

**BOARD FOR BARBERS AND COSMETOLOGY
TENTATIVE AGENDA**

Monday, January 10, 2022 – 9:00 a.m., Board Room 4, 2nd 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, January 10, 2022

III. APPROVAL OF MINUTES

2. Board for Barbers and Cosmetology Meeting Draft Minutes, November 8, 2021
3. Board for Barbers and Cosmetology Standing Committee Draft Minutes, November 8, 2021
4. Board for Barbers and Cosmetology Exam Review Committee Draft Minutes, September 21, 2021

IV. COMMUNICATIONS

5. Email exchange from Stefania Rafeedie, between November 5 and November 29, 2021, regarding eyebrow specialty license.

V. PUBLIC COMMENT PERIOD *

VI. CASES

- | | | | |
|-----|------------|--|--------------|
| 6. | 2016-03145 | Le Quyen Hoai Nguyen | Disciplinary |
| 7. | 2016-03222 | Thuong Thi Le | Disciplinary |
| 8. | 2016-03287 | Tuyet Thi Phan | Disciplinary |
| 9. | 2016-03370 | Hoang Phung Bui | Disciplinary |
| 10. | 2020-00031 | Tina Annette Richardson | Disciplinary |
| 11. | 2020-01070 | Northern Virginia Laser and Esthetics Training, LLC
t/a NOVA Laser and Esthetics Training | Disciplinary |
| 12. | 2020-01860 | Hue Vu | Disciplinary |
| 13. | 2021-00693 | Northern Virginia Laser and Esthetics Training, LLC
t/a NOVA Laser and Esthetics Training | Disciplinary |
| 14. | 2016-03245 | Loan Dang Thi Tran | Prima Facie |
| 15. | 2021-01851 | Epsilon Consulting, t/a Elite Beauty Institute | Prima Facie |
| 16. | 2021-00274 | Dashalia Dearra Burks | Licensing |
| 17. | 2021-00795 | Tiffani Leigh Parks | Licensing |
| 18. | 2021-01013 | Linh M Tran | Licensing |
| 19. | 2021-01349 | Marnie Jean Peck | Licensing |
| 20. | 2021-01503 | Kayla Lachelle French | Licensing |
| 21. | 2021-01663 | Nicole Marie Williams-Walker | Licensing |
| 22. | 2021-01665 | Christopher Lee Williams | Licensing |

23. 2021-01766	Christine Nicole Curtis	Licensing
24. 2021-01871	Kieu Thi Lam	Licensing
25. 2021-02034	Timothy Lamont Wilson	Licensing
26. 2021-02035	James Wilson Hamlette, Jr.	Licensing

VII. EXAMINATIONS

A. STATISTICS

B. REPORT ON EXAMINATIONS

VIII. REPORTS

A. REPORT ON STANDING COMMITTEE ACTIVITIES

IX. REGULATORY ACTION AND BOARD GUIDANCE

A. REGULATORY REPORT

B. PROPOSED INSTRUCTOR REGULATIONS APPROVAL

C. PETITION FOR RULEMAKING - ESTHETICS BATHROOM REQUIREMENT

X. NEW BUSINESS

XI. 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.

2022 MEETING DATES:

January 10, 2022

March 14, 2022

May 23, 2022

July 11, 2022

September 26, 2022

November 14, 2022

BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met on Monday, November 8, 2021, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia. The following board members were present for all or part of the meeting:

Oanh Pham Kim Dang (arrived 9:33 am)
Margaret B. LaPierre
Bo Machayo
Alfred O. Mayes
Lonnie Quesenberry
Matthew D. Roberts
Sandra G. Smith

The following board members were not present:

Gilda Acosta
Renee' Gilanshan
Rev. Darrin Hill

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

Mary Broz-Vaughan, Agency Director
Tom Payne, Deputy Director
Stephen Kirschner, Executive Director
Joseph Crook, Regulatory Operations Administrator
Tamika Rodriguez, Licensing Operations Administrator
Amy Goobic, Executive Assistant

There was no representative from the Office of the Attorney General present for the meeting.

Mr. Roberts, Chair, determined a quorum was present and called the meeting Call to Order to order at 9:18 a.m.

The Board took the Agenda under consideration. Mr. Roberts asked for any amendments. Mr. Kirschner indicated the minutes provided to the Board for the September 21, 2021, Exam Committee meeting would be removed from the agenda and considered at the January 10, 2022, board meeting.

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

The members voting 'yes' were: LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Approval of Agenda

The Board took the minutes of the September 20, 2021 Board Meeting and the Standing Committee under consideration. Mr. Roberts asked for any amendments. There were none.

Upon a motion by Mr. Quesenberry and seconded by Mr. Machayo, the Board voted to approve the minutes.

The members voting 'yes' were: LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Mr. Kirschner stated there were no Communication items to share with the Board.

Mr. Roberts asked if there was public comment. There was none.

Mr. Kirschner informed the Board that two prima facie cases from previous meetings, would need to be reconsidered, as contact had been made with the respondents. The two files are 2016-03054, Kieu Thi Thu Nguyen, and 2016-03439, Tran T. Bui. Mr. Machayo moved to reconsider the two cases. Mr. Mayes seconded the motion.

The members voting 'yes' were: LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

In the matter of **File Number 2016-03054, Kieu Thi Thu Nguyen**, the Board reconsidered the case, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Kieu Nguyen did not appear at the meeting in person, by counsel or by any other qualified representative.

Concerning Count 1, upon a motion by Ms. LaPierre and seconded by Mr. Mayes, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Kieu Nguyen violated the following section of its Regulations: three violations of 18 VAC 41-20-280.A.3.

The members voting 'yes' were: LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Upon a motion by Ms. LaPierre and seconded by Mr. Mayes, the Board voted to impose the following sanctions: \$2,500 for each of the violations in Count

Approval of Minutes for the September 20, 2021 Meeting of the Board for Barbers and Cosmetology and Board for Barbers and Cosmetology Standing Committee

Communications

Public Comment

CASES

File Number 2016-03054, Kieu Thi Thu Nguyen

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

1, for a total monetary penalty of \$7,500; and revocation of Kieu Nguyen's license.

The members voting 'yes' were: LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

In the matter of **File Number 2016-03439, Tran T. Bui**, the Board reviewed reconsidered the case, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcripts and exhibits. Tran Bui did not appear at the meeting in person, by counsel or by any other qualified representative.

File Number 2016-03439, Tran T. Bui

Concerning Count 1, upon a motion by Mr. Quesenberry and seconded by Mr. Mayes, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Tran Bui violated the following section of its Regulations: three violations of 18 VAC 41-20-280.A.3.

The members voting 'yes' were: LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Upon a motion by Ms. LaPierre and seconded by Mr. Mayes, the Board voted to impose the following sanctions: \$2,500 for each of the violations in Count 1, for a total monetary penalty of \$7,500; and revocation of Tran Bui's license.

The members voting 'yes' were: LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

In the matter of **File Number 2021-01597, Lily Coria**, the Board reviewed the record, which consisted of the Consent Order. Lily Coria did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2021-01597, Lily Coria

By signing the Consent Order, Lily Coria acknowledges an understanding of charges and admits to the violation of the Count as outlined in the Report of Findings and consent to the following term(s):

Count 1:	18 VAC 41-20-280.3	\$ 500.00

SUB-TOTAL (MONETARY PENALTIES)		\$ 500.00
BOARD COSTS		\$ 150.00
TOTAL		\$ 650.00

Upon a motion by Mr. Quesenberry and seconded by Mayes, the Board voted to accept the Consent Order.

The members voting 'yes' were: LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Ms. Dang arrived at 9:33 a.m.

**Arrival of Board
Member Dang**

Hai Thi Nguyen (by interpreter) and counsel Jonathan Arthur, were present to address the Board. Mr. Arthur asserted that there was no substantial evidence to support the Informal Fact-Finding summary and recommendations.

**File Number 2016-
03293, Hai Thi
Nguyen**

In the matter of **File Number 2016-03293, Hai Thi Nguyen**, the Board reviewed reconsidered the case, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcripts and exhibits.

Concerning Count 1, upon a motion by Mr. Quesenberry and seconded by Mr. Mayes, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Hai Thi Nguyen violated the following section of its Regulations: two violations of 18 VAC 41-20-280 A.3.

The members voting 'yes' were: Dang, LaPierre, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously. Mr. Machayo was not present for the vote.

Ms. LaPierre moved to impose no monetary penalty, but to impose revocation of license. Mr. Mayes seconded the motion.

The members voting 'yes' were: Dang, LaPierre, Mayes, and Smith. Those voting 'no' were: Quesenberry and Roberts. Mr. Machayo was not present for the vote. The motion did not pass.

Mr. Quesenberry moved to reduce the monetary penalty from \$2000 per violation, to \$1000 per violation, for a total monetary penalty of \$2000, and revocation of license. Ms. LaPierre seconded the motion.

The members voting 'yes' were: Dang, LaPierre, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously. Mr. Machayo was not present for the vote.

In the matter of **File Number 2020-02205, Darin Edward LeLeux**, the Board reviewed the case, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcripts and exhibits. Darin LeLeux did not appear at the meeting in person, by counsel or by any other qualified representative.

