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# Cosmetologist's Board Meeting

Monday, May 1, 2017

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A meeting of the State Board of Cosmetologists was held on Monday, May 1, 2017 on the 3rd floor conference room at the Department of Labor, Licensing and Regulation building located at 500 North Calvert Street, Baltimore, Maryland 21202.

## Board Member Attendees

Mr. Charles Riser, *Industry Member, Acting Chair*  
Ms. Rachel Allen, *Industry Member*  
Ms. Valerie Mascaro, *Industry Member*  
Ms. Piccola Winkey, *Industry Member*  
Mr. Bob Zupko, *Industry Member*

## Other Attendees

Ms. Shirley Leach, *Executive Director*  
Ms. Erica Lewis, *Deputy Executive Director*  
Mr. Eric London, *Assistant Attorney General*  
Ms. Nicole Thompson, *Licensing and Investigations Supervisor*  
Mr. Matthew Dudzic, *Board Administrator*

## Agenda

### Quorum Announced and Meeting Called to Order—Chairperson

A quorum was announced and the meeting was called to order at 10:06 AM by Mr. Charles Riser, Acting Chair.

### Approval of Agenda

Ms. Shirley Leach offered an amendment to the agenda. Mr. Charles Riser asked for a motion to approve the amended agenda. Ms. Mascaro made this motion, and the motion was seconded by Ms. Allen. The amended agenda was approved.

### Informal Conference—Apprentice Restart, M. Douberly

An informal conference was held for Ms. M. Douberly, who requested that she be allowed to restart or extend her cosmetologist's apprenticeship. Ms. Douberly originally held an apprentice permit in 2005. She later renewed her permit in 2011, and completed 21 of her 24 required months. Ms.

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Douberly stated that the reason for not finishing her apprenticeship was that the permit expired in July of 2013, and she had a child in April of 2013.

Ms. D. Ingrao also spoke on Ms. Douberly's behalf. Ms. Ingrao stated that she was a senior cosmetologist who had known Ms. Douberly for a long time, and who intended to sponsor Ms. Douberly if she was allowed to continue her apprenticeship. Ms. Ingrao stated that she had just completed a successful sponsorship with another apprentice, and she was confident that she could work with Ms. Douberly to complete this apprenticeship.

Mr. Eric London, Assistant Attorney General, advised that the law did not allow for a continuation of her apprenticeship permit, but that the Board could allow Ms. Douberly to restart her apprenticeship. Mr. Charles Riser asked for a motion to allow Ms. Douberly to restart her apprenticeship. Ms. Mascaro made this motion, and the motion was seconded by Mr. Zupko. The motion passed. Mr. Zupko asked to reiterate on the record the importance and seriousness of the apprenticeship program.

### Informal Conference—Violation Review, Tranzitionz

An informal conference was held to review the violations received by Tranzitionz Salon on their initial inspection. Ms. L. Carson, owner, appeared to speak on behalf of the salon. Tranzitionz received violations for equipment in poor repair and for a nursery set up on the salon floor.

Mr. Charles Riser stated that traditionally, as a new salon, the opening inspection is where salons were expected to shine. However, upon reviewing the photographs and notes from the inspector, he was dismayed to see the condition of the shop before a planned inspection. He asked for clarification on what happened.

Ms. Carson explained that many of the violations were due to misunderstandings regarding placement of equipment and licenses. She went on to explain that after coming through the apprenticeship program eighteen years ago, she was primarily self-educated, and simply wasn't aware of some of the violations. After speaking with the inspector, she has endeavored to put the salon into compliance with the Maryland regulations.

Mr. Bob Zupko questioned Ms. Carson about the condition of her equipment. Ms. Carson explained that she built the shop out herself from the ground up and financed the build-out of the salon out of pocket. She stated that she had purchased some of the equipment and chairs used, but that after receiving her violations she was repairing or replacing her equipment to meet Maryland's standards.

Ms. Piccola Winkey stated that there were definitely things to fix, and that the Board could not approve a shop permit until everything was up to par. She explained to Ms. Carson that all of the violations she had witnessed were fixable, but that this was a learning experience, and that the Board wished to make everyone accountable.

Discussion was held regarding the presence of a nursery on the salon floor. Ms. Carson stated that since the inspection she had moved the nursery to a room in the back, separate from the salon itself, and asked the Board if this was sufficient.

Ms. Valerie Mascaro made a motion for the Board to enter into a closed session with Mr. Eric London, Board Counsel, to seek legal counsel. Ms. Allen seconded this motion, and the Board entered into closed session at 10:49 AM. The Board came out of closed session at 11:09 AM.

