

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE October 13, 2020 BOARD MEETING

TIME: 9:30 a.m.

PLACE: Conference Call

PRESENT: Susan Viens (Chair), Joy Talbot (Vice-Chair), Amanda Donis (Secretary), Nicole Corliss, Erinn Pearson, Marian Saluto, Iris Stowe and Catherine Tool. Jesus Nunez were absent.

STAFF: Richard Lawless, Executive Director
Deborah Cassano, Associate Executive Director
Kristina Gasson, Board Counsel

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 and Conference Call Protocol:

Ms. Viens reviewed gave an overview of the structure and conference call protocol of the public listening session.

Public Listening Session:

Mr. Lawless provided additional details on the rules for the public listening session. The following comments were received:

1. Lisa Sandler, Massachusetts Department of Elementary and Secondary Education. Ms. Sandler requested that the Board regulations on vocational cosmetology hours earned at age 15 be amended to also include language on enrolling in 10th grade. She also expressed interest in moving forward with a vocational framework for barbering programs.
2. Kevin McCaskill, Madison Park School – Mr. McCaskill supported establishing a vocational barber program.
3. Latrelle Pinkney-Chase – Ms. Pinkney-Chase also supported establishing a vocational barber program.
4. Christine Gauthier, Southeast Regional Vocational Technical High School – Ms. Gauthier asked about acceptable methods of disinfection for exams and also asked for clarification on face covering requirements for certain aesthetics procedures.
5. Anthony Clemente, New England Hair Academy – Mr. Clemente also provided written comments to the Board on behalf of the Massachusetts Association of Cosmetology

- Schools. His comments addressed establishing clearer guidelines on minimum clinic sizes for schools, and also allowing reciprocity for instructors from other states.
6. Rafael Feliciano – Mr. Feliciano discussed assisting Latino applicants in completing applications for licensure and expressed frustration on reaching the Board by phone.
 7. Jennifer Gilman, Smith Vocational and Agricultural High School – Ms. Gilman requested the Board allow unused cosmetology clinic space to be utilized at night for barbering programs. She also asked the Board to reduce its minimum requirement of 25 students for cosmetology programs, and to impose a minimum geographical distance between multiple programs.
 8. Antonia DeMasi-Stockley – Ms. DeMasi-Stockley asked the Board about face covering requirements for beard trimming, and expressed concern that any services that involved removing a mask may be unsafe due to COVID-19.
 9. Eurayshia Williams Reed – Ms. Williams-Reed inquired about the requirements to start an Apprentice Program and asked the Board to add multi-textured hair to the cosmetology curriculum.
 10. Sarah, Salon Owner from Natick – Sarah asked if COVID-19 safety standards allowed for double booking clients, and explained it would be very helpful for businesses that have been hard-hit during the pandemic.
 11. Andrea, Salon Manager – Andrea inquired about COVID-19 safety standards regarding where clients must wait before their service begins and discussed clients waiting for chemical hair processing in their vehicles .
 12. Rebecca, Salon Owner from Andover – Rebecca inquired about the Board’s elimination of two-tiered Cosmetology licensing.
 13. Dawn, Aesthetics Salon Owner – Dawn asked whether school clinics reopening and also about starting an apprenticeship program for Aesthetics.
 14. Kris Stecker, Spa Tech Institute – Mr. Stecker asked the Board to consider making theory education permanently remote and about students shadowing licensed professionals.
 15. Paula Fallon, Flavia Leal Institute – Ms. Fallon asked the Board to allow schools to share theory rooms for different disciplines at different times of the day, as it would be more cost-effective for schools. She also asked the Board to reduce equipment requirements for schools, citing the large financial burden.
 16. Arlene Thompson, Worcester Technical High School – Ms. Thompson inquired about exam testing sites and about the Board’s Apprentice Program.
 17. Ashley Stewart – Ms. Stewart asked the Board to include more required training on textured hair, and that schools should have textured hair mannequins. She also asked for space to be shared between cosmetology and barbering programs, and to reduce the requirements for a demonstrator license. She also expressed concerns about the general quality of educational programs.
 18. Ernest, Barbershop Owner – Ernest asked the Board for clarification on COVID-19 safety standards regarding waiting areas and the number of barbers allowed in the shop at a given time.
 19. Southeastern Regional Vocational High School Faculty Member – the caller agreed with earlier comments about adding in language about enrolling in 10th grade to the regulations regarding earning vocational cosmetology hours at age 15.
 20. John LaVoie, Superintendent of Greater Lowell Technical High School – Mr. LaVoie supported earlier comments asking the Board to allow unused cosmetology clinic space

to be utilized at night for a barbering program, and also indicated his support of adding additional language to the vocational hours at age 15 regulation.

21. Geneva Railford – Ms. Railford asked about her license transfer application and eyelash extensions.
22. Janice Dorian, Mansfield Beauty Schools – Ms. Dorian spoke about remote learning guidelines, but also indicated that the Board would be discussing this later in the meeting as an agenda item, and that she would contribute her suggestions at that point.

Observing that there were no additional attendees who elected to make a public comment on the Board regulations, Ms. Viens stated that the listening session has concluded and that the regular Board meeting would continue.

Ms. Corliss left the meeting at or around 10:43 a.m.

