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Commonwealth of Massachusetts
Division of Occupational Licensure
Board of Registration of Cosmetology and Barbering
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REGULATION

SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

MINUTES OF THE April 13, 2023
PUBLIC BOARD MEETING

TIME: 9:30 a.m.

PLACE: Conference Call / Virtual Meeting

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

ABSENT: None

STAFF: Richard Lawless, Executive Director
Jamie Dalton, Board Counsel
Andrew Bridges, Chief of Investigations

The Meeting was called to order at **9:31 a.m.** by the Chair. All board members and staff appeared telephonically or by videoconference.

Mr. Lawless informed Board members and attendees that the public meeting was being recorded.

Housekeeping and Conference Call Protocol:

The Chair reviewed conference call and open meeting protocol with meeting attendees. Anthony Clemente from the Massachusetts Association of Cosmetology Schools indicated that he will be recording the meeting, and the Chair notified all attendees of this recording.

Executive Director Report

Mr. Lawless reported that the Board's new staff member has started. He also updated the Board on the Division of Occupational Licensure's new Commissioner, Sarah Wilkinson, and informed the Board that the agency's previous Commissioner Layla D'Emilia has started a new position as Undersecretary of the Office of Consumer Affairs and Business Regulation.



Board Counsel Report:

Atty. Dalton confirmed that recently passed legislation has extended the provision of remote Board meetings through March 2025.

Minutes of the March 9, 2023 Public Meeting

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Cohen, to approve the public minutes of the March 9, 2023 meeting as drafted.

The Chair called for a Roll call vote:

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

The Motion passed 6-0, with one abstention.

Minutes of the March 2, 2023 Eyelash Subcommittee Public Meeting

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Cohen, to accept the public subcommittee minutes of the March 2, 2023 meeting as drafted.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

Ms. Breedy joined the meeting at or around 9:50a.m.

Discussion

PSI Exam Implementation

Shawn Conder, Elena Thomas, and Andrea Dominiack from PSI were in attendance to discuss exemptions and answer any questions from Board members.

The Board discussed examination data provided by PSI showing the pass rates for the Board's exams compared to other states using similar exams. Board members expressed continued concerns about the lower pass rates compared to exams administered by its previous vendor.

The Board also discussed the possibility of retroactively approving candidates who failed the exam under the previously used cut score, but who would have passed under the new cut score. Board counsel advised that this would not legally be permissible. Candidates may continue to re-take the examination without paying an additional fee. Board members indicated that the written practical exam seemed to be the most significant barrier, and discussed the possibility of eliminating this exam.

PSI representatives stated that the examinations are not designed to result in a specific pass rate, but are designed to determine whether candidates are minimally competent. A subject matter expert panel determines the definition of a minimally competent candidate, and Massachusetts subject matter experts will be able to participate on this panel. Board members asked if instructors would also be able to participate, and PSI confirmed this is possible.

Board members asked Mr. Lawless to explore the possibility with PSI of eliminating the written practical exam. Board counsel stated that the Board has an existing contract with PSI, and both statutory and regulatory requirements for practical exams, but that the Board can continue to work through any exam issues with PSI under its current contract. The Board asked if a group of instructors could be permitted to take the exam to become more familiar with the content and construction of questions, and PSI representatives said that they will explore this option.

Since no formal vote was being taken, the Chair declined to recognize any members of the public at this time in the meeting and advised public attendees that they would be able to make any public comments during the regular Public Comment portion of the meeting.

Proposed Aesthetics School Curriculum – Lawrence Training School

Maria Alcantara from Lawrence Training School was in attendance to discuss a re-submitted aesthetics program curriculum.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Corliss, to approve the school's curriculum, and to allow the school to move forward with the application and licensure process.

The Chair called for a Roll call vote:

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

The Motion passed 8-0.

Proposed Manicuring School – The Covering Beauty Academy

Ms. Barbara Moore from The Covering Beauty Academy was in attendance to discuss submitted documentation for their proposed manicuring school.

Board members provided suggestions and revisions to the documents presented.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Corliss, to delegate Ms. Corliss and Board staff to review and approve documentation incorporating the Board's recommended edits, and upon receipt of all revised documentation and meeting all other requirements, including a final inspection and completed application, to approve the school.

The Chair called for a Roll call vote:

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

The Motion passed 8-0.

Proposed Dermaplaning Advanced Course – Chelmsford Beauty Academy

Vicky from Chelmsford Beauty Academy was in attendance to discuss submitted documentation for their proposed advanced course in dermaplaning.

Board members provided suggestions and revisions to the documents presented.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Cohen, to approve the course upon receipt of revised documentation incorporating the Board's recommended changes.

The Chair called for a Roll call vote:

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

The Motion passed 8-0.

