

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

TIME: 9:30a.m.

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

PRESENT: Susan Viens (Chair), Joy Talbot (Vice-Chair), Amanda Donis (Secretary), Janice Dorian, Marian Saluto, Catherine Tool, Iris Stowe and Erinn Pearson
Jesus Nuñez - absent.

STAFF: Richard Lawless, Executive Director
Melyssa Bennett, Associate Executive Director
Lynn Read, Board Counsel
Lauren McShane, Chief Investigator

The meeting was called to order at 9:35 a.m. by Ms. Viens.

Executive Session CLOSED per M.G.L. c. 30A, § 21(a) (1), Individual Character Rather Than Competence and Investigative Session CLOSED under G.L. c. 112, s. 65C

A MOTION was made by Ms. Talbot, seconded by Ms. Tool to Enter into Closed session to review character rather than competence, **CLOSED per M.G.L. c. 30A, § 21(a) (1)**, after which the Board would enter into Investigative Session under G.L. c. 112, s. 65C to consider settlements of investigated cases, after which the Open Meeting would resume.

The Chair called for a Roll Call vote: Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Donis (Yes); Ms. Dorian (Yes), Mr. Nuñez (**Absent**), Ms. Pearson (Yes), Ms. Saluto (Yes); Ms. Stowe (**Absent**); Ms. Tool (Yes).

The Motion passed 8-0.

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

Settlements:

2018-000721-IT-ENF	Guidance given to prosecutor
2018-200213-FI-ENF	Guidance given to prosecutor
2019-203234-FI-ENF	Guidance given to prosecutor

Open Session resumed at 10:11 a.m.

Housekeeping:

Ms. Viens explained the emergency exit procedures.

Review and Approve Minutes of May 14, 2019 Open Meeting

The members reviewed the draft Minutes of the open meeting held May 14, 2019 and made some changes.

MOTION to approve draft minutes of the open meeting held May 14, 2019 by Ms. Pearson, seconded by Ms. Tool.

The Motion passed 7-1. Ms. Talbot abstained from the vote.

Review and Approve Minutes of June 11, 2019 Open Meeting

The members reviewed the draft Minutes of the open meeting held June 11, 2019 and made some changes.

MOTION to approve draft minutes of the open meeting held June 11, 2019 by Ms. Talbot, seconded by Ms. Dorian.

The Motion passed 8-0.

Executive Director Report – Schedule of Meetings in 2020

Mr. Lawless suggested a schedule for the 2020 Meeting to be held the 2nd Tuesday of each month, and the Board agreed with the exception of 9/15, 10/20, and 11/17.

A MOTION was made by Ms. Stowe, seconded by Ms. Saluto, to agree to these dates and have Mr. Lawless book the room

Board Counsel Report - Ms. Read had no separate report.

Agenda Amended

The Board agreed to amend the Agenda to consider the proposed apprentice program for the Cosmix School after the draft amendments to the Policy on Apprenticeship and Student Employment.

DISCUSSION:

1. Policy on Expiration of Incomplete Education

Mindy Mosca and Amanda Mendez from Toni & Guy addressed the Board, requesting reconsideration of the Board's current Policy on Expiration of Incomplete Education.

A MOTION was made by Ms. Dorian, seconded by Ms. Pearson, that students' earned curriculum hours will not expire for 5 years.

The Motion passed 8-0.

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

The Board discussed changes to its current Policy on Apprenticeship and Student Employment, and asked staff to bring the amended draft to the next Board meeting.

3. Proposed Apprentice Program – Cosmix School of Beauty Sciences

A MOTION was made by Ms. Talbot, seconded by Ms. Donis
To approve the proposed Apprentice Program for the Cosmix School of Beauty Sciences, subject to review and approval by Ms. Dorian of the catalogue, enrollment agreement and other documentation required by the Board's Policy on Student Apprenticeship and Student Employment.

The Motion passed 8-0.

4. Appeal process for English as a Second Language ("ESL") Candidates

Mr. Lawless described the draft form for appeals of the denial of a license by ESL candidates.
A MOTION was made by Ms. Talbot, seconded by Ms. Stowe
To approve the appeal form as written.

The motion passed 8-0.

5. Draft Policy on Advertising for Chair Booth Rentals

A MOTION was made by Ms. Talbot, seconded by Ms. Pearson
To accept the policy on advertising for chair booth rentals as written.

The motion passed 8-0.