File Number 2020-02205, Darin Edward LeLeux

Concerning Count 1, upon a motion by Mr. Quesenberry and seconded by Ms. LaPierre, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Darin LeLeux violated the following section of its Regulations: 18 VAC 41-50-420.A.4.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Upon a motion by Ms. LaPierre and seconded by Mr. Quesenberry, the Board voted to impose the following sanctions: \$1,400 for the violation in Count 1, and probation for the duration of his period of licensure. Under the terms of probation, Mr. LeLeux shall not participate in the apprentice sponsorship program, and shall not take on additional tattooing apprentices. If terms of the probation are violated, the Board shall revoke Mr. LeLeux's license.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

In the matter of **File Number 2016-03465, Zoila Silia Molina**, the Board reviewed the case, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcripts and exhibits. Zoila Molina did not appear at the meeting in person, by counsel or by any other qualified representative.

File Number 2016-03465, Zoila Silia Molina

Concerning Count 1, upon a motion by Ms. LaPierre and seconded by Mr. Mayes, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Zoila Molina violated the following section of its Regulations: 18 VAC 41-20-280.A.3.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Upon a motion by Ms. LaPierre and seconded by Mr. Mayes, the Board voted to impose the following sanctions: \$1,500 for the violation in Count 1, and revocation of Zoila Molina's license.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

In the matter of **File Number 2017-02430, Thuy Kim Hoang**, the Board reviewed the case, which consisted of the Summary of the Informal Fact-Finding Conference, Investigative file, Report of Findings, transcripts and exhibits. Thuy Kim Hoang did not appear at the meeting in person, by counsel or by any other qualified representative.

File Number 2017-02430, Thuy Kim Hoang

Concerning Count 1, upon a motion by Mr. Quesenberry and seconded by Ms. LaPierre, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Thuy Kim Hoang violated the following section of its Regulations: 18 VAC 41-20-280.A.3.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Upon a motion by Ms. LaPierre and seconded by Mr. Mayes, the Board voted to impose the following sanctions: \$2,500 for the violation in Count 1, and revocation of Thuy Kim Hoang's license.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Mr. Levett was present to address the Board. In the matter of **File Number 2021-01502, Shawn Eugene Levett**, the Board reviewed the record, which consisted of the application files, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference.

File Number 2021-01502, Shawn Eugene Levett

Upon a motion by Mr. Quesenberry and seconded by Ms. LaPierre, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Shawn Eugene Levett's application for a body piercing license.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

In the matter of **File Number 2021-01858, Brandi Michelle Bovell**, and **File Number 2021-02130, Old Mechanicsville Health Spa**, the Board reviewed the records, which consisted of the Consent Orders. Ms. Bovell did not appear at the meeting in person, by counsel, or by any other qualified representative.

File Number 2021-01858, Brandi Michelle Bovell and File Number 2021-02130, Old Mechanicsville Health Spa

By signing the Consent Order for File Number 2021-01858, Ms. Bovell acknowledges an understanding of charges and admits to the violation of the Count as outlined in the Report of Findings and consent to the following term(s):

Count 1:	18 VAC 41-20-280.3	\$ 500.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 500.00
	BOARD COSTS	\$ 150.00
	TOTAL	\$ 650.00

Further, for violation of Count 1, Bovell agrees to a two (2) year probation of her license as of the effective date of this Order. During this two (2) year probation, Bovell agrees to comply with the regulations of the Board for Barbers and Cosmetology; and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Bovell that Bovell is in compliance with the regulations of the Board for Barbers and Cosmetology. If Bovell violates any terms of this probation, her license may be revoked, pending review by the Board.

By signing the Consent Order for File Number 2021-02130, Ms. Bovell acknowledges an understanding of charges and admits to the violation of the Count as outlined in the Report of Findings and consent to the following term(s):

Count 1:	18 VAC 41-20-280.3	\$ 500.00

	SUB-TOTAL (MONETARY PENALTIES)	\$ 500.00
	BOARD COSTS	\$ 150.00
	TOTAL	\$ 650.00

Upon a motion by Mr. Quesenberry and seconded by Mayes, the Board voted to accept the Consent Orders.

The members voting 'yes' were: Dang, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously. Ms. LaPierre was not present for the vote.

Ms. Cao was present to address the Board and requested the Board reconsider the recommended sanctions, and allow her to retain her instructor's license and reduce the monetary penalty.

File Number 2020-01538, Dung Thi An Cao

In the matter of **File Number 2020-01538, Dung Thi An Cao**, the Board reviewed the case, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcripts and exhibits.

Concerning Count 1, Ms. LaPierre made a motion to adopt the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Dung Thi An Cao violated the following section of its Regulations: 18 VAC 41-20-280.A.4. There was no second to the motion. Board members were informed that Ms. Cao was not present for the initial Informal Fact-Finding Conference. Mr. Machayo moved to refer Ms. Cao to an Informal Fact-Finding Conference. Mr. Mayes seconded the motion. Discussion was held and the motion was withdrawn.

Upon a motion by Ms. LaPierre, and seconded by Ms. Smith, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Dung Thi An Cao violated the following section of its Regulations: 18 VAC 41-20-280.A.4.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Roberts, and Smith. The motion passed unanimously. As the presiding Board member, Mr. Quesenberry was not present for the discussion or vote.

Upon a motion by Ms. LaPierre and seconded by Mr. Mayes, the Board voted to impose the following sanctions: \$2,500 for the violation in Count 1, and revocation of Dung Thi An Cao's license.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Roberts, and Smith. The motion passed unanimously. As the presiding Board member, Mr. Quesenberry was not present for the discussion or vote.

In the matter of **File Number 2016-03038, Thien Nga Nguyen**, the Board reconsidered the case, which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Thien Nga Nguyen did not appear at the meeting in person, by counsel or by any other qualified representative.

**File 2016-03038
Thien Nga Nguyen**

Concerning Count 1, upon a motion by Ms. LaPierre and seconded by Mr. Quesenberry, the Board adopted the Report of Findings which contains the

facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Thien Nga Nguyen violated the following section of its Regulations: two violations of 18 VAC 41-20-280.A.3.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, and Smith. The motion passed unanimously. As the presiding Board member, Mr. Roberts was not present for the discussion or vote.

Upon a motion by Ms. LaPierre and seconded by Mr. Quesenberry, the Board voted to impose the following sanctions: \$2,250 for each of the violations in Count 1, for a total monetary penalty of \$4,500; and revocation of Thien Nga Nguyen's license.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, and Smith. The motion passed unanimously. As the presiding Board member, Mr. Roberts was not present for the discussion or vote.

In the matter of **File Number 2016-03443, Trang Thanh Luby**, the Board reviewed the case, which consisted of the Summary of the Informal Fact-Finding Conference, investigative file, Report of Findings, transcripts and exhibits. Trang Thanh Luby did not appear at the meeting in person, by counsel or by any other qualified representative.

File Number 2016-03443, Trang Thanh Luby

Concerning Count 1, upon a motion by Ms. LaPierre and seconded by Mr. Quesenberry, the Board adopted the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Trang Thanh Luby violated the following section of its Regulations: 18 VAC 41-20-280.A.3.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, and Smith. The motion passed unanimously. As the presiding Board member, Mr. Roberts was not present for the discussion or vote.

Upon a motion by Ms. LaPierre and seconded by Mr. Quesenberry, the Board voted to impose the following sanctions: \$2,250 for the violation in Count 1, and revocation of Trang Thanh Luby's license.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, and Smith. The motion passed unanimously. As the presiding Board member, Mr. Roberts was not present for the discussion or vote.

EXAMINATIONS

Exam Statistics

Ms. Rodriguez provided a report to the Board on examination pass rates for 2021.

**Report on
Examinations and
Exam Content
Committee**

Shannon Webster, DPOR Director of Workforce Development addressed the Board. Ms. Webster provided information on the Virginia Bonding Program. The program, through the Virginia Department of Corrections (VADOC), provides employers a \$5,000 bond to cover the first six months of employment to a person with a conviction, at no cost to the job applicant or the employer. The bond covers larceny, forgery, embezzlement, and theft. Ms. Webster provided additional details of the requirements, and informed the Board that the Board for Contractors and the Board for Asbestos, Lead, and Home Inspectors have endorsed the program. Ms. Broz-Vaughan stated that the bond is renewable after six months at a cost to the employer. Upon a motion by Mr. Machayo and seconded by Mr. Mayes, the Board voted to endorse the Virginia Bonding Program. The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Roberts, Quesenberry, and Smith. The motion passed unanimously.

Mr. Kirschner provided information on the current exam vendor contract with PSI, explaining that the contract is for three years. The Board can either vote to extend the contract for an additional year or put out a Request for Proposal (RFP) for a new vendor. He stated that staff recommends extending the contract due to improvements by PSI, stability for schools and applicants, and logistical conflicts next year when DPOR is expected to replace its licensing software.

Upon a motion by Mr. Mayes and seconded by Ms. Dang, the Board voted to adopt the extend the contract with PSI for one year.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Mr. Kirschner reported on the Exam Content Committee, stating that the committee reviewed National Interstate Council of State Boards of Cosmetology (NIC) new versions of the wax, nail, esthetics, and master esthetics exams. The Committee recommends using the new versions.

Upon a motion by Mr. Quesenberry and seconded by Mr. Mayes, the Board voted to adopt the new exams.

The members voting 'yes' were: Dang, LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Shannon Webster, Director of Workforce Development, reported that she attended the ribbon cutting October 27, for the new esthetics school at Centura College in Chesapeake.

