

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING

MINUTES OF THE JANUARY 12, 2016 BOARD MEETING

TIME: 9:30 a.m.

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

PRESENT: Susan Viens (Chair), Joy Talbot (Vice-Chair), Michael Gayzagian (Secretary), Marian Saluto, Janice Dorian, Catherine Tool, Nan Pham, Jesus Nunez, Louise Devin

ABSENT:

STAFF: Robert Fortes, Deputy Director of Policy and Boards
Lynn Read, Board Counsel
Brian Bialas, Executive Director
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 9:35 AM by Ms. Viens, who described emergency exit procedures.

Introduction of New Executive Director

Robert Fortes, Deputy Director for Boards and Policy of the Division of Professional Licensure ("DPL"), introduced Brian Bialas as the new executive director of the Board. Mr. Bialas was welcomed by the Board members.

Executive Session CLOSED per M.G.L. c. 30A, § 21(a)(1), Individual Character Rather Than Competence

A MOTION was made by Ms. Talbot, seconded by Mr. Gayzagian, to enter into executive session.

Roll call: Ms. Dorian (Yes), Ms. Tool (Yes), Ms. Pham (Yes), Mr. Gayzagian (Yes), Ms. Talbot (Yes), Mr. Nunez (Yes), Ms. Viens (Yes), Ms. Saluto (Yes), Ms. Devin (Yes)

The MOTION passed unanimously.

Open Session resumed at 11:36 a.m.

Pearson VUE

Barbara Sprindis and La'Rene Cassells from Pearson VUE appeared before the Board to give a presentation regarding Keratin and the Cosmetology exam, including the process to add content to the exam.

Ms. Cassells explained that Keratin and false eyelashes were added as new subjects on the exam recently, and that four subject matter experts were consulted. She also explained that the new subjects are being pre-tested before being included on the test for credit.

The Chair asked Ms. Cassells how many Keratin questions will be on the test. She responded that four questions will be included, but that they will not be scored initially.

Noelle Carpenter appeared before the Board as one of the subject matter experts and described her role in preparing the test questions. She said that Keratin is widely used in the industry.

Members discussed that students should be made aware of how to properly use Keratin since it is being used in the industry already, and how notification regarding changes to exam subjects should be given to the industry.

A MOTION was made by Ms. Talbot, seconded by Mr. Gayzagian, to allow Pearson VUE to release all changes put on hold at the last meeting including new subjects.

Members discussed the Motion.

Ms. Talbot amended the motion to include a 30 day delay from the original test release date of January 15, 2016.

The MOTION as amended passed unanimously.

Mr. Bialas left the meeting at approximately 12:20 p.m.

Acceptance of the Minutes

The October 21, 2015 minutes were discussed and members requested small changes. A MOTION was made by Ms. Talbot, seconded by Ms. Devin, to accept the October 21, 2015 minutes with changes.

The MOTION passed unanimously.

The December 8, 2016 minutes were discussed and members requested small changes. A MOTION was made by Ms. Talbot, seconded by Ms. Tool, to accept the December 8, 2016 minutes with changes. The MOTION passed unanimously.

Board Counsel Report

Ms. Read described the progress of the Board's proposed draft regulations through the approval process prior to publication of the draft regulations with a notice of public hearing.

LUNCH 12:45 PM

RECONVENE 1:25 PM

A MOTION was made by Ms. Talbot, seconded by Ms. Tool, to rearrange the agenda.

The MOTION passed unanimously.

Dual Use of School Facilities

The Board agreed to table the matter.

Massachusetts School of Barbering

Mr. Bialas gave background on the topic, which is a request for time to comply with regulations while the school operates with a license. He said the license will not be a provisional license, but the school will be given time to comply with regulations while licensed. If the school does not comply with the regulations within a set period of time, then the license could be revoked.

A MOTION was made by Ms. Talbot, seconded by Mr. Nunez, to license the Massachusetts School of Barbering under a Consent Agreement for 90 days so that it can comply with certain regulations. The Motion passed unanimously.

Assistant Barber Instructor

Juan Marquez, an applicant to be an assistant barber instructor, appeared before the Board.

A MOTION was made by Ms. Talbot, seconded by Ms. Tool, to approve the application.

The MOTION passed unanimously.

Kimarie Beauty School

Ms. Dorian recused herself and left the room.

The Board referred the issue to closed session later in the meeting. Ms. Dorian returned to the meeting.

