

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING

MINUTES OF THE OCTOBER 21, 2015 BOARD MEETING

TIME: 9:30 a.m.

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

PRESENT: Susan Viens, Joy Talbot, Janice Dorian, Nan Pham, Marian Saluto, Catherine Tool

ABSENT: Michael Gayzagian

STAFF: Robert Fortes, Deputy Director of Boards and Policy
Kevin Scanlon, General Counsel
Brady Merrigan, Associate Executive Director
Lynn Read, Board Counsel
Kelly Puccio, Investigation Supervisor

Observers attended the meeting and a sign-in sheet was circulated.

The meeting was called to order at 9:43 by Ms. Viens, who described emergency exit procedures. The members discussed the order in which Agenda items should be taken.

A MOTION was made by Ms. Tool and seconded by Ms. Talbot to move up on the Agenda the issue of incorporating the Annex Policy into proposed regulations. The Motion passed on a vote of six in favor, one opposed.

REGULATIONS 240 CMR 2.00 – 11.00

Annexes

The members discussed amending 240 CMR 4.00 to include proposed language regarding school Annexes. Ms. Read explained minor differences from the Annex Policy approved by the Board in 2014.

A MOTION was made by Ms. Dorian, seconded by Ms. Tool to amend 240 CMR 4.00 to include the proposed language regarding Annexes. The Motion passed unanimously.

A MOTION was made by Ms. Talbot and seconded by Ms. Pham to apply the language regarding Annexes to all schools in the professions in the Board's jurisdiction – cosmetology, barbering, aesthetics, manicuring, and electrology. The Motion passed unanimously. The Board briefly discussed how to incorporate into its regulations the fact that the schools may be licensed by the Office of Private Occupational School Education ("OS"), rather than the

Board, if the temporary exemption from OS licensure is not made permanent. Mr. Scanlon gave legal background. The members instructed the staff to put this issue on the agenda for the next meeting.

Crossover Hours

Ms. Viens asked for a discussion of crossover licensing between barbering and cosmetology. Ms. Talbot said a person who has successfully completed a cosmetology program receives 500 hours of credit toward a barbering program, but a person who completes a barber program receives 650 hour of credit toward a cosmetology program, and she recommends that both programs give the same 500 hours credit for the other. Mr. Clemente said a licensed barber receives 650 hours toward a cosmetology program, but it is hard to complete the needed cosmetology training in the 350 hours. Board members discussed equalizing the two at 500 hours as being consistent with Executive Order 562. Members of the public commented in favor of equal crossover requirements of 500 hours for cosmetology and barbering.

A MOTION was made by Ms. Dorian and seconded by Ms. Tool to amend 240 CMR 4.06(1) regarding crossover licensure by replacing 600 hours with 500 hours, and amend 4.06(2) by replacing 350 hours with 500 hours. Ms. Dorian suggested amending her motion by requiring crossover applicants to have a license, but withdrew that amendment. The Motion passed unanimously.

Elimination of Two-Tier Licenses

The Board discusses eliminating the Type 2 Operator and the Apprentice Barber licenses. Ms. Talbot suggests shortening the supervisory period to one year for both licenses. Ms. Dorian said electrology and manicuring do not require supervision before attaining full licensure, the supervision requirements and upgrading process are hard to comply with, and it is important to get students placed and working. Ms. Viens and Ms. Tool said salon owners do not need to be licensed practitioners, so an entry-level licensee should also be able to own a salon without being supervised. Members said business owners will protect their reputations without being required to have a Type 1 or Master supervisor over the new practitioners.

A MOTION was made by Ms. Dorian, seconded by Ms. Tool to eliminate tiered licensing in cosmetology, barbering and aesthetics. The Motion passed by a vote of five in favor, one opposed.

Instructor Practical Exam

Board members discuss the Instructor Practical Exam as being an undue financial burden and requiring too much time, holding up the licensing process. Members said schools that hire instructors usually train them in the school's methods, and ensure they are of a sound professional level; also, the written exam can be strengthened and practical questions included.

A MOTION was made by Ms. Tool, seconded by Ms. Talbot, to eliminate the instructor practical exam and require two years of experience as qualification for an Instructor for all professions under the Board. The Motion passed unanimously.

Vocational School Hours

Ms. Viens said that under the existing requirement that students in cosmetology programs in vocational schools be 16 years old before they can earn hours toward the 1000 hours required, some students with later birthdays cannot complete the licensure requirements and therefore cannot begin working in co-op placements before graduation, as students with earlier birthdays are able to do.

