

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE March 12, 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), Janice Dorian, Iris Stowe, Catherine Tool. Ms. Donis (Secretary) arrived at 9:43 a.m. and Ms. Pearson arrived at 9:56 a.m. Jesús Nuñez and Marian Saluto were absent.

STAFF: Lynn Read, Board Counsel
Richard Lawless, Acting Executive Director, was absent.

The meeting was called to order at 9:30 a.m. by Ms. Viens.

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. Talbot, to enter into Executive Session for the purpose of discussing applicants' characters rather than competence, after which the Board will enter into Investigative Conference to discuss settlement of open disciplinary complaints, after which the open meeting of the Board will resume.

The Chair called for a Roll Call vote: Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Dorian (Yes), Ms. Stowe (Yes), Ms. Tool (Yes).

The MOTION Passed unanimously.

Ms. Donis arrived at 9:45 a.m. and Ms. Pearson arrived at 9:56 a.m., during the closed meeting.

See separate minutes.

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

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

Settlements:

2018-201487 IT ENF and	
2018-201486 IT ENF	Guidance given to prosecutor
2018-200593-FI-ENF	Dismissed
2017-001188-IT-ENF	Dismissed
2018-201457-FI-ENF	Dismissed
2018-202305-FI-ENF	Guidance given to prosecutor

Open Session resumed at or around 10:15 a.m.

Housekeeping:

Ms. Viens explained the emergency exit procedures.

Review and Approve Draft Minutes of Open Meetings

A MOTION was made by Ms. Dorian, seconded by Ms. Pearson, to accept the draft minutes of the Salon Pathways Subcommittee meeting held December 11, 2019 as written. The MOTION passed 7-0.

A MOTION was made by Ms. Dorian, seconded by Ms. Viens, to accept the draft minutes of the Board meeting held February 12, 2019 as amended. The MOTION passed 6-0-0 with Ms. Talbot abstaining.

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot, to accept the draft minutes of the Salon Pathways Subcommittee meeting held February 12, 2019 as written. The MOTION passed 7-0.

Board Counsel Report

Ms. Read reported that the IT staff believes it can make all the changes to the Elicensing system required to implement the new Regulations on June 1, 2019.

A MOTION was made by Ms. Donis, seconded by Ms. Dorian, to accept the new June 1st date. The MOTION passed 7-0.

DISCUSSION

Proposal from Representative Denise Provost to Amend Regulations for Cosmetology

Rep. Provost asked the Board to approve offering the State Board Written Exam in Portuguese and consider revising regulations to permit smaller school size in urban communities where there are fewer resources available to meet the Board's current requirement of 25 clinic chairs. She asked the Board to consider a pilot program for smaller schools. Members discussed the proposal. Ms. Read will report back to the Board if a pilot program or a waiver of regulations is advisable.

Proposal to Amend Intense Pulsed Light Policy for Skin Care Treatments

A presentation was made by Ms. Tool on permitting aestheticians to use Intense Pulsed Light (IPL) devices to perform photofacials in addition to hair removal, and advocating for a increasing the amount of training required for licensees to perform IPL services. Ms. Tool proposed to amend the Board's current Policy Statement on Intense Pulsed Light Devices.

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot, to allow IPL Hair Removal and IPL Photo Facials for aesthetics licensees who have received 30 hours of training with 16 hours of Hair Removal and instruct the Board staff to revise the Board's Policy Statement, Intense Pulsed Light Devices per Ms. Tool's suggestions. The MOTION passed 7-0.

Earning Vocational Cosmetology School Hours at Age 15

Students of Franklin County Technical High School asked the Board to permit cosmetology students at public vocational high schools to earn credit toward the 1000-hour cosmetology curriculum starting at age 15 rather than 16 under the Board's current rule. Under the current rule, students with later birthdays cannot earn 1000 hours before graduating and must go to other schools after graduation to finish qualifying to take the licensing exam. Members thanked the students and asked the staff apply the change in the regulations to students graduating in 2019.

Proposed Cosmetology School – Flawless Hair Academy

No representative was present and there were no materials to review, thus no action was taken.

Proposed Advanced Aesthetics School – Stonhart Academy

After a presentation by school representatives, a MOTION was made by Ms. Tool, seconded by Ms. Donis, to approve the application conditional on an enrollment agreement submitted to the Executive Director for approval. The MOTION passed 7-0.

Draft Policy on Apprenticeship Program and Student Employment

After brief discussion of the second Draft Policy on Student Apprenticeship and Employment, a MOTION was made by Ms. Tool, seconded by Iris, to approve the second Draft Policy as written. The MOTION passed 7-0.

Preliminary Evaluation of Apprenticeship Program Proposed by Mansfield Beauty School

Ms. Dorian was recused and left the room. A MOTION was made by Ms. Tool, seconded by Ms. Talbot, that upon approval from the Commissioner of the Policy on Apprenticeship and Student Employment before the next Board meeting, Mansfield's apprentice program materials will be reviewed by a Board member and finalized with Mansfield. The MOTION passed 7-0. Members delegated review of the materials to Ms. Tool.

PUBLIC COMMENT

Ms. Macedo asked for more details to move forward her attempts to open a school with five students and was advised that the Board is implementing new regulations effective June 1, 2019 and will be able to consider amending its school regulations at that time.

The meeting closed at 1:00 p.m. for lunch break.
The meeting resumed at 1:40 p.m.

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

A MOTION was made by Ms. Talbot, seconded by Ms. Pearson, to begin investigative conference to consider open cases, conduct investigative conferences and consider settlement offers [closed session pursuant to G.L. c. 112, § 65C], and the open meeting would not resume except to adjourn the meeting. The MOTION passed unanimously 7-0.

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

Settlements:

- 2016-0226 HD-170-IT-ENF Guidance given to Prosecutor

Review of Cases and Staff Assignments:

- 2018-000898-IT-ENF and 2016-0226HD170-IT-ENF Refer to Prosecution
- 2018-001181-IT-ENF and 2018-001192-IT-ENF and 2018-001190-IT-ENF Consolidate and Refer to Prosecution
- 2019-200734-FI-ENF Refer to Prosecution
- 2019-000087-IT-ENF Refer to Prosecution
- 2019-000023-IT-ENF Refer to Prosecution

Adjourn

A MOTION was made by Ms. Donis, seconded by Ms. Talbot, to adjourn the meeting.

The meeting was adjourned at 2:15 p.m.

The above Minutes were approved at the
open meeting held on April 9, 2019.

A handwritten signature in black ink, appearing to read 'Richard Lawless', written in a cursive style.

Richard Lawless, Acting Executive Director

Documents Used at the Meeting of March 12, 2019:

Agenda of March 12, 2019

Draft Minutes of Salon Pathways Subcommittee meeting held December 11, 2018

Draft Minutes of Salon Pathways Subcommittee meeting held February 12, 2019

Draft Minutes of Open Meeting held February 12, 2019

Policy Change Proposal on size of schools, submitted by Representative Provost

Letter from N. Rivera supporting Rep. Provost's proposal

Stonhart Academy Course Outlines, Floor Plans, and other application materials

2d Draft Policy on Student Apprenticeship and Employment

"MA Scope of Practice: Intense Pulsed Light," prepared by Ms. Tool

Board's Policy Statement: Intense Pulsed Light Devices, revised by Ms. Tool

Apprentice Program Application Materials from Mansfield Beauty Schools