

**TITLE 16. BOARD OF BARBERING AND COSMETOLOGY
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing scheduled.

Subject Matter of Proposed Regulations: Interpreters for Licensing Exams

Section Affected: Section 931 of Title 16 of the California Code of Regulations (CCR)

Background and Statement of the Problem:

The Board of Barbering and Cosmetology (Board) licenses, regulates, and investigates complaints against barbers, cosmetologists, manicurists, estheticians, hairstylists, electrologists, barber apprentices, cosmetology apprentices, electrology apprentices, and the establishments where they work in California, totaling over 59,000 establishments and over 595,000 individuals. It is the Board's duty to enforce and administer the Barbering and Cosmetology Act (Chapter 10 (commencing with section 7300) of Division 3 of the Business and Professions Code (BPC)) (Act). The Board is authorized to establish necessary rules and regulations for the enforcement of the Act and the laws subject to its jurisdiction. (BPC § 7312.)

Existing law gives the Board authority to establish standards and procedures governing examinations of its licensees (BPC § 7340). The Board has a very diverse licensing population and makes available all written materials to licensees and applicants in English, Korean, Spanish and Vietnamese (BPC § 7312(a)(6)). However, there are many more applicants that speak other languages that require interpreter services during the examination. Currently section 931 of Title 16 of the CCR states: "A person shall be allowed to act as an Interpreter only once in two (2) years in any examination." The Board's corresponding "Application to Use an Interpreter" form, incorporated by reference in CCR section 931 ("interpreter application"), also advises applicants that persons who have acted as an interpreter within the past two years, regardless of the examination type, are prohibited from acting as an interpreter.

Interpreters have requested that the Board permit interpreters to serve more frequently than once every two years. Many exam candidates relocate to California from other states and countries, speaking languages for which the exam is not available. These candidates often face challenges in finding an interpreter who is familiar with the specific terminology used in barbering and cosmetology.

To address the foregoing concerns, on February 10, 2025, the Board directed staff to take all steps necessary to initiate a rulemaking with approved amendments to CCR section 931 that would: (a) repeal the prohibition that an individual can act as an Interpreter only once in two (2) years, (b) specify that a person shall be allowed to act

as an Interpreter only *once per year*, and (c) define the meaning of once per year, as within the last twelve (12) months preceding the date of the applicant's signature on the interpreter application. The Board is seeking to amend section 931 of Title 16 of the CCR to repeal the prohibition that an individual can act as an Interpreter only once in two (2) years, and instead, specify that a person shall be allowed to act as an Interpreter only *once per year*, in any examination. In addition, a definition was added to specify that "once per year" means the person has not acted as an interpreter in any Board licensing exam within the last twelve (12) months preceding the date of their signature on the interpreter application.

The Board also proposes to revise the interpreter application (Application to Use an Interpreter (Form #03A-126 (~~New~~Rev. 0602/20242025)) to align the application with the revised "once per year" standard in CCR section 931 noted above, which includes updating the interpreter background question and the qualifying criteria listed on the application. No fee is authorized to be collected for this application.

Anticipated benefits from this regulatory action:

The Board has determined that the regulatory proposal will provide greater notice and transparency in how the Board will administer interpreters' requirements for licensing exams and corresponding applications. Allowing interpreters to interpret more frequently would reduce barriers to entry and enable individuals who need an interpreter to apply for re-examination sooner, while adopting a new "once per year" standard that would help prevent fraud in the examinations process.

Specific purpose of, and rationale for, each adoption, amendment, or repeal:

Amend existing Section 931 of Division 9 of Title 16 of the California Code of Regulations.

Amend Existing subsection (b):

A. Purpose:

- To revise the existing form entitled "Application to Use an Interpreter" (Form #03A-126 (~~New~~Rev. 0602/20242025)).

B. Rationale:

- For the reasons noted in the "Background and Statement of the Problem" section above, the Board is seeking to amend section 931 of Title 16 of the CCR to repeal the prohibition that an individual can act as an Interpreter only once in two (2) years, and instead, specify that a person shall be allowed to act as an Interpreter only *once per year*, in any examination. The proposed amendments to the form incorporated by reference are necessary to ensure applicants requiring interpreter services for the examination receive advance notice of the new "once per year"

requirements and to avoid ambiguity since the existing application refers to the existing once in two years prohibition. It is necessary to repeal the existing form publication date and add a new form revision date to accurately reflect and give notice of the date the policy decision to make these amendments was made. The form itself would have the same title and revision date updated.

- As noted below in the section describing the changes to Form #03A-126, the proposed amendments are necessary to align the application with the revised “once per year” standard that includes updating the interpreter qualifying criteria listed on the application.

Amend subsection (d):

A. Purpose:

- Amends the defining criteria of an Interpreter for an examination to repeal current requirements of only once “in two (2) years” and to add the requirement of only once “per year,” so that the sentence would read: “A person shall be allowed to act as an Interpreter only once per year, in any examination.” Furthermore, a definition has been added to specify that “once per year” means the person has not acted as an interpreter in any Board licensing exam within the last twelve (12) months preceding the date of their signature on the application specified in subsection (b).