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot to amend 240 CMR 4.07(2) by replacing the age of 16 with 15, and by eliminating the words "during the freshman or sophomore year of a program or". The Motion passed unanimously.

Other School Issues

Regarding various regulations in 240 CMR 4.00, Ms. Dorian suggested deleting the phrase "or to instruct a junior student" from 4.03(3), updating the language regarding lavatories for men and women (4.02(4)), modifying the description of space for students' belongings (4.02(3)), and notice that must be given by a school that is closing (4.01(4)).

A Lunch break was taken, and the Chair called the meeting back to order at 1:40 p.m.

Mobile Manicuring

The members discuss amending 240 CMR 4.00 to include the language of the Mobile Manicuring Policy adopted by the Board and effective September 3, 2015. Ms. Dorian suggested putting less detail in the regulations than was in the Policy, and that mobile manicuring practices should be licensed, which was not part of the Policy. Ms. Pham expressed concern for consumer safety, and members modified the language specifying the types of nail polish that may be used. Ms. Tool suggested limiting the geographical area in which such licensees may work. Ms. Dorian asked that the detail regarding the Disclosure Agreement be removed.

A MOTION was made by Ms. Tool, seconded by Ms. Pham to table discussion of mobile manicuring practice in the regulations until a future meeting. The Motion passed unanimously.

New Manicuring Instructor License

Board members discussed the experience and education required for a new manicuring instructor license. Ms. Pham suggested a curriculum is needed for the training of instructors to avoid safety problems, and Ms. Dorian noted that advanced courses are available. Members discussed what exam would be available for a Manicuring Instructors license. Mr. Vo, a member of the public, expressed opposition to creating a manicuring instructor license without requiring education in addition to the 100 hours required for a manicurist's license.

A MOTION was made by Ms. Pham, seconded by Ms. Talbot, to adopt the proposed language of 240 CMR 2.01 creating a Manicuring Instructor license, with the requirement that manicuring instructors take the same examination as Cosmetology Instructors.

The Motion Passed unanimously.

The chair recognized a member of the public who commented that Massachusetts 300-hour requirements for Aesthetics license is low compared to the rest of the country, so reciprocity licensure is hard to get from other states. She said 300 hours is not enough for the safety of the public, in light of the increasing number of techniques and if the Board is going to eliminate two-tier licensing, it should increase the number of hours required for the Aesthetics license. Ms. Dorian suggested the Board maintain its 300-hour program as a "skin care" program, and create a 600-hour Aesthetics program. She noted that the Board previously approved 600-hour Aesthetics programs for many years, but the old law required 300 hours for licensing, and the U.S. Department of Education warned schools that federal financial aid would not be available for more than 150 percent of the statutory requirement for licensure. Ms. Viens said that although she is a strong proponent of education, Massachusetts has a current license level of 300 hours, and doubling the hours is not consistent with the Executive Order. Ms. Tool said that a 600 hour program is needed for Massachusetts students to be competitive as they enter the field, and Aestheticians are working on living skin tissue, thus more hours are in the best interest of the consumer. The chair recognized Ms. Carpenter, who said the Board stopped approving 600-hour programs, and thus her own school offered only 300 hours, which hurt business and lost students.

A MOTION was made by Ms. Pham, seconded by Ms. Talbot, to table the discussion and put it on the agenda for a later meeting. The Motion Passed unanimously.

Brief Introduction to Electrolysis and Laser Electrolysis Policy

Ms. Read briefly described the change in the definition of Electrolysis in the Board's authorizing statute, and the development of the Policy on Licensure Requirements for Laser Electrolysis by the former Board of Registration of Electrologists. Ms. Dorian said that the electrologist's license has a requirement of 1100 hours of education, and most states have lower levels. Ms. Saluto and a member of the public, Ms. Evangelista, noted that the high quality of training in Massachusetts has resulted in only two complaints to the Board since 1958, and students need clinical practice in the use of the large medical-grade electrolysis devices, especially with the addition of laser electrolysis.

A MOTION was made by Ms. Dorian seconded by Ms. Pham to adjourn the meeting. The Motion passed and the meeting was adjourned at approximately 3:45 p.m.

The above Minutes were approved at the Open Meeting of the Board on January 12, 2016.



Brian Bialas, Executive Director

Documents Used at the Meeting:

Agenda

Sign-In Sheet

Draft Regulations 240 CMR 2.00-11.00