

August 24, 2015

Commonwealth of Massachusetts  
Division of Professional Licensure  
Board of Registration of Cosmetology and Barbering  
1000 Washington Street  
Boston, MA 02118

**Via Email to:**  
[lynn.p.read@state.ma.us](mailto:lynn.p.read@state.ma.us)

**RE: Comments relative to changes to Rules and Regulations governing  
Registration and Conduct of Cosmetologists – 240 CMR 2.00-7.00**

Dear Honorable Board Members:

In accordance with the "Notice of Meeting" regarding the consideration of changes to the Rules and Regulations governing the registration and conduct of Cosmetologists, Barbers, and Electrologists, we collectively submit these preliminary comments for consideration in your deliberations on August 27, 2015, and thereafter. Our comments reflect the spirit and purpose of Executive Order 562 – To Reduce Unnecessary Regulatory Burden, specifically those stipulations relating to unnecessary cost and burden to citizens and inhibiting business growth and creation of jobs.

This letter has been prepared by our specific business entity, VDG Salons, LLC, though I am also representing comments made by our entire Great Clips Cooperative. We intend to have several owners present at the upcoming meeting to interact with the Board, as appropriate.

For your information, Great Clips salons are individually owned and operated by small business franchisees/owners. There are more than 20 owners with 30+ salons in Massachusetts. Though we operate in accordance with an overarching agreement with and guidance from Great Clips, Inc., we run our individual businesses as otherwise wholly separate entities in accordance with the laws of the state within which our salons are located. The subject regulations affect each of us as small business owners and our staff as employees (rather than those salon models having booth rental and/or commissioned stylists).

As detailed further below, we have broken our current primary comments and concerns into several areas relative to the existing regulations as follows:

- 1) 2.01 – Licensure Requirements and Definitions (regarding Cosmetologists/Operators)
- 2) 2.02 – Practical Experience
- 3) 3.02 – Operation of Salons
- 4) 3.03 – Equipment and Hygiene Procedures
- 5) Cosmetologist Licensure Reciprocity

## Comments

- 2.01 – Licensure Requirements and Definitions

Under the current regulation, a Type 1 Cosmetologist is required to be onsite to supervise Type 2 Operators ("Operators") in the salon. It takes considerable time for an Operator to become a Type 1 thereafter (two years), and the requirement for having a Type 1 available in the salon as a matter of daily practice proves to be quite onerous at times based on scheduling and availability, inclusive of additional cost considerations.

In order to comply with the current requirement, we find ourselves paying additional wages to the Type 1 to ensure their physical availability within the salon, thus requiring us to compensate Type 1 stylists in the form of paid lunches and/or breaks.

Moreover, it is not uncommon that we need to compensate the Type 1 in the form of overtime in order to comply when scheduling and availability are at issue. We operate with a very lean staff, and based in part on recruiting limitations, often find more applicants who are at the Operator level. Without **the 2 years of practical experience currently required**, they are not able to work unsupervised by a Type 1, which leaves us in a quandary whenever we have multiple Type 2 employees available to work, but there are no Type 1 staff available **all seven days of the week for which we are open**. Recruiting of Type 1 stylists has become difficult.

If we were able to modify the time requirements to becoming a Type 1, the requirement would then be more manageable without compromising professional integrity and public expectation. It would also provide us the ability to hire additional Operators with the acceptance of what we propose. Additional hiring helps to create more job opportunities, thus stimulating the state's economy.

We would propose the following:

A cosmetology student having performed 1,000 hours as prescribed by State regulations and school curriculum be licensed as an Operator having successfully passed both a practical and written examination upon graduation from an accredited cosmetology school. The Operator license should be considered a first stage license within a two-stage structure. Considering an Operator has already received instruction and guidance under the supervision of a certified instructor within the school curriculum setting and, having been licensed as such by the state Board of Cosmetology, that the requirements for the Type 1 (stage 2) stylist be reduced to 500 hours of supervised practical experience within a salon environment. By so doing, the 500 hour requirement would eliminate the need to distinguish or eliminate potential conflict between a full-time and part-time stylist (see below). Upon achieving the 500 hours, a stylist can then apply for Type 1 status. As a Type 1 stylist, the individual can then perform their duties without supervision. This proposal would also request consideration be given toward reducing the current fee of \$82 to a lesser value having previously paid \$125 to obtain their Operator's license.

- 2.02 – Practical Experience  
Per comments immediately above, the amount of Practical Experience for a Type 2 Operator to become a Type 1 Cosmetologist is unrealistic. The regulation requires two years of experience providing services for compensation under appropriate supervision. Massachusetts regulation at this juncture results in unnecessary cost and burden to the citizens and businesses, exactly what EO 562 is trying to eliminate.
  