REPORTS

Mr. Mayes provided a report on the National Association of Barber Boards of America (NABBA) conference. As the Virginia delegate, Mr. Mayes attended the conference held September 19-23, in Washington D.C. Mr. Mayes reviewed topics highlighted at the conference, and also informed the Board that he was installed as the 3rd Vice-President of the Association.

NABBA Conference

Mr. Kirschner provided a report on the National Interstate Council of State Boards of Cosmetology (NIC) Conference. He reported that NIC is considering a national database of licensed cosmetologists, and also considering create a national credential with the NIC exam. Mr. Kirschner stated that NIC changed its structure by hiring a full time permanent director and staff. Discussion was held on state participation, Mr. Kirschner informed the Board that currently 30 states are members of NIC, and 35 use the NIC exams. States do not have to be members to use the exam.

NIC Conference

Mr. Kirschner provided a report on remote proctored exams. He informed the Board that PSI (current exam vendor) and NIC are both considering, and that NIC authorized two vendors to administer exams remotely however PSI is not one of them. Mr. Kirschner explained that if the Board would like to adopt remote proctoring, they would either need to change vendor or change which exam it used.

Remote Proctored Examinations

Mr. Crook presented a report on four pending regulatory actions: 1) Amend the instructor training program to establish a unified instructor program for licensed cosmetology, barber, nail and wax schools; 2) This proposal will create specific rules for schools to accept transfer students. The proposal is based on the esthetics regulation governing student transfers, and would allow transfers between schools based on a competency exam and transcripts from the prior school. The number of hours awarded may not exceed the actual number of hours of instruction, or the number of hours specified for a topic in the Board approved curriculum. This proposal also removes the limit on hours that can be transferred in the esthetics regulations; 3) Amend existing regulations conforms regulations concerning qualifications for licensure and standards of conduct to the marijuana legalization law that limits dissemination of criminal history record information, and removes reporting by applicants or licensees of misdemeanor marijuana convictions; 4) A general review of the tattooing and body-piercing regulations due to

Regulatory Report

changes in the body art industry, and the time elapsed since the last regulatory changes.

Mr. Kirschner advised the Board that a Petition for Rulemaking had been filed, which can be done by a member of the public. The petition was filed to change the regulatory language pertaining to the requirement for salons/spas to have bathrooms for use by clients only. The petition will be put out for public comment, and comments will be presented to the Board at the January board meeting. If the Board votes to accept the petition, the regulatory process to amend or repeal the regulation would begin.

NEW BUSINESS

Mr. Kirschner introduced Tom Payne, new Deputy Director of Compliance and Licensing.

Introduction of Deputy Director

The Board was provided financial statements for informational purposes.

Financials

There being no further business to be brought before the Board, Mr. Roberts adjourned the meeting at 11:32 a.m.

Adjourn

Matthew D. Roberts, Board Chair

Mary Broz-Vaughan, Board Secretary

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

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

MINUTES OF MEETING

The Board for Barbers & Cosmetology Standing Committee on Training met on Monday, November 8, 2021, immediately following the full Board Meeting at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Board Room 2, Richmond, Virginia. The following Board members were present:

Margaret B. LaPierre
Bo Machayo
Alfred O. Mayes
Lonnie Quesenberry
Matthew D. Roberts
Sandra G. Smith

DPOR staff present for the meeting included:

Stephen Kirschner, Executive Director
Joseph Crook, Regulatory Operations Administrator
Amy Goobic, Administrative Assistant

The meeting was called to order at 11:50 a.m.

Call To Order

Mr. Kirschner introduced Leslie Roste, National Director of Education and Industry Relations for Barbicide, and National Director of Industry Relations & Education for King Research. He indicated that she will provide feedback on the board's curriculum later in the meeting.

Welcome Virtual Guest

Ms. Christine Werne, Owner and Director of Education, The Chrism Institute of Esthetics, Virginia Beach, was present to address the Committee.

Public Comment

Ms. Werne informed the Board that she submitted the Petition on Rulemaking regarding the requirement for salons to have bathrooms for client use. She stated that the regulation, as written, does not accomplish the intended goal.

Discussion

Committee members received a handout with proposed changes to the instructor training program regulations. Mr. Kirschner stated that the changes would create a uniform instructor program for cosmetology, barber, nail, and wax schools, emulating the esthetics instructor program. The curriculum requirements for both instructor programs will be similar. In addition duplicative language has been removed and the esthetics and master esthetics requirements have been combined.. The Notice of Intended Regulatory Action (NOIRA) has been filed, the next phase is to publish the proposed regulations on the Town Hall website for public comment.

Instructor Regulations

Discussion was held on the differing teaching requirements between barber/cosmetology and esthetics. Mr. Kirschner reviewed the changes, which primarily shape the barber/cosmetology regulations to reflect the

esthetics instructor requirements, though the draft regulations change the esthetics to mirror the barber cosmetology requirements for qualifying for the license.

Mr. Quesenberry suggested there should be a 3-5 year experience requirement. Discussion was held on implementing an experience requirement. Mr. Kirschner stated that an experience requirement would need to be the 'least burdensome,' in accordance with the Code of Virginia. Audience member Christine Werne, requested to address the Committee, adding that schools under the State Council of Higher Education for Virginia (SCHEV) require two years of experience, which would be good for continuity.

Discussion was held on including a two year experience requirement for instructors. Mr. Machayo inquired about the number of students that may go straight into teaching, and whether there is a shortage of instructors. Mr. Machayo stated it would be beneficial to have data to review. Mr. Kirschner stated that he could have data for the January board meeting, and also reminded that Board that there is a temporary student instructor license.

Ms. LaPierre moved to refer the proposed regulatory changes to the full Board, with the experience qualification to be determined by the Board. Mr. Mayes seconded the motion.

The members voting 'yes' were: LaPierre, Machayo, Mayes, Quesenberry, Roberts, and Smith. The motion passed unanimously.

Virtual guest, Leslie Roste, Director of Education, addressed the Board regarding the 'stacked license curriculum.' Ms. Roste informed the Board that she writes science content for course books used in industry education. She stated that much of the instruction is too specific, requiring content that does not apply to the professions, that an overly detailed curriculum doesn't help at times, and that more safety training is needed. Committee members reviewed the proposed regulations for stackable credentials.

**Stackable
Credential**

Ms. Roste suggests broader heading of teaching categories.

Mr. Quesenberry left the meeting at 12:50 p.m.

**Departure of
Board Member**

Ms. Kirschner stated that he will discuss further with Ms. Roste and bring the information back to the Board, possibly at the January or March meeting.

Mr. Kirschner suggested the Standing Committee not meet after the January Board meeting, to wait until after the General Assembly session has adjourned and it is clear whether there is a new Hair Stylist license. By consensus, the committee agreed to meet again next in March of 2022.

Mr. Kirschner discussed the regulation changes made in 2017, wherein the barber, cosmetology, wax, and nail regulations were changed to mirror the esthetics and master esthetics regulations. Committee members further discussed the benefits and drawbacks of merging all of the professions into a single set of regulations.

There being no other discussion, the meeting was adjourned at 1:13 p.m.

Adjourn

Matthew D. Roberts, Board Chair

Mary Broz-Vaughan, Board Secretary

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

DRAFT AGENDA

DRAFT AGENDA

**BOARD FOR BARBERS AND COSMETOLOGY
DRAFT MINUTES OF EXAM WORKSHOP**

The Board for Barbers and Cosmetology held an examination workshop on Tuesday, September 21, 2021, at the Offices of the Department of Professional and Occupational Regulation, Perimeter Center, DPOR Library, 4th Floor, 9960 Mayland Drive, Richmond, Virginia 23233. The following members were present for the meeting:

Lonnie Quesenberry
Matthew Roberts*

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

Rhonda Starr, Office Manager, Education and Exams
Stephen Kirschner, Executive Director

Subject matter experts were present for the meeting: Susan Colard, Tami Stokes, Jillian Nelson, Alyssa Rulf-Fountain, Katrina Albrecht.

Mr. Quesenberry called the meeting to order at 9:01 a.m.

Call to Order

No members of the public appeared for comment

Public Comment

At 9:04 a.m., Mr. Quesenberry recessed the meeting and immediately reconvened in closed meeting for the purpose of consultation and/or briefings by staff members pertaining to examination issues within the jurisdictions of the Board as permitted by § 2.2-3711.A.11 of the Code of Virginia. This was done with respect to an examination workshop to review examination materials for the esthetics, master esthetics, nail, and waxing licensing examinations. The following non-members were in attendance to reasonably aid the consideration of the topic: Rhonda Starr, Stephen Kirschner, Susan Colard, Tami Stokes, Jillian Nelson, Alyssa Rulf-Fountain, Katrina Albrecht.

Closed Session

The motion was made with respect to the matter identified as agenda item three (III).

Mr. Roberts arrived at the meeting at 10:34am and left at 11:15am and did not vote on the motion.

At 11:43 a.m., Mr. Quesenberry adjourned the closed meeting and immediately reconvene in open session.

Reconvene Open Meeting

The following certification was made:

**Certification of
Closed Session**

WHEREAS, an Examination Review Committee of the Board for Barbers and Cosmetology has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3711.A.7 of the *Code of Virginia* requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Exam Review Committee of the Board for Barbers and Cosmetology hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

Vote: 1-0-0

Ayes: Mr. Quesenberry

Nays: 0

There being no other business to be brought before the Board, Mr. **Adjourn**
Quesenberry adjourned the meeting at 11:45 a.m.