Mr. Charles Riser, Acting Chair, spoke on the Board's behalf. He stated that the Board had been tasked to help Ms. Carson succeed. He stated that as a new salon owner, Ms. Carson needed to have a facility that was open to the public and that followed all Board regulations. He stated that Ms. Carson's salon would be reinspected in the next 45 days, and at that time the salon must meet all of the Board's requirements.

### Informal Conference—Waiver of Examination, Y. Nguyen

An informal conference was held for Ms. Y. Nguyen, who requested a waiver of the theoretical examination for her cosmetologist's license. Ms. Nguyen was not present for the conference, but sent in her statement in writing and requested that the Board review it. Ms. Nguyen was originally licensed in Connecticut, which does not administer a practical examination. When she applied for her license by endorsement in Maryland, she was told that she would need to retake both the theoretical and the practical examination in Maryland in order to receive her license. Ms. Nguyen included the exam results and license history showing her successful completion of the theoretical examination in Connecticut.

Mr. Eric London, Assistant Attorney General, stated that if the Board was comfortable that the theoretical examination she had completed was substantively similar to Maryland's, the Board had the power to waive one of the examinations provided she demonstrate that she completed the necessary number of hours and that she provided proof of at least six months work experience. A review of her license history from Connecticut revealed that she received 1,500 hours of training to receive her license, which was sufficient.

Mr. Charles Riser and Ms. Rachel Allen stated that, after reviewing the test results and the testing booklet from Connecticut, they were not satisfied that the theoretical examination Ms. Nguyen had completed was sufficient to meet Maryland's standards. Based on this, the Board agreed to deny Ms. Nguyen's request and notify her that the Board was satisfied with her schooling, but that she would need to retake both examinations to receive her cosmetologist's license in Maryland.

## New Business

### Inspection Report by Investigations Supervisor Nicole Thompson

Ms. Nicole Thompson, Investigations Supervisor, stated that following her full report at the previous meeting, inspections were coming back every two weeks and the turnaround time on inspections was much lower. She stated that complaints, new shops, late renewals and routine inspections were all in the rotation now, and that next month she would have figures for April through June.

Mr. Bob Zupko asked how inspectors were handling situations where unauthorized services such as microblading were being offered. Ms. Thompson advised him that when the inspectors found someone working outside the scope of their license, they were instructed to write a violation, but

also to advise them to contact the Board so that they could be informed of what is and is not permitted.

### **July Meeting Cancellation**

Ms. Shirley Leach, Executive Director, advised the Board that the July Board meeting would fall on July 3 this year. The previous Board had discussed delaying the meeting by a week until July 10. After discussion, the Board did not believe it would have a quorum in July. Mr. Charles Riser, Acting Chair, asked for a motion to cancel the July meeting. Ms. Allen made this motion, and Ms. Mascaro seconded it. The motion passed.

### **Complaint Committee Assignment**

The Board discussed assigning a permanent member to the Complaint Committee to review complaints and violations prior to Board meetings, and having one rotating member change each week. Ms. Rachel Allen volunteered to be the permanent member of the Complaint Committee, and Mr. Bob Zupko volunteered to be the rotating member for the June meeting.

### **Legislative Update—House Bill 250**

Ms. Shirley Leach, Executive Director, presented to the Board an update on House Bill 250, which dealt with special funding for the State Board. Ms. Leach stated that the bill had not yet been signed into law, but it passed. Ms. Leach reiterated the importance of this legislation, and stated that if it is signed into law, it will not go into effect until the 2019 fiscal year.

### **Legislative Update—House Bill 1600**

Ms. Shirley Leach, Executive Director, presented to the Board an update on House Bill 1600, which dealt with continuing education for licensed cosmetologists. The bill passed but had not yet been signed into law. If signed into law, the bill would go into effect in October of 2018, and would require licensees to take six hours of continuing education before renewing their licenses.

Ms. Leach stated that if this bill is signed into law, the Board will be tasked with determining its implementation.

### **Legislative Proposals—Cosmetology Instructor's License**

Ms. Rachel Allen stated that she would like the Board to consider recommending re-introducing the instructor's license for cosmetologists. Ms. Allen stated that she was originally licensed as an instructor in Arkansas, then she moved to Maryland in 1986. At that time, Maryland still held an instructor's license, and she came before the Board and presented a lesson to obtain her license by reciprocity in Maryland. Shortly thereafter, the teacher's license was removed, with the closest equivalent being the senior cosmetologist's license.

