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Commonwealth of Massachusetts
Division of Occupational Licensure
Board of Registration of Cosmetology and Barbering
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EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

MINUTES OF THE February 9, 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

ABSENT: Erinn Breedy, Iris Stowe

STAFF: Richard Lawless, Executive Director
Kristina Gasson, Deputy General Counsel for Boards and Hearings
Jamie Dalton, Board Counsel
Andrew Bridges, Chief of Investigations
Andrew Lutynski, Assistant Chief of Investigations
Mara Andreasen, Compliance Officer

The Meeting was called to order at **9:33 a.m.** by Mr. Lawless. 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. Anthony Clemente from the Massachusetts Association of Cosmetology Schools indicated that he will be recording the meeting, and the Chair notified all attendees of this recording.

Executive Director Report

Mr. Lawless reiterated that the meeting was being recorded, and also confirmed that that Board is hiring a new staff member. He also reported that the Eyelash Subcommittee was making progress in its discussions.



Board Counsel Report:

Atty. Gasson introduced Jamie Dalton as the Board's new counsel.

Minutes of the January 12, 2023 Public Meeting

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Cohen, to approve the public minutes of the January 12, 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. Saluto (Yes), and Ms. Talbot (abstain).

The Motion passed 5-0, with one abstention.

Minutes of the January 5, 2023 Eyelash Subcommittee Public Meeting

After discussion, a MOTION was made by Ms. Cohen, seconded by Ms. Corliss, to accept the public subcommittee minutes of the January 5, 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. Saluto (Yes), and Ms. Talbot (Yes).

The Motion passed 6-0.

Discussion

PSI Exam Implementation

Mr. Lawless confirmed that the technical issues with license numbers have largely been resolved, and that the Board is now able to receive data from PSI and issue licenses for candidates who have passed the exams. He said that an announcement will be posted on the Board's website confirming this update, and also asked that any candidates who have passed their exams but have not been issued a license number to contact the Board.

He also confirmed that the Board would be reviewing cosmetology exam questions in detail during the Board's Executive Session later today.

Mr. Lawless also confirmed that exam re-take fees were still being waived, and reminded candidates that they will need to send an email to MACOSProcessing@psionline.com to request to take the exam in a different language prior to scheduling their exam.

Proposed Regulation Change for School Transfer Hours

The Board discussed adding language into 240 CMR 4.00 requiring schools involved in hour transfers to require documentation of a student's completed hours in order to accept any transfer hours.

After discussion, a MOTION was made by Ms. Cohen, seconded by Ms. Gilroy, to add the proposed regulation language into the Board's pending regulation revisions.

The Chair called for a Roll call vote:

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

The Motion passed 6-0.

Proposal to Allow Individuals to Shampoo in Salons

The Board discussed a proposal from Julie Eisenhauer from Keldara Salon to allow unlicensed individuals to provide shampoo services in salons. Ms. Eisenhauer spoke about the shortage of workers in salons, and the difficulty of accommodating client demand with workforce shortages and hairdressers having to manage shampooing services alongside more advanced client services.

The Chair recognized Frank Zona, from Zona Salons, who mentioned that other states allow shampooing without a full cosmetologist license, and suggested that inaction from the Board on this request may result in individuals offering shampoo services illegally.

Atty. Gasson stated that the Board's statute includes shampooing under the scope of hairdressing, and that the current statute would not permit an unlicensed person to provide a service included in the Board's scope. Ms. Eisenhauer asked if a sublicense could be created for shampooing, and Mr. Lawless said that this may be possible.

Ms. Tool suggested that the Board consider revising its Policy on Apprenticeship and Student Employment to allow registered apprentice and shop-employed students to begin shampooing before they reach 200 hours in school.

No formal action was taken.

Proposed Regulation Change for Schools with Special Educational Needs Students

The Board discussed a request to remove any enrollment requirements for cosmetology schools exclusively serving students with special educational needs.

After discussion, a MOTION was made by Ms. Cohen, seconded by Ms. Corliss, to revise the Board's pending regulation changes to remove any specific enrollment number requirements and instructor requirements for schools exclusively serving students with special educational needs.

The Chair called for a Roll call vote:

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

The Motion passed 6-0.

Reciprocity Clarifications

Mr. Lawless asked the Board for guidance on handling Out of State applicants who received their initial license in the United States via reciprocity and without having taken an exam. The Board determined that any reciprocity applicant who has not passed a licensure examination in the United States will be required to take the Board's exams in order to obtain licensure in Massachusetts.

Mr. Lawless also asked the Board to confirm several other reciprocity processes to ensure applications are being handled correctly. The Board re-confirmed that reciprocity applicants unable to provide a transcript of their school hours due to the school being closed must provide proof of the school's closure and proof that the program covered a substantially equivalent curriculum to Massachusetts.

