

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING

MINUTES OF THE August 27, 2015 BOARD MEETING

TIME: 9:30 a.m.

PLACE: 1000 Washington Street
Room 1 E
Boston, MA 02118

PRESENT: Ms. Viens, Mr. Gayzagian, Ms. Saluto, Ms. Dorian, Ms. Talbot, Ms. Toole, Ms. Pham

ABSENT:

STAFF: Bianca Hoffman, Executive Director
Lynn Read, Board Counsel
Sarah Wilkinson, Assistant Chief Investigator
Janeene Davis, Board Administrator
Kelly Puccio, investigator

The meeting was called to order at 9:30 a.m. by Executive Director Bianca Hoffman.

Executive Session

A motion was made by Ms. Viens, seconded by Mr. Gayzagian, to close the public meeting and enter into Executive Session pursuant to M.G.L. c. 30A, §21(a)(1) to discuss individuals' character rather than competence. Ms. Hoffman called for a Roll Call Vote:

MEMBER	YEA	NAY	ABSENT	RECUSED	ABSTAINED
Ms. Viens	X				
Mr. Gayzagian	X				
Ms. Dorian	X				
Ms. Tool	X				
Ms. Talbot	X				
Ms. Saluto	X				
Ms. Pham	X				

See separate Minutes.

Quasi-Judicial Session

During Executive Session, the Board voted, by roll call vote, to adjourn the Executive Session and enter into Quasi-Judicial Session pursuant to M.G.L. c. 30A, §18, for the purpose of making decisions required in adjudicatory proceedings.

Upon concluding the quasi-judicial session, the following was reported for the record:

Final Decision and Order Issued:
HS 14-223 , 14-224 and HD 14-78, 14-79 (Consolidated)

Investigative Conference (Closed session pursuant to M.G.L. c. 112, § 65C)
MOTION TO ADJOURN QUASI-JUDICIAL SESSION AND MOVE INTO INVESTIGATIVE CONFERENCE by MR. GAYZAGIAN SECONDED BY MS. VIENS. The motion passed unanimously.

For the record, the Board voted to take the following actions during the Investigative Conference:

HS-15-334: Dismiss

Settlement Offers and Counter-Offers:
HS-15-310: Guidance Given to Prosecutor
HS-13-405, HS-14-533: Guidance Given to Prosecutor
BR-15-001: Guidance Given to Prosecutor

MOTION TO MOVE INTO PUBLIC SESSION MADE AND SECONDED.
IN FAVOR: 6 OPPOSED: 0 ABSTAINED: 1 RECUSED: n/a
ABSENT: 0

Public Meeting

Observers attended the meeting and an attendance roster was circulated. The meeting was called to order at 11:00 a.m. by Executive Director Bianca K. Hoffman, and she reviewed the emergency exit procedures.

Review of Mobile Policy for Manicuring Services

The Board discussed the draft Mobile Policy presented by Board Counsel Read and Deputy Chief of Investigations Wilkinson. Board members suggested some amendments to the draft Policy, including a registration requirement, signing and sending the customer's copy of the Disclosure Agreement electronically, and discussed that the Policy will be more general than any regulations that may be adopted for mobile services at a later time. When the Board finished reviewing the Policy, Ms. Read reviewed all amendments made for confirmation by the Board. Board members discussed the economic impact of mobile service providers on the profession, and consumer protections provided by the Policy. The Board also took comments and questions from members of the public.

MOTION BY MS. VIENS, SECONDED BY MR. GAYZAGIAN TO APPROVE THE MOBILE POLICY FOR MANICURING SERVICES AS AMENDED.

IN FAVOR: 6 OPPOSED: 0 ABSTAINED: 1 RECUSED: n/a
ABSENT: 0

Ms. Pham Abstained from the vote and the motion passed by a majority of those present.

Request for Reinstatement HD-13-023 (S.P.)

The Board discussed the request for reinstatement by a licensee whose license was revoked for failing to pay a fine for having an expired license. MOTION TO GRANT REINSTATEMENT MADE BY MS. VEINS SECONDED BY MR. GAYZAGIAN

IN FAVOR: 7 OPPOSED: 0 ABSTAINED: 1 RECUSED: n/a
ABSENT:

Reconsideration of Application for License Upgrade – J.M.

The Board discussed the request by a Type 6 license holder who is a salon owner to be upgraded to Type 1 after having been supervised by a Type 1 licensee working in her salon. MOTION TO GRANT UPGRADE OF THE LICENSE MADE BY MS. VIENS, SECONDED BY MR. GAYZAGIAN.

IN FAVOR: 7 OPPOSED: 0 ABSTAINED: 0 RECUSED: n/a
ABSENT:

Course Approval Request: Advanced Dermaplaning

Representatives of the Institute de Epidermie school stated that the Board previously approved a basic Dermaplaning course, and they produced documents in support of prior Board approval. They requested approval of a second course, "Advanced Dermaplaning." Ms. Tool said she was concerned that some parts of the proposed course involving cryogenic therapy may be outside the scope of aesthetics. After discussion, Board members commented that under current regulations, some aspects of this type of service may fall under the practice of medicine and the Board must analyze this issue further.

MOTION TO TABLE THE ADVANCED DERMAPLANING COURSE MADE BY MS. DORIAN SECONDED BY MR. GAYZAGIAN.

IN FAVOR: 7 OPPOSED: 0 ABSTAINED: 1 RECUSED: n/a
ABSENT: 0

The Executive Director suggested that to stay on track with the schedule for the Listening Session, the Board table all other issues on the agenda, and hold them for the next meeting.

MOTION TO TABLE ALL REMAINING ITEMS ON THE AGENDA BY MS. DORIAN SECONDED BY MS. TOOL.

IN FAVOR: 7 OPPOSED: 0 ABSTAINED: 0 RECUSED: n/a
ABSENT: 0

AT 1:15 P.M., MOTION MADE AND SECONDED TO ADJOURN THE PUBLIC MEETING

IN FAVOR: 7 OPPOSED: 0 ABSTAINED: 0 RECUSED: n/a
ABSENT: 0

Respectfully submitted,



Bianca Hoffmann, Executive Director

List of Documents Used in Open Session:

Agenda

Attendance Roster

Descriptions of Advanced Dermaplaning Course by Institute de Epidermie