Executive Director Report

Mr. Lawless thanked the attendees of the listening session for their time and comments on the Board's regulations.

Board Counsel Report:

Atty. Gasson also thanked the attendees of the public listening session.

Minutes of the September 8, 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 September 8, 2020.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

Discussion

Temporary Work Authorization Policy

Mr. Lawless asked the Board to reduce the length of the temporary work authorization.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Saluto, to shorten the temporary work authorization to 60 days and to add in language clarifying when the policy could be rescinded.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

East Boston Beauty Academy – Change of Location

The Board reviewed amended and additional documentation from East Boston Beauty Academy for its location change.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Saluto, delegate to Board staff to review additional required documentation, including the Certificate of Occupancy, Floor Plan, and then to conduct the final walkthrough and inspection of the school for approval and licensure.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

Shoulder and Neck Massage Device in Salons – Request From Sport Clips

Paul Andrews addressed the Board regarding a request from Sport Clips to utilize a hand-held device to provide neck and shoulder massages as part of an enhanced haircut service.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Saluto, to permit the use of the requested handheld device for massaging the neck and shoulder area for cosmetologists and aestheticians, and to be compliant with the Board of Massage Therapy’s regulations on the use of the term “massage” in advertising this service as part of a haircut.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

Spray Tanning

The Board discussed several requests received by aestheticians seeking to provide spray tanning services in the same space as aesthetics services. Previously, the Board has not included spray tanning within the scope of practice of aesthetics and has referred licensees to their local municipality for requirements.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Talbot, to table this discussion until more information can be obtained regarding the safety of this service.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

Proposed Advanced Courses from Catherine Hinds Institute of Esthetics

The Board reviewed information from Catherine Hinds Institute of Esthetics regarding advanced courses for Chemical Peels, Dermaplaning, IPL, Eyelash Extensions, Lash Lifting, Microcurrent, and Microneedling.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Donis, to delegate authority to Ms. Tool and Board staff to review the documentation after the suggested edits are made and then to approve the courses.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

Student Transfer Hours from Closed Schools

The Board discussed options for former students from Ali May Academy who need a small number of hours to complete their education.

After discussion, a MOTION was made by Ms. Talbot, seconded by Ms. Donis, to permit the Board to approve applications for examination for students who must complete 25% or less of their hours at a new school due to their previous school's closure.

The Chair called for a Roll call vote:

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

The Motion passed 6 members voting yes, and one member abstaining.

Distance-Based Learning in Schools

The Board discussed its current guidelines on distance-based education, and whether any changes needed to be made. No formal action was taken.

2021 Meeting Dates

The Board confirmed that it will continue to meet on the second Tuesday of each month in 2021.

Public Comment

Janice Dorian from Mansfield Beauty Schools offered suggestions on handling students displaced from the closure of Ali May Academy. She also asked the Board to consider extending

the one-year period for apprentice registrations due to COVID-19 limiting students' ability to work in salons.

Anthony Clemente from New England Hair Academy asked the Board to reconsider its decision of the Sports Clips massage device, and to permit barbers to use the device on the neck and shoulders.

Executive Session 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. Talbot, to adjourn the public meeting at **1:05 p.m.**, and to enter into **Executive Session** for the purposes of discussing character rather than competence; after which the Board will enter into Closed Investigative Conference to consider open cases, conduct investigative conferences, and consider settlement offers [closed session pursuant to G.L. c. 112, § 65C], and the Open Meeting would not resume.

The Chair called for a Roll call vote:

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

The Motion passed 7-0.

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:

Settlement Offers

2020-200246-FI-ENF	Guidance Given to Prosecutor
2020-202435-FI-ENF	Guidance Given to Prosecutor
2019-001431-IT-ENF	Guidance Given to Prosecutor

Review of Cases

2020-203177-FI-ENF	Closed
2020-205468-FI-ENF	Referred to Prosecutions
2020-000403-IT-ENF	Referred to Prosecutions
2020-000959-IT-ENF	Dismissed
2020-000405-IT-ENF	Dismissed
2020-000411-IT-ENF	Referred to Prosecutions
2020-000621-IT-ENF	Referred to Prosecutions
2020-000699-IT-ENF	Referred to Prosecutions
2020-000729-IT-ENF	Referred to Prosecutions
2020-000700-IT-ENF	Dismissed

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2020-000746-IT-ENF	Dismissed
2020-000701-IT-ENF	Dismissed
2020-000745-IT-ENF	Dismissed
2020-000959-IT-ENF	Dismissed
2020-000470-IT-ENF	Referred to Prosecutions
2020-000402-IT-ENF	Referred to Prosecutions
2020-000360-IT-ENF	Referred to Prosecutions

A MOTION was made by Ms. Talbot, seconded by Ms. Saluto to adjourn. The motion passed unanimously.

Adjourn

The meeting was adjourned at or around 2:32 p.m.

The above Minutes were approved at the open meeting held on November 10, 2020.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda
Draft Minutes of September 8, 2020 Open Meeting
Draft Policy on Temporary Work Authorizations
Documentation from East Boston Beauty Academy
Email from P. Andrews on Sports Clips Massage Device
Emails from K. Himmer, P. Esteves, J. Andrews on Spray Tanning
Advanced Course Documentation from Catherine Hinds Institute of Esthetics