Bruce R. Wagner, Chair

Jay W. DeBoer, Secretary

VDPOR Regulation

1 message

Stefania Rafeedie <stefania.rafeedie@gmail.com>
To: barbercosmo@dpor.virginia.gov

Fri, Nov 5, 2021 at 3:26 PM

Good Afternoon,

My name is Stefania Rafeedie and I am the owner of a small business, Arch and Beauty Studio LLC (“A&B Studio”). I am a licensed Esthetician (VA license # - 1261008641) who specializes in the following eyebrow services and treatments: Threading, Mapping, Tinting, and Lamination. These treatments provide non-permanent and non-invasive solutions for those who are looking to improve the aesthetics and health of their eyebrows.

Purpose

The purpose of this letter is twofold. For one, I want to shed light on the current ineffective regulations and requirements that one must meet to legally perform these eyebrow services in Virginia. Second, I want to create a special and unique state certified program for those who wish to get licensed to perform these specific eyebrow services. I emailed Delegate Kathleen Murphy about this and received an automatic reply stating to reach out to you. I would really appreciate the opportunity to present my proposal and provide further details about my curriculum to become a state approved certification program.

Background

I became passionate about non-permanent and non-invasive eyebrow treatments over 5 years ago. My passion fueled my desire to start my own at-home business. I assumed that for me to legally perform these services, I would need to go through an expensive and rigorous course (much like hair, nail, and other beauty professionals). I spent an extensive amount of time researching and calling various people and entities to understand what I needed to do and I learned the following.

Per the Virginia Department of Professional and Occupational Regulation (“VDPOR”), if one wishes to practice “eyebrow threading, tinting, and lamination,” they must obtain one of the following licenses: a Cosmetology license, Wax Technician license, Esthetician license, or a Master Esthetician license. I chose to obtain my Esthetician license, but I was discouraged to discover that specialized eyebrow services, such as threading, mapping, tinting, and lamination was not part of the curriculum. In fact, these specialized eyebrow treatments are not part of any of the licenses (listed above) that are required to legally perform these services in Virginia. It is puzzling to me that while one of the above licenses are required, none of them teach a future practitioner how to perform these services.

I did more research and found privately held classes that would teach me how to become a non-permanent and non-invasive eyebrow specialist, which required more time and a significant amount of additional money.

Why is this Issue Important?

Barbers, hair stylists, cosmetologists, wax professionals, and others hold specific licenses that allow them to perform their services. The classes they take teach them how to perform these services, including best practices and required health and safety measures. Eyebrow services and treatment is a rapidly growing business. Many existing salons are starting to offer services with the latest eyebrow trends but because of the reasons mentioned above, these specialists may have inadequate training when it comes to the specific skill set and importantly, health and safety practices. I believe it is important to ensure eyebrow specialists are equipped with the same level of specific training that other curriculums offer other beauty professionals (for example, cosmetology school for hair professionals).

Proposal

I would like to propose the creation of an "Eyebrow Specialist" license where the requirements are as follows but not limited to:

- I. Minimum of a 4 hours infection control course (i.e. Milady Pro)
 - o The infection control course will only be accepted if taken within one year of certification
- II. Must complete the specific "Eyebrow Artist" training program designed and administered by Arch and Beauty Studio LLC. The curriculum will cover the following but not limited to:
 - A. Sanitation and Infection Control
 - B. Client Consultation & Contraindications
 - C. Eyebrow Rehabilitation
 - D. Eyebrow Mapping
 - E. Eyebrow Threading & Shaping
 1. A&B Studio teaches the "hand technique" instead of the "mouth technique." This is a safer method of threading eyebrows because there is less chance of cross contamination of germs with the thread in our hands. Most importantly, eyebrow artists can wear a mask while performing the service, which is critical given the COVID pandemic and is basic effective infection control.
 - F. Eyebrow Tinting & Color Theory
 - G. Eyebrow Lamination
 - H. Recommended Products List

As a female business owner and Virginia Licensed Esthetician, I feel it is my responsibility to present innovative methods to continue to help raise VDPOR health and professional requirement standards.

Thank you for your consideration.

Regards,

Stefania Rafeedie
Owner – Arch and Beauty Studio LLC
VA Esthetician License # - 1261008641
www.archandbeautystudio.com

Mailing Address:
[1807 Brentridge Street](https://www.google.com/maps/place/1807+Brentridge+Street,+Vienna,+VA+22182)
[Vienna, VA 22182](https://www.google.com/maps/place/1807+Brentridge+Street,+Vienna,+VA+22182)

for discussion and
board position.

Re: VDPOR Regulation

1 message

Stefania Rafeedie <stefania.rafeedie@gmail.com>

Mon, Nov 29, 2021 at 12:22 PM

To: "DPOR Board for Barbers & Cosmetology, rr" <barbercosmo@dpor.virginia.gov>

Mr. Kirschner,

Thank you for taking the time to review and respond to my email regarding the creation of an Eyebrow Specialist license. I appreciate the clarification that only two licenses (Cosmetology & Esthetics) cover the scope of threading, lamination, and tinting ("Eyebrow Services").

I'd like to clarify my statement where I assert that Eyebrow Services were not taught at the esthetics school I attended. There were very brief references to threading, tinting, and perming in the textbook we used in school - (*Milady Pro - Standard Esthetics: Fundamentals, 12th Edition*). However, the textbook lacks critical elements about Eyebrow Services that a practitioner needs to learn to actually perform these services safely and effectively. Attached is a document providing additional details to support my statement.

The beauty industry is rapidly evolving especially as it pertains to natural eyebrow enhancements. Like hair and make-up, for example, I believe techniques and practices related to enhancing one's eyebrows deserves its own category separate from the broad Cosmetology and Esthetic licenses. The demand for natural eyebrow enhancements is growing exponentially. It is my goal to create a curriculum that is specific to natural Eyebrow Services. This curriculum would be required for all practitioners who perform these specific services. The curriculum would focus on proper technique, safety, the proper usage of chemicals, potential adverse reactions, allergy awareness, among other best practices specific to the natural eyebrow industry.

I would appreciate the opportunity to present my proposal with additional details at your next Board meeting or whenever you deem appropriate. Please feel free to share the information I have sent you with the Board members.

Thank you for your time and consideration. I look forward to hearing from you soon.

Regards,
Stefania

CEO - Arch and Beauty Studio LLC
VA Esthetician License # - 1261008641
www.archandbeautystudio.com

On Nov 12, 2021, at 4:48 PM, DPOR Board for Barbers & Cosmetology, rr <barbercosmo@dpor.virginia.gov> wrote:

Good afternoon Ms. Rafeedie,

Thank you for your detailed proposal to add an eyebrow specialist license. There is some information I'd like to share regarding this service area. There are only two licenses that would cover the scope of services that you reference (threading, lamination, and tinting): Cosmetology and Esthetics. The reason for this is that the [Code of Virginia 54.1-700](#) specifically sets tinting and perming eyebrow in the scope of practice of esthetics. While threading can be performed by wax technicians as well, tinting and lamination (perming)

are reserved for estheticians and cosmetologists under the law. Because the scope of practice is established in the Code of Virginia by the legislature, the Board cannot create new licenses for these services. I believe your initial starting place, with your delegate, was the correct process.

The next thing I would want to draw to your attention is that eyebrow tinting and perming are part of the esthetics and cosmetology curriculum established by the Board's regulations. Lash and Brow Tinting is specifically enumerated in the Cosmetology curriculum (18 VAC 41-20-210.D.9.f). Tinting and Perming are part of the esthetics curriculum in 18 VAC 41-70-190.B.6.g&h. Esthetics also has a whole section on hair removal (50 hours) that should address threading (it is part of the two major textbook's chapter on hair removal). This isn't meant to question your statement that it was not taught in your school, but rather to say your school was required to teach these topics and ought to have. If your school did not cover these, that would likely be a regulatory violation. I would encourage you to [file a complaint](#) against your school. It is important that schools meet the regulatory requirements, and your assistance in holding your school accountable is greatly appreciated.

Again, we greatly appreciate your thoughtful and informative email. With your permission, I would like to share this with the Board at its next meeting for their consideration.

Please let me know if you have any further questions.

Regards,

Stephen Kirschner
Executive Director
Board for Barbers and Cosmetology
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233-1485
Phone: 804-367-8590
Fax: 866-245-9693
www.dpor.virginia.gov

Governmental email is generally subject to disclosure pursuant to the Virginia Freedom of Information Act. However, if you have received this message in error, please notify the Sender and delete the message as well as all attachments.

On Fri, Nov 5, 2021 at 3:26 PM Stefania Rafeedie <stefania.rafeedie@gmail.com> wrote:

Good Afternoon,

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Purpose

The purpose of this letter is twofold. For one, I want to shed light on the current ineffective regulations and requirements that one must meet to legally perform these eyebrow services in Virginia. Second, I want to create a special and unique state certified program for those who wish to get licensed to perform these specific eyebrow services. I emailed Delegate Kathleen Murphy about this and received an automatic reply stating to reach out to you. I would really appreciate the opportunity to present my proposal and provide further details about my curriculum to become a state approved certification program.

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other beauty professionals). I spent an extensive amount of time researching and calling various people and entities to understand what I needed to do and I learned the following.

