

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE FEBRUARY 9, 2016 BOARD MEETING

TIME: 10:00 a.m.

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

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

The meeting was called to order at 10:15 AM by Ms. Viens (Chair)

Executive Session

A MOTION was made by Mr. Gayzagian, seconded by Ms. Talbot to enter into executive session for the purpose of discussing applicants' characters rather than competence, after which the open meeting of the Board will resume.

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

The Open Session resumed at 11:00 a.m., and the members took a short break.

The Open Meeting reconvened at 11:05 a.m.

Housekeeping:

Ms. Viens described the exit procedures.

Discussion:

Sanitation

Ms. Pham made a presentation regarding the issue of using UV lights and boiling water as techniques for sterilizing tools used in manicuring salons or any cosmetology salons. She presented two expert guests, Mr. Rick Reibstein and Ms. Tiffany Skogstrom.

Mr. Reibstein discussed proper sterilization and the importance of having UV meters when using UV light boxes to ensure proper sterilization is taking place. He recommended UV boxes not be used because they do not provide sufficient sterilization.

Ms. Skogstrom also recommended that UV boxes not be used to sterilize tools. She cited industry training documents from national associations and opinions from the Centers for Disease Control and the National Institutes of Health that UV light is not sufficient. She stated that the best way to sanitize is by using bleach, autoclaves, and disinfectants. Mr. Reibstein recommended total immersion in disinfectants as the best way to sterilize cosmetology and barbering tools. Both Mr. Reibstein and Ms. Skogstrom noted potential dangers to salon workers in using UV light and boiling water as sanitation methods.

Members discussed whether salons are properly applying UV light or boiling methods of sanitation and the importance of proper sanitation training in schools. The members discussed deleting UV boxes and boiling water from the list of permitted sanitation methods in the regulations, and Ms. Read said that this change might need to be made after the revisions per Executive Order 562.

A MOTION was made by Ms. Saluto and seconded by Ms. Tool to table the issue to the next meeting. Mr. Gayzagian called for a Roll Call Vote:

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

The MOTION failed.

A MOTION was made by Ms. Devin, seconded by Ms. Dorian, to delete UV boxes and boiling water from the permitted sanitation methods in the regulations as soon as possible.

The Board discussed the merits and the current regulations. Ms. Dorian called the question, and Mr. Gayzagian called for a Roll Call Vote:

Ms. Devin (Yes); Ms. Saluto (Abstains); Ms. Pham (Yes); Mr. Nunez (Abstains); Ms. Viens (Yes); Ms. Talbot (Yes); Mr. Gayzagian (Yes); Ms. Tool (Yes); Ms. Dorian (Yes)

The MOTION passed by majority vote.

Read and Accept Minutes of November 10, 2015

A MOTION to table the minutes was made by Ms. Dorian, seconded by Ms. Tool. The MOTION passed unanimously.

Read and Accept Minutes of January 12, 2016

A MOTION was made by Ms. Talbot, seconded by Mr. Nunez, to accept the minutes of January 12, 2016 with changes directed by the Board. The MOTION passed unanimously.

Board Counsel Report

Ms. Read told the Board that the new regulations are being reviewed by the administration and described the process for publishing the draft regulations after approval, holding a public hearing, and further review after receiving comments at the public hearing.

BREAK FOR LUNCH 12:15 p.m.

The Chair reconvened the open meeting at 12:45 p.m.

CORI Policies

Mr. Bialas discussed his memo to the Board containing members' suggestions for changes to the current policies for reviewing applicants' criminal record information ("CORI").

Members discussed their concern if inmates were not allowed to take the test when they are released despite having successfully completed the program. Ms. Talbot discussed state funding for inmate occupational programs, data on the effects of such programs, and protocols for admitting inmates into vocational programs. The Board members discussed the merits further.

Mr. Bialas suggested the Board should set out specific policy items it wants to implement.

A MOTION was made by Ms. Dorian, seconded by Mr. Gayzagian to limit CORI checks to sex offenses. The members discussed the merits, and Ms. Dorian withdrew the MOTION, on the ground that it would be discussed later with the revision of the CORI Policy.

North Shore Community College Aesthetics Program

The Board members discussed North Shore Community College's application to relocate its aesthetics program.

A MOTION was made by Ms. Dorian, seconded by Ms. Tool, to approve the program. The MOTION passed unanimously.

Student Assistants at Salons

The Board discussed a letter from The Belgrade Group regarding student assistants in salons. The Board took no official action.

Tricopulse Professional/Edge Hydro Facial

The Board discussed a proposal to include The Ultimate 185 DTS machine as a tool to promote hair growth. The Board invited the group to appear at a future meeting with more information about this equipment.

Public Comment

Tracy Casey for the Rob Roy Academy asked the Board to clarify the CORI policies.

Mara Andreasen asked the Board if the subject of mobile aesthetics is being considered. Mr. Bialas said it is being considered.

2:18 p.m.: Quasi Judicial Deliberative Session [Closed session pursuant to G.L. c. 30A, §18(d)]:

A MOTION is made by Ms. Dorian, seconded by Ms. Tool, to close open session and enter closed quasi-judicial session pursuant to G.L. c. 30A §18(d) to make decisions required in adjudicatory proceedings brought before it. 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:

- HS-15-133 Issue Final Decision and Order.
- BS-14-070 Issue Final Decision and Order
- HS-15-114 Issue Final Decision and Order
- HS-14-574 Issue Final Decision and Order
- HS-13-528 Issue Final Decision and Order

Open Meeting Reconvened

Aesthetics Instructor License

The Board discussed an application for Aesthetics Instructor license. The Board instructed the staff that no waiver of requirements was needed because the applicant had a current Cosmetology Instructor license.

Cases, Investigative Conferences, Settlement Offers [Closed Session Pursuant to G.L. c. 112, § 65C]:

A MOTION was made by Ms. Talbot, seconded by Ms. Tool, to enter closed session to consider open cases, conduct investigative conferences and to consider settlement offers [closed session pursuant to G.L. c.112, § 65C]. The Motion passed unanimously.

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

- Settlement Offers and Counteroffers
 - HS-15-384 – Dismiss
 - BS-15-156 – Provided guidance to prosecutor
 - HD-15-185 – Provided guidance to prosecutor

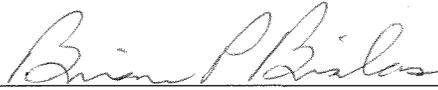
BR-16-001, BR-15-082 – Provided guidance to prosecutor
HS-15-509 – Provided guidance to prosecutor

- Review of Cases and Staff Assignments
 - BS-16-021 – Forward to Office of Prosecutions
 - HS-16-095 – Dismiss
 - HD-16-098 – Forward to Office of Prosecutions
 - HS-16-155 – Forward to Office of Prosecutions

4:25 p.m. Adjournment

At approximately 4:25 p.m., a MOTION was made by Ms. Dorian, seconded by Ms. Devin to adjourn the meeting. The Motion passed unanimously.

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



Brian Bialas, Executive Director

Documents Used at the Meeting

Agenda

Sign-In Sheet of Attendees

Memorandum from Mr. Bialas dated February 3, 2016 re: Proposals to Revise CORI Policies

Email dated January 7, 2016 re: elimination of sterilization methods

Draft Minutes of Meeting held November 10, 2015

Draft Minutes of Meeting held January 12, 2016

Aesthetics Curriculum, North Shore Community College

Letter from The Belgrade Group dated August 26, 2015

Application for Aesthetics Instructor