

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE July 14, 2020 BOARD MEETING

TIME: 9:30 a.m.

PLACE: Conference Call

PRESENT: Susan Viens (Chair), Joy Talbot (Vice-Chair), Amanda Donis (Secretary), Janice Dorian, Erinn Pearson, Marian Saluto, Iris Stowe, and Catherine Tool.
Jésus Nuñez was absent.

STAFF: Richard Lawless, Executive Director
Deborah Cassano, Associate Executive Director
Lynn Read, Board Counsel
Kristina Gasson, Board Counsel
Lauren McShane, Chief Investigator

The Meeting was called to order at **9:30** a.m. by Ms. Viens. Pursuant to Governor Charles D. Baker's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, s. 20, dated March 12, 2020, all board members and staff appeared telephonically or by videoconference.

Housekeeping:

Ms. Viens explained the emergency exit procedures, and stated that votes would be conducted by roll call.

Executive Director Report

Mr. Lawless updated the Board on the reopening of testing centers and the pending policy on temporary work authorizations. He also provided an update on Phase III of the Commonwealth's reopening plan. He thanked Atty. Read for her dedicated service as Board Counsel, and welcomed Atty. Kristina Gasson as the Board's new Counsel.

Board Counsel Report:

Atty. Read thanked the Board for her time with them, and introduced the Board's new Counsel, Atty. Kristina Gasson.

Minutes of the June 9th, 2020 Open Meeting

After brief discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Tool, to accept the draft minutes of the open meeting held June 9th, 2020.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Donis (Absent), Ms. Dorian (Absent), Ms. Pearson (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes)

The Motion passed.

Minutes of the June 23rd, 2020 Open Meeting

After brief discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Saluto, to accept the draft minutes of the open meeting held June 23rd, 2020 as amended.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Donis (Absent), Ms. Dorian (Absent), Ms. Pearson (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes)

The Motion passed.

Discussion

Listening Session and Schedule for Regulation Review

Mr. Lawless discussed a plan for resuming the Board's review of its current regulations, and suggested holding a listening session for the next set of regulations. Board members asked staff for any specific objectives or guidance on reviewing the regulations. Mr. Lawless and Atty. Read said they would check with DPL's administration for any definitive guidance on regulation review.

School Closure Process

Mr. Lawless discussed the challenges in handling recent school closures and asked the Board to consider establishing a uniform process for handling school closures. The Board discussed ways to streamline the process for transferring students affected by the closure to new schools and completing their education. The Board gave direction to staff to draft a policy on school closures and bring it to the Board at a future meeting.

Ms. Donis joined the meeting at 10:15am

Expiration of Licenses Under Governor's COVID-19 Executive Order 41

The Board discussed the Governor's recent COVID-19 Executive Order 41, which rescinded the provisions extending license expiration dates from the Governor's previous COVID-19 Executive Order 9.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Dorian, to align the 3-year expiration deadline requiring a licensee to re-take the practical exam with the extension provision in the Governor's COVID-19 Executive Orders 9 & 41, meaning that any licensee whose license reached the 3-year expiration deadline between March 10, 2020 and July 10, 2020 would have until October 1, 2020 to reinstate their license without having to re-take the practical examination, and that any licensee whose license reaches the 3-year expiration date after July 10, 2020 will have to retake the practical examination.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Donis (Yes), Ms. Dorian (Yes), Ms. Pearson (Yes), Ms. Saluto (Absent), Ms. Stowe (Yes), and Ms. Tool (Yes)

The Motion passed.

After discussion, a MOTION was made by Ms. Dorian, seconded by Ms. Talbot, to align the 90 day grace period for license expirations with the extension provision in COVID-19 Executive Orders 9 & 41, meaning that any licensee whose license reached the 90-day expiration date between March 10, 2020 and July 10, 2020 would have until October 1, 2020 to renew their license before they would be considered unlicensed, and that any licensee whose license reaches the 90-day expiration date after July 10, 2020 will be unlicensed.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Donis (Yes), Ms. Dorian (Yes), Ms. Pearson (Yes), Ms. Saluto (Absent), Ms. Stowe (Yes), and Ms. Tool (Yes)

The Motion passed.

Reinstatement of Instructor Licenses Expired for More than 3 Years

Due to the elimination of the Instructor Practical Exam, Mr. Lawless asked the Board to consider streamlining the reinstatement process for Instructor licenses that have been expired for over three years in cases where the licensee does not hold any other current licenses.

After discussion, a MOTION was made by Ms. Dorian, seconded by Ms. Talbot, to allow a licensee with an Instructor License expired for over three years, with no other current licenses in Massachusetts or any other state/jurisdiction, to reinstate their license using the Board's reinstatement process.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Donis (Yes), Ms. Dorian (Yes), Ms. Pearson (Yes), Ms. Saluto (Absent), Ms. Stowe (Yes), and Ms. Tool (Yes)

The Motion passed.

Scheduling of Additional Executive Session

Mr. Lawless asked the Board about scheduling an Executive Session outside of the normal Board meeting schedule. Board members agreed to a tentative Executive Session date of August 4, 2020, and Mr. Lawless would follow-up with Board members if this session was needed.

Public Comment

Tracey Casey of Rob Roy Academy asked the Board on the process for a licensee whose Massachusetts license is expired but holds a current license in another state. Board staff confirmed that the Board previously voted to allow licensees in this situation to apply for a new Massachusetts license through reciprocity instead of retaking the practical exam. Ms. Casey also asked about scheduling exams for recent graduates.

Leslie Sica asked the Board about the next Electrology examination.

Cases, Investigative Conferences [Closed Session Pursuant to G.L. c. 112, § 65C]:

A MOTION was made by Ms. Dorian, seconded by Ms. Talbot, to adjourn the public meeting at **10:45am**, and to go into **Investigative Conference** for the purposes of discussing Settlements and Open Cases, and to not resume public session.

The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Donis (Yes), Ms. Dorian (Yes), Ms. Pearson (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (Yes)

The Motion passed unanimously.

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

Settlement Offers

2019-209656-FI-ENF	Guidance Given to Prosecutor
2019-001201-IT-ENF	Guidance Given to Prosecutor
2019-001225-IT-ENF	Guidance Given to Prosecutor

Review of Cases

2020-000433-IT-ENF	Referred to Prosecutions
2020-000158-IT-ENF	Referred to Prosecutions
2020-000499-IT-ENF	Tabled
2020-204332-FI-ENF	Referred to Prosecutions
2020-204069-FI-ENF	Dismissed with Advisory
2020-204153-FI-ENF	Referred to Prosecutions

Adjourn

The meeting was adjourned around 12:30 p.m.

The above Minutes were approved at the open meeting held on August 11, 2020.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of June 9th, 2020 Open Meeting

Draft Minutes of June 23rd, 2020 Open Meeting