Per the Virginia Department of Professional and Occupational Regulation (“VDPOR”), if one wishes to practice “eyebrow threading, tinting, and lamination,” they must obtain one of the following licenses: a Cosmetology license, Wax Technician license, Esthetician license, or a Master Esthetician license. I chose to obtain my Esthetician license, but I was discouraged to discover that specialized eyebrow services, such as threading, mapping, tinting, and lamination was not part of the curriculum. In fact, these specialized eyebrow treatments are not part of any of the licenses (listed above) that are required to legally perform these services in Virginia. It is puzzling to me that while one of the above licenses are required, none of them teach a future practitioner how to perform these services.

I did more research and found privately held classes that would teach me how to become a non-permanent and non-invasive eyebrow specialist, which required more time and a significant amount of additional money.

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 - C. Eyebrow Rehabilitation
 - D. Eyebrow Mapping
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 - F. Eyebrow Tinting & Color Theory
 - G. Eyebrow Lamination
 - H. Recommended Products List

As a female business owner and Virginia Licensed Esthetician, I feel it is my responsibility to present innovative methods to continue to help raise VDPOR health and professional requirement standards.

Thank you for your consideration.

Regards,

Stefania Rafeedie
Owner – Arch and Beauty Studio LLC
VA Esthetician License # - 1261008641
www.archandbeautystudio.com

Mailing Address:
1807 Brentridge Street
Vienna, VA 22182

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DRAFT AGENDA
in this agenda are proposed topics for discussion and
be construed as regulation or official Board position.
DRAFT AGENDA

Esthetic License

Under [18 VAC 41-70-190](#), it states the Esthetics curriculum includes a minimum 50 hours of hair removal instruction; however, the esthetics textbook (*Milady Pro - Standard Esthetics: Fundamentals, 12th Edition*) lacks critical information and procedural instructions. An eyebrow artist will not learn how to thread eyebrows by simply reading the brief references in the textbook.

Under this code it references “lash perming”; which is very different from brow lamination (i.e. formulation, processing time, product quality, contraindications, etc.). Lash perming does not apply to eyebrow perming (lamination).

Additionally, under this code, it references “lash and tinting” which is assumed to cover the scope of eyebrows as well. However, there are different types of tinting that should be included in the curriculum because they vary from the standard tinting method taught in the cosmetology and esthetics programs. The differences include processing time, mixing ratios, color theory, application method, proper products, contraindications, conducting a patch test, how to treat a client with an allergic reaction, etc.

Threading

In Chapter 11 – Hair Removal of the *Milady Pro - Standard Esthetics: Fundamentals, 12th Edition* there is a section explaining what threading is, different techniques, and pros/cons. However, no procedural steps are included on how to perform this service and specifically to my school, there was not a live demonstration of threading. The *Milady Pro* textbook provides extensive information about tweezing/waxing and steps on how to perform these services but only one paragraph on threading.

The textbook also states that *“The hand and mouth technique, which should not be performed as a professional service, loops the thread around the thumb and forefinger of one hand. The other thumb and forefinger grip a loose end, and the other loose end is placed in the practitioner’s mouth and gripped by the teeth. The practitioner uses their head to maneuver the piece of thread. Licensing and regulations for threading may vary state to state”*

Unfortunately, the hand and mouth technique is used at various shops in Virginia (and likely throughout the rest of the country). This is another reason why I believe we need to standardize eyebrow threading procedures to ensure practitioners are using the two-handed technique.

Threading deserves its own thoughtful curriculum, well above and beyond what is covered in the textbook. There are many aspects of it as it relates to proper sanitation, infection control, how to perform the two-handed technique, precise eyebrow mapping, and eyebrow and skin aftercare, threading on other parts of the body, etc...none of which is covered in the textbook.

Simply, an eyebrow artist would be ill equipped to thread a client’s eyebrows after reviewing this chapter.

Tinting

In Chapter 12 – Makeup essentials, there is a paragraph and procedural steps for standard eyebrow and lash tinting.

However, there are so many different types of tinting for natural brows that is not covered in cosmetology or esthetics programs such as henna, hybrid tint, etc. The processing time, method of

application, color to developer ratio, eyebrow aftercare, contraindications, how to perform patch test to determine if the client may be allergic, what to do if there is an allergic reaction, etc.

Lamination

In Chapter 12 – Makeup essentials, there is a reference to lash perming. However, there is no reference to eyebrow perming/lamination in the textbook. This was not taught at the esthetics school I attended because this is a fairly newer eyebrow trend.

This is a new eyebrow trend that is completely different than the traditional perming that's been taught cosmetology and esthetics programs. The formula is different, processing time, method of application, etc. If the proper formulation is not used it will burn the eyebrow hairs and skin. This very popular brow treatment needs to be regulated because it can cause serious skin irritation/burns, hair loss, etc. if the practitioner is not properly educated and trained.

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



TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: STEPHEN KIRSCHNER, EXECUTIVE DIRECTOR
SUBJECT: PROPOSED INSTRUCTOR REGULATIONS
DATE: DECEMBER 22, 2021

In January of 2020, the Board initiated a regulatory change that would reinstitute an instructor curriculum for the barber, cosmetology, nail, and wax professions. The curriculum is meant to align with the esthetics instructor curriculum, and streamline the instructor licensing process so that the instructor certificate attaches to any underlying practitioner license an individual may have.

This proposal went through the Notice of Intended Regulatory Action regulatory phase and now comes before the Board to approve proposed language. The draft language below has been reviewed by the Standing Committee on Training, and accomplishes the following:

- Simplifies the instructor training requirement by ensuring that the instructor certificate applies to all underlying practitioner licenses for both esthetics and barber/cosmetology regulations.
- Creates an instructor curriculum in the Barbers and Cosmetology Regulations, and makes a small change to the organization of the esthetics instructor curriculum so that both esthetics and barber/cosmetology instructor programs are identical.
- Fixes language related to DOLI apprenticeship cards.

The Standing Committee on Training voted unanimously on November 8, 2021 to recommend these changes to the full board for approval. There was one outstanding issue the Standing Committee wished the full Board to decide. Currently, there are no experience requirements to obtain the instructor license. The Standing Committee would like the Board to weigh in on whether it should impose an experience requirement, such as two or three years of experience as a practitioner, as a requirement for the instructor license. They requested staff report on current experience levels for instructor applicants to assist in this deliberation, and staff will present on this topic at the January meeting.

Please review the proposed instructor language below. The Board can approve the language and advance this regulatory change with a motion to “approve the proposed changes relating to instructor regulations and DOLI apprenticeship cards.”

Board For Barbers And Cosmetology

Instructor Program Revisions

18VAC41-20-100. ~~General requirements~~ Requirements for ~~a an barber instructor certificate, cosmetology instructor certificate, nail technician instructor certificate, or wax ...~~ **Instructor Certificate.**

A. Any individual wishing to engage in ~~barbering instruction, master barbering instruction, cosmetology instruction, nail care instruction, or waxing instruction in barbering, master barbering, cosmetology, nail care, or waxing~~ shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician, and instructor, respectively, in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or in the practice of teaching any of those professions. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as ~~a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor an instructor in barbering, master barbering, cosmetology, nail care, or waxing.~~

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the instruction of barbering, cosmetology, nail care, or waxing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall hold a current Virginia barber, master barber, cosmetology, nail technician, or wax technician license, respectively;

3. The applicant shall:

- a. Pass a course in teaching techniques at the post-secondary educational level;
- b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology ~~under the supervision of a certified barber, master barber, cosmetologist, nail technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively;~~ or
- c. Pass an ~~instructor~~ examination ~~in barber, master barber, cosmetology, nail technician, or wax technician instruction respectively,~~ administered by the board or by a testing service acting on behalf of the board; and

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within two years of the date of the application; and

b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

B. Instructors shall be required to maintain a barber, master barber, cosmetology, nail technician, or wax technician license, respectively.

18VAC41-20-110. Student instructor temporary permit.

A. A licensed barber, master barber, cosmetologist, nail technician, or wax technician may be granted a student instructor temporary permit to function under the direct supervision of a ~~barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor respectively~~ a certified instructor in a licensed school. A licensed nail technician or wax technician may also be granted a student instructor permit to function under the direct supervision of a cosmetology instructor.

B. The student instructor temporary permit shall remain in force for not more than 12 months after the date of issuance and shall be nontransferable and nonrenewable.

C. No applicant for examination shall be issued more than one student instructor temporary permit.

~~D. C.~~ Failure to maintain a barber, master barber, cosmetology, nail technician, or wax technician license shall disqualify an individual from holding a student instructor temporary permit.

~~E. D.~~ Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-20-100.

18VAC41-20-200. General requirements

A barber, cosmetology, nail, or waxing school shall:

1. Hold a school license for each and every location.
2. Hold a salon license if the school receives compensation for services provided in its clinic.
3. Employ a staff of and ensure all training is conducted by licensed and certified barber, master barber, cosmetology, nail technician, or wax technician instructors, respectively.
 - a. Licensed and certified cosmetology instructors may also instruct in nail and waxing programs.
 - b. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing programs.
 - c. Instructor programs must be taught by a certified instructor.
4. Develop individuals for entry level competency in barbering, master barbering, cosmetology, nail care, or waxing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
 - a. Barber curricula shall be based on a minimum of 1,100 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - b. Master barber curricula shall be based on a minimum of 400 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - c. Dual barber/master barber program curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with 18VAC41-20-220.

d. Cosmetology curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with 18VAC41-20-220.

e. Nail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with 18VAC41-20-220.

f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with 18VAC41-20-220.

g. Instructor curricula shall be based on a minimum of 400 clock hours and shall include student teaching.

