

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE November 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), Amanda Donis (Secretary), Janice Dorian, Erinn Pearson, Marian Saluto, Iris Stowe, Catherine Tool. Ms. Donis arrived around 10:10 a.m.
Jésus Nuñez and Marian Saluto absent.

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

The meeting was called to order at 9:38 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. Talbot, seconded by Ms. Tool to enter into Executive Session for the purpose of discussing applicants' characters rather than competence, after which the Board would enter into Investigative Conference to conduct investigative conferences and consider settlement offers [closed session pursuant to G.L. c. 112, § 65C]; 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. Pearson (Yes); Ms. Stowe (Yes); Ms. Tool (Yes). The MOTION passed 6-0.

See separate minutes.

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

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

Review of Cases:

2019-204322-FI-ENF Guidance given to prosecutor

Open Session resumed at or around 10:25 a.m.

Housekeeping:

Ms. Viens explained the emergency exit procedures.

Read and Accept Minutes of Open Meeting Held October 8, 2019

A MOTION was made by Ms. Tool, seconded by Ms. Pearson, to approve the Draft Minutes of the open meeting held October 8, 2019 as amended. The MOTION passed 6-1, with Ms. Talbot abstaining.

Board Counsel Report

Ms. Read said she would comment during Discussion of today's agenda.

Discussion

1. Review of Regulations - 240 CMR 2.00 and 240 CMR 3.00

The members discussed the salon regulations, including whether salon and barbershop regulations should be in the same section; whether salons and barbershops need different sink requirements; the prohibition on animals other than service animals in salons and shops; and licensing requirements for salon suites. No formal action was taken.

2. Proposed Apprentice Program - Whittier Regional Vocational Technical High School

Members discussed the apprentice program proposed by Whittier Vocational Technical School; that it must also meet other legal requirements applicable to public vocational high school programs; and that a night program for adults requires separate documentation including an enrollment agreement. Board members asked the staff to provide comments to Whittier on the documentation for the proposed program for review at a future meeting.

3. Draft Amendments to Policy on Apprenticeship and Student Employment for Manicuring

Ms. Dorian requested that this matter be postponed. The members agreed to table the matter and place it on the agenda for the next meeting. The Chair recognized Mr. Conragan, who reported that the Department of Elementary and Secondary Education (DESE) interprets the Board's Policy to require 400 shop hours, rather than recognizing 400 hours as the maximum shop hours permissible. Board staff will contact DESE for clarification and bring the matter back to the Board.

4. Proposed Advanced Courses – Stonhart Academy

Members made comments on the proposed courses as follows:

- Advanced Body and Brazilian Waxing, 8 Hours: Approved
- Chemical Peels, 8 Hours: Approved conditional on adding the Massachusetts scope of practice for chemical peels;

- Facial Massage Techniques, 8 Hours: Approved conditional on specifying that buccal massage is outside the scope of practice;
- Henna Brows, 6 Hours: Approved;
- Brow Lifting/Lamination, 6 Hours: Approved

A MOTION was made by Ms. Tool, seconded by Ms. Talbot to approve the proposed courses provided that the requested changes are made. The MOTION passed 7-0.

5. Expiration of Incomplete Hours Appeal – DD

An applicant, DD, discussed that he had to leave his educational program more than five years ago because his mother was very sick. A MOTION was made by Ms. Dorian, seconded by Ms. Pearson, to approve the request to credit hours earned more than five years ago. The MOTION passed 7-0.

Ms. Tool left the meeting around 12:00 p.m.

6. Proposed Barber School – Flavia Leal

Ms. Dorian was recused and left the room. Members discussed the amount of space indicated by the floor plan and the requirements of the regulations. The Enrollment Agreement and Catalog were also discussed. A MOTION was made by Ms. Donis, seconded by Ms. Pearson, to approve Flavia Leal as a Barber School. The MOTION passed 5-0.

Ms. Dorian returned to the meeting.

7. Catherine Hinds Revised 600 and 900 Hour Aesthetics Programs

After brief discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Donis, that the staff should review Catherine Hinds' proposed adjustments to the 600-hour and 900-hour curriculums and approve them if they meet the requirements of the Board's regulations. The MOTION passed 6-0.

8. Public Comment

Mr. Conragan stated that the approval of the Barber School unfairly imposed smaller requirements for floor space than his school was required to meet in 2015. Mr. Clemente stated that formerly, barber schools were required to have 3500 square feet. Ms. Casey asked the Board to review requirements for reciprocal licensing of applicants from out of country. Ms. Kelly spoke about different rules for salon suites.

9. Draft Policy on Educational Credit Hours for Off-Site Events

Members discussed whether there must be at least one teacher for a set number of students on an off-site event. A MOTION was made by Ms. Talbot, seconded by Ms. Donis, to approve the Policy as amended. The MOTION passed 6-0.

Quasi-Judicial Session [CLOSED per M.G.L. c. 30A, § 18]

A MOTION was made by Ms. Talbot, seconded by Ms. Donis, to exit Open Meeting and enter Quasi-Judicial Session pursuant to G.L. c. 30A §18(d) to make decisions required in adjudicatory proceedings brought before the Board, thereafter to enter into Executive Session to review applicants' character rather than competence, per G.L. c. 30A, § 21(a)(1), and thereafter to enter into closed Investigative Conference pursuant to G.L. c. 112, § 65C, and not to return to Open Meeting except to adjourn. The MOTION passed 6-0.

During the closed Quasi-Judicial Session, the Board voted to take the following actions:

2017-000384-IT-ENF	Determined Final Decision and Order
Decided Together:	
2018-001181-IT-ENF	Determined Final Decision and Order
2018-001190-IT-ENF	Determined Final Decision and Order
2018-001192-IT-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. Donis, seconded by Ms. Stowe, to exit Quasi-Judicial Session and go into Investigative Conference to consider open cases, conduct investigative conferences, and consider settlement offers [closed session pursuant to G.L. c. 112, § 65C].

The MOTION passed 6-0.

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

Settlements:

2019-205654-FI-ENF	Gave guidance to prosecutor
2019-205644-FI-ENF	Gave guidance to prosecutor

Review of Cases:

2019-000742-IT-ENF	Referred to Prosecution
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Executive Session CLOSED per M.G.L. c. 30A, § 21(a)(1), Individual Character Rather Than Competence

Ms. Talbot was recused and left the room.

A MOTION was made by Ms. Donis, seconded by Ms. Dorian to enter into Executive Session for the purpose of discussing applicants' characters rather than competence, after which the Board would adjourn.

The Chair called for a Roll Call vote: Ms. Viens (Yes), Ms. Dorian (Yes), Ms. Stowe (Yes); Ms. Donis (Yes), Ms. Pearson (Yes). The MOTION passed 5-0.

See separate minutes.

Adjourn

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

The above Minutes were approved at the
open meeting held on December 10, 2019



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of October 8, 2019 Open Meeting

Draft Amendments to Policy on Apprenticeship and Student Employment for Manicuring

Draft Policy on Off-site Events

Flavia Leal Proposed Barber School Floorplan, Enrollment Agreement and Catalog

Stonhart Academy Proposed Course outlines for Advanced Body and Brazilian Waxing,

Chemical Peels, Facial Massage Techniques, Henna Brows, and Brow Lifting/Lamination

Regulations - 240 CMR 3.00

Whittier Tech Proposed Apprentice Program Documents

Catherine Hinds Proposed Amended 600 and 900 Hour Curriculums