

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE March 10, 2020 BOARD MEETING

TIME: 9:30 a.m.

PLACE: 1000 Washington St
Room 1D
Boston, MA 02118

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

STAFF: Richard Lawless, Executive Director
Lynn Read, Board Counsel

The meeting was called to order at 9:46 a.m. by Ms. Viens.

Housekeeping:

Ms. Viens explained the emergency exit procedures.

Minutes of the February 11, 2020 Open Meeting

After brief discussion, a MOTION was made by Ms. Dorian, seconded by Ms. Talbot, to accept the draft minutes of the open meeting held February 11, 2020 with the requested edits. The Motion passed unanimously.

Executive Director Report

Mr. Lawless reported that DPL has a new Commissioner, Layla D’Emilia. He also reported that public buildings such as public libraries venues may be available as venues for Board meetings.

Discussion

Proposed New Classroom Space – Elizabeth Grady School of Esthetics

Ms. Read asked the Board to give direction to the staff for the process for handling requests for approval of proposed addition of classroom space to school premises that are already approved and licensed. The Board directed staff to ask any such school to send the Board an updated floor plan.

Proposed Night Adult Education Manicuring Program – Upper Cape Cod Regional Technical School

The Board discussed post-secondary cosmetology programs offered by public school systems as adult education. Board members instructed staff to obtain the catalogue, application form, instructor information and the curriculum for the program.

Proposed Night Adult Education Barbering Program – Greater Lawrence Technical School

The Chair invited the Superintendent of Greater Lawrence Technical School (GLTS), John Lavoie, and Barber Instructor Samuel Pierre to present information about the proposal to offer a night adult education barbering program in the classroom space currently occupied by GLTS's daytime barbering program. Board members informed Superintendent Lavoie and Mr. Perez that the proposal did not meet the Board's current requirements for a barber school, but that the Board will be discussing amending school regulations at a future meeting.

Sharing Space by Vocational Day and Night Programs for Cosmetology & Barbering

The Board discussed the use in nighttime adult education programs of clinic and classroom space used during the day for high school vocational programs. The matter was tabled.

Presentation by Pearson VUE: Examination Content Development and Scoring

Barbara Sprindis of Pearson VUE was present and reported to the Board on the process of examination construction and scaled scoring. She was assisted by Pearson staff members Content Developer Lauren Piotti and Psychometrician Jim Masters, on speakerphone. Board members asked questions after the presentation.

Review of School Regulations – 240 CMR 4.00 – Tabled.

Intimate Skincare

The Board members discussed emerging aesthetics techniques in intimate skin care.

Dermaplaning

The Board discussed its May 2018 guidance for the amount of training required to offer Dermaplaning services.

A MOTION was made by Ms. Talbot, seconded by Ms. Tool, to reiterate the 2018 guidance requiring that to offer Dermaplaning, a licensee must have obtained 16 hours of training, 10 of which must be hand-on clinical training, and that such training must be approved by the Board. The Motion passed unanimously.

A MOTION was made by Ms. Dorian, seconded by Ms. Pearson, that training for Dermaplaning must be obtained in a licensed advanced school. The Motion passed unanimously.

Default Decisions and Reinstatement

Ms. Read discussed that the Board's usual discipline for licensees who default by not responding to disciplinary complaints is license revocation, which often prompts requests for reinstatement, and the current reinstatement process is laborious, causes delays, and could be streamlined.

A MOTION was made by Ms. Talbot, seconded by Ms. Dorian, that staff may impose license-suspension, rather than revocation, on defaulting respondents who have up to two prior disciplinary sanctions, and default decisions for such respondents shall include instructions on how to lift the suspension by paying the fine or meeting any other conditions specified by the Board when the case was forwarded for prosecution. The Motion passed unanimously.

Topics not reasonably anticipated 48 hours in advance of meeting

Coronavirus. The Board members discussed a preliminary draft of possible guidance to licensed schools if public health authorities require closure of classroom instruction due to the spread of coronavirus.

