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LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

MINUTES OF THE December 9th, 2021
PUBLIC BOARD MEETING

TIME: 9:30 a.m.
PLACE: Conference Call

PRESENT: Susan Viens (Chair), Joy Talbot (Vice Chair), Erinn Pearson Breedy, Heather Cohen, Nicole Corliss, Marian Saluto, Iris Stowe and Cate Tool.

Jésus Nuñez was absent.

STAFF: Richard Lawless, Executive Director
Charles Kilb, Board Counsel

The Meeting was called to order at **9:31 a.m.** by Ms. Viens. All board members and staff appeared telephonically or by videoconference.

Housekeeping and Conference Call Protocol:

Ms. Viens reviewed conference call protocol with meeting attendees.

Executive Director Report

Mr. Lawless reported that the Board would be delaying its discussion on eyelash extensions until March 2022, as staff continued to gather comments from stakeholders. He also mentioned that a notice has been posted on the Board's website asking for comments on eyelash extensions.

Board Counsel Report:

Atty. Kilb said he is looking forward to working with the Board, and plans to help eliminate ambiguities and gray areas with future policy revisions.

Minutes of the November 18th, 2021 Public Meeting

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Talbot, to approve the public minutes of the November 18th, 2021 meeting as drafted.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Abstain), and Ms. Tool (Yes).

The Motion passed 7-0, with 1 abstention.

Discussion

Proposed Advanced Courses – Stonhart Academy

Representatives from Stonhart Academy were in attendance to answer any question from the Board regarding proposed advanced courses in the following topics: Sunless Tanning, Brow Wax Bootcamp, Treating Acne, Treating Hyperpigmentation, and Brow Threading.

The Board recommended changing the course titles to indicate that the subject areas are within the scope of aesthetics, and suggested the titles Acne Management for Aestheticians and Beauty Professionals, and Hyperpigmentation for Aestheticians and Cosmetologists.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Talbot, to approve the courses with the new course titles.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

English As a Second Language Exam Candidates and Exam Appeals

The Board discussed the difficulty some candidates have passing the exams due to language barriers.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Corliss, to table the discussion until next month's meeting, and invite exam vendor Pearson Vue representatives to attend this next meeting.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

Reciprocity

The Board discussed how to approach reciprocity situations where a candidate is licensed in a state that requires fewer hours in Massachusetts, or where a candidate is licensed in a state

through an alternative training method such as an apprenticeship. Solutions involving proof of work experience and requiring the Board's exams were discussed. The Board gave direction to staff to draft a reciprocity policy based on this discussion for presentation at a future meeting.

Distance-Based Education

The Board discussed adding further clarification to its recent vote to permit up to 50% of programs to be delivered through distance-based education, specifically regarding what types of delivery methods qualify as distance-based, and whether remote synchronous education would be considered non-distance-based education.

The Board gave direction to staff to draft a policy based on this discussion for presentation at a future meeting.

Review of Electrology Regulations – 240 CMR 10.00 and 240 CMR 11.00

The Board reviewed comments received from its recent discussion on 240 CMR 10.00. The Board also began reviewing 240 CMR 11.00, and discussed adjusting the language regarding reinstatement of expired licenses and the provisions for continuing education waivers.

The Board gave direction to staff to bring a redlined version of 240 CMR 9.00 – 11.00 reflecting the Board's recommended revisions to the next Board meeting, and the Board will continue its discussion on 240 CMR 11.00 next month.

Public Comment

Janice Dorian from Mansfield Beauty Schools suggested that the Board define education terminology in any policy for distance-based education. She also requested the Board to create a pathway for candidates from outside the United States who do not have documentation of a disability to receive accommodations for an exam.

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 Ms. Tool, to adjourn the public meeting at **1:00 p.m.**, and to enter into **Executive Session** for the purposes of discussing character rather than competence; and then to move into Closed Investigative Conference to consider open cases, and conduct investigative conferences, and consider settlement offers [closed session pursuant to G.L. c. 112, § 65C], and the Open Meeting would not resume.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

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

During the closed Investigative Conference, the Board voted to take the following actions:

Review of Cases

2021-000609-IT-ENF	Dismissed
2021-000797-IT-ENF	Referred to Prosecutions

Adjournment

A MOTION was made by Ms Talbot, seconded by Ms. Tool to adjourn.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes).

The Motion passed 8-0.

The meeting was adjourned at 1:45 p.m.

The above Minutes were approved at the open meeting held on January 13, 2022.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of November 18, 2021 Open Meeting

Advanced Course Documentation from Stonhart Academy

Examination Data from Pearson Vue

Reciprocity Application Data

Description of Reciprocity Situations

240 CMR 11.00

Letter from Massachusetts Association of Electrologists