

**BOARD FOR BARBERS AND COSMETOLOGY  
TENTATIVE AGENDA**

Monday, September 9, 2019 – 9:00 a.m., Board Room 4, 2<sup>nd</sup> Floor  
Department of Professional and Occupational Regulation, 9960 Mayland Drive  
Richmond, Virginia 23233 804-367-8590

**I. CALL TO ORDER**

**II. APPROVAL OF AGENDA**

1. Board for Barbers and Cosmetology Board Meeting Tentative Agenda, September 9, 2019

**III. APPROVAL OF MINUTES**

2. Board for Barbers and Cosmetology Meeting Draft Minutes, July 29, 2019
3. Board for Barbers and Cosmetology – Standing Committee on Training, Draft Minutes, July 29, 2019

**IV. COMMUNICATIONS**

**V. PUBLIC COMMENT PERIOD \***

**VI. CASES**

- |     |            |   |               |
|-----|------------|---|---------------|
| 4.  | 2019-02698 | Huong Thu Duong   | Disciplinary  |
| 5.  | 2016-03026 | Thavy Da  | Consent Order |
| 6.  | 2016-03034 | Bich-Lieu Thi Tran  | Consent Order |
| 7.  | 2019-00328 | Custom Nails & Spa Corporation ( <i>Quesenberry</i> )     | Consent Order |
| 8.  | 2019-00619 | Annie Beauty & Tech Inc<br>dba Annie Beauty & Tech School | Consent Order |
| 9.  | 2019-01354 | Salon Haley Inc dba Haley Too Salon and Day Spa           | Consent Order |
| 10. | 2019-01465 | M & P Stonebridge LLC dba Creative Nail & Spa             | Consent Order |
| 11. | 2019-01693 | Maria Michelle Hillard                                    | Consent Order |
| 12. | 2019-01337 | Derrick James Sydnor                                      | Licensing     |
| 13. | 2019-02472 | Curtis Wayne Givens                                       | Licensing     |
| 14. | 2019-02672 | Robert Jason Fields                                       | Licensing     |
| 15. | 2019-02673 | Timothy Adrain Jones                                      | Licensing     |
| 16. | 2019-02674 | Melissa Giselle Diaz-Marty                                | Licensing     |
| 17. | 2019-02675 | Carol Lynette Brooks                                      | Licensing     |
| 18. | 2019-02676 | Courtney Elissa Stevens                                   | Licensing     |
| 19. | 2019-02677 | Huy Duc Nguyen  | Licensing     |
| 20. | 2019-02697 | Huong Thu Duong   | Licensing     |
| 21. | 2019-02706 | Cheyenne Jessica McDowell                                 | Licensing     |
| 22. | 2019-02707 | Capitol City Cuts LLC                                     | Licensing     |
| 23. | 2019-02708 | D'Andre Jose Hill   | Licensing     |
| 24. | 2019-02946 | Frazier Lee Hunter III                                    | Licensing     |
| 25. | 2019-03033 | Jamilla Q Williams  | Licensing     |

26. 2019-03179 Lipscombe, Scheer, Unstoppable Force Tattooing LLC Licensing

**VII. EXAMINATIONS**

**A. STATISTICS**

**B. EXAMINATION REQUEST FOR PROPOSAL REPORT**

**VIII. REGULATORY ACTION AND BOARD GUIDANCE**

**A. REGULATORY REPORT**

**B. TRANSFER HOURS FOR PERMANENT COSMETIC TATTOOING SCHOOLS**

**C. BOARD GUIDANCE – WHAT CONSTITUTES A CONTACT HOUR IN LICENSED SCHOOLS**

**D. PERIODIC REVIEW UPDATE – PUBLIC COMMENT REVIEW**

**IX. NEW BUSINESS**

**A. REPORT ON THE BOARD'S FINANCIAL POSITION**

**B. REPORT ON PILOT INSPECTION PROGRAM**

**C. RECOMMENDATION FROM STANDING COMMITTEE ON TRAINING FOR A HAIR ONLY LICENSE**

**X. ADJOURN**

\* 5-minute public comment, with the exception of any open disciplinary files. Persons desiring to attend the meeting and requiring special accommodations and/or interpretive services should contact the Board Office at (804) 367-8590 at least ten (10) days before the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department and Board fully comply with the Americans with Disabilities Act.