Ms. Allen expressed concern that cosmetologists and senior cosmetologists received no training whatsoever in teaching, and yet were permitted to teach in schools in Maryland after only two years of work experience and no other training. Ms. Allen stated that she has often seen individuals come through the apprentice program unaware of important aspects of the profession, and has seen many students of beauty school fail their state boards because they were not properly taught.

Mr. Charles Riser stated that there were still issues with quality of instructors in states where teacher's licenses were required, especially as most of those states did not require any professional experience for instructors. Ms. Valerie Mascaro suggested combining the requirements, maintaining the two year experience requirement before individuals were allowed to take the instructor's course. Mr. Riser cautioned against allowing this to become a self-perpetuating process, where schools were training instructors to teach in those same schools.

The Board agreed that this was a proposal worth exploration, and advised Ms. Shirley Leach, Executive Director, to move this proposal forward.

#### **Legislative Proposals—Amendment of §5-303**

Mr. Charles Riser reviewed Maryland statute 5-303, which allows students of public schools to practice in a salon after they accrue 1,000 hours of training. Mr. Riser expressed concern that this statute created a discrepancy between public and private schools, and suggested either removing the provision or extending it to students at private schools of cosmetology as well.

Ms. Rachel Allen stated that the provision existed because public school students were only taking classes for three hours a day, and that they did not have the time slot to do the physical portions where skills were developed. This proviso gave such students the chance to practice. Mr. Riser stated that his school had programs where students were in school for lesser amounts of time, and reiterated that there needed to be a standard across the board for all students.

Ms. Erica Lewis, Deputy Executive Director, asked if this change would benefit all private schools and students. Mr. Riser stated that the number one complaint about beauty schools was that there was a lack of real world experience. He stated that having this opportunity would not only provide that experience, but also assist in job placement, which he believed would be nothing but a benefit to students.

The Board advised Ms. Shirley Leach, Executive Director, to move a proposal forward that would extend section 5-303's provisions to both public and private schools.

#### **Legislative Proposals—Apprenticeship Work Requirements**

Mr. Charles Riser stated that he had concerns with the current apprenticeship program, which allowed apprentices to begin working on hair from the first hour of their apprenticeship. Mr. Riser stated that students in beauty school are not permitted to touch a head of hair until they have taken at least 350 clock hours, which ensured that they understood basic sanitation and safety requirements before they worked on a guest. Mr. Riser suggested that by implementing some training standards for apprentices to meet before they began working on hair, it would both

improve safety standards and cut down on individuals using an apprenticeship permit as a de facto license.

Mr. Bob Zupko noted that much of the burden lay with the sponsors as much as the apprentices, and that there were good sponsors and bad sponsors. He suggested that some sort of skill certification for sponsors might alleviate these issues while also discouraging salons from taking on apprentices simply as a source of cheap labor.

Ms. Valerie Mascaro stated that when she took on an apprentice, she purchased the Milady's teacher's book and went through that curriculum with her apprentice, performing tests every week and having her apprentice begin on mannequin heads before allowing her to work on clients. She agreed with Mr. Zupko that there was a right way and a wrong way to sponsor an apprentice, and stated that she would not be opposed to having some sort of curriculum for apprentices.

After further discussion, Ms. Shirley Leach, Executive Director, suggested that this might be better accomplished by going through our existing regulations, rather than introducing new legislation. Mr. Riser agreed, and withdrew his proposal.

## Old Business

### Blow Dry Stylist Curriculum

Ms. Rachel Allen presented the curriculum for the blow dry stylist license. Mr. Charles Riser, Acting Chair, asked for a motion to approve the curriculum. Ms. Mascaro made this motion, and Mr. Zupko seconded. The motion unanimously passed.

Ms. Shirley Leach, Executive Director, explained that the approved curriculum would first go to the Board's testing vendor, PSI, to be reviewed by their test specialists. The Board would then work with PSI and Milady's to develop a teachable curriculum.

### Mobile Salon Regulations


Ms. Shirley Leach, Executive Director, stated that the regulations pertaining to mobile salons has been on the back burner for some time while the Board dealt with various limited licenses. Mr. Riser expressed concern that many people believed that this was already legal in Maryland, and that the Board needed to move forward on establishing regulations.

Ms. Leach offered information she had gathered regarding a similar license in the state of California, and recommended that the Board establish a team to develop these regulations for Maryland. Mr. Charles Riser and Mr. Bob Zupko agreed to work on these regulations.

## Public Comment

### Rasheeah Burrell

Ms. Rasheeah Burrell stated that she was a licensed cosmetologist and owned a beauty supply company, and that she also provided continuing education for stylists. She said that she was very happy with what she had heard at the meeting, and that she has been pushing for House Bill 1600.