- 3.02 – Operation of Salons
  - (1)(b) – Floor Plan Approval  
The regulation stipulates that the floor plan for the salon has to be approved by the Board. This has posed delays in buildouts when trying to coordinate with multiple contractors, local city officials, and zoning boards. Given the guidance in the regulations, we submit that local city regulations and approvals are sufficient to ensure the safe and effective design of the salons without an additional State-level approval.  
  
We also ask that any floor plan guidance/approval system make a distinction between a “value-oriented” haircutting salon and a full service hair salon. We do not see the need to have a manicure table or hair dryer in a value-oriented haircutting salon. The value-oriented salon also does not perform any service relating to a manicure table as evidenced by its pricing board, and hand-held dryers suffice for drying patrons’ hair.
  
  - (2)(e)1.a. – Cosmetology Salon supervision  
[See comments above relative to proposed changes for supervision of Type 2 Operators and/or changes in number of experience hours required to attain Type 1 status.]
  
- 3.03 – Equipment and Hygiene Procedures
  - (1) Hand washing protocol – We question the need to require utilization of hospital grade antibacterial soap after each and every patron. Given the claims of manufacturers of products more readily available on the market, we submit that this regulation should be changed to allow for less expensive options for sanitizing hands. Furthermore, given the location of shampoo sinks and utility sinks in some larger salons, we propose that antibacterial sanitizing solution should be sufficient to sanitize hands where only hair cutting has been performed on a previous patron or model.
  
  - (10) Neck dusters – The regulation assumes that neck dusters are not sanitizable. We have the option to purchase and utilize sanitizable neck dusters, but given this regulation, are unable to do so. We propose that sanitizable neck dusters should be an allowable option. [Per (13) in same section, the last sentence could similarly apply, i.e., “The use of any implement that cannot be sanitized is prohibited.”]
  
  - (16) Minimum 12 Brushes and 12 Combs – We’re not sure why the Board regulates the number of brushes and combs. We typically have many more in

our salon, but they are shared between stylists and are properly sanitized between customers.

- (17) Sanitizing instruments and equipment –  
This section does not specify Barbicide or other brand, but given the popularity of use, the Board may wish to specify "such as Barbicide or other brand upholding these specifications". Otherwise, it's challenging for stylists to determine if they're complying.
- (19) We point out that our cosmetologists are not qualified to make a certain assessment of these and other potential conditions. In order to eliminate ambiguity or uncertainty, the Board may want to consider language indicating "or any other potentially contagious skin condition at the cosmetologist's discretion" so as to be able to lean on the law when patrons question the decision.
- **Cosmetologist Licensure Reciprocity**  
Unlike some other industries, such as nursing, the inability of cosmetologists and stylists/hairdressers and others affected by these regulations regarding the lack of recognition and carryover from state to state is an ongoing concern in the industry. Present laws assess the completion of the program of study for one specific state and generally do not recognize other states' licenses. Laws have become a deterrent in a society that is increasingly more mobile and transient. We ask our Board to seriously consider the advantages of allowing such reciprocity. For example, where fees may be lost due to one situation, they may be gained back due to those cosmetologists and others from neighboring states and beyond who wish to practice within Massachusetts borders. We support reciprocity and stylist mobility. If a licensed individual has been working in one state, the individual should be able to become licensed in a different state with greater ease and without having to go through the entire program and certification hours again, so long as the licensing state has similar requirements for hours and training. Credit should be given for experience elsewhere such that a minimum amount of verifiable work experience, an application and a fee, and a test for State Laws should become standard. We have jobs waiting and want to hire experienced stylists, but even if they live in the town right across the border and would be benefitting Massachusetts on multiple levels, we can't hire them. Given the points above about the challenges associated with Type 2 Operators standards, we are caught between a rock and a hard place creating and filling jobs with skilled candidates needed to provide these essential services to the public.

We are not suggesting or recommending that the Board increase the required hours above 1,000. We believe the current standard hours are reasonable and within acceptable standards. We are, however, asking the Board to apply the proposed Type 1 Operator requirements to the experience level of cross-border cosmetologists recognizing that they have been licensed by their respective state boards having similar fulfillment requirements.

We request to be included in future communications relative to these proceedings, as appropriate. Although we have only raised concerns and comments relevant to the existing regulations, we are interested in participating in future crafting of any proposed new regulations, as they will continue to affect our employees and the efficient operation of our businesses and our ability to maintain and create new job opportunities for Massachusetts citizens.

We appreciate your time and consideration of our comments. Thank you.

With sincere regards,

A handwritten signature in black ink, appearing to read "Calvin Van De Giesen", with a long horizontal flourish extending to the right.

Calvin Van De Giesen, Franchisee  
On Behalf of all Great Clips Franchisees in the  
Massachusetts Market

