

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE MAY 10, 2016 BOARD MEETING

TIME: 9:30 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, Jesus Nunez, Nam Pham, Louise Devin

STAFF: Robert Fortes, Deputy Director of Policy and Boards
Lynn Read, Board Counsel
Brian Bialas, Executive Director

The meeting was called to order at 9:30 AM by Ms. Viens (Chair)

A MOTION was made by Ms. Talbot, second by Ms. Tool to enter into executive session.

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

The MOTION Passed unanimously.

Open Session 10:25

Housekeeping:

Ms. Viens describes the exit procedures.

A MOTION was made by Ms. Devin seconded by Ms. Dorian to accept the April 12, 2016 Minutes.

The MOTION passed unanimously.

Board Counsel Report

Ms. Read discussed the status of the draft regulations and public hearing dates for those regulations. She explained the board members do not need to attend the hearings. The dates for the hearings are July 25, 2016 and August 1, 2016.

Ms. Read also discussed the eyelash extension and tinting policy and requested the Board send documented evidence supporting their recent vote to require a license to provide eyelash extensions, in light of the Governor's recent Executive Order No. 567 and proposed legislation. Members expressed concern regarding unlicensed practitioners opening shops, and the impact on school curriculum and requested more discussion on the issue.

Mr. Bialas and Ms. Read explained that the review was to protect the Board from potential law suits.

Ms. Dorian asked the Board to separate tinting from extensions.

Executive Director Report

Mr. Bialas reported that the Board has authority to check Criminal Offender Record Information ("CORI") of all applicants and can check everyone against the Sex Offender Registry.

The members discussed the issue. Ms. Talbot presented research on the issue indicating that licensing inmates while incarcerated is preferable to releasing them without any prospect for employment.

After further discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Dorian to run only Sex Offender Registry checks on applicants.

Mr. Gayzagian objected to the MOTION.

The MOTION passed by majority vote. Mr. Bialas said this vote was subject to discussion with the Director of the Division.

Mr. Bialas proposed that the Board create a policy for mobile cosmetology modeled after the Mobile Manicuring policy. Members requested more information and expressed concern that mobile practice of cosmetology and barbering would be difficult to regulate.

Ms. Read said the administration is fielding many calls from licensees requesting to be allowed to have a mobile practice. Mr. Bialas suggested the public be invited in to present proposals. Ms. Dorian requested that current owners of large chains be invited to attend and comment. The Board agrees to conduct a listening session at the next meeting.

Makeup

Mr. Bialas and Ms. Read discussed the Board's current requirement that an aesthetician's license is required to apply makeup for a fee, even if makeup is the only service offered by the provider. They said the Board's current statute, which became effective on May 3, 2015, excludes makeup artistry from the definition of cosmetology. Members discussed whether an aesthetician's license should be required to be a makeup artist and that deregulating makeup could

disadvantage licensed salons. Ms. Dorian said there is a significant difference between makeup artistry and makeup application.

When asked why the item is on the agenda, Mr. Hopper, DPL's Chief Counsel, said the purpose is to protect the Board from lawsuits resulting from the Supreme Court's *North Carolina State Board of Dental Examiners* decision. The members agreed to discuss the issue at a later meeting.

Public Comments

Anthony Clemente asked the Board to embrace what was done in the past so that the profession does not lose disciplines such as eyelash extensions and makeup. Montez Williams asked the Board to permit vehicles that are outfitted as barbershops.

At about 1:00 p.m., a break was taken. The public session resumed at 1:47 p.m.

Subcommittees for Cases

Members discussed whether or not to use subcommittees to handle cases. Members said they were not interested in pursuing this recommendation. No action was taken.

Members at Hearing

Mr. Bialas solicited members to participate in administrative hearings. Ms. Pham volunteered.

Quasi-Judicial Session

A MOTION was made by Ms. Tool second by Mr. Nunez to adjourn open session and go into quasi-judicial session, and not return to the open meeting.

The MOTION passed unanimously.

Documents Used at the Meeting:

Agenda

Draft Minutes of Open Meeting held April 12, 2016

Education in Corrections memo by Ms. Talbot

G.L. c. 112, s. 87T

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



Brian Bialas, Executive Director