**NEXT MEETING DATE: November 18, 2019**

**2020 MEETING DATES:**

**January 13, 2020**

**March 9, 2020**

**May 11, 2020**

**July 13, 2020**

**September 14, 2020**

**November 9, 2020**

# BOARD FOR BARBERS AND COSMETOLOGY

## MINUTES OF MEETING

The Board for Barbers and Cosmetology met on Monday, July 29, 2019, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 1, Richmond, Virginia. The following board members were present:

Gilda Acosta  
Oanh Pham Kim Dang  
Darrin L. Hill  
Margaret B. LaPierre  
Alfred O. Mayes  
Anne R. McCaffrey  
Lonnie Quesenberry  
Matthew D. Roberts

The following board members were not present:

Josie R. Mace  
Daniella Tsamouras

DPOR staff present for all or part of the meeting included:

Mary Broz Vaughan, Acting Director  
Stephen Kirschner, Regulatory Operations Administrator  
Tamika Rodriguez, Licensing Operations Administrator  
Cathy Clark, Administrative Assistant

Representative from the Office of the Attorney General was present for all or part of the meeting:

Elizabeth Peay, Assistant Attorney General

Mr. Quesenberry, Chair, determined a quorum was present and called the meeting to order at 9:07 a.m.

### Call to Order

The Board took the agenda under consideration. Mr. Quesenberry asked for any amendments. Mr. Kirschner stated that an item had been added to the Agenda. Mr. Dylan Avatar, of Merit, a professional credentialing company with which DPOR has partnered, would provide an overview of the services provided by the company. The remarks would take place prior to the in-service training under New Business.

### Approval of Agenda

Upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to adopt the amended Agenda.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no

negative votes. The motion passed unanimously.

The Board took the minutes of the May 13, 2019 Board Meeting under consideration. Mr. Quesenberry asked for any amendments. There were none.

**Approval of  
Minutes for the  
May 13, 2019  
Board Meeting**

Upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to approve the minutes.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

The Board was provided with copies of the New Edition of *Milady Standard Esthetics: Fundamentals*, May 9, 2019, from Slavik Volinsky, Marketing Director at Milady.

**Communication**

Mr. Quesenberry asked if there was any public comment.

**Public Comment**

Ms. Julia Mates and her husband, Scott Mates, addressed the Board on the requirements to obtain a permanent cosmetic tattooer license in Virginia and the potential for including transfer hours from other programs to meet the examination requirements for permanent cosmetic tattooer. The Board took Mr. and Mrs. Mates' remarks and questions under advisement for further discussion.

**Cases**

In the matter of **File Number 2017-02289, Xuan T. Le**, the Board reviewed the record, which consisted of the Consent Order. Xuan T. Le did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2017-02289, Xuan T. Le**

By signing the Consent Order, Xuan T. Le acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-280.A.3	\$ 1,500.00
		-----
	SUB-TOTAL (MONETARY PENALTIES)	\$ 1,500.00
	BOARD COSTS	\$ 150.00
	TOTAL	\$ 1,650.00

In addition, for violation of Count 1, Xuan T. Le agrees to revocation of her Cosmetologist license, number 1201119293.

Upon a motion by Ms. LaPierre and seconded by Ms. McCaffrey, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

Ms. Dang and Mr. Roberts recused themselves from the meeting

Ms. Dang and Mr. Roberts Recused

In the matter of **File Number 2018-02863, Fashion Nails & Spa LLC**, the Board reviewed the record, which consisted of the Consent Order. Fashion Nails & Spa LLC did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2018-02863, Fashion Nails & Spa LLC

By signing the Consent Order, Fashion Nails & Spa LLC acknowledges an understanding of the charges and admits to the violation of the Count as outlined in the Report of Findings and consents to the following term(s):

Count 1:	18 VAC 41-20-270.E.1	\$	50.00
Count 2:	18 VAC 41-20-270.I	\$	50.00
Count 3:	18 VAC 41-20-270.C.4	\$	100.00
Count 4:	18 VAC 41-20-270.B.7	\$	50.00
Count 5:	18 VAC 41-20-270.B.6	\$	50.00
Count 6:	18 VAC 41-20-270.B.8	\$	100.00
Count 7:	18 VAC 41-20-270.E.2	\$	100.00
		-----	
	SUB-TOTAL (MONETARY PENALTIES)	\$	500.00
	BOARD COSTS	\$	150.00
	TOTAL	\$	650.00

Upon a motion by Ms. LaPierre and seconded by Mr. Hill, the Board voted to accept the Consent Order.

The members voting 'yes' were Ms. Acosta, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, and Mr. Quesenberry. There were no negative votes. The motion passed unanimously.

As a Board representatives in this case, Ms. Dang and Mr. Roberts were not present, did not participate in the discussion, and did not vote on this matter.