6. Propose changes to the Electrology Regulations Regarding Sink Requirements

Members discussed Ms. Saluto's proposal to restore the requirement of a sink in an electrology treatment room, which historically was in effect under the former Board of Electrology. Other members spoke in favor of keeping the current Board's requirement of a sink accessible from the treatment room, which is the same requirement for Aesthetics.

A **MOTION** was made by Ms. Talbot, seconded by Ms.Dorian
To direct the staff to explore making electrology office sink requirements consistent with aesthetics salon requirements.

The Motion passed 8-0.

7. Review of Regulations – 240 CMR 2.00 and 240 CMR 3.00

The members present discussed potential changes to 240 CMR 2.00 and 3.00 and instructed the staff to incorporate the changes into a draft for further review at a future meeting. No formal action was taken.

8. Layout Requirements for Shops Offering Cosmetology & Barbering Services

The members present discussed that Barber stations must be clearly marked and have a reclining chair with a head rest and barber pole decal at each designated Barber station, but took no formal action.

Public Comment

Lisa Kelly shared information concerning damage to the scalp during hair color procedures.

Toni and Guy representatives discussed the high expectations clients have from schools.

Quasi-Judicial Session and Investigative Session CLOSED per M.G.L. c. 30A, § 18 and G.L. c. 112, s. 65C

A MOTION was made by Ms. Talbot, seconded by Ms. Tool, to
Exit Open session break for lunch, after which the Board would convene in CLOSED Quasi-Judicial Session to make Final Decisions in disciplinary matters, after which the Board would enter into a second Investigative Session under G.L. c. 112, s. 65C for Investigative Conference. The Chair announced that the Board would not resume Open Meeting except to adjourn.

The Motion passed 8-0.

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

2019-000726-IT-ENF	Voted to issue final decision with discipline
2017-001539-IT-ENF	Voted to issue final decision with discipline

A MOTION was made by Ms. Talbot, seconded by Ms. Donis to **exit Quasi-Judicial Session and go into Investigative Conference.** The Motion passed 8-0.

During the Investigative Session, the Board voted to take the following actions:

2018-000890-IT ENF	Guidance given to prosecutor
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2018-202613-FI-ENF	Guidance given to prosecutor
2018-000586-IT-ENF	Dismiss
2019-000376-IT-ENF	Dismiss
2019-204761-FI-ENF	Dismiss
2019-000410-IT-ENF	Dismiss
2019-000413-IT-ENF	Dismiss
2019-000861-IT-ENF	Dismiss
2019-000419-IT-ENF	Refer to prosecution
2019-204826-IT-ENF	Refer to prosecution
2019-000467-IT-ENF	Dismiss with an advisory
2019-000451-IT-ENF	Dismiss
2019-000480-IT-ENF	Refer to prosecution
2019-000508-IT-ENF	Refer to prosecution
2019-000862-IT-ENF	Refer to prosecution
2019-000505-IT-ENF	Dismiss
2019-000519-IT-ENF	Dismiss
2019-000528-IT-ENF	Refer to prosecution
2019-000532-IT-ENF	Refer to prosecution
2019-000531-IT-ENF	Refer to prosecution
2019-000529-IT-ENF	Refer to prosecution
2019-000575-IT-ENF	Dismiss
2019-000579-IT-ENF	Refer to prosecution
2019-000580-IT-ENF	Dismiss
2019-000581-IT-ENF	Refer to prosecution
2019-000578-IT-ENF	Refer back to Investigations for further research
2019-000582-IT-ENF	Dismiss
2019-000616-IT-ENF	Refer to prosecution
2019-205203-FI-ENF	Refer to prosecution
2019-203258-FI-ENF	Guidance given to prosecutor

Adjourn

A MOTION was made by Ms. Saluto, seconded by Ms. Donis, to **adjourn the meeting**.
The meeting was adjourned at 4:30 p.m.

The above Minutes were approved at the
open meeting held on October 8, 2019.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of May 14, 2019 Open Meeting
Draft Minutes of June 11, 2019 Open Meeting
Draft Amendments to Policy on Apprenticeship and Student Employment
Draft Form for Appeal by English as a Second Language Candidates
Draft Policy on Advertising for Chair Rentals
Materials on Sanitation Requirements Related to Sinks in Electrology Offices
Cosmix School of Beauty Sciences Proposal for Apprentice Program
240 CMR 2.00
240 CMR 3.00