A MOTION was made by Ms. Dorian, seconded by Ms. Tool, to allow schools to temporarily provide distance-based education, due to the COVID-19 pandemic, and that schools must submit to the Board a distance-based education plan including qualitative and quantitative educational measures, and that schools must update the Board every 30 days on their education plans. Motion passed.

Public Comment

Ms. Casey of Rob Roy Academy emphasized the need for schools to attend Board meetings if they are affected by issues on the agenda. Ms. Fallon of Flavia Leal school asked the Board for more published guidance on matters that are outside the scope of licensed practice.

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

Ms. Viens announced that the Board would now go into Closed Executive Session to consider character rather than competence, after which it would move to Closed Investigative Conference to consider open cases, conduct investigative conferences, and consider settlement offers [closed session pursuant to G.L. c. 112, § 65C], and also would enter into Closed Quasi-Judicial Session to make a final decision in a disciplinary matter, and the Open Meeting would not resume.

A MOTION was made by Ms. Talbot, seconded by Ms. Tool, to enter into Executive Session for the purpose of discussing applicants' characters rather than competence.

The Chair called for a Roll Call vote: Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Donis (Yes); Ms. Dorian (Yes), Ms. Pearson (Yes), Ms. Tool (Yes).

See separate minutes.

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

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

Settlements:

2019-206276-FI-ENF	Dismissed
2019-206278-FI-ENF	Dismissed
2019-205645-FI-ENF	Gave guidance to prosecutor
2019-000768-IT-ENF	Gave guidance to prosecutor

Cases:

2019-000757-IT-ENF	Refer to prosecution
2019-209982-FI-ENF	Refer to Prosecution
2019-000910-IT-ENF	Refer to Prosecution
2019-001204-IT-ENF	Refer to Prosecution
2019-001248-IT-ENF	Dismiss
2019-001249-IT-ENF	Refer to Prosecution
2019-001340-IT-ENF	Refer to Prosecution
2019-001514-IT-ENF	Dismiss
2019-001300-IT-ENF	Refer to Prosecution
2019-001342-IT-ENF	Refer to Prosecution
2019-001431-IT-ENF	Refer to Prosecution
2019-001447-IT-ENF	Refer to Prosecution
2019-000910-IT-ENF	Refer to Prosecution
2019-000597-IT-ENF	Refer to Prosecution
2019-207591-FI-ENF	Dismiss
2019-208153-FI-ENF	Refer to Prosecution
2019-207214-FI-ENF	Refer to Prosecution
2020-204152-FI-ENF	Refer to Prosecution
2019-209980-FI-ENF	Refer to Prosecution
2019-000578-IT-ENF	Dismiss
2019-001248-IT-ENF	Dismiss
2019-001249-IT-ENF	Refer to Prosecution

Quasi-Judicial Session [CLOSED per M.G.L. c. 30A, § 18]

A MOTION was made and seconded to exit investigative conference and enter quasi-judicial session pursuant to G.L. c. 30A §18(d) to make decisions required in adjudicatory proceedings brought before the Board. The Motion passed unanimously.

During the closed quasi-judicial session, the Board voted to take the following action:

2019-200277-FI-ENF	Determined Final Decision
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Adjourn

The meeting was adjourned around 4:45 p.m.

The above Minutes were approved at the open meeting held on May 12, 2020.

A handwritten signature in black ink, appearing to read 'Richard Lawless', written in a cursive style.

Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of February 11, 2020 Open Meeting

Coronavirus Disease, Draft Guidance on Closure of Schools and Remote Instruction

Floor Plan, Elizabeth Grady renovations

Greater Lawrence Technical School Proposal for Night Adult Education Barbering

Upper Cape Cod Regional Tech. Sch. Proposed Night Adult Ed. Manicuring Program

Skin Deep magazine