Ms. Dang and Mr. Roberts returned to the meeting.

In the matter of **File Numbers 2019-01946 and 2019-01948, LaShawna Stacy Gardner**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding

File Numbers 2019-01946 and 2019-01948

Conference. LaShawna Stacy Gardner appeared at the meeting in person and addressed the Board.

**LaShawna Stacy Gardner**

Upon a motion by Mr. Roberts and seconded by Mr. Hill, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve LaShawna Stacy Gardner's esthetician reinstatement application and her master esthetician license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-02187, Tiffany Frances Jenkins**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Tiffany Frances Jenkins appeared at the meeting in person and addressed the Board.

**File Number 2019-02187, Tiffany Frances Jenkins**

Upon a motion by Mr. Hill and seconded by Ms. McCaffrey, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Tiffany Frances Jenkins' cosmetology instructor reinstatement application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-02188, Naemah Aisha Payton dba 1029**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Naemah Aisha Payton did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2019-02188, Naemah Aisha Payton dba 1029**

Upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Naemah Aisha Payton' barber shop license renewal.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-02459, Amanda Diane Jones**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Amanda Diane Jones appeared at the meeting in person and addressed the Board.

**File Number 2019-02459, Amanda Diane Jones**

Upon a motion by Mr. Roberts and seconded by Ms. LaPierre, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Amanda Diane Jones' cosmetologist license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-02478, Candice Elaine Ragland**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Candice Elaine Ragland appeared at the meeting in person and addressed the Board.

**File Number 2019-02478, Candice Elaine Ragland**

Upon a motion by Mr. Hill and seconded by Ms. LaPierre, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Candice Elaine Ragland's cosmetologist license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-02567, Russell Meadows**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Russell Meadows appeared at the meeting in person and addressed the Board.

**File Number 2019-02567, Russell Meadows**

Upon a motion by Mr. Roberts and seconded by Mr. Mayes, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Russell Meadows' barber license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-02637, Xuan N. Nguyen**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Xuan N. Nguyen did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2019-02637, Xuan N. Nguyen**

Upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Xuan N. Nguyen's nail technician license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-02638, Joseph Edward Stevens**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Joseph Edward Stevens did not appear at the meeting in person, by counsel, or by any other qualified representative. **File Number 2019-02638, Joseph Edward Stevens**

Upon a motion by Ms. Acosta and seconded by Ms. Dang, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Joseph Edward Stevens' limited term tattooer license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2019-02714, Kathie Sue Crum**, the Board reviewed the record which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Kathie Sue Crum, and her sister, Lisa Crum, appeared at the meeting in person and addressed the Board. **File Number 2019-02714 Kathie Sue Crum**

Upon a motion by Ms. LaPierre and seconded by Mr. Roberts, the Board voted to accept the recommendation in the Summaries of the Informal Fact-Finding Conference and approve Kathie Sue Crum's cosmetologist license application.

The members voting 'yes' were Ms. Acosta, Ms. Dang, Mr. Hill, Ms. LaPierre, Mr. Mayes, Ms. McCaffrey, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

## **EXAMINATIONS**

Ms. Rodriguez reported to the Board on current pass rates for barbers and cosmetology related examinations. She provided additional information on public school pass rates as follows: The public school pass rates for the cosmetology theory exam experienced a slight increase, averaging 73%. The cosmetology practical exam pass rate remain steady at around 97%. The public school barber pass rates decreased to 38% from 2018, which had a pass rate of 42%. The barber practical exam pass rate for public schools remains steady, averaging 100%. The public school pass rate for the nail technician exam has increased in 2019 to 78%, and the nail technician practical exam pass rate is averaging 100%.

### **Exam Statistics**



Mr. Kirschner reported to the Board on the progress of the Request for Proposals (RFP) currently underway to award a new contract for administering examinations for barbers and cosmetology professions. He stated that the committee was nearing the end of the negotiations and would be meeting later in the week to make a selection between the two vendors being considered.

**Examination  
Request for  
Proposal Report**

**REGULATORY  
ACTION AND  
BOARD  
GUIDANCE**

Mr. Kirschner reported to the Board that there are currently three regulatory actions underway, including the Tattoo Regulations general review, which has been approved by the Governor and is now in the public comment period. Mr. Kirschner advised the Board that a hearing would be conducted on August 12, 2019 to allow public comment on the proposed regulations.

