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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 August 12th, 2021
PUBLIC BOARD MEETING

TIME: 9:30 a.m.
PLACE: Conference Call

PRESENT: Susan Viens (Chair), Joy Talbot (Vice Chair), Heather Cohen, Nicole Corliss, and Cate Tool.

Erinn Pearson, Marian Saluto, Iris Stowe, and Jesús Nuñez were absent.

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

The Meeting was called to order at **9:31 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 agency's offices have re-opened to the public, and that new staff are being hired to assist with Board operations and phone calls. He also confirmed that the agency has officially changed its name to the Division of Occupational Licensure.

Board Counsel Report:

Atty. Gasson spoke about recent legislation that will move some of the agency's Boards to the Department of Public Health, but confirmed that this Board will not be affected by the legislation.

Minutes of the July 15th, 2021 Public Meeting

Approval of the minutes was tabled until the September meeting.

Discussion

Review of Regulations: 240 CMR 2.00 – 240 CMR 7.00

The Board reviewed a draft of proposed changes to regulations 240 CMR 2.00 – 240 CMR 7.00. Several additional changes were discussed, including adding cooperation and school closure requirements to 240 CMR 4.00, and adding language about communicable diseases to 240 CMR 3.00.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Cohen, to approve the draft regulation changes, and send to the agency for review, with permission for Board Counsel to make any necessary edits for formatting and clarity.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), and Ms. Tool (Yes).

The Motion passed 5-0.

Proposed New Location – Spa Tech Institute

Kris Stecker from Spa Tech Institute was in attendance to discuss documentation submitted for a new location for the school.

After discussion, a MOTION was made by Ms. Talbot seconded by Ms. Tool, to accept the documentation with recommended edits, and to approve the school contingent on the receipt of the bond, certificate of occupancy, passing of a final inspection, receipt of the enrollment report, and processing of the school application, with delegation of approval to Board staff.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), and Ms. Tool (Yes).

The Motion passed 5-0.

Proposed Adjustment of Curriculum Hours – Toni & Guy Hairdressing Academy

The Board reviewed submitted documentation for changes to cosmetology program curriculum hours for Toni & Guy Hairdressing Academy.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Tool, to approve the curriculum hour changes.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), and Ms. Tool (Yes).

The Motion passed 5-0.

Proposed New Premises – Somerville High School

The Board reviewed submitted documentation for a new clinic for Somerville High School’s existing cosmetology program.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Talbot, to approve the new clinic contingent on passing a final inspection by Board staff.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), and Ms. Tool (Yes).

The Motion passed 5-0.

Review of Barber Regulations – 240 CMR 8.00

The Board reviewed 240 CMR 8.00 and discussed changes to this section. Discussion items included changing premises, equipment, instructor and chair requirements for barber schools; home barber shop requirements; adjustments to sanitation and operation requirements of barber shops; the addition of a required shampoo bowl and handwashing sink to barber shops; and adjusting barber school requirements to mirror the proposed changes to cosmetology school operational requirements regarding bonds, record-keeping and school closure requirements.

No formal action was taken. The Board gave direction to staff to draft a redlined version including the discussed changes for the next Board meeting.

Transfer Hour Process and Form

The Board discussed its requirements for transferring hours between schools and reviewed a proposed new form that would eliminate the Board’s involvement in handling hour transfers from schools outside Massachusetts to schools in Massachusetts.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Talbot, to approve the new transfer hours form and to allow Massachusetts schools discretion on determining and accepting hours earned outside of Massachusetts.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), and Ms. Tool (Yes).

The Motion passed 5-0.

Appeal of Transfer Hours

The Board concluded that the changes to the transfer hour process eliminated the underlying issue regarding the appeal of transfer hours, and this topic was not discussed further.

Extension of COVID Safety Protocols for Exams

The Board reviewed documentation from Pearson Vue on extending current COVID protocols at testing centers, including requiring face coverings and using mannequins for the aesthetics practical exam and the aesthetics portion of the cosmetology practical exam.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Cohen, to extend the COVID protocols at testing centers for one year, and to revisit in August 2022.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), and Ms. Tool (Yes).

The Motion passed 5-0.

Use of Class-2 Microcurrent Devices

The Board reviewed documentation regarding the safety and use of the Ultra Beauty Class-2 device for microcurrent services.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Talbot, to permit the use of this Class-2 device for microcurrent services by aestheticians with proper training.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), and Ms. Tool (Yes).

The Motion passed 5-0.

Approval to Take Exam – Student From Ali May Academy

The Board reviewed documentation from a former Ali May Academy student requesting to take the exam. Limited records confirm 123.25 earned hours in a 300-hour aesthetics program from 2016.

The Board gave direction to staff to provide the student with the option of transferring the 123.25 hours to a new school to finish the 300 hour aesthetics program, or to provide documentation showing completion of additional school hours.

Eyelash Extensions

This topic was postponed until the September meeting.

October Meeting Date

The Board discussed schedule adjustments for its upcoming meetings.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Cohen, to move the September meeting to September 16th, and the October meeting to October 28th.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), and Ms. Tool (Yes).

The Motion passed 5-0.

Public Comment

None.

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. Corliss, to adjourn the public meeting at **1:21 p.m.**, and to enter into **Executive Session** for the purposes of discussing character rather than competence; after which the Board will enter 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. Cohen (Yes), Ms. Corliss (Yes), and Ms. Tool (Yes).

The Motion passed 5-0.

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

2021-200005-FI-ENF	Guidance Given to Prosecutor
2021-200580-FI-ENF	Guidance Given to Prosecutor
2020-205372-FI-ENF	Guidance Given to Prosecutor
2021-200188-FI-ENF	Guidance Given to Prosecutor

Review of Applications

2021-242-HD-OS-APP	Direction Given to Staff
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Review of Cases

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2021-000296-IT-ENF	Referred to Prosecutions
2021-000429-IT-ENF	Dismissed
2021-000447-IT-ENF	Dismissed
2021-000511-IT-ENF	Dismissed
2021-000520-IT-ENF	Tabled
2021-000521-IT-ENF	Referred to Prosecutions
2021-000522-IT-ENF	Referred to Prosecutions
2021-000523-IT-ENF	Referred to Prosecutions
2021-000606-IT-ENF	Referred to Prosecutions
2021-000622-IT-ENF	Referred to Prosecutions
2021-000557-IT-ENF	Referred to Prosecutions
2021-202240-FI-ENF	Dismissed

Adjournment

A MOTION was made by Ms Talbot, seconded by Ms. Corliss to adjourn.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), and Ms. Tool (Yes).

The Motion passed 5-0.

The meeting was adjourned at 3:43 p.m.

The above Minutes were approved at the open meeting held on September 16, 2021.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of July 15, 2021 Open Meeting

Draft of Proposed Changes to 240 CMR 2.00-7.00

Documentation for Proposed New Location from Spa Tech Institute

Documentation for Proposed Curriculum Hour Changes from Toni & Guy Hairdressing Academy

Documentation for Proposed New Premises from Somerville High School

240 CMR 8.00

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Draft Transfer Hours Form

Documentation on COVID Safety Requirements from Pearson Vue

Documentation on Ultra Beauty Class-2 Microcurrent Device from P. Johari

Documentation on Aesthetics Program Progress from L. Chen