29, 2016 meeting. The questions and results of that survey are included:

### **Should services be limited on the PSP?**

No (16 votes)

### **Should random audits for compliance for health and safety be allowed?**

**Possible scenarios are that inspection can happen at the special event, residential appointment, etc.**

No, random inspections should not be allowed. It's a violation of the privacy of the event and would disrupt special occasions. (43 votes)

Yes, random inspections should be allowed. It's for the protection of the consumer. (3 votes)

### **Do you agree:**

**No alcohol shall be served in the area where services are performed**

**No food shall be served where services are performed**

Food & alcohol okay outside of treatment rooms. (51 votes)

Yes, food and alcohol are both ok. (13 votes)

Food and alcohol should be prohibited for sanitation reasons. (8 votes)

### **Comments:**

"I am in a salon suite. Clients bring their kids in and plant them in the chair while they get a quick peel. It is also where I eat my lunch. Or grab a handful of almonds in between clients. I have my morning and afternoon, (ok, and my evening coffee) in my little 98 sq. ft. room. I don't want that restricted. And stylists serve beer and wine to their clients, I don't understand the big deal with that. I don't want BBC dictating that to me quite honestly."

"I too am solo. I have wrapped dark chocolate in my room for my clients. They have come to expect it and look forward to it they tell me. They bring their beverages in my room. I don't "cook" Or prepare food in my room. In the salon, we have occasional parties we set up for clients to enjoy. Some after hours. Some clients bring their food and eat during their hair appointments, sitting with color on. It would be a shame to restrict our ability to offer those perks for our client's enjoyment. Frankly, we should have enough common sense to know what is appropriate or not in our set ups."

"This rule or possible rule is silly really! There are way too many possible variables. As a one room business, where am I supposed to keep my meal food? Do I tell a client to throw their food in the trash if they happen to bring with them, dump their coffee, etc.? Having a coffee or tea in my room would it be a fine for that too? Seems pretty crazy to have this even on the agenda. Allow beverages and food, as long as we are not preparing and selling why should it matter?"

"No reason to ban clients from bringing in their own water/drink, but it should not be left in the direct treatment area."

"As a service provider, I am against us having any food/drink visible to the client or eaten while working with a client."

"There are some things I think that should be left to each operator's discretion and judgment and not legislated. All of our situations are unique and while I hope we all strive for professional conduct, I don't want to be in violation of anything if my client walks into my one room studio with a Starbucks drink and I don't think she should have to throw it away either."

"This should be up to the service provider whether or not to allow their clients to eat or drink during the service and whether or not to provide food or drink during the service. "The service area". Is too broad a term; does it include the entire room or just a table or chair? The service provider should not be prohibited from drinking any non-alcoholic beverage while providing a service and should not be prohibited from drinking a non-alcoholic beverage or eating in the room when a client is not present."

**Should the PSP number be included on all advertisements for services?  
(Advising the general public that the LE servicing the client has special permit/permission to do so.)**

Yes (25 votes)

No (1 vote)

**Should the PSP be connected to a licensed establishment or connected to the license of an individual esthetician?**

Permit connected to the license of an individual esthetician. (61 votes)

Permit connected to a licensed establishment. (1 vote)

**Comments:**

"I'm not at all experienced in the salon/spa world, but I think the responsibility should lie with the technician. I say that based upon what I experienced in school for a year and a half. There are those who will always break the rules, and try to get away with whatever they can, and by making them solely responsible they may think twice."

"Personal responsibility all the way"

**A Personal Service Permit would allow a licensee to perform services outside of a licensed establishment.**

**Options under consideration are:**

Renewable Yearly (38 votes)

Renewable Bi-annually, with your current license (14 votes)

additional vote added: Should be required for artists working in makeup booths or kiosks. (22 votes)

Permit only valid for 7 days (0 votes)

Limit 4 permits per calendar year (0 votes)  
Permit only valid for 10 days (0 votes)

### **Fiscal Impact**

If the PSP is implemented, the estimated ongoing costs to the Board are approximately \$ 70,000 per year for issuing new personal service permits. It is anticipated the ongoing fee revenues to be approximately 5 million per year for new personal service permits. (It is anticipated that 15% percent of licensees will seek the new permit.) Costs are unknown for the enforcement of potential licensing requirements related to the permit.

### **July 17, 2016 Board Meeting Summary**

From January 1, 2016 to July 17, 2016, the Board understood the language of Business and Professions Code Section 7402.5 (b) in the terms that the Board “may” issue a Personal Service Permit, not that the Board “shall” issue a Personal Service Permit. At the July 17, 2016, legal representation from the Department of Consumer Affairs advised the Board on the interpretation of Section 7402.5 (b) and (c) and it was determined that the Board is required to proceed with the implementation of the PSP. Based on this legal direction, a discussion of the findings from the stakeholder meetings ensued and an attempt was made to establish a regulatory direction. A number of regulatory suggestions were presented. At the conclusion, it was decided by Board member motion for the ideas discussed during the meeting be forwarded to the Licensing and Examinations Committee for vetting.

### **November 14, 2016 Licensing and Examinations Committee Meeting Summary**

On November 14, 2016 the Licensing and Examinations Committee met and the Committee members proposed the following regulatory guidelines:

- The regulations will limit the Personal Service Permit (PSP) to cutting and styling hair.
- The PSP will be tied to a licensed, working, brick-and-mortar establishment.
- The licensed establishment and PSP holder will provide proof of liability insurance.
- The number of PSP holders per establishment will be limited.
- A criminal background check will be part of the PSP licensing process.
- The regulations will stipulate how tools will be disinfected and transported. The clean, closed container language can be used and the PSP holder will also be required to carry a soiled container to bring back to the establishment to disinfect later.
- Spray-on disinfectants and wipes will be permitted in the field.
- The PSP holder will post their PSP and establishment licenses on any advertisement.
- A notice will be posted on the website to direct consumers to check license numbers online and verify the connection to an establishment.
- The PSP holder will be required to have a photo I.D. to show that they match the license number advertised.

As customary, the Board allowed for public comments during this meeting. Fred Jones, Legal Counsel for the Professional Beauty Federation of California (PBFC), spoke in favor of tying the



PSP to a brick-and-mortar establishment so equipment can be inspected. He suggested that the following be included in the regulations:

- PSP holders must demonstrate, while at the licensed establishment, their protocols used when in someone's home or place of business.
- The minimum liability insurance should be \$1 million. That amount should be specified in the regulations.
- Geographical boundary limitations per PSP holder should be limited, such as within "X" miles of the licensed establishment.
- PSP holders should be made employees of the establishment they are tied to.

### **Future Actions**

Proposed regulations will be presented at the Board's next Licensing and Examinations committee meeting. Upon adoption of the proposed regulations, staff will proceed with the regulatory process. Completion of the regulatory process is expected by December 2018.