**Regulatory Report**

The second action on which Mr. Kirschner updated the Board was the fast-track change to the sanitation and safety regulations to remove reference to the term “tuberculocidal” from the text. He reported that this proposed legislation is currently in the Secretary of Commerce and Trade’s office for review and approval.

Lastly, Mr. Kirschner advised the Board that the fast-track legislation to amend the regulation related to the display of apprenticeship documents is also in the Secretary’s office for review and approval.

Mr. Kirschner provided the Board with a memo announcing the Periodic Regulatory Review, required by the Governor’s Executive Order 14, advising the Board that all five of the Board’s sets of regulations are subject to the periodic review. He further advised the Board that public comments were received from June 24 to July 15, 2019 and are available on the Virginia Regulatory Town Hall website at <http://townhall.virginia.gov/> The Board will review the comments at the September 9, 2019 Board meeting and determine whether to retain the regulations as is, or begin regulatory actions to make changes to all or some of the regulations.

**Periodic Review  
Update**

Mr. Kirschner directed the Board’s attention to his memo dated July 12, 2019 that included suggested language to update and clarify the existing Guidance Document related to Temporary Permits for Out-of-State Applicants. Upon Mr. Kirschner’s advice, the Board agreed by consensus to withhold any action on this topic until a comprehensive review of the matter can be conducted by staff.

**Guidance  
Document –  
Temporary  
Permits for Out-  
of-State  
Applicants  
Required to Take  
the Examination**

**NEW BUSINESS**

Mr. Dylan Avatar, representative of MERIT, a professional credentialing company with which DPOR has partnered, provided an introduction to the services the company will make available to all DPOR licensees beginning in the fall of 2019. Mr. Avatar provided the Board with a printed outline of MERIT's features and services. (Addendum 1)

**Introduction of  
MERIT electronic  
credentialing**

Mr. Douglas Schroeder, DPOR's Director of Adjudication provided a slide presentation to offer the Board a detailed outline of the regulatory complaint and informal fact-finding conference processes with regard to disciplinary actions.

**In-Service  
Training –  
Disciplinary  
Informal Fact-  
Finding  
Conferences**

There being no further business to be brought before the Board, Mr. Quesenberry adjourned the meeting at 11:53 a.m.

**Adjourn**

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Lonnie Quesenberry, Board Chair

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Mary Broz-Vaughan, Acting Board Secretary

DRAFT AGENDA  
Materials contained in this agenda are proposed topics for discussion  
and are not to be construed as regulation or official Board position  
DRAFT AGENDA

**BOARD FOR BARBERS & COSMETOLOGY  
STANDING COMMITTEE ON TRAINING**

**DRAFT MINUTES OF MEETING**

The Board for Barbers & Cosmetology Standing Committee on Training met on Monday, July 29, 2019, immediately following the full Board Meeting at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Board Room 1, Richmond, Virginia. The following Board members were present:

Oanh "Tina" Dang  
Margaret B. LaPierre  
Lonnie Quesenberry  
Matthew D. Roberts

DPOR staff present for the meeting included:

Stephen Kirschner, Regulatory Operations Administrator  
Tamika Rodriguez, Licensing Operations Administrator  
Cathy Clark, Administrative Assistant

The meeting was called to order at 12:04 p.m.

**Call To Order**

Mr. Quesenberry asked for public comment.

**Public Comment**

Ms. Leah Smith, cosmetologist, addressed the Committee regarding endorsement requirements for out-of-state applicants and provided the Committee with a hand-out of her recommendations.

Ms. Laura Todd, owner/operator and instructor at the Institute of Advanced Medical Esthetics, addressed the Committee on the training hour requirements for estheticians and master estheticians and on the average exam scores for both. Ms. Todd provided the Committee with a hand-out outline of her remarks.

Mr. Matthew England, master esthetics instructor, also addressed the Committee on the currently required hours for estheticians and master estheticians and on the low score outcomes for both professions.

Ms. Christine Werne, owner/operator and instructor at The Chrysm Institute of Esthetics, addressed the Committee and recommended more instructional hours and a broader curriculum for esthetics and master esthetics.

Mr. Kirschner stated the background and goals of the Committee and presented a slide show that included an overview of training in Virginia,

**Discussion**

results of the recent Schools Survey, and research into national training trends. Mr. Kirschner also presented the Committee with recommendations to consider, including (1) a tiered licensure model; (2) hours and performances requirements; (3) instructor programs; and (4) transfer hours. The committee expressed interest in the tiered licensure model, and requested that staff prepare more detailed recommendations for implementing that training model, including additional research on how it would impact schools and gathering feedback from a stakeholder committee.

