

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING

MINUTES OF THE November 10, 2015 BOARD MEETING

TIME: 9:30 a.m.

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

PRESENT: Susan Viens, Michael Gayzagian, Marian Saluto, Janice Dorian, Joy Talbot, Catherine Tool, Nan Pham, Jesus Nunez

ABSENT:

STAFF: Kevin Scanlon, Deputy Director and General Counsel
Rob Fortes, Deputy Director of Boards and Policy
Brady Merrigan, Associate Executive Director
Lynn Read, Board Counsel
Sarah Wilkinson, Assistant Chief Investigator
Kelly Puccio, Investigation Supervisor

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

The meeting was called to order at 9:30 by Ms. Viens, who described emergency exit procedures.

New member Jesus Nunez was sworn in.

At 9:32 a.m., a MOTION was made by Mr. Gayzagian, seconded by Ms. Talbot, to go into executive session pursuant to Massachusetts General Laws c. 30A, §21(a)(1) to discuss individuals' character rather than competence.

The Chair called for a Roll Call vote: Ms. Dorian (Yes); Ms. Tool (Yes); Ms. Pham (Yes); Mr. Gayzagian (Yes); Ms. Talbot (Yes); Mr. Nunez (Yes); Ms. Viens (Yes); Ms. Saluto (Yes).

The MOTION passed unanimously.

Public session resumed at 9:45.

A MOTION was made by Mr. Gayzagian, seconded by Ms. Talbot, to limit debate among members to no more than 5 minutes each and that all conversations be directed through the Chair.

The MOTION passed unanimously.

A MOTION was made by Ms. Talbot, seconded by Ms. Pham, to table a request for waiver for exam requirements. The MOTION passed unanimously.

240 CMR 3.00

The Chair opened the discussion with a review of section 3 of the regulations.

A MOTION was made by Mr. Gayzagian, seconded by Ms. Dorian, to approve section 3.00. The MOTION passed unanimously.

A MOTION was made by Ms. Talbot, seconded by Mr. Gayzagian, to amend by striking 3.03 # 10 and adding neck dusters to # 16. The MOTION passed unanimously.

A MOTION was made by Ms. Pham, seconded by Ms. Talbot, to amend the language of # 18 regarding sinks to be used for cosmetology services. The MOTION passed unanimously.

A MOTION was made by Ms. Tool, seconded by Ms. Talbot, to amend # 19 by adding “or areas being treated.” The MOTION passed unanimously.

A MOTION was made by Mr. Gayzagian, seconded by Ms. Talbot, to approve 240 CMR 3.00, including the Mobile Manicure Regulations. Mr. Gayzagian asked for a Roll Call Vote: Ms. Dorian (yes); Ms. Tool (yes); Mr. Gayzagian (yes); Ms. Talbot (yes); Ms. Viens (yes); Mr. Nunez (yes); Ms. Saluto (yes); Ms. Pham (yes). The MOTION passed unanimously.

Ms. Read introduced a letter from the Massachusetts Healthy Cosmetology Committee that offers sanitation suggestions.

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot to table discussion of the letter until a future meeting. The MOTION passed unanimously.

240 CMR 2.00

Ms. Read introduced an electronic mail letter from Jupiter Beauty Academy.

A MOTION was made by Ms. Talbot, seconded by Ms. Dorian to amend 2.01 # 1 by striking “provide cosmetology services for compensation” and add “barber shop” to # 3. The MOTION passed unanimously.

A MOTION was made by Ms. Tool, seconded by Ms. Talbot to eliminate the number of months in which the education for all professions must be completed. The MOTION passed unanimously.

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot to remove 2.01(2). The MOTION passed unanimously.

A MOTION was made by Mr. Gayzagian, seconded by Ms. Talbot to amend 2.01(6) by replacing the proposed 600 hours of aesthetics training and going back to 300 hours of training. Members discussed the motion. Mr. Gayzagian expressed support for increasing the hours but concern with the increase falling outside scope of the executive order. Ms. Tool introduced a memorandum supporting 600 hours.

The Chair called for the vote. Mr. Gayzagian requested a roll call vote:
Ms. Dorian (No); Ms. Tool (No); Mr. Gayzagian (Yes); Ms. Talbot (Yes); Ms. Viens (No); Mr. Nunez (No); Ms. Saluto (No); Ms. Pham (No).
The MOTION failed.

Members discussed raising the number of years of experience for Instructor licenses from two to three years.

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot, to amend 2.01(7)(a)(b) by raising the required number of years of experience needed to obtain a manicuring instructor's license from 2 years to 3 years. Mr. Gayzagian objected to the MOTION on the grounds the increase in years falls outside the scope of the executive order. Members discussed the objection and the motion.

The Chair called for the vote. Mr. Gayzagian asked for a roll call vote:
Ms. Dorian (Yes); Ms. Tool (Yes); Mr. Gayzagian (No); Ms. Talbot (Yes); Ms. Viens (Yes); Mr. Nunez (Yes); Ms. Saluto (Yes); Ms. Pham (Yes).
The MOTION passed by majority vote.