Ms. Burrell asked the Board what the next step would be for those who wanted to teach continuing education. Ms. Shirley Leach, Executive Director, stated that no steps could be taken until this was signed into law by the Governor, and that even after it was signed into law, there would still be more than a year before it went into effect.

Ms. Burrell stated that she has observed many mistakes in the cosmetic industry, and so her organization has been offering continuing education on a voluntary basis. She was excited to see the ball rolling officially. She added that there were several people present who wished to be a part of the discussion and who should be teaching.

### **Cynthia Smith**

Ms. Cynthia Smith stated that she was a senior cosmetologist and a chemical engineer. She said she was very excited to hear everything that the Board discussed. Ms. Smith explained that she began her program with public safety, and that as a chemist, she sees things from a hair loss and infectious disease control perspective. She said she has come across clients who received staph infections from hair extensions, and even one who had a foot amputated after a staph infection at a nail salon. Ms. Smith stated that she wished to partner with the Board to educate its licensees.

Mr. Charles Riser stated that, regarding hair extensions, there was previously a push to license hair extensions but it did not pass. Mr. Riser recommended that if Ms. Smith wished to see hair extensions regulated, that she should contact her legislators and possibly be a part of the testimony if it came before the legislature in the future.

### **Yolanda Bartee**

Ms. Yolanda Bartee stated that she had been in the industry for ten years. Ms. Bartee said that she loved the feel of the meeting, and was especially happy to hear that inspectors were out in full force. She expressed her desire to work with the Board and move the industry forward.

### **Theresa Brown**

Ms. Theresa Brown stated that she had been a stylist since 2006, but that she was disgusted with the way many businesses were operated. Ms. Brown said that she has seen many unlicensed workers in salons, or people performing work outside the scope of their license. She also said that she had personal experience with the dangers of poorly regulated salons after receiving a toe infection from a nail salon. Ms. Brown said that this was four or five years ago, and she struggled with the Board to get inspectors to come out to investigate.

Mr. Charles Riser explained that if the special funding was signed into law, it might allow the State Board to hire more inspectors. He said that with the current team, they reviewed violations at every Board meeting, and that the team the Board had was definitely out there and working. Ms. Shirley Leach stated that things were definitely improving, but that change did not happen immediately.

Ms. Brown asked what the turnaround time was on a complaint. Ms. Leach explained that it takes time to properly investigate a complaint in a way that is fair to everyone, but that the Board would stay in touch throughout the process.

### **Wyvonne Gilbert**

Ms. Wyvonne Gilbert stated that she has held a license for more than 30 years. She has worked with cosmetologists that have gone through the apprenticeship program, and those that were trained by the schools. She agreed with earlier discussion suggesting that students should receive some practical experience, because she said often people who went to school were trained in how to pass their exams, but not in how to do hair. Ms. Gilbert also expressed her support of the reinstatement of an instructor's license.

### **Priscilla Briggs**

Ms. Priscilla Briggs stated that she was an educator and had been in the beauty industry for more than 30 years. She said she was excited about House Bill 1600. She asked the Board how one becomes accredited for advanced training. Mr. Charles Riser explained that there isn't currently a mechanism that recognizes advanced training, because there is no continuing education in Maryland at this time.

### **Megan Glaub & Stephanie Wao**

Ms. Megan Glaub and Ms. Stephanie Wao stated that they were attorneys from American University who came before the Board in February to present a proposal to have the nail technician examination translated into Simple Chinese. They wished to ensure that the issue stayed on the Board's radar and on their agenda.

Mr. Eric London, Assistant Attorney General, stated that they very much appreciated their presentation in February, but that there had been a moratorium on regulatory action while the Legislature was in session. He assured Ms. Glaub and Ms. Wao that the proposal had moved up the chain to Commissioner Wilkins and was being considered. Ms. Shirley Leach, Executive Director, added that the Board would probably know more in the next month or two.

### **Approval of April 3, 2017 Minutes**

The minutes for the April 3, 2017 meeting were reviewed by the Board. Mr. Charles Riser requested a motion to approve these minutes. A motion was made by Ms. Allen to approve these minutes, and Ms. Mascaro seconded the motion. The motion passed.

### **Adjournment**

There being no further business to discuss or to present before the Board, Mr. Charles Riser asked for a motion to adjourn the meeting. Mr. Bob Zupko made this motion, and it was seconded by Ms. Piccola Winkey. The motion passed, and the meeting was adjourned at 12:32 PM.