After discussion of the staff recommendations, and upon a motion by Mr. Quesenberry and seconded by Ms. LaPierre, the Committee voted to recommend the development of a hair only license to the full Board at its next meeting on September 9, 2019

**Recommendation  
for Full Board**

The Committee members voting 'yes' were Ms. Dang, Ms. LaPierre, Mr. Quesenberry, and Mr. Roberts. There were no negative votes. The motion passed unanimously.

There being no other discussion, the meeting was adjourned at 2:20 p.m.

**Adjourn**

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Lonnie Quesenberry, Board Chair

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Mary Broz Vaughan, Acting Board Secretary

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**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** STEPHEN KIRSCHNER, REGULATORY OPERATIONS ADMINISTRATOR  
**SUBJECT:** DEFINITION OF CONTACT HOURS  
**DATE:** AUGUST 23, 2019

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## **I. Background**

Board regulations require specific “clock hours” for each professions school training programs. However, none of the regulations define what a clock hour means. Some schools interpret this as 60 full minutes. Other schools interpret this as at least 50 minutes of instruction. The State Council of Higher Education in Virginia (SCHEV) certifies post-secondary education institutions in Virginia, including many licensed schools. Their regulations define clock hour as a minimum of 50 minutes. There are 50 different programs in dozens of schools that are certified by SCHEV and are required to utilize that definition.

## **II. Issue**

Staff frequently is asked by schools which standard to apply. This comes up most often when schools are applying for licensure, adding a program, or attempting to get certified by SCHEV. If the Board adopts a standard different from the SCHEV requirement, many of the larger schools would be required to change their practices, and could be negatively impacted.

## **III. Board Guidance**

Staff would like guidance on how the Board defines “contact hour” for purposes of the school training hours requirements under the barbers and cosmetology, tattooing, and esthetics regulations. Staff would recommend the following guidance, adopting the requirement SCHEV has for its certified schools.

Clock hour, as used in reference to the hours of instruction requirements established in the regulations, shall have the same meaning as "Clock hour" under State Council of Higher Education for Virginia Regulation 8 VAC 40-31-10. ““Clock (or contact) hour” means a minimum of 50 minutes of supervised or directed instruction and appropriate breaks.”



**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** STEPHEN KIRSCHNER, REGULATORY OPERATIONS ADMINISTRATOR  
**SUBJECT:** PERIODIC REGULATORY REVIEW  
**DATE:** AUGUST 23, 2019

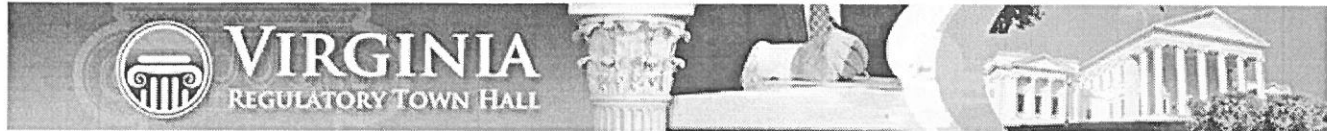
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The Code of Virginia and Governor's Executive Order 14 requires that state regulations be reviewed every four years to determine whether "they should be continued without change or be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact on small business" while protecting the health, safety, and welfare of the public. The regulatory review must include: (1) the continued need for the rule; (2) the nature and complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. The Board has five sets of regulations that will be subject to this review: Barbers and Cosmetology Regulations (18 VAC 41-20), Esthetics Regulations (18 VAC 41-70), Tattooing Regulations (18 VAC 41-50), Body Piercing Regulations (18 VAC 41-60), and Public Participation Guidelines Regulations (18 VAC 41-11).

From June 24 to July 15, 2019, the agency received public comment on each of the Board's regulations. The Board received public comments regarding three sets of regulations: Tattooing, Body Piercing, and Esthetics. Those comments are attached. At the September Board meeting, the Board will discuss the comments and determine whether to retain each of the regulations as is, or begin a regulatory action to make changes to some or all of the sets of regulations.

