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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 September 14, 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

The Meeting was called to order at **9:32 a.m.** by the Chair. All board members and staff appeared telephonically or by videoconference.

The Chair 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.

Board Counsel Report:

Attorney Dalton gave an overview of the Mobile Barber Unit agenda item, reviewing the protocol for the public meeting and eventual deliberation on the subject in Closed Session.

Minutes of the August 10, 2023 Public Meeting

After discussion, a MOTION was made by Ms. Gilroy, seconded by Ms. Cohen, to approve the public minutes of the August 10, 2023 meeting with changes.

The Chair called for a Roll call vote:

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



The Motion passed 7-0.

Discussion

Proposed New Location – Elizabeth Grady School of Esthetics

Ms. Tool was recused from this discussion and was not in attendance.

Kathy DeNicola was in attendance to discuss a proposed location change for Elizabeth Grady School of Esthetics.

After discussion, a MOTION was made by Ms. Cohen, seconded by Ms. Corliss, to approve the submitted documents and move forward with the new school license application process, including collection of all required documents, a final inspection of the new premises, and school license application.

The Chair called for a Roll call vote:

Ms. Tool (Recused), 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 7-0.

Ms. Tool joined the meeting at 9:42 a.m.

Proposed Aesthetics School – Juvenex Esthetics Academy

Yessica Rodriguez from was in attendance to discuss their proposed aesthetics school, Juvenex Esthetics Academy.

After discussion, a MOTION was made by Ms. Corliss, seconded by Ms. Tool, to delegate final review of the course documents to Board staff, and upon receipt of revised documentation incorporating the Board's recommended changes, and upon meeting all other Board requirements including a final inspection, 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 Advanced School – Nova Academy

Andresa Spillere from Nova Academy was in attendance to discuss submitted documents for their advanced school.

After discussion, a MOTION was made by Ms. Cohen, seconded by Ms. Tool, to delegate final review of the course documents to Board staff, and upon receipt of revised documentation incorporating the Board's recommended changes, and upon meeting all other Board requirements including a final inspection, 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 Regulation Change on Cosmetology School Instructor Ratios

Mindy Mosca from Toni and Guy Academy was in attendance to discuss her request for the Board to change its regulations on cosmetology instructor ratios for schools. Ms. Mosca proposed that the regulation be amended to allow one cosmetology instructor for every 25 students or less. The Board responded that a proposed revised set of its regulations are currently under review by DOL, and that the Board was not able to further revise its regulations at this time, but would keep these comments on hand for the eventual public hearing on proposed regulation changes. No formal action was taken.

Requested Waiver of Electrology Continuing Education Credits

The Board reviewed a request from licensed Electrologist Julie Cronin for an extension on the deadline for obtaining the required 10 continuing education credits for renewal of her license.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Saluto, to provide an extension to Ms. Cronin through November 30, 2023 to obtain the needed continuing education credits for license renewal.

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.

Mobile Barber Unit Discussion – Verapaz Studio

Nicholas Huertas from Verapaz Studio was in attendance to discuss his mobile barber unit application. Mr. Huertas was requesting that the Board approve his mobile unit with a toilet not enclosed by walls. Mr. Huertas argued that the Board's Mobile Services Policy did not specifically state that the required toilet needed walls or enclosure, and that enclosing the toilet would compromise the space in the unit. The Board reviewed all documentation supplied by Mr. Huertas prior to the meeting and asked Mr. Huertas questions about his mobile unit. No action was taken, and the Board planned to discuss this item in a closed Quasi-Judicial Session later in the meeting.

Reinstatement of License – Shannon Kidney

Ms. Kidney was in attendance to discuss the reinstatement of her aesthetician license.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Breedy, to reinstate Ms. Kidney's license

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.

Minutes of the August 3, 2023 Eyelash Subcommittee Public Meeting

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Corliss, to approve the public minutes of the August 3, 2023 eyelash subcommittee meeting as drafted.

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.

PSI Exams

The Board reviewed comments received from schools on a proposed elimination of the written practical exams for initial licensure. The Board discussed whether a universal practical exam would be required for schools, and determined that schools could use their established internal evaluation processes to ensure students were minimally proficient in practical skills by graduation. The Board also discussed accepting work experience and/or practical experience in educational programs as fulfilling the practical experience requirement for licensure for reciprocity candidates.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Cohen, to phase out the written practical examination for cosmetology/barbering/aesthetics/manicuring candidates for initial licensure, including in-state graduates, Out of State and Out of Country applicants; that proof of graduation on an initial license application for in-state graduates will be sufficient proof of practical experience, and that work experience and/or educational experience will be sufficient for practical experience for reciprocity applicants; to allow cosmetology/barbering/manicuring/aesthetics candidates who have already passed the written theory examination with PSI to be licensed; and that the Board would continue to discuss options for Electrology in-state graduates and Lapsed candidates.

