

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE December 10, 2019 BOARD MEETING

TIME: 9:30 a.m.

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

PRESENT: Susan Viens (Chair), Joy Talbot (Vice-Chair), Amanda Donis (Secretary), Erinn Pearson, Marian Saluto, Catherine Tool.

Jesus Nuñez and Iris Stowe were absent. Janice Dorian arrived around 12:45pm, after the conclusion of the public session.

STAFF: Richard Lawless, Executive Director
Lynn Read, Board Counsel

The meeting was called to order at 9:52 a.m. by Ms. Viens.

Housekeeping:

Ms. Viens explained the emergency exit procedures.

Read and Accept the Minutes of the November 12, 2019 Open Meeting

A MOTION was made by Ms. Talbot, seconded by Ms. Donis, to accept the minutes of the Open Meeting held November 12, 2019 as drafted. The MOTION passed 6-0.

Board Counsel Report

Ms. Read discussed fee changes, and the Board gave direction to staff to make the application fees consistent.

A MOTION was made by Ms. Tool, seconded by Ms. Talbot, to adjust the agenda to move the Exam Appeal to the beginning of the Discussion items. The MOTION passed 6-0.

Discussion

1. Exam Appeal for English as a Second Language Candidate

The Board discussed an applicant who appealed for a waiver for their written exam score, due to language issues.

A MOTION was made by Ms. Pearson, seconded by Ms. Talbot, to waive the written examination score requirement for this candidate. The MOTION passed 6-0.

2. Review of Regulations 240 CMR 3.00

The Board discussed salon regulations.

A MOTION was made by Ms. Donis, seconded by Ms. Saluto, to keep the current regulation that the additional sink in a salon cannot be a shampoo bowl. The MOTION passed 6-0.

The Board gave direction to staff to create a form for corporations and LLCs to change the individual on shop license records as long as the corporation or LLC owning the salon remains the same.

The Board gave direction to staff to draft a policy requiring a shampoo bowl and a non-shampoo bowl sink in all new barbershops for review by the Board.

3. Barber School Application Form

The Board discussed updating the old Barber School Application Form to reflect new Barber School regulations and to be consistent with the Cosmetology School Application Form.

A MOTION was made by Ms. Talbot, seconded by Ms. Donis, to give direction to staff to add current regulation requirements to the Barber School Application Form and to begin using the form. The MOTION passed 6-0.

4. Amendments to Policy on Apprenticeship and Student Employment

A MOTION was made by Ms. Talbot, seconded by Ms. Tool, to postpone discussion of this topic. The MOTION passed 6-0.

5. Aesthetics Scope

The Board discussed whether several procedures were within the scope of aesthetics, and made the following determinations:

- Aquapeel – in aesthetics scope
- Iontophoresis – in aesthetics scope
- Heat & Cold Therapy – in aesthetics scope
- Ultrasound – in aesthetics scope
- Radio Frequency – not currently in aesthetics scope, and needs additional research

- Carboexfoliation – in aesthetics scope
- Oxygen Nebulizer – in aesthetics scope
- Ultrasonic Cavitation – not in aesthetics scope
- Non-Surgical Vacuum Therapy for Body Contouring – not in aesthetics scope
- Detox Sauna Treatment/Body Wraps – in aesthetics scope
- Wood Therapy – not currently in aesthetics scope

Public Comment

Ms. Mendez from Toni & Guy asked for further clarification on students transferring hours from an Apprentice Program to a non-Apprentice Program.

The Board was asked about its view on make-up artistry and how it corresponds to freelance make-up artists.

Mr. Russian from the Massachusetts School of Barbering expressed dissatisfaction with the Board’s application of current Barber School regulations.

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

A MOTION was made by Ms. Tool, seconded by Ms. Pearson, to end the Open Meeting and enter into Executive Session for the purpose of discussing applicants’ characters rather than competence, and thereafter to enter into Quasi-Judicial Session and closed Investigative Conference and not to return to Open Meeting except to adjourn.

The Chair called for a Roll Call vote: Ms. Viens (Yes), Ms. Donis (Yes); Ms. Pearson (Yes); Ms. Saluto (Yes); Ms. Talbot (Yes); Ms. Tool (Yes). The MOTION passed 6-0.

Executive Session was held and adjourned temporarily to hold the Quasi-Judicial Session and begin the first Investigative Conference, after which Executive Session was resumed and then the Investigative Conference was resumed. See separate minutes of Executive Session.

During the closed Quasi-Judicial Session pursuant to G.L. c. 30A §18 to make decisions required in adjudicatory proceedings brought before the Board, the Board voted to take the following action:

2019-000717-IT-ENF	Determined Final Decision and Order
2018-203154-FI-ENF	Determined Final Decision and Order

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

A MOTION was made by Ms. Dorian, seconded by Ms. Tool, to end the Quasi-Judicial Session and go into Investigative Conference [closed session pursuant to G.L. c. 112, § 65C]. The MOTION passed 6-0.

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

Settlements

2018-200881-FI-ENF	Guidance Given to Prosecutor
2019-205845-FI-ENF	Guidance Given to Prosecutor
2019-000276-IT-ENF	Guidance Given to Prosecutor
2019-203218-FI-ENF	Guidance Given to Prosecutor
2019-000517-IT-ENF	Dismissed with Advisory
2019-206305-FI-ENF	Guidance Given to Prosecutor
2019-206275-FI-ENF	Guidance Given to Prosecutor

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

A MOTION was made by Ms. Dorian, seconded by Ms. Tool, to end the Investigative Conference and enter into Executive Session for a second time for the purpose of discussing applicants' characters rather than competence, after which the Board would enter into a second Investigative Conference and not return to Open Meeting except to adjourn.

The Chair called for a Roll Call vote: Ms. Viens (Yes); Ms. Donis (Yes); Ms. Dorian (Yes); Ms. Pearson (Yes); Ms. Saluto (Yes); Ms. Talbot (Yes); Ms. Tool (Yes). The MOTION passed 7-0.

See separate minutes.

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

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

2019-000669-IT-ENF	Referred to Prosecution
2019-000667-IT-ENF	Referred to Prosecution
2019-000851-IT-ENF	Dismissed
2019-000894-IT-ENF	Dismissed
2019-000889-IT-ENF	Dismissed
2019-000897-IT-ENF	Referred to Prosecution
2019-206902-FI-ENF	Referred to Prosecution
2019-000971-IT-ENF	Referred to Prosecution
2019-000981-IT-ENF	Referred to Prosecution

2019-000980-IT-ENF	Referred to Prosecution
2019-001024-IT-ENF	Dismissed with Advisory
2019-001049-IT-ENF	Referred to Prosecution
2019-001075-IT-ENF	Referred to Investigations
2019-001125-IT-ENF	Dismissed
2019-000710-IT-ENF	Dismissed
2019-001222-IT-ENF	Dismissed
2019-207801-FI-ENF	Referred to Prosecution
2018-203422-FI-ENF	Dismissed

Adjournment

A MOTION was made by Ms. Saluto, seconded by Ms. Donis, to return to Open Meeting and adjourn. The MOTION passed 7-0.

The meeting was adjourned at 4:30 p.m.

The above Minutes were approved at the open meeting held on January 14, 2020



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda of December 10, 2019
Draft Minutes of November 12, 2019 Open Meeting
Regulations - 240 CMR 2.00 and 240 CMR 3.00
Draft of Revised Barber School Application Form
Documents on Aesthetics Scope from Catherine Hinds Institute of Aesthetics
Documents on Aesthetics Scope from T. Thames