DRAFT AGENDA  
Materials contained in this agenda are for discussion purposes only and are not to be construed as regulatory action for any official board position.  
DRAFT AGENDA

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**Agency** Department of Professional and Occupational Regulation**Board** Board for Barbers and Cosmetology**Chapter** Board for Barbers and Cosmetology Tattooing Regulations [18 VAC 41-50]

1 comments

All comments for this forum

[Back to List of Comments](#)**Commenter:** Brian Fillman

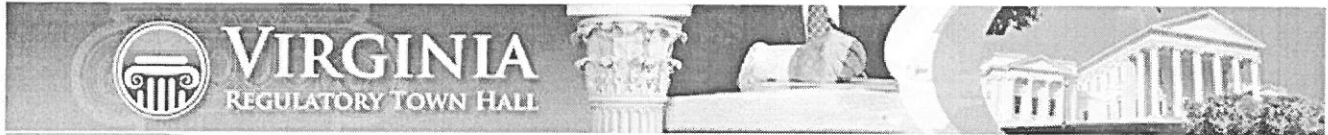
6/28/19 9:24 am

**Board for Barbers and Cosmetology Tattooing Regulations [18 VAC 41-50]**

This regulation should be repealed. This industry like any other, is self regulating. If someone gets hurt or has any type of a bad experience the world knows about it almost instantly. With today's social media impact, if a business is dirty, does poor quality work or any other negative aspect will be broadcast, and the business will suffer and most likely be out of business shortly. Any type of personal service oriented business works this way. The government does not/should not have to regulate common sense.

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Agency Department of Professional and Occupational Regulation

Board Board for Barbers and Cosmetology

Chapter Board for Barbers and Cosmetology Body-Piercing Regulations [18 VAC 41 - 60]

1 comments

All comments for this forum

[Back to List of Comments](#)

Commenter: Body of Xpression, LLC

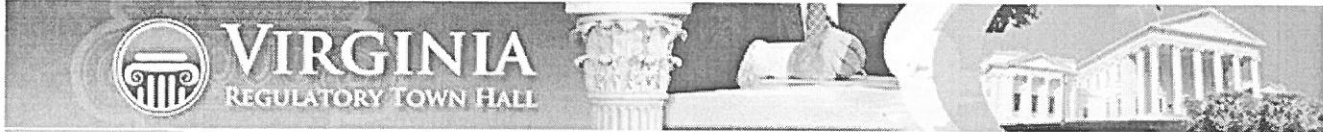
8/28/19 6:56 pm

regulation

I do believe the regulations should be retained. I would like to suggest some type of enforcement to the regulations. The last time I filed a complaint against a shop/studio I was informed that the dpwr called the studio and asked them if they were following the regulations. I think complaints should actually be **looked** into as we take the time to make them and we follow the regulation in spite of getting complaints from customers for doing so.

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Agency Department of Professional and Occupational Regulation

Board Board for Barbers and Cosmetology

Chapter Board for Barbers and Cosmetology Esthetics Regulations [18 VAC 41-70]

1 comments

All comments for this forum

[Back to List of Comments](#)

Commenter: Nichole

7/2/19 2:23 pm

**Lash Extension Requirements**

Individual lash extension licensing requirements should be reviewed and amended. It does not seem feasible to require a newcomer to take a 600 hour course and pay thousands of dollars in order to, by law, be able to apply individual extensions. This section of the regulations should be reviewed and added to its own section just as Permanent Cosmetic Tattooer has it's own section within tattooing.

DRAFT AGENDA  
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and are not to be construed as regulation or official Board position.  
DRAFT AGENDA



**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** STEPHEN KIRSCHNER, REGULATORY OPERATIONS ADMINISTRATOR  
**SUBJECT:** FINANCIAL STATEMENTS  
**DATE:** AUGUST 23, 2019

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Attached you will find the most recent Statement of Financial Activity and the Supporting Statement of Year-to-Date Activity for the Board. Additionally, you will find the Agency Statement of Financial Activity.

We have also included the Statement of Financial Activity and Supporting Statement from June 2019, which shows the entire Fiscal Year 2019 revenue and expenditures. At the upcoming meeting, the Agency's Director of Finance, Jeff Waite, will provide an overview of Board's financial positions for last year and the upcoming year, and be available for questions.

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Department of Professional and Occupational Regulation  
Statement of Financial Activity

**Board for Barbers and Cosmetology**  
**954230**

2018-2020 Biennium

July 2019

	July 2019 Activity	Biennium-to-Date Comparison	
		July 2016 - July 2017	July 2018 - July 2019
Cash/Revenue Balance Brought Forward			6,798,122
Revenues	303,730	3,983,867	3,727,500
Cumulative Revenues			10,525,622
Cost Categories:			
Board Expenditures	19,497	159,677	193,692
Board Administration	146,943	1,065,540	1,250,135
Administration of Exams	9,573	63,986	72,763
Enforcement	98,240	696,680	800,794
Legal Services	0	20,688	20,376
Information Systems	41,475	735,240	966,752
Facilities and Support Services	15,310	285,349	354,562
Agency Administration	57,657	707,634	554,509
Other / Transfers	0	93,739	(57)
Transfer To/(From) Cash Reserves	6,312,097	0	6,312,097
<b>Total Expenses</b>	<b>6,700,792</b>	<b>3,828,531</b>	<b>10,525,622</b>
Ending Cash/Revenue Balance			0