6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.

7. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.

8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to the board.

18VAC41-20-210. Curriculum requirements.

A. Each barber school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for barbering shall include the following:

1. School policies;
2. State law, regulations, and professional ethics;
3. Business and shop management;
4. Client consultation;
5. Personal hygiene;
6. Cutting the hair with a razor, clippers, and shears;
7. Tapering the hair;
8. Thinning the hair;
9. Shampooing the hair;
10. Shaving;
11. Trimming a moustache or beard;
12. Applying hair color;
13. Analyzing skin or scalp conditions;
14. Giving scalp treatments;
15. Giving basic facial massage or treatment;
16. Sanitizing and maintaining implements and equipment; and
17. Honing and stropping a razor.

B. Each barber school seeking to add a master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for master barbering shall include the following:

1. Styling the hair with a hand hair dryer;
2. Thermal waving;
3. Permanent waving with chemicals;
4. Relaxing the hair;
5. Lightening or toning the hair;
6. Hairpieces and wigs; and
7. Waxing limited to the scalp.

C. Each school seeking to add a dual barber/master barber program shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for dual barber/master barber program shall include the following:

1. School policies;
2. State law, regulations, and professional ethics;
3. Business and shop management;
4. Client consultation;
5. Personal hygiene;
6. Cutting the hair with a razor, clippers, and shears;
7. Tapering the hair;
8. Thinning the hair;
9. Shampooing the hair;
10. Styling the hair with a hand hair dryer;
11. Thermal waving;
12. Permanent waving with chemicals;
13. Relaxing the hair;
14. Shaving;
15. Trimming a moustache or beard;
16. Applying hair color;
17. Lightening or toning the hair;
18. Analyzing skin or scalp conditions;
19. Giving scalp treatments;
20. Waxing limited to the scalp;
21. Giving basic facial massage or treatment;
22. Hair pieces;
23. Sanitizing and maintaining implements and equipment; and
24. Honing and stropping a razor.

D. Each cosmetology school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for cosmetology shall include the following:

1. Orientation:
 - a. School policies;

- b. State law, regulations, and professional ethics;
 - c. Personal hygiene; and
 - d. Bacteriology, sterilization, and sanitation.
2. Manicuring and pedicuring:
 - a. Anatomy and physiology;
 - b. Diseases and disorders;
 - c. Procedures to include both natural and artificial application; and
 - d. Sterilization.
3. Shampooing and rinsing:
 - a. Fundamentals;
 - b. Safety rules;
 - c. Procedures; and
 - d. Chemistry, anatomy, and physiology.
4. Scalp treatments:
 - a. Analysis;
 - b. Disorders and diseases;
 - c. Manipulations; and
 - d. Treatments.
5. Hair styling:
 - a. Anatomy and facial shapes;
 - b. Finger waving, molding, and pin curling;
 - c. Roller curling, combing, and brushing; and
 - d. Heat curling, waving, and pressing.
6. Hair cutting:
 - a. Anatomy and physiology;
 - b. Fundamentals, materials, and equipment;
 - c. Procedures; and
 - d. Safety practices.
7. Permanent waving-chemical relaxing:
 - a. Analysis;
 - b. Supplies and equipment;
 - c. Procedures and practical application;
 - d. Chemistry;
 - e. Recordkeeping; and
 - f. Safety.
8. Hair coloring and bleaching:
 - a. Analysis and basic color theory;
 - b. Supplies and equipment;
 - c. Procedures and practical application;
 - d. Chemistry and classifications;
 - e. Recordkeeping; and

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- f. Safety.
- 9. Skin care and make-up:
 - a. Analysis;
 - b. Anatomy;
 - c. Health, safety, and sanitary rules;
 - d. Procedures;
 - e. Chemistry and light therapy;
 - f. Temporary removal of hair; and
 - g. Lash and brow tinting.
- 10. Wigs, hair pieces, and related theory:
 - a. Sanitation and sterilization;
 - b. Types; and
 - c. Procedures.
- 11. Salon management:
 - a. Business ethics; and
 - b. Care of equipment.

E. Each nail school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for nail care shall include the following:

- 1. Orientation:
 - a. School policies; and
 - b. State law, regulations, and professional ethics;
- 2. Sterilization, sanitation, bacteriology, and safety;
- 3. Anatomy and physiology;
- 4. Diseases and disorders of the nail;
- 5. Nail procedures (i.e., manicuring, pedicuring, and nail extensions); and
- 6. Nail theory and nail structure and composition.

F. Each waxing school shall submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for waxing shall include the following:

- 1. Orientation:
 - a. School policies;
 - b. State law, regulations, and professional ethics; and
 - c. Personal hygiene.
- 2. Skin care and treatment:
 - a. Analysis;
 - b. Anatomy and physiology;
 - c. Diseases and disorders of the skin;
 - d. Health sterilization, sanitation, bacteriology, and safety including infectious disease control measures; and

- e. Temporary removal of hair.
- 3. Skin theory, skin structure, and composition.
- 4. Client consultation:
 - a. Health conditions;
 - b. Skin analysis;
 - c. Treatments;
 - d. Client expectations; and
 - e. Health forms and questionnaires.
- 5. Waxing procedures for brow, lip, facial, legs, arms, underarm, chest, back, and bikini areas:
 - a. Fundamentals;
 - b. Safety rules; and
 - c. Procedures
- 6. Wax treatments
 - a. Analysis
 - b. Disorders and diseases;
 - c. Manipulations, and
 - d. Treatments.
- 7. Salon management:
 - a. Business ethics, and
 - b. Care of equipment

G. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include, but not be limited to, the following:

- 1. Orientation, Introduction to Teaching, Professional Ethics;**
- 2. Curriculum;**
- 3. Course outline and development;**
- 4. Lesson planning;**
- 5. Classroom management;**
- 6. Teaching techniques;**
- 7. Methods of instruction (including theory and practical instruction*);**
- 8. Learning styles;**
- 9. Learning disabilities;**
- 10. Teaching aids;**
- 11. Developing, administering and grading examinations;**
- 12. School administration;**
- 13. Recordkeeping;**
- 14. Laws and regulations;**
- 15. Supervision of clinic floor; and**
- 16. Practicum teaching.**

18VAC41-20-220. Hours of instruction and performances Practical Performance Requirements.

A. Curriculum and performance requirements shall be offered over a minimum of 1,100 clock hours for barbering, 400 clock hours for master barbering, 1,500 clock hours for dual barber/master barber program and cosmetology, 150 clock hours for nail care, and 115 clock hours for waxing.

B.A. The curriculum requirements for barbering must include the following minimum performances:

Hair and scalp treatments	10
Hair services	320
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Basic facials	5
TOTAL	370

C.B. The curriculum requirements for master barbering must include the following minimum performances:

Bleaching and frosting	10
Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
TOTAL	120

D.C. The curriculum requirements for dual barber/master barber program must include the following minimum performances:

Hair and scalp treatments	10
Hair styling services	320
Bleaching and frosting	10
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
Basic facials and waxings	5
TOTAL	490

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E.D. The curriculum requirements for cosmetology must include the following minimum performances:

Hair and scalp treatments	10
Hair styling	320
Tinting	15
Bleaching and frosting	10
Temporary rinses	10
Semi-permanent color	10
Cold permanent waving or chemical relaxing	25
Hair shaping	50
Wig care, styling, placing on model	5
Finger waving and thermal waving	30
Manicures and pedicures	15
Basic facials and waxings	5
Sculptured nails, nail tips, and wraps	20
TOTAL	525

F.E. The curriculum requirements for nail care must include the following minimum performances:

Manicures	30
Pedicures	15
Individual sculptured nails and nail tips	200
Individual removals	10
Individual nail wraps	20
TOTAL	275

G.E. The curriculum requirements for waxing must include the following minimum performances:

Arms	4
Back	2
Bikini area	6
Brows	12
Chest	1
Facial (i.e., face, chin, and cheek and lip)	6
Leg	3

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Underarm	2
TOTAL	36

18VAC41-20-260. Display of license.

A. Each shop, salon, or school shall ensure that all current licenses, certificates, or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon, or school. Duplicate licenses, certificates, or permits shall be posted in a like manner in every shop, salon, or school location where the regulant provides services.

B. Each shop, salon, or school shall ensure that no employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.

C. All licensees, certificate holders, and permit holders shall operate under the name in which the license, certificate, or permit is issued.

D. Unless also licensed as a cosmetologist, a barber or master barber is required to hold a separate nail technician or wax technician license if performing nail care or waxing.

E. All Proof of apprenticeship cards registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.

18VAC41-70-100. General requirements for an esthetics instructor certificate.