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.

Eyelash Extensions

The Board discussed the proposed set of rules and requirements approved by the Eyelash Subcommittee. The Board determined that the proposed registration for eyelash services would be called an Eyelash Technician Registration. Other discussion items included establishing guidelines for unlicensed individuals currently providing eyelash services on becoming compliant, and whether any training or work experience may be incorporated into reducing their training requirements. The Board also discussed a 12 month timeline for allowing individuals to come into compliance with the proposed Eyelash Technician requirements.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Cohen, to table this discussion and for staff to develop a formal policy based on the subcommittee's

recommendations, incorporating the discussion items from today's meeting, and to bring this draft policy to the next meeting.

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

Jessica Doucet from Rob Roy Academy asked whether an existing school would be able to add an eyelash program under the proposed new rules. Mr. Lawless responded that the current proposed rules would allow schools to add an eyelash program through an application process similar to the Board's current process for a school adding a new program/license.

An attendee asked about the timeframe for when the proposed eyelash rules would be implemented, and the Board responded that there was no definitive timeframe currently.

Mindy Mosca from Toni and Guy Academy asked about examination study guides for candidates from outside the United States. Mr. Lawless responded that PSI's website has Candidate Bulletins with exam content outlines and practice exams available for purchase.

Ms. Gilroy left the meeting at or around 1:19 p.m.

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

A MOTION was made by Ms. Cohen, seconded by Ms. Tool, to adjourn the public meeting at **1:19 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 **Quasi-Judicial Session, closed per M.G.L. c. 30A, § 18**, for the purposes of conducting Board deliberations on 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 (Absent), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Talbot (Yes).

The Motion passed 7-0.

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:

Mobile Unit Application for Verapaz Studio

Discussion Tabled

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 (Absent), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Talbot (Yes).

The Motion passed 7-0.

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

2023-201287-FI-ENF	Guidance Given to Prosecutor
2022-201277-FI-ENF	Guidance Given to Prosecutor
2023-200384-FI-ENF	Guidance Given to Prosecutor
2023-201288-FI-ENF	Guidance Given to Prosecutor
2023-200550-FI-ENF	Guidance Given to Prosecutor
2023-200144-FI-ENF	Guidance Given to Prosecutor

A MOTION was made by Ms. Tool, seconded by Ms. Cohen, to exit Closed Investigative Conference, and to move into **Quasi-Judicial Session, closed per M.G.L. c. 30A, § 18**, for the purposes of conducting Board deliberations on final decisions.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

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:

2022-000354-IT-ENF	Determined Final Decision and Order
Mobile Unit Application for Verapaz Studio	Deny Application Unless Applicant Complies with Board Requirements for Toilet Facilities

A MOTION was made by Ms. Tool, seconded by Ms. Saluto, 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 (Absent), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Talbot (Yes).

The Motion passed 7-0.

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:

Review of Cases

2023-202208-FI-ENF	Referred to Prosecutions
2023-201694-FI-ENF	Referred to Prosecutions
2023-202207-FI-ENF	Dismissed
2023-000391-IT-ENF	Dismissed
2023-000385-IT-ENF	Referred to Prosecutions
2023-000286-IT-ENF	Dismissed
2023-000494-IT-ENF	Dismissed
2023-000412-IT-ENF	Referred to Prosecutions
2023-204398-FI-ENF	Referred to Prosecutions
2023-000285-IT-ENF	Referred to Prosecutions
2023-000435-IT-ENF	Dismissed with an Advisory
2023-200969-FI-ENF	Referred to Prosecution
2023-200234-FI-ENF	Dismissed
2022-204770-FI-ENF	Dismissed
2023-204487-FI-ENF	Dismissed
2023-203932-FI-ENF	Referred to Prosecution

Adjournment

A MOTION was made by Ms. Saluto, seconded by Ms. Cohen, to adjourn the meeting at 4:23 p.m..

The Chair called for a Roll call vote:

Ms. Tool (Yes), Ms. Breedy (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Absent), 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 October 12, 2023.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of August 10, 2023 Open Meeting

Draft Minutes of August 3, 2023 Eyelash Subcommittee Meeting

Documentation from Elizabeth Grady School of Esthetics

Documentation from Juvenex Esthetics Academy
Documentation from Nova Academy
Proposal from Toni and Guy Academy on Instructor Regulations
CEU Waiver Request from Julie Cronin
Application and supporting documents and materials from Nicholas Huertas / Verapaz Studio
Petition for Reinstatement and supporting documents for Shannon Kidney
Received Written Comments on Written Practical Exam
Draft of Proposed Eyelash Services Rules