Cash Reserve Beginning Balance	0	0	0
Change in Cash Reserve	6,312,097	0	6,312,097
Ending Cash Reserve Balance	6,312,097	0	6,312,097

Number of Regulators	
Current Month	73,879
Previous Biennium-to-Date	72,525

Department of Professional and Occupational Regulation  
 Supporting Statement of Year-to-Date Activity  
 Board for Barbers and Cosmetology - 954230  
 Fiscal Year 2020

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)		
																	Amount	%	
Board Expenditures	19,497	0	0	0	0	0	0	0	0	0	0	0	19,497	194,364	174,867	181,125	13,239	6.8%	
Board Administration	146,943	0	0	0	0	0	0	0	0	0	0	0	146,943	1,370,170	1,223,228	1,102,964	267,206	19.5%	
Administration of Exams	9,573	0	0	0	0	0	0	0	0	0	0	0	9,573	66,517	56,944	82,752	-16,235	-24.4%	
Enforcement	98,240	0	0	0	0	0	0	0	0	0	0	0	98,240	1,017,523	919,283	695,942	321,581	31.6%	
Legal Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Information Systems	41,475	0	0	0	0	0	0	0	0	0	0	0	41,475	960,257	918,782	328,744	631,513	65.8%	
Facilities / Support Svcs	15,310	0	0	0	0	0	0	0	0	0	0	0	15,310	357,480	342,170	130,489	226,991	63.5%	
Agency Administration	57,657	0	0	0	0	0	0	0	0	0	0	0	57,657	612,996	555,339	407,939	205,057	33.5%	
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>Total Charges</b>	<b>388,695</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>388,695</b>	<b>4,579,068</b>	<b>4,190,613</b>	<b>2,929,955</b>	<b>1,649,353</b>	<b>36.0%</b>	

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Department of Professional and Occupational Regulation  
Statement of Financial Activity

**Agency Total**

2018-2020 Biennium

July 2019

	July 2019 Activity	Biennium-to-Date Comparison	
		July 2016 - July 2017	July 2018 - July 2019
Cash/Revenue Balance Brought Forward			27,183,878
Revenues	1,620,748	20,117,971	20,110,011
Cumulative Revenues			47,293,889
<b>Cost Categories:</b>			
Board Expenditures	194,070	1,653,478	1,933,802
Board Administration	601,122	4,348,350	5,122,711
Administration of Exams	45,113	275,007	348,777
Enforcement	846,274	6,826,768	7,460,138
Legal Services	1,080	207,671	207,572
Information Systems	173,830	3,070,557	4,058,573
Facilities and Support Services	84,874	1,774,654	2,102,826
Agency Administration	241,651	2,957,361	2,327,127
Other / Transfers	0	(1,531)	8,280
Transfer To/(From) Cash Reserves	23,724,083	0	23,724,083
<b>Total Expenses</b>	<b>25,912,098</b>	<b>21,112,315</b>	<b>47,293,889</b>
Ending Cash/Revenue Balance			0

Cash Reserve Beginning Balance	0	0	0
Change in Cash Reserve	23,724,083	0	23,724,083
Ending Cash Reserve Balance	23,724,083	0	23,724,083

**Number of Regulants**

Current Month	313,182
Previous Biennium-to-Date	303,983

Department of Professional and Occupational Regulation  
Statement of Financial Activity

Board for Barbers and Cosmetology  
954230

2018-2020 Biennium

June 2019

	June 2019 Activity	Biennium-to-Date Comparison	
		July 2016 - June 2017	July 2018 - June 2019
Cash/Revenue Balance Brought Forward			6,798,122
Revenues	313,525	3,704,992	3,423,770
Cumulative Revenues			10,221,892
Cost Categories:			
Board Expenditures	11,443	147,651	174,195
Board Administration	50,329	937,770	1,103,192
Administration of Exams	3,985	57,056	63,190
Enforcement	31,410	619,191	702,554
Legal Services	0	20,688	20,376
Information Systems	153,625	689,320	925,277
Facilities and Support Services	44,954	275,438	339,252
Agency Administration	21,434	640,957	496,851
Other / Transfers	(57)	92,946	(57)
Transfer To/(From) Cash Reserves	0	0	0
Total Expenses	317,721	3,481,018	3,824,830
Ending Cash/Revenue Balance			6,397,062