A. Any individual wishing to engage in esthetics or master esthetics instruction shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed esthetician or master esthetician in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as an esthetician or master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia esthetics-esthetician or master esthetician license;

3. The applicant shall complete one of the following qualifications:

- a. Pass a course in teaching techniques at the postsecondary educational level; or
- b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics

~~instruction administered by the board or by a testing service acting on behalf of the board; _____ or
c. Pass an instructor examination administered by the board or by a testing service acting on behalf of the board; and~~

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within two years of the date of the application; and
- b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

B. Instructors shall be required to maintain a Virginia esthetician or master esthetician license.

~~18VAC41-70-110. General requirements for a master esthetics instructor certificate. (Repealed.)~~

~~A. Any individual wishing to engage in master esthetics instruction shall meet the following qualifications:~~

~~1. The applicant shall be in good standing as a licensed master esthetician in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as an esthetician or master esthetician.~~

~~Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;~~

~~2. The applicant shall hold a current Virginia master esthetician license;~~

~~3. The applicant shall complete one of the following qualifications:~~

- a. Pass a course in teaching techniques at the postsecondary educational level; or
- b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board; and

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within two years of the date of the application; and
- b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

B. Instructors shall be required to maintain a Virginia master esthetician license.

18VAC41-70-180. General requirements.

An esthetics school shall:

1. Hold a school license for each and every location.
2. Hold a spa license if the school receives compensation for services provided in its clinic.
3. For esthetics courses, employ a staff of licensed and certified esthetics instructors or licensed and certified master esthetics instructors.
4. For master esthetics courses, employ a staff of licensed and certified master esthetics instructors.
5. Develop individuals for entry-level competency in esthetics.
6. Submit its curricula for board approval. Esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 18VAC41-70-190. Master esthetician curricula shall be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 18VAC41-70-190 C. All changes to curricula must be resubmitted and approved by the board.
7. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the spa in plain view of the public.
8. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.
9. Complete practical instruction in the school's clinic area.

10. Instructor programs must be taught by a certified instructor.

18VAC41-70-190. Curriculum and hours of instruction requirements.

A. Each esthetics school shall submit with its application a curriculum including, but not limited to, a course syllabus, a detailed course content outline, a sample of five lessons plans, a sample of evaluation methods to be used, and a breakdown of hours or credit hours and performances for all courses to be taught that will lead to licensure or certification. In addition, if a school awards credit in accordance with subsection D of this section, the school shall submit copies of the assessment policy, method of evaluation of transcripts and the examination to be used in making the assessment.

B. The esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include, but not be limited to, the following:

1. Orientation and business topics - minimum of 25 hours of instruction.
 - a. School policies;

- b. Management;
 - c. Sales, inventory and retailing;
 - d. Taxes and payroll;
 - e. Insurance;
 - f. Client records and confidentiality; and
 - g. Professional ethics and practices.
2. Laws and regulations - minimum of 10 hours of instruction.
 3. General sciences - minimum of 80 hours of instruction.
 - a. Bacteriology;
 - b. Microorganisms;
 - c. Infection control, disinfection, sterilization;
 - d. Occupational Safety and Health Administration (OSHA) requirements;
 - e. Material Safety Data Sheet (MSDS);
 - f. General procedures and safety measures;
 - g. Cosmetic chemistry;
 - h. Products and ingredients; and
 - i. Nutrition.
 4. Applied sciences - minimum of 95 hours of instruction.
 - a. Anatomy and physiology;
 - b. Skin structure and function;
 - c. Skin types;
 - d. Skin conditions; and
 - e. Diseases and disorders of the skin.
 5. Skin care - minimum of 255 hours of instruction.
 - a. Health screening;
 - b. Skin analysis and consultation;
 - c. Effleurage and related movements and manipulations of the face and body;
 - d. Cleansings procedures;
 - e. Masks;
 - f. Extraction techniques;
 - g. Machines, equipment and electricity;
 - h. Manual facials and treatments;
 - i. Machine, electrical facials and treatments; and
 - j. General procedures and safety measures.
 6. Makeup - minimum of 65 hours of instruction.
 - a. Setup, supplies and implements;
 - b. Color theory;
 - c. Consultation;
 - d. General and special occasion application;
 - e. Camouflage;
 - f. Application of false lashes and lash extensions;

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- g. Lash and tinting;
- h. Lash perming;
- i. Lightning of the hair on body except scalp; and
- j. General procedures and safety measures.
7. Body and other treatments - minimum of 20 hours of instruction.
- a. Body treatments;
- b. Body wraps;
- c. Body masks;
- d. Body scrubs;
- e. Aromatherapy; and
- f. General procedures and safety measures.
8. Hair removal - minimum of 50 hours of instruction.
- a. Types of hair removal;
- b. Wax types;
- c. Tweezing;
- d. Chemical hair removal;
- e. Mechanical hair removal; and
- f. General procedures and safety measures.
- C. The master esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include, but not be limited to, the following:
1. Orientation, advanced business subjects, and infection control - minimum of 45 hours of instruction.
- a. School policies and procedures;
- b. Professional ethics and practices;
- c. Ethics and professional conduct;
- d. Insurance and liability issues;
- e. Confidentiality and Health Insurance Portability and Accountability Act of 1996 Privacy Rule (HIPAA);
- f. Client records and documentation;
- g. Microbiology and bacteriology;
- h. Infection control, disinfection, and sterilization;
- i. Occupational Safety and Health Administration (OSHA), U.S. Food and Drug Administration (FDA); and Material Safety Data Sheet (MSDS); and
- j. Personal protective equipment.
2. State laws, rules and regulations - minimum of 10 hours of instruction.
3. Advanced anatomy and physiology - minimum of 65 hours of instruction.
- a. Advanced anatomy and physiology;
- b. Advanced skin structure and functions;
- c. Advanced skin typing, and conditions;
- d. Advanced disease and disorders;
- e. Advanced cosmetic ingredients;
- f. Pharmacology; and

- g. Advanced homecare.
4. Advanced skin care and advanced modalities - minimum of 90 hours of instruction.
- a. Introduction to microdermabrasion and dermaplaning;
 - b. Indications and contraindications for crystal microdermabrasion;
 - c. General procedures and safety measures for crystal microdermabrasion;
 - d. Indications and contraindications for crystal-free microdermabrasion and dermaplaning;
 - e. General procedures and safety measures for crystal-free microdermabrasion and dermaplaning;
 - f. Equipment safety: crystal and crystal-free microdermabrasion and dermaplaning;
 - g. Waste disposal, Occupational Safety and Health Administration (OSHA);
 - h. Introduction to microdermabrasion techniques and proper protocols;
 - i. Machine parts, operation, protocols, care, waste disposal and safety;
 - j. Practical application and consultation for crystal microdermabrasion;
 - k. Practical application and consultation for crystal-free microdermabrasion and dermaplaning; and
 - l. Pretreatment and posttreatment for microdermabrasion.
5. Advanced procedures and chemical exfoliation - minimum of 270 hours of instruction.
- a. Advanced skin analysis and consultation and health screening and documentation;
 - b. Advanced procedures, light treatments, light-emitting diode (LED), intense pulsed light device (IPL);
 - c. Advanced manual, machine, and electric treatments, microcurrent, and ultrasound;
 - d. Introduction to chemical exfoliation and peels of the epidermis;
 - e. Fundamentals of skin care associated with chemical exfoliation and peels and wound healing;
 - f. Pretreatment and posttreatment for chemical exfoliation and peels;
 - g. Assessing suitability and predicting chemical exfoliation efficacy;
 - h. General practical application and consultation protocols;
 - i. Practical application and consultation for enzymes, herbal exfoliations, and vitamin-based peels;
 - j. Indications and contraindications for enzymes, herbal exfoliations, and vitamin-based peels;
 - k. General procedures and safety measures for herbal exfoliations, and vitamin-based peels;
 - l. Pretreatments and posttreatments for herbal exfoliations, and vitamin-based peels;
 - m. Practical application and consultation for alpha hydroxy peels;
 - n. Indications and contraindications for alpha hydroxy peels;
 - o. General procedures and safety measures for alpha hydroxy peels;
 - p. Pretreatment and posttreatment for alpha hydroxy peels;
 - q. Practical application and consultation for beta hydroxy peels;
 - r. Indications and contraindications for beta hydroxy peels;
 - s. General procedures and safety measures for beta hydroxy peels;

- t. Pretreatment and posttreatment for beta hydroxy peels;
- u. Practical application and consultation for Jessner and Modified Jessner peels;
- v. Indications and contraindications for Jessner and Modified Jessner peels;
- w. General procedures and safety measures for Jessner and Modified Jessner peels;
- x. Pretreatment and posttreatment for Jessner and Modified Jessner peels;
- y. Practical application and consultation for trichloroacetic acid peels;
- z. Indications and contraindications for trichloroacetic acid peels;
- aa. General procedures and safety measures for trichloroacetic acid peels; and
- bb. Pretreatment and posttreatment for trichloroacetic acid peels.

6. Lymphatic drainage - minimum of 120 hours of instruction.

- a. Introduction to lymphatic drainage;
- b. Tissues and organs of the lymphatic system;
- c. Functions of the lymphatic system;
- d. Immunity;
- e. Etiology of edema;
- f. Indications and contraindications for lymphatic drainage;
- g. Lymphatic drainage manipulations and movements;
- h. Face and neck treatment sequence;
- i. Lymphatic drainage on the trunk and upper extremities;
- j. Lymphatic drainage on the trunk and lower extremities;
- k. Cellulite;
- l. Using lymphatic drainage with other treatments; and
- m. Machine-aided lymphatic drainage.

D. A licensed esthetics school with an approved esthetics program may conduct an assessment of a student's competence in esthetics and, based on the assessment, give a maximum of 300 hours credit towards the requirements specified in subsection B of this section and 18VAC41-70-200 A. A licensed esthetics school with an approved master esthetics program may conduct an assessment of a student's competence in master esthetics and, based on the assessment, give a maximum of 300 hours credit towards the requirements specified in subsection C of this section and 18VAC41-70-200 B.

