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SARAH R. WILKINSON
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

MINUTES OF THE May 11, 2023
PUBLIC BOARD MEETING

TIME: 9:30 a.m.

PLACE: Conference Call / Virtual Meeting

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

ABSENT: Erinn Breedy, Marian Saluto

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.

Executive Director Report

Mr. Lawless reported that the Board is continuing to work through technical issues with PSI, but confirmed that virtually all licenses are now being generated shortly after candidates pass their exams.

Board Counsel Report:

Atty. Dalton indicated that the investigative conference would be shorter today and spoke briefly about the Board's anticipated discussion on crossover education.



Minutes of the April 13, 2023 Public Meeting

After discussion, a MOTION was made by Ms. Cohen, seconded by Ms. Gilroy, to approve the public minutes of the April 13, 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. Stowe (Yes), and Ms. Talbot (Yes).

The Motion passed 6-0.

Minutes of the April 6, 2023 Eyelash Subcommittee Public Meeting

Postponed until next month's meeting.

Discussion

PSI Exam Implementation

Mr. Lawless reported that exam scores have increased notably since the Board's decision to lower the cut score to 70 for cosmetology, aesthetics, manicuring, instructor and electrology exams went into effect at the end of March.

Board members discussed the lower scores for barber exams, and expressed concern that low pass rates could lead to an increase in unlicensed practice. Board members discussed whether there may be issues with the national SME panels that were determining the content for the exams, and discussed requesting direct feedback from test takers on exam content issues.

The Chair allowed members of the public to address the Board.

Janice Dorian from Mansfield Beauty Schools said that students perform worse in exam content areas that weren't covered in the Massachusetts curriculum. Board members asked for more information on what specific content areas the exam covers that the Massachusetts curriculum does not.

Mr. Lawless suggested that the cut score for barber exams could be lowered to increase pass rates.

A MOTION was made by Ms. Cohen, to lower the barber exam cut scores to 65 from 70. There was no second of the motion, and the Chair announced that the motion died.

After discussion, the Board gave direction to staff to ask schools and test takers to provide feedback to Board staff on what areas they struggle with the most on the exam or that they feel the Massachusetts curriculum does not prepare them effectively for.

Proposed Manicuring School – Glitterbox Nail Academy

Rakel Wilson from Glitterbox Nail Academy was in attendance to discuss documentation for their proposed Manicuring School. Board members provided revisions and recommended edits to the documents.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Gilroy, to delegate final review of school documents to Board staff, and upon receipt of revised documentation incorporating the Board's recommended changes, and upon completion of a final inspection and all other requirements, to approve the school.

The Chair called for a Roll call vote:

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

The Motion passed 6-0.

Proposed Advanced Course – Diamond Aesthetics Academy

Tatiana Guerrero from Diamond Aesthetics Academy was in attendance to discuss proposed advanced courses.

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. Tool and Board staff to review and approve documentation incorporating the Board's recommended edits, and upon receipt of all revised documentation, to approve the courses.

The Chair called for a Roll call vote:

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

The Motion passed 6-0.

Shampoo Sublicense Proposal

Julie Eisenhauer from Keldara Salons was present to discuss her proposal for the Board to create a sublicense for shampoo assistants. Ms. Eisenhauer cited the shortage of workers leading to hairdressers not being able to schedule as many clients and losing income as the basis for the proposal. Board members stated that shampooing is more complicated than only cleaning hair, as it involves cleaning out chemical relaxers and bleach, and pointed out that students enrolled in schools can start shampooing in salons after 200 hours in school. Board members expressed concerns on allowing individuals with no training or who were not enrolled in school to begin shampooing because of the complexities of handling chemicals, but were open to considering lowering the minimum required school hours for a student to begin working in a salon.

Ms. Eisenhauer responded that unlicensed people are already working as shampoo assistants and that the current apprentice and shop-employed programs do not provide enough workers for salons in need of assistance. Frank Zona from Zona Salons was recognized by the Chair, and said that the profession was headed towards fragmentation, and that if Board do not keep up with the industry, there will be an increase in unlicensed workers.

The Chair recognized Janice Dorian from Mansfield Beauty Schools, who said that the 200 school hour requirement before students could work in a salon was not necessary, and the Board could just require students to be tested on any subject area before being allowed to perform specific tasks in a salon.

The Board gave direction to staff to bring its Policy on Apprenticeship and Student Employment to next month's meeting in anticipation of revisions to permit students to begin shampooing after 25 hours in school, and to be able to provide any additional services after receiving proper training.

Crossover Education

The Board discussed its current regulation requirement of allowing 500 credit hours between cosmetology and barbering programs. The Chair had conducted an analysis of the different education requirements between cosmetology and barbering curriculum, and the Board indicated that it was open to allowing more hours to be credited between programs, as long as the deficiencies were still addressed.

The Board gave direction to staff to distribute the Chair's proposal to the rest of the Board members, and to bring the Board's crossover regulations in 240 CMR 4.00 and 8.00 to next month's meeting in anticipation of a proposed revision.

Policy on Services Outside the Scope of Practice

Mr. Lawless asked the Board to review its current Policy on Services Outside the Scope of Practice to determine if any updates or changes were needed. Board members asked that any scope decisions the Board has made in the past few years be incorporated into the policy, and to also address whether additional training would be required for specific services.

The Board gave direction to staff to bring a revised version of the policy back next month incorporating the discussed revisions for review.

Public Comment

Eurayshia Williams Reed asked if cosmetology schools teach manicuring, and the Chair responded that manicuring is in the required curriculum for cosmetology programs. She expressed concerns that schools do not teach shampooing properly, and said that salons must re-train graduates on shampooing correctly. She also asked how any changes to crossover education rules would affect current students, and said that braiding businesses are providing in-scope services including chemical treatments. Mr. Lawless responded that the Board cannot legally regulate natural hair braiding, but unlicensed individuals providing chemical services would be considered unlicensed practice.

Janice Dorian from Mansfield Beauty Schools recommended that the Board to not try to re-regulate braiding, and to potentially consider braiding services to be provided in a separate room or space in a licensed salon.

Ms. Tool asked that the Board add school document checklists to a future agenda.

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 **12:38 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; 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. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Stowe (Yes), and Ms. Talbot (Yes).

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

2022-203308-FI-ENF	Guidance given to Prosecutor
2022-205249-FI-ENF	Guidance given to Prosecutor
2022-203429-FI-ENF	Guidance given to Prosecutor
2022-000684-IT-ENF	Dismiss with Advisory

Review of Cases

2022-001161-IT-ENF	Dismissed
2023-200910-FI-ENF	Dismissed
2023-000198-IT-ENF	Referred to Prosecutions
2023-000176-IT-ENF	Dismiss with Advisory
2023-000197-IT-ENF	Dismissed

Adjournment

A MOTION was made by Ms. Tool, seconded by Ms. Cohen, to adjourn the meeting at 1:55 p.m..

The Chair called for a Roll call vote:

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

The Motion passed 6-0.

The above Minutes were approved at the open meeting held on June 8, 2023.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of April 13, 2023 Open Meeting

PSI Exam Pass Rates

Documentation from Glitterbox Nail Academy

Documentation from Diamond Aesthetics Academy

Shampoo Sublicense Proposal from Julie Eisenhour

Letter from Senator Walter Timilty on Shampoo Sublicenses

240 CMR 4.00 and 8.00

Board Policy on Services Outside the Scope of Practice