B. Rationale:

- The Board understands that many exam candidates relocate to California from other states and countries, speaking languages for which the exam is not available. These candidates often face challenges in finding an interpreter who is familiar with the specific terminology used in barbering and cosmetology. The proposed amendments authorized by the Board to allow interpreters to interpret more frequently would reduce barriers to entry and enable individuals who need an interpreter to apply for re-examination sooner.
- For these reasons, the Board is seeking to amend section 931 of Title 16 of the CCR to repeal the prohibition that an individual can act as an Interpreter “only once in two (2) years,” and instead, specify that a person shall be allowed to act as an Interpreter only *once per year*, in any examination. Since the Board is responsible for development and administration of its examinations, the Board has determined that the “once per year” prohibition would provide a balanced approach to applicants’ concerns, while ensuring a “cooling off” period that helps prevent exam subversion.

This proposed adoption offers clearer notice and more specificity regarding the meaning of "once per year." This clarification is important for applicants seeking licensure who require interpreter services during an examination since the meaning of "once per year" might otherwise be ambiguous as to when the one-year prohibition might apply to their individual circumstances. By providing a specific time period that an applicant and Board staff can easily verify (i.e., the last twelve (12) months preceding the date of their signature on the application), the Board ensures greater compliance and avoids confusion among applicants and staff. Defining it in this manner avoids confusion and helps applicants more clearly understand that the interpreter can only provide services once within a specified 12-month period, rather than simply once a year, which could be misinterpreted/mistranslated.

Application to Use an Interpreter (Form #03A-126 (NewRev. 0602/20242025))

- Starting at page 1 and throughout the form the footer proposed amendment strikes "New" and "06/2024" and replaces it with "Rev." and a new revisions date of 02/2025 to conform to the changes proposed and approved by the Board at its February 10, 2025, meeting. This is necessary to help ensure accurate notice of the date of this policy change, and that the Boards forms are accurate and current for all users.
- On page 2 of the Form, under the "Application to Use an Interpreter Instructions" subsection "The Following Persons are Prohibited from acting as an Interpreter" amends the following sentence, as follows:

"Persons who have acted as an interpreter within the last ~~two years~~ twelve (12) months preceding the date of their signature on this application, regardless of the examination type".

This is necessary to accurately specify the amended "once per year" timeframe and requirements when an Interpreter is prohibited from providing services for any Board offered examination, consistent with the changes made to CCR 931(d) noted above. Since this prohibition on interpreter use standard is being amended in CCR 931(d), corresponding changes must be made to reflect the Board's new "once per year" policy changes discussed above.

- On page 6 of the Form, under "Section C: Qualifying Criteria" the Board is proposing to amend a qualifying question for interpreters as follows:

"Have you acted as an interpreter for a Board examination within the last ~~two years~~ twelve (12) months preceding the date of you signature on this application?"

This proposal is necessary to update a qualifying criteria question an interpreter must answer that would specify the Boards requirement for approving an interpreter, consistent with the changes made to CCR 931(d) noted above. This question is also necessary to establish whether the applicant's proposed interpreter meets the minimum qualifications to act as an interpreter specified Section 931(d), and to ensure the interpreter understands the rules applicable to them.

Underlying Data

1. Application to Use an Interpreter Form Workload Analysis
2. Board Meeting Agenda, Relevant Meeting Materials, and Minutes of February 26, 2024.
3. Board Meeting Agenda, Relevant Meeting Materials, and Minutes of February 10, 2025.

Business Impact

The Board has made the initial determination that the proposed regulation will not have any significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts:

This proposal does not require any significant new expense or reporting, recordkeeping, or compliance measures on the part of businesses, including Board approved schools.

Applicants are currently required to complete and submit the existing version of the Application to Use and Interpreter form, as specified, and is not anticipated to incur additional workload or cost to complete and submit the updated version, as there are no fees associated with this form.

Economic Impact Assessment

This Board has determined that this regulatory proposal will have the following effects:

This regulatory proposal will not create or eliminate jobs or existing businesses, or affect business expansion within the State of California because applicants and interpreters for licensing examinations are currently required to complete an "Application to Use an Interpreter" form and submit it to the Board, when needed. The proposed amendments authorized by the Board to allow interpreters to interpret more frequently would reduce barriers to entry and enable individuals who need an interpreter to apply for re-examination sooner.

It does not require any significant new expense or reporting, recordkeeping, or compliance measures on the part of businesses.

This regulatory proposal does not affect worker safety because it does not involve worker safety.

This regulatory proposal does not affect the state's environment because it does not involve the environment.

This regulatory proposal benefits the health and welfare of California residents by providing greater notice and transparency in how the Board will administer interpreters' requirements for licensing exams and corresponding applications. Allowing interpreters to interpret more frequently would reduce barriers to entry and enable individuals who need an interpreter to apply for re-examination sooner, while adopting a new "once per year" standard that would help prevent fraud in the examinations process.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

No such alternatives have been proposed, however, the Board welcomes comments from the public.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.