The school shall make the assessment based on a review of the student's transcript and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

E. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include, but not be limited to, the following:

1. Orientation, **Introduction to Teaching, Professional Ethics;**
2. Curriculum;
3. Course outline and development;
4. Lesson planning;
5. Classroom management;

6. Teaching techniques;
7. Methods of instruction (including theory and practical instruction);
8. Learning styles;
9. Learning disabilities;
10. Teaching aids;
11. Developing, administering and grading examinations;
12. School administration;
13. Recordkeeping;
14. Laws and regulations;
15. Presentation of theoretical subjects;
16. Presentation of practical subjects;
- 17-15. Supervision of clinic floor; and
- 18-16. Practicum teaching.

18VAC41-70-260. Display of license.

A. Each licensed spa or school shall ensure that all current licenses and temporary licenses issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the spa or school. Duplicate licenses or temporary licenses shall be posted in a like manner in every spa or school location where the licensee or temporary license holder provides services.

B. All licensees and temporary license holders shall operate under the name in which the license or temporary license is issued.

C. All Proof of apprenticeship cards registration issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon spa. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.



TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: STEPHEN KIRSCHNER, EXECUTIVE DIRECTOR
SUBJECT: PETITION FOR RULEMAKING
DATE: JANUARY 3, 2022

Attached you will find a petition for rulemaking requested on October 29, 2021 by Christine Werne, President and Owner of the Chrysm Institute. The petition was to amend 18VAC41-70-270.C.4 to allow an esthetics facility to make use of bathroom space that is not exclusive to its clients, as long as the bathroom is geographically close to the facility and the facility takes responsibility for the sanitation and safety requirements of the bathroom. As required by the Code of Virginia, the petition was published on the Virginia Townhall website for comments. The comment period ended on December 22 and no comments were received.

Please review the attached petition. The Board may accept this petition to initiate the regulatory change requested. Alternatively, the Board could reject the petition and either take no action or initiate a different change to address the issue identified in the petition.

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

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The Chrysm Institute of Esthetics

281 Independence Blvd, Suite 101

Virginia Beach, VA 23462

(757) 456-5386

www.chrysm.edu

October 29, 2021

To Whom It May Concern,

Petition for Amended Regulation, in accordance with Virginia Section 2.2-4007	
1. Petitioner's Name and Contact Information	Christine Werne chrysm@chrysm.edu ; (757) 237-5912
2. The substance and purpose of the rulemaking that is requested including reference to any applicable Virginia Administrative Code sections	<u>Virginia Administrative Code Section:</u> 18VAC41-70-270.C.4 <u>Substance:</u> For facilities newly occupied after January 1, 2017, the bathroom shall be maintained exclusively available for client use, in close proximity no greater than 200 ft and licensees are responsible for ensuring that the bathroom adheres to sanitation standards per 18 VAC 41-70-270. <u>Purpose:</u> To reduce financial strain and/or local zoning/permit complications on small businesses To make use of sufficient bathroom facilities already existent and in close proximity in commercial building structures
3. Reference to the legal authority of the agency to take the action requested	Code of Virginia § 54.1-201 A.5 gives authority to the Board to promulgate regulations. It states, in part, that the Board has the power and duty "To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board." DPOR has the legal authority as does the Virginia Board for Barbers and Cosmetology to promulgate rules and regulations that oversee the practice of Estheticians, Spas as well as Esthetics Schools.

In accordance with Virginia Section 2.2-4007, we are writing to request the Department of Professional and Occupational Regulation, Board for Barbers and Cosmetology to amend regulation, Virginia Code: 18VAC41-70-270.C.4. This regulation states effective January 1, 2017, a bathroom shall be maintained exclusively for client use. We are requesting that the regulation be amended to remove "exclusively."

The requirement for exclusive client use causes an undue financial burden on small businesses especially start-up businesses. Furthermore, the requirement as currently stated does not achieve the intended result. If the intention is to ensure clients quick access to a bathroom, having one exclusive for clients does not necessarily achieve that if there are multiple clients. If there are sufficient bathrooms stalls available within a short distance, although not exclusive, this may better accomplish the goal.

For example, one case to consider would be a new licensee who rents space in a building with a common area bathroom with multiple stalls on their floor. The current regulation would require this licensee to spend approximately \$10,000-\$15,000 to install a bathroom exclusively for client use. This is assuming it would be permitted by the city, building

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owner, building structure and plumbing accessibility, in addition to the considerable added timeline to accommodate each of these processes.

If, in this instance, there were sufficient stalls available to accommodate clients, the original intention of the regulation would still be accomplished, however, the regulation, as it is currently written, would not permit the licensee to obtain licensure.

Regards,



Christine Werne
President/Owner, Director of Education

The Chrystm Institute of Esthetics

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Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
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TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: STEPHEN KIRSCHNER, EXECUTIVE DIRECTOR
SUBJECT: FINANCIAL STATEMENTS
DATE: DECEMBER 22, 2021

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.

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

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Department of Professional and Occupational Regulation
Statement of Financial Activity

**Board for Barbers and Cosmetology
954230**

2020-2022 Biennium

November 2021

	November 2021 Activity	Biennium-to-Date Comparison	
		July 2018 - November 2019	July 2020 - November 2021
Cash/Revenue Balance Brought Forward			103,570
Revenues	321,146	4,847,190	5,723,323
Cumulative Revenues			5,826,893
Cost Categories:			
Board Expenditures	11,697	257,447	306,450
Board Administration	91,838	1,622,331	1,552,596
Administration of Exams	4,076	95,223	80,706
Enforcement	81,774	1,060,623	1,278,129
Legal Services	0	32,940	44,908
Information Systems	60,550	1,248,006	1,110,871
Facilities and Support Services	30,972	468,918	490,680
Agency Administration	39,873	745,910	708,861
Other / Transfers	0	(57)	0
Total Expenses	320,779	5,531,340	5,573,199
Transfer To/(From) Cash Reserves	(14,504)	0	(238,502)
Ending Cash/Revenue Balance			492,196

Cash Reserve Beginning Balance	5,511,256	0	5,735,254
Change in Cash Reserve	(14,504)	0	(238,502)
Ending Cash Reserve Balance	5,496,752	0	5,496,752

Number of Regulants	
Current Month	74,275
Previous Biennium-to-Date	74,069

Department of Professional and Occupational Regulation
 Supporting Statement of Year-to-Date Activity
 Board for Barbers and Cosmetology - 954230
 Fiscal Year 2022

Materials contained herein are not to be construed as regulation or official Board position.

	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	17,192	21,410	14,159	19,277	11,697	0	0	0	0	0	0	0	83,735	206,310	122,574	190,470	15,840	7.7%
Board Administration	139,347	94,342	90,598	89,274	91,838	0	0	0	0	0	0	0	505,399	1,477,439	972,041	1,070,828	406,612	27.5%
Administration of Exams	5,925	4,076	4,059	4,064	4,076	0	0	0	0	0	0	0	22,200	54,842	32,642	47,988	6,854	12.5%
Enforcement	113,005	77,011	80,025	81,006	81,774	0	0	0	0	0	0	0	432,822	1,233,428	800,607	926,008	307,420	24.9%
Legal Services	0	8,834	8,834	0	0	0	0	0	0	0	0	0	17,668	35,336	17,668	42,403	-7,067	-20.0%
Information Systems	40,051	107,444	58,197	69,039	60,550	0	0	0	0	0	0	0	335,280	859,972	524,692	773,250	86,723	10.1%
Facilities / Support Svcs	35,236	29,509	25,916	25,511	30,972	0	0	0	0	0	0	0	147,143	410,726	263,583	341,515	69,212	16.9%
Agency Administration	60,229	41,299	38,277	48,882	39,873	0	0	0	0	0	0	0	228,561	725,814	497,253	488,914	236,899	32.6%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Charges	410,986	383,926	320,065	337,052	320,779	0	0	0	0	0	0	0	1,772,808	5,003,868	3,231,060	3,881,376	1,122,492	22.4%

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Topics for discussion and
 official Board position.

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

Agency Total

2020-2022 Biennium

November 2021

	November 2021 Activity	Biennium-to-Date Comparison	
		July 2018 - November 2019	July 2020 - November 2021
Cash/Revenue Balance Brought Forward			992,779
Revenues	1,515,674	26,096,302	28,173,075
Cumulative Revenues			29,165,854
Cost Categories:			
Board Expenditures	97,942	2,553,324	2,331,007
Board Administration	380,743	6,643,371	6,325,666
Administration of Exams	25,974	454,623	424,370
Enforcement	615,044	9,622,977	9,806,773
Legal Services	690	304,247	334,496
Information Systems	267,332	5,236,110	4,640,041
Facilities and Support Services	176,316	2,754,901	2,740,053
Agency Administration	169,458	3,128,501	2,960,420
Other / Transfers	0	(1,531)	4,890
Total Expenses	1,723,499	30,696,523	29,567,716
Transfer To/(From) Cash Reserves	(126,145)	0	(2,182,387)
Ending Cash/Revenue Balance			1,780,525

Cash Reserve Beginning Balance	19,211,362	0	21,267,604
Change in Cash Reserve	(126,145)	0	(2,182,387)
Ending Cash Reserve Balance	19,085,217	0	19,085,217

Number of Regulants

Current Month	318,505
Previous Biennium-to-Date	313,956