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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 10
PUBLIC BOARD MEETING

TIME: 10:00 a.m.

PLACE: Conference Call

PRESENT: Joy Talbot (Chair), Cate Tool (Vice-Chair), Heather Cohen, Nicole Corliss,
Cassia Gilroy, Marian Saluto

ABSENT: Erinn Breedy, Iris Stowe

STAFF: Richard Lawless, Executive Director
Kristina Gasson, Deputy General Counsel for Boards and Hearings

The Meeting was called to order at **10:00 a.m.** by Ms. Talbot. All board members and staff appeared telephonically or by videoconference.

Housekeeping and Conference Call Protocol:

Ms. Talbot reviewed conference call and open meeting protocol with meeting attendees. The Chair announced that Anthony Clemente from the Massachusetts Association of Cosmetology Schools will be recording the meeting.

Executive Director Report

Mr. Lawless spoke about staffing issues with the Board, and that the Board will continue to work through any issues with PSI now that exam and application processing have launched. He also reported that the Eyelash Subcommittee held its first meeting.

Board Counsel Report:

Atty. Gasson reported on preparing the Board's proposed regulation changes for agency review, and also confirmed that there will be an administration change in January.

Minutes of the October 13, 2022 Public Meeting

After discussion, a MOTION was made by Ms. Cohen, seconded by Ms. Tool, to approve the public minutes of the October 13, 2022 meeting as drafted.

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Tool (Yes), Ms. Breedy (Absent), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (Yes), and Ms. Stowe (Absent).

The Motion passed 6-0.

Discussion

PSI Exam Implementation

Mr. Lawless provided an update on issuing licenses for candidates who have passed the exam, explaining that the technical aspects were still being worked on with PSI and the agency's eLicensing Team. He also said that the Board is working with the agency's IT department and PSI on finalizing the process for exam authorizations for instructors, lapsed candidates, and out of state/country candidates. He said that PSI is working on a longer-term solution for scheduling exams in different languages, but for now candidates will need to email PSI to request to take the exam in a different language. Ms. Tool asked Mr. Lawless if PSI will be sending monthly reports to schools, and Mr. Lawless said he would check with PSI.

Review of 240 CMR 4.00 – Exemptions to Premises/Equipment Requirements for Special Needs Programs

The Board discussed amending its Cosmetology School regulations to create an exception for premises and equipment for special needs programs that would necessitate smaller class sizes.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Cohen, to amend the Board's regulations to create an exemption on premises and equipment requirements for programs exclusively dedicated to special needs students.

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Tool (Yes), Ms. Breedy (Absent), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (Yes), and Ms. Stowe (Absent).

The Motion passed 6-0.

Proposed Eyelash Extensions Advanced Course – Chelmsford Beauty Academy

The Board reviewed documentation from Chelmsford Beauty Academy regarding a proposed advanced course for eyelash extensions.

After discussion, a MOTION was made by Ms. Cohen, seconded by Ms. Corliss, to delegate final evaluation of the Board's suggested edits and approval of the course to Ms. Tool and Board staff.

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Tool (Yes), Ms. Breedy (Absent), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (Yes), and Ms. Stowe (Absent).

The Motion passed 6-0.

Proposed Ownership Change – Massachusetts School of Barbering

Anthony Clemente from New England Hair Academy was present to address an ownership change for the Massachusetts School of Barbering. The Board reviewed documentation submitted by Mr. Clemente for the ownership change.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Corliss, to delegate final evaluation and approval of the Board's documentation edits to Board staff, and upon approval of documentation and fulfillment of all other requirements, to approve the school.

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Tool (Yes), Ms. Breedy (Absent), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (Yes), and Ms. Stowe (Absent).

The Motion passed 6-0.

Proposed Apprenticeship Program – Minuteman Technical Institute

Lauren Sciarratta and Nancy Houle from Minuteman Technical Institute were present to discuss the school's proposed Apprenticeship Program for its Adult Education Cosmetology program.

After discussion, a MOTION was made by Ms. Gilroy, seconded by Ms. Tool, to request the school to incorporate the Board's discussed edits and to re-submit the documentation to the Board for next month's meeting.

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Tool (Yes), Ms. Breedy (Absent), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (Yes), and Ms. Stowe (Absent).

The Motion passed 6-0.

Updated to Policy on Mobile Services

The Board discussed several items of correspondence requesting clarification and/or changes to its Mobile Policy. Discussions included a potential limit on the number of times a remote location could be repeatedly used and expanding the scope mobile manicuring services.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Corliss, to request Board counsel to draft clarifying language to prevent mobile services from being used to establish a *de facto* shop, to incorporate edits to the Policy to expand the scope of mobile manicuring services, and to incorporate edits to require licensees to maintain their regular license in order to keep their mobile registration valid, and to bring the edited Policy back to the Board at its next meeting for review.

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Tool (Yes), Ms. Breedy (Absent), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (Yes), and Ms. Stowe (Absent).

The Motion passed 6-0.

