

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE May 12, 2020 BOARD MEETING

TIME: 9:30 a.m.

PLACE: Conference Call

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

STAFF: Richard Lawless, Executive Director
Deborah Cassano, Associate Executive Director
Lynn Read, Board Counsel

The Meeting was called to order at **9:35** a.m. by Ms. Viens

Housekeeping:

Ms. Viens explained protocol for the conference call.

Executive Director Report

Mr. Lawless reiterated the conference call protocol introduced by Ms. Veins, and noted that the meeting has over 400 public participants.

Executive Counsel Report

Atty. Read noted that she will address current pending legal issues as they come up during Board discussions today.

Discussion

A MOTION was made by Ms. Dorian seconded by Ms. Talbot, to reorganize the Agenda to address COVID-19 topics first.

The Chair called for a Roll call vote:

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

The Motion passed.

COVID-19 Topics:

Pending Report from Governor's Advisory Board on Re-Opening

Mr. Lawless reported that the Governor's COVID-19 Advisory Board will release industry-specific reopening standards, and the Board will post links to that information as soon as it is released. He also recommended that licensees check the COVID-19 information on the Mass.gov website, which is updated often and includes a portal to submit comments for the Governor's Advisory Board to consider. More information is expected on or before May 18, 2020.

Discipline for Violations of executive Orders and COVID-19 Guidance

In response to questions about how the Board addresses violations by licensees of the Governor's COVID-19 Executive Orders, Atty. Read noted that the Board does not directly enforce Executive Orders but a violation of those Orders may also violate Board statutes or regulations authorizing the Board to impose discipline, and DPL staff will investigate supported complaints of such violations. Members suggested that the Board create a template for a posting to be hung in shops. Mr. Lawless and Atty. Read advised that the Board needs to see what the guidelines are going to be from the Governor's Advisory Board on reopening. Mr. Lawless reported that he has been forwarding the Board's recommendations to DPL's Front Office, and that they have been sent to the Advisory Committee.

Hybrid Classroom/Distance Education.

Members discussed the current usage of distance education during the closure of cosmetology and barbering shops and schools and student options for suspending their education. They discussed likely distancing and lower occupancy requirements coming in the future.

A MOTION was made by Ms. Dorian seconded by Ms. Tool, to permit distance-based learning to be permanently available, and to allow schools to offer a Hybrid Education approach combining distance-based learning and in-classroom education

The Chair called for a Roll Call vote:

Ms. Viens (Yes), Ms. Talbot (No), Ms. Donis (Yes), Ms. Dorian (Yes), Erinn Pearson (yes), Marian Saluto (No), Iris Stowe (Yes), and Catherine Tool (Yes). Motion passed 6-2.

Safety and Sanitation Recommendations from Pearson Vue on Administration

Members discussed proposals by Pearson Vue to implement social distancing during the practical exams, including use of mannequins rather than human models.

In light of the reopening guidance to be issued by the Governor's Advisory Board on May 18, 2020, members discuss meeting again in 2 weeks

A MOTION was made by Ms. Talbot seconded by Ms. Saluto, to meet Friday May 22, 2020 at 2:00 p.m. The Chair called for a Roll call vote:

Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Donis (Yes), Ms. Dorian (Yes), Ms. Pearson (Yes), Ms. Saluto (Yes), Ms. Stowe(Yes), and Ms. Tool (Yes). The Motion passed.

North Shore Community College Post-Secondary Cosmetology Program - Renting Space from Approved Program at Essex North Shore Agricultural & Technical School.

Karen Hynick, Vice President of Academic Affairs, and Pat Gentile, President of North Shore Community College, discussed North Shore Community College's loss of the premises for its Cosmetology program, and its proposal to use the cosmetology rooms at Essex North Shore Agricultural and Technical High School Cosmetology program at night, after the daytime hours of the Essex program, under Gov. Baker's Career Technical Institute initiative. Pres. Gentile noted that no regulations prohibit an existing program from getting a license at a new site. Ms. Read said public vocational school programs of cosmetology are not licensed by the Board but are approved. Members discussed whether the Board's rules for an Annex are applicable, or whether Essex could be an "Additional Location" for North Shore under federal financial aid rules.

A MOTION was made by Ms. Saluto, seconded by Ms. Talbot, to approve North Shore Community College's proposal to utilize the existing Cosmetology Site of Essex Technical High School to offer an evening Cosmetology program.

During the discussion of this Motion, Ms. Dorian made a MOTION to approve North Shore Community College's ability to use an Additional Location at Essex Technical High School. Ms. Talbot seconded this Motion.

The Chair called for a Roll call vote on Ms. Saluto's Motion:
Ms. Viens (Yes), Ms. Talbot (No), Ms. Donis (Yes), Ms. Dorian (No), Ms. Pearson (Yes), Ms. Saluto (Yes), Ms. Stowe (Yes), and Ms. Tool (No). The Motion passed 5 to 3

Topic Not Reasonably Anticipated

Members discussed a letter about a Plymouth Vocational School senior student who cannot finish enough hours before graduating, due to remote learning under the COVID state of emergency. Members instructed staff to explain options to the student.

Public Comment (11:41)

Several members of the public discussed expectations for the standards to be issued by the Governor's Advisory Board on Reopening, for reopening salons and barbershops. There was also comment that some salons and barbershops are not complying with the Governor's order to close, and prohibition on shops supplying hair color to clients.

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

MOTION was made by Ms. Donis, seconded by Ms. Saluto Talbot, to go into **Quasi-Judicial Session** pursuant to M.G.L. c. 30A § 18(d) to make a decision required in adjudicatory proceedings brought before the Board.

The Chair called for a Roll call vote:
Ms. Viens (Yes), Ms. Talbot (Yes), Ms. Donis (Yes), Ms. Dorian (Yes), Ms. Pearson (Yes), Ms. Saluto (Yes), Ms. Stowe(Yes), and Ms. Tool (Yes). 8 in favor

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

**2018 0202732-FI-ENF and
2018-0202740-FI-ENF: Board determined the terms of the Final Decision and Order.**

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

**MOTION was made by Ms. Talbot seconded by Ms. Stowe, to Exit Quasi-Judicial Session and
go into Investigative Conference**

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

Settlement Offers

2019-209195-FI-ENF	Guidance given to Prosecutor
2020-201946-FI-ENF	Guidance given to Prosecutor

Review of Cases

2019-001431-IT-ENF	Referred to Prosecution
2019-001435-IT-ENF	Referred to Prosecution
2019-001514-IT-ENF	Dismissed
2020-000092-IT-ENF	Referred to Prosecution
2020-000218-IT-ENF	Referred to Prosecution
2020-000427-IT-ENF	Referred to Prosecution
2020-000471-IT-ENF	Referred to Prosecution

A MOTION was made by Ms. Dorian, second by Ms. Donis to Adjourn

Adjourn

The meeting was adjourned at **2:36** p.m.

The above Minutes were approved at
the open meeting held on June 9, 2020



Richard Lawless, Executive Director

Documents Used During the meeting:

Agenda
Draft Minutes of 3.10.2020 Open Meeting
North Shore Community College Proposal
Pearson Vue Recommendations on Test Center Safety and Use of Mannequins