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Division of Occupational Licensure
Board of Registration of Cosmetology and Barbering
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LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

MINUTES OF THE November 18th, 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, and Cate Tool.

Jésus Nuñez and Iris Stowe were absent.

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

The Meeting was called to order at **9:30 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 as staff continued to gather comments from stakeholders. He also reported that new staff have made a significant impact on Board communications .

Board Counsel Report:

Atty. Gasson announced her departure from the Board, and introduced the Board's new counsel Charles Kilb.

Minutes of the October 28th, 2021 Public Meeting

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Tool, to approve the public minutes of the October 28th, 2021 meeting as amended.

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), and Ms. Tool (Yes).

The Motion passed 7-0.

Discussion

Exam Appeal – Jose Marin

Jose Marin was in attendance to discuss the appeal of his written Barber exam.

After discussion, a MOTION was made by Ms. Cohen, seconded by Ms. Breedy, to approve the exam appeal.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (No), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Saluto (Yes), and Ms. Tool (No).

The Motion passed 5-2.

Review of Electrology Regulations – 240 CMR 10.00

The Board reviewed 240 CMR 10.00, which focuses on Electrology Schools. Discussion topics included adjusting application documentation requirements to be similar to other school types, requiring the reporting of school hours to the Board, adding school closure requirements, and other uniform standard operation requirements to match cosmetology and barbering school regulations.

The Board gave direction to staff to bring a redlined version of 240 CMR 9.00 and 10.00 reflecting the Board's recommended revisions to the next Board meeting, and the Board will plan to discuss 240 CMR 11.00 next month.

Reciprocity Issues

The Board discussed methods of handling reciprocity issues concerning applicants who have not completed an amount of education that lines up with the Board's hour requirements, or who have pursued an alternative path to licensure in another state. Concerns were raised with allowing examination appeals if exams will also be used as part of the evaluation process for applicants who have not completed the Board's required hours of education. The Board gave direction to staff to gather data on reciprocity application statistics, and the Board will plan to revisit the topic next month.

Hybrid Education

The Board discussed its current approach to hybrid education, to determine if any additional provisions or rules should be made.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Corliss, to permit schools to teach up to 50% of their total programs through distance-based education, and if 50% of the program's total hours are delivered through distance-based education, then the remaining 50% of the program must be comprised exclusively of practical education.

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), and Ms. Tool (Yes).

The Motion passed 7-0.

Sinks in Salons in Large Retail Stores

The Board discussed its regulatory requirement for a handwashing sink that must be accessible from the salon areas in situations where the sink may be far away from the salon area but still on the premises.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Cohen, to require any salon applying for a new license to have a handwashing sink located within 50 feet of the service area, with discretion left to the inspectors.

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), and Ms. Tool (Yes).

The Motion passed 7-0.

Public Comment

Euraysha Lamb asked about participating in professional development at vocational cosmetology programs. The Board recommended that she check with the Department of Elementary and Secondary Education for more information.

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. Saluto, to adjourn the public meeting at **12:13 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, review applications involving discipline, 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), and Ms. Tool (Yes).

The Motion passed 7-0.

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:

Settlement Offers

2021-201224-FI-ENF	Guidance Given to Prosecutor
2021-000210-IT-ENF	Guidance Given to Prosecutor

Review of Cases

2021-000977-IT-ENF	Dismissed
2021-000980-IT-ENF	Dismissed, allegations handled by related Ticket
2021-001037-IT-ENF	Referred to Prosecutions
2021-000541-IT-ENF	Referred to Prosecutions
2021-000466-IT-ENF	Dismissed
2021-000902-IT-ENF	Dismissed
2021-000607-IT-ENF	Dismissed with Advisory
2021-000554-IT-ENF	Dismissed
2021-000769-IT-ENF	Referred to Prosecutions
2021-000515-IT-ENF	Referred to Prosecutions

Adjournment

A MOTION was made by Ms Talbot, seconded by Ms. Breedy 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), and Ms. Tool (Yes).

The Motion passed 7-0.

The meeting was adjourned at 2:40 p.m.

The above Minutes were approved at the open meeting held on December 9, 2021.

A handwritten signature in black ink, appearing to read 'R. Lawless', with a long horizontal flourish extending to the right.

Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of October 28, 2021 Open Meeting

Exam Appeal Documentation from Jose Marin

240 CMR 10.00