Cash Reserve Beginning Balance	0	0	0
Change in Cash Reserve	0	0	0
Ending Cash Reserve Balance	0	0	0

Number of Regulants	
Current Month	73,570
Previous Biennium-to-Date	72,270

Department of Professional and Occupational Regulation  
Supporting Statement of Year-to-Date Activity  
Board for Barbers and Cosmetology - 954230  
Fiscal Year 2019

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable) Amount	%
Board Expenditures	18,782	15,304	14,103	17,531	16,746	11,646	14,072	13,119	14,209	13,609	13,656	11,443	174,195	198,312	24,117	174,195	24,117	12.2%
Board Administration	139,395	91,628	93,846	89,301	88,709	88,162	92,334	92,264	92,283	92,060	92,280	50,929	1,103,192	1,351,147	247,955	1,103,192	247,955	18.4%
Administration of Exams	10,051	6,279	4,809	4,999	4,709	4,718	4,718	4,778	4,778	4,703	4,806	3,983	63,190	68,898	5,709	63,190	5,709	8.3%
Enforcement	82,457	58,011	55,685	55,901	60,899	58,114	61,461	60,131	59,997	59,385	59,103	31,410	702,554	882,364	179,809	702,554	179,809	20.4%
Legal Services	0	5,094	0	5,094	0	0	5,094	0	0	5,094	0	0	20,376	20,377	1	20,376	1	0.0%
Information Systems	45,495	111,974	71,791	34,792	66,133	71,481	111,680	64,449	27,997	90,852	5,008	153,625	925,277	989,206	63,929	925,277	63,929	6.5%
Facilities / Support Svcs	14,249	27,006	29,204	25,890	30,037	26,269	26,382	25,291	28,277	33,449	28,245	44,954	339,252	352,127	12,875	339,252	12,875	3.7%
Agency Administration	65,717	40,195	41,246	38,760	43,690	40,303	45,239	37,475	39,768	37,528	45,507	21,434	496,851	616,427	119,576	496,851	119,576	19.4%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	-57	-57	0	57	-57	57	
<b>Total Charges</b>	<b>376,147</b>	<b>355,491</b>	<b>310,684</b>	<b>272,268</b>	<b>310,895</b>	<b>300,693</b>	<b>360,935</b>	<b>297,411</b>	<b>267,299</b>	<b>336,680</b>	<b>318,606</b>	<b>317,721</b>	<b>3,824,830</b>	<b>4,478,659</b>	<b>654,028</b>	<b>3,824,830</b>	<b>654,028</b>	<b>14.6%</b>

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**TO:** VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY  
**FROM:** STEPHEN KIRSCHNER, REGULATORY OPERATIONS ADMINISTRATOR  
**SUBJECT:** STANDING COMMITTEE ON TRAINING  
**DATE:** AUGUST 23, 2019

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Following the September 9<sup>th</sup> meeting, the Board will immediately convene its Standing Committee on Training. At the last meeting, on July 29<sup>th</sup>, the committee reviewed Virginia's training requirements, national trends, and proposals to modify Virginia's current training model. The committee determined that it was interested in the tier licensure model used by West Virginia, and asked staff to prepare a recommendation for implementing such a system. The committee also saw the benefits of having a hair only license as a subset of the cosmetology license, and asked the Board to consider such a proposal at the September 9<sup>th</sup> meeting.

I would encourage all of the Board members to stay for the next committee meeting following the September 9<sup>th</sup> meeting. The agenda includes a staff recommendation for implementing a tiered licensure model in Virginia and discussion of changing training hours for the different professions. The committee agenda is attached.

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**BOARD FOR BARBERS AND COSMETOLOGY**

**Standing Committee on Training Meeting**

**TENTATIVE AGENDA**

**SEPTEMBER 9, 2019, 11:00 AM  
FOLLOWING THE 9:00 AM BOARD MEETING**

Board Room 1, 2<sup>nd</sup> Floor Conference Center  
Department of Professional and Occupational Regulation, 9960 Mayland Drive  
Richmond, Virginia 23233 804-367-8509

**I. CALL TO ORDER**

**II. PUBLIC COMMENT**

**III. DISCUSSION**

- A. Tiered licensure proposal**
- B. Recommend Hours for Each Program**
- C. Stakeholder Group Update**
- D. Next Steps**

**IV. ADJOURN**

**NEXT MEETING DATE November 18, 2019  
Immediately following 9:00 AM Board Meeting**

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