Misrepresentation on License Applications

The Board discussed how to handle applications for licenses where an applicant does not disclose a disciplinary issue or criminal conviction. The Chair recognized public comments on this discussion. Janice Dorian from Mansfield Beauty Schools said that some applicants may have expunged convictions that would still show up on a CORI report. Anthony Clemente from New England Hair Academy suggested that the Board's applications could state that the Board can deny applicants for misrepresentation.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Gilroy, that any misrepresentation on an application would require a Board appearance.

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Tool (Yes), Ms. Breedy (Absent), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (Yes), and Ms. Stowe (Absent).

The Motion passed 6-0.

Reciprocity Applications from Puerto Rico

After a brief discussion, a MOTION was made by Ms. Tool, seconded by Ms. Cohen, to table this discussion

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Tool (Yes), Ms. Breedy (Absent), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (Yes), and Ms. Stowe (Absent).

The Motion passed 6-0.

Public Comment

Janice Dorian from Mansfield Beauty Schools asked how the Board's proposed regulation change for a premises/equipment exemption for special needs programs would affect programs that accept a combination of special needs and non-special needs students. She also expressed concerns regarding the intuitiveness of the written practical exam. Ms. Corliss responded that she has worked with her students using PSI's content outlines to help them prepare for the written practical exam. Ms. Dorian asked the Board to review previous minutes for clarifications on its Mobile Policy regarding manicuring services, and also asked about the accommodations process for exams. Mr. Lawless recommended reviewing PSI's candidate bulletins which included directions on submitting accommodations requests for exams.

Frank Zona asked about a general timeline for regulation review. Atty. Gasson provided an overview of the regulation review process and a current status of the Board's proposed regulation changes.

Anthony Clemente from New England Hair Academy stated that there have been some issues with PSI application processing due to applicants not writing legibly, and suggested that an electronic process be considered. He also asked the Board to consider issuing guidance on requiring documentation for students to transfer hours between schools. Ms. Talbot said the Board may consider this as a future agenda item.

Sarah Mason and Becca Sarhadi expressed concerns on the Board's discussions on its Mobile Policy, and said that the Board has previously defined a *de facto* shop, and that the Board should not infringe on established Mobile manicuring business practices to limit repeated visits to the same location. Mr. Lawless retrieved Board minutes from 2018 that confirmed that the Board does not consider repeated visits to nursing homes as a violation of its policy, and Mr. Lawless also clarified that the Board's discussion was to prevent an individual from exploiting the Mobile Policy to establish a brick and mortar salon without following the Board's regulations, and not to limit mobile practitioners from visiting clients regularly.

Executive Session CLOSED per M.G.L. c. 30A, § 21(a)(1), Individual Character Rather Than Competence

A MOTION was made by Ms. Corliss, seconded by Ms. Saluto, to adjourn the public meeting at **12:40 a.m.**, and to enter into **Executive Session, closed per M.G.L. c. 30A, § 21(a)(1)**, for the purposes of discussing character rather than competence; and then to move into **Closed Investigative Conference, closed session pursuant to G.L. c. 112, § 65C**, to consider open cases, conduct investigative conferences, and consider settlement offers, and the Open Meeting would not resume.

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Tool (Yes), Ms. Breedy (Absent), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (Yes), and Ms. Stowe (Absent).

The Motion passed 6-0.

Closed Investigative Conference, closed session pursuant to G.L. c. 112, § 65C

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

Settlements

2022-000502-IT-ENF	Guidance given to Prosecutor
2022-201816-FI-ENF	Dismissed
2022-204157-FI-ENF	Guidance given to Prosecutor
2022-200767-FI-ENF	Guidance given to Prosecutor

Review of Cases

2021-202282-FI-ENF	Dismissed
2022-000742-IT-ENF	Referred to Office of Prosecutions
2022-000818-IT-ENF	Dismissed
2022-000905-IT-ENF	Dismissed
2022-000832-IT-ENF	Dismissed
2022-000918-IT-ENF	Dismissed with Advisory

Adjournment

A MOTION was made by Ms. Cohen, seconded by Ms. Gilroy, to adjourn at 2:42 p.m.

The Chair called for a Roll call vote:

Ms. Talbot (Yes), Ms. Tool (Yes), Ms. Breedy (Absent), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (Yes), and Ms. Stowe (Absent).

The Motion passed 6-0.

The above Minutes were approved at the open meeting held on December 8, 2022.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of October 13, 2022 Open Meeting

Cosmetology Program Documentation from Crest Collaborative

Minutes of November 10, 2022, Board of Cosmetology and Barbering

Proposed Edits to 240 CMR 4.00

Eyelash Extensions Advanced Course Documentation from Chelmsford Beauty Academy

Barber Ownership Change Documentation from Massachusetts School of Barbering

Apprentice Program Documentation from Minuteman Technical Institute

Proposed Edits to Board Policy on Mobile Services

Letter on Mobile Policy Questions from Owen Doherty

Letter on Mobile Policy Changes from Becca Sarhadi