A MOTION was made by Ms. Dorian, seconded by Ms. Tool to approve 240 CMR 2.00 in its entirety, with the above changes voted by the Board. Mr. Gayzagian objects to the MOTION and makes a MOTION to postpone the vote indefinitely. No second.

The Chair called for the vote. Mr. Gayzagian asked for a roll call vote:
Ms. Dorian (Yes); Ms. Tool (Yes); Mr. Gayzagian (No); Ms. Talbot (No); Ms. Viens (Yes); Mr. Nunez (Yes); Ms. Saluto (Yes); Ms. Pham (Yes).
The MOTION passed by majority vote.

240 CMR 4.00

The Chair opened the discussion about the operation of Cosmetology schools and post-secondary schools. Members discussed the draft with Ms. Read and Mr. Scanlon.

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot, to strike section 4.09 from 240 CMR 4.00.

The Chair called for the vote. Mr. Gayzagian asked for a roll call vote:
Ms. Dorian (Yes); Ms. Tool (Yes); Mr. Gayzagian (No); Ms. Talbot (Yes); Ms. Viens (No); Mr. Nunez (No); Ms. Saluto (Abstains); Ms. Pham (No).
The MOTION failed.

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot, to strike the word “directly” from 240 CMR 4.02(11). The Motion passed by unanimous vote.

The members discussed school annexes.

A MOTION was made and seconded to approve 240 CMR 4.00 with the changes discussed. The MOTION passed by majority vote.

240 CMR 5.00

The Chair opened discussion of the operation of Aesthetics schools. Members discussed changing some language.

A MOTION was made by Mr. Gayzagian, seconded by Ms. Talbot, to amend section 5.06 by removing 600 hours as the minimum required hours for an aesthetics program and changing it back to 300 hours. Members discussed the motion.

The Chair called for the vote. Mr. Gayzagian asked for a roll call vote:

Ms. Dorian (No); Ms. Tool (No); Mr. Gayzagian (Yes); Ms. Talbot (Yes); Ms. Viens (No); Mr. Nunez (No); Ms. Saluto (No); Ms. Pham (No).

The MOTION failed.

A MOTION was made by Ms. Tool, seconded by Ms. Saluto to accept 240 CMR 5.00 with changes.

The Chair called for the vote. Mr. Gayzagian asked for a roll call vote:

Ms. Dorian (No); Ms. Tool (Yes); Mr. Gayzagian (No); Ms. Talbot (No); Ms. Viens (Yes); Mr. Nunez (Abstains); Ms. Saluto (Yes); Ms. Pham (Yes).

The MOTION passed by majority vote.

240 CMR 6.00

The Chair opened the discussion about Advanced Seminars. Members agreed to make changes to the language of 6.04(1)(10).

A MOTION was made by Ms. Talbot, seconded by Ms. Saluto to accept the changes.

The MOTION passed unanimously.

240 CMR 7.00

The Chair opens the discussion about the operation of manicuring schools. Members discuss changes to section 7.04(2) and 7.10(1).

A MOTION was made by Ms. Pham, seconded by Ms. Talbot to accept CMR 7.00 with changes.

The MOTION passed unanimously.

240 CMR 8.00

The Chair opened the discussion about barber regulations. Members discussed multiple changes to the draft regulations.

A MOTION was made by Mr. Gayzagian, seconded by Ms. Talbot to accept CMR 8.00 with changes. The MOTION passed by majority vote.

240 CMR 9.00

The Chair opens the discussion about electrolysis administrative practices.
Members discuss changes to the draft regulations.

A MOTION was made by Mr. Gayzagian, seconded by Ms. Talbot to accept CMR 9.00 with changes. The MOTION passed by majority vote.

240 CMR 10.00

The Chair opens the discussion about the licensure of electrolysis schools.
Members discuss changes to the draft regulations.

A MOTION was made by Ms. Talbot, seconded by Mr. Gayzagian to accept CMR 10.00 with the changes discussed. The MOTION passed by majority vote.

240 CMR 11.00

The Chair opens the discussion about electrolysis continuing education.
Members discuss changes.

A MOTION was made by Mr. Gayzagian, seconded by Ms. Pham to accept CMR 11.00 with the changes discussed. The MOTION passed by majority vote.

Adjournment

A MOTION was made by Mr. Gayzagian, seconded by Ms. Tool to adjourn the meeting.
The MOTION passed unanimously.

The meeting was adjourned at approximately 5:00 p.m.

The above Minutes were approved at the April 12 2016
open meeting.



Brian Bialas, Executive Director

Documents Used at the Meeting:

Agenda

Sign-In Sheet

Draft Regulations 240 CMR 2.00-11.00

Letter dated August 18, 2015 from Massachusetts Healthy Cosmetology Committee

Memorandum to Board from Cate Tool dated November 9, 2015

Email from Jupiter Beauty School dated November 9, 2015