Board Input Requested from Eyelash Subcommittee

Mr. Lawless explained to the Board that the Eyelash Subcommittee is requesting input on whether there should be a provision for unlicensed workers who have received training and have been providing eyelash extensions without issue should be given a pathway to obtaining an eyelash registration without needing to attend school. After discussion, the Board determined that there should be a pathway for existing eyelash providers to demonstrate a combination of training and work experience to obtain an eyelash registration. Mr. Lawless planned to take this guidance to the Eyelash Subcommittee's next meeting.

Application from Ukraine

Mr. Lawless requested input from the Board on an Out of Country application submitted by a candidate who recently emigrated from Ukraine, who was unable to obtain specific affidavits for work experience due to the ongoing conflict in the country. The applicant was able to provide documents showing they owned a salon in Ukraine dating back to 2017. The Board made clear that any decision made would be seen as an exception due to the situation in Ukraine and not a precedent for all future Out of Country applications.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Cohen, to allow the candidate to move forward with the application process and take the exams for licensure.

The Chair called for a Roll call vote:

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

The Motion passed 8-0.

Public Comment

Janice Dorian from Mansfield Beauty Schools asked about why the Board would not be able to retroactively license individuals who previously failed the exam, but whose score would meet the Board's new lower cut score requirement. She also expressed concerns about PSI not being able to provide accommodations to test takers.

Eurayshia Williams said they supported a pathway for existing eyelash extension providers to obtain an eyelash registration without needed to attend school.

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

A MOTION was made by Ms. Breedy, seconded by Ms. Gilroy, to adjourn the public meeting at **1:18 p.m.**, and to enter into Executive Session pursuant to Massachusetts General Laws chapter 30A, Section § 21(a)(1) to discuss individuals' character rather than competence; then to enter into **Quasi-Judicial Session, closed per M.G.L. c. 30A, § 18**, for the purposes of conducting Board deliberations on a final decisions; 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. Tool (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Talbot (Yes).

The Motion passed 8-0.

Quasi-Judicial Session, closed per M.G.L. c. 30A, § 18

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

2021-000521-IT-ENF	Determined Final Decision and Order
2021-000522-IT-ENF	Determined Final Decision and Order
2021-000788-IT-ENF	Determined Final Decision and Order
2021-000523-IT-ENF	Determined Final Decision and Order

2023-355-HD-3-APP	Allow applicant to be licensed
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A MOTION was made by Ms. Tool, seconded by Ms. Cohen, to exit Quasi-Judicial Session and 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.

The Chair called for a Roll call vote:

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

The Motion passed 8-0.

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

2021-203476-FI-ENF	Guidance given to Prosecutor
2021-204961-FI-ENF	Dismissed
2022-203006-FI-ENF	Guidance given to Prosecutor
2022-203241-FI-ENF	Guidance given to Prosecutor
2022-000837-IT-ENF	Guidance given to Prosecutor
2022-205807-FI-ENF	Guidance given to Prosecutor
2022-204491-FI-ENF	Guidance given to Prosecutor
2022-205852-FI-ENF	Guidance given to Prosecutor

Ms. Breedy left the meeting at or around 3:35 p.m.

Review of Cases

2022-000936-IT-ENF	Referred to Office of Prosecutions
2023-000105-IT-ENF	Dismissed
2023-000151-IT-ENF	Gave direction to Staff
2023-000076-IT-ENF	Referred to Office of Prosecutions
2023-000001-IT-ENF	Referred to Office of Prosecutions
2023-000169-IT-ENF	Dismissed with Advisory
2023-000099-IT-ENF	Dismissed with Advisory
2023-000057-IT-ENF	Referred to Office of Prosecutions
2023-000030-IT-ENF	Referred to Office of Prosecutions
2022-201994-FI-ENF	Referred to Office of Prosecutions
2022-001161-IT-ENF	Table, Gave direction to Staff
2022-202826-FI-ENF	Referred to Office of Prosecutions
2018-202834-FI-ENF	Dismissed
2018-202819-FI-ENF	Dismissed
2018-202747-FI-ENF	Dismissed
2018-202757-FI-ENF	Dismissed
2018-202259-FI-ENF	Dismissed
2018-202257-FI-ENF	Dismissed
2018-202193-FI-ENF	Dismissed
2018-201570-FI-ENF	Dismissed

Adjournment

A MOTION was made by Ms. Corliss, seconded by Ms. Gilroy, to adjourn the meeting at 4:43 p.m..

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

The above Minutes were approved at the open meeting held on May 11, 2023.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of March 9, 2023 Open Meeting

Draft Minutes of March 2, 2023 Open Subcommittee Meeting

PSI Exam Pass Rates

Documentation from Lawrence Training School Aesthetics Program
Documentation from The Covering Beauty Academy
Documentation from Chelmsford Beauty Academy
Draft Eyelash Registration Requirements from Eyelash Subcommittee
Application from Liudmyla Yukhymchak