The Board also confirmed that reciprocity applicants licensed in states with non-equivalent curriculum hours to Massachusetts must pass the Board's exams for licensure. The Board also confirmed that reciprocity applicants holding a license that only partially covers services covered by a Board license (e.g. hairstyling license that doesn't include manicuring or aesthetics; barbering license that does not include chemical services) would need to obtain any education deficiencies in their training and take the Board's exams for licensure.

After discussion, a MOTION was made by Ms. Tool, seconded by Ms. Cohen, to add language regarding the Board's reciprocity requirements to the Board's reciprocity applications, and to bring this draft language to the Board for review.

The Chair called for a Roll call vote:

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

The Motion passed 6-0.

Credit from Aesthetics Services for Barber Programs

The Board discussed a request from a licensee to apply curriculum hours earned in an aesthetics program for credit towards a Barber program. The Board gave direction to staff to respond to the licensee that schools may assess a student's completed schooling and award any applicable completed hours for credit.

Public Comment

Anthony Clemente from New England Hair Academy asked for clarification on how the Board's transfer hour guidance would affect crossover hour credits between cosmetology and barbering programs outlined in the Board's regulations. He also expressed concerns over the pass rates on the PSI exams, and asked how schools will be able to receive reports on student exam performance.

Eurayshia Williams asked the Board for clarification on how unlicensed individuals providing braiding services can work in salons. She also asked for assistance with an employee who was having difficulty scheduling their exam.

Janice Dorian from Mansfield Beauty Schools expressed concerns over how long it is taking for the Board to review exam questions, and urged the Board to take action on the exams quickly, and to consider creating its own exam .

Kim Bachmann from Greater Lawrence Technical School asked about obtaining a new application approval stamp for their school, asked about the availability of PSI written practical exam guides. She also commented that the practice exams provided by PSI are not matching the content outlines in the Candidate Bulletins.

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. Gilroy, to adjourn the public meeting at **12:08 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 (7) to comply with, or act under the authority of, any general law, namely chapter 4, Section 7, paragraph 26(l) relating to questions and answers, scoring keys and sheets and other materials used to develop, administer or score an examination to be used for subsequent examinations; 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. Saluto (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

2022-000502-IT-ENF	Guidance given to Prosecutor
2021-001122-IT-ENF	Guidance given to Prosecutor
2022-000218-IT-ENF	Guidance given to Prosecutor
2022-000570-IT-ENF	Guidance given to Prosecutor
2022-000466-IT-ENF	Guidance given to Prosecutor

Executive Session CLOSED per M.G.L. c. 4 § 7, ¶ 26(l) to Comply with the Public Record Law, and per M.G.L. c. 30A, § 21(a)(1), Individual Character Rather Than Competence

A MOTION was made by Ms. Corliss, seconded by Ms. Cohen, to enter into **Executive Session** at 1:41 p.m., pursuant to Massachusetts General Laws chapter 30A, Section § 21(a)(1) to discuss individuals' character rather than competence, and (7) to comply with, or act under the authority of, any general law, namely chapter 4, Section 7, paragraph 26(l) relating to questions and answers, scoring keys and sheets and other materials used to develop, administer or score an examination to be used for subsequent examinations

The Chair called for a Roll call vote:

Ms. Tool (Yes), Ms. Cohen (Yes), Ms. Corliss (Yes), Ms. Gilroy (Yes), Ms. Saluto (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:

Review of Cases

2022-205852-FI-ENF	Referred to Office of Prosecutions
2022-000991-IT-ENF	Dismissed
2022-205602-FI-ENF	Referred to Office of Prosecutions
2022-000570-IT-ENF	Guidance given to Prosecutor

Adjournment

A MOTION was made by Ms. Corliss seconded by Ms. Gilroy, to adjourn at 5:00 p.m.

The Chair called for a Roll call vote:

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

The Motion passed 6-0.

The above Minutes were approved at the open meeting held on March 9, 2023.



Richard Lawless, Executive Director

Documents Used During the Meeting:

Agenda

Draft Minutes of January 12, 2023 Open Meeting

Draft Minutes of January 5, 2023 Open Subcommittee Meeting

PSI Exam Pass Rates

Draft Revisions of 240 CMR 4.00

Proposal from Julie Eisenhower and Supporting Documentation on Shampooing Assistants

Letter from Frank Zona on Shampooing Assistants

Letter from Frank Zona on Training for Individuals with Disabilities

Draft Policy on Reciprocity

Email from Keishla Rivera on Credit from Aesthetics Programs to Barber Programs