Sanitation—Ultraviolet Light Boxes and Boiling

Ms. Pham made a presentation requesting the elimination of boiling water and ultra-violet (UV) boxes as sterilization methods in manicuring. She said that confusion exists in the industry as to what methods can be used to sterilize instruments.

Members discussed the merits of the proposal and requested more information on the subject.

The Board tabled the matter for a future meeting.

Eyelash Extensions

A letter was submitted to the Board by Associated Skincare Professionals arguing that unlicensed people can provide eyelash extensions.

Members discussed the letter and instructed Ms. Read to respond that the Board confirms that current regulations require an aesthetician or cosmetology license to practice eyelash extensions and eyelash and eyebrow tinting.

No other formal action was taken.

CORI Policies

Ms. Talbot made a presentation regarding the differences between the Board's CORI policies for barbering and cosmetology. She points out that inmates can't come before the Board while incarcerated. She discussed the merits of inmates taking the licensing exam while incarcerated.

Members discussed the merits.

The Chair requested that members submit ideas to Board staff for reforming the CORI policies for discussion at the next meeting. No formal action was taken.

Public Comments

Alan Conragan from the Massachusetts School of Barbering asked that the policies regarding review of convictions of applicants be distributed so that students can know before beginning school whether they can be licensed.

Pam Hamilton from Rob Roy Academy stated that some schools are allowing students to work in clinics before they have studied for 250 hours, even though current regulations require that "no student shall work on a customer paying for materials until after he/she has completed not less than 250 hours of class training. Between 250 and 400 hours of training, a student shall be permitted to perform work on persons paying for materials in the giving of scalp treatments, shampooing, manicuring, skin care/facial grooming, finger waving, pin curling, marcelling, and hair cutting. Upon completion of 400 hours of training a student may be permitted to perform

the work of hair coloring, cold and permanent waving, bleaching, hair strengthening and hair styling.” 240 CMR 4.04(1)(g).

10:30 a.m.: Investigative Session: [Closed Session G.L. c. 112, § 65C]:

A MOTION was made by Ms. Dorian, seconded by Ms. Tool, to close open session and enter investigative session to consider open cases, conduct investigative conferences and to consider settlement offers pursuant to G.L. c. 112, s. 65C.

The MOTION passed unanimously.

At the end of the closed session, the open meeting resumed.

During the closed session, the Board voted to take the following actions:

- Settlement Offers and Counteroffers
 - BS-15-172 – Provided guidance to prosecutor
 - HD 15-239 – Dismiss
 - HS-15-270 – Provided guidance to prosecutor

- Review of Cases and Staff Assignments
 - HS-16-073 –Dismiss
 - HS-16-142 – Dismiss with Advisory
 - HS-16-119 – Forward to Office of Prosecutions
 - HD-16-092 – Dismiss
 - HS-16-031–Dismiss
 - HS-16-085 – Forward to Office of Prosecutions
 - SA-HS-16-049 –Dismiss
 - HD-16-073 – Forward to Office of Prosecutions
 - HS-16-052 – Forward to Office of Prosecutions

Quasi Judicial Deliberative Session [Closed session pursuant to G.L. c. 30A §18, 5(d)]:

Ms. Tool moved to enter closed session to consider Final Decisions and orders [Closed session pursuant to G.L. c. 30A §18, 5(d)]. Motion was seconded by Ms. Saluto. Motion passed unanimously.

At the end of the closed session, the open meeting resumed.

During the closed session, the Board voted to take the following actions:

- HS-14-478 - Issue final decision and order
- BR-16-072/BS-16-017 - Issue final decision and order
- HS-13-605 - Motion for reconsideration allowed

Adjournment

At approximately 5:05 p.m., a MOTION was made by Ms. Dorian, seconded by Ms. Tool, to adjourn the meeting.

The MOTION passed unanimously.

Documents Used at the Meeting

Agenda

Draft Minutes of Open Meeting held December 8, 2015

Draft Minutes of Open Meeting held October 21, 2015

Assistant Barber Application

Massachusetts School of Barbering Application

Letter from Associated Skincare Professionals

Policy of Former Cosmetology Board Regarding Review of Convictions of Applicants

Policy of Former Barber Board Regarding Review of Convictions of Applicants

Email: Elimination of Sterilization methods

Pearson Vue Cosmetology Exam Content Outline

The above Minutes were approved at the Open Meeting of the Board on February 9, 2016.



Brian Bialas, Executive Director