

BOARD FOR BARBERS AND COSMETOLOGY

REGULATORY ADVISORY PANEL

MINUTES OF MEETING

The Board for Barbers and Cosmetology, Esthetics Regulatory Advisory Panel met on Monday, January 13, 2025, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd floor board room 2, Richmond, Virginia.

The following members were present:

Margaret LaPierre
Oanh “Tina” Pham Kim Dang
Laura Todd
Meredith Harrison
Christine Werne

The following members were not present:

Kelly Hurt
Renee Gilanshah
Deborah Maffie
Joseph Schibner

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

Kelley Smith, Executive Director
Tamika Rodriguez, Regulatory Operations Administrator
Wendy Duncan, Licensing Operations Administrator
Joseph Haughwout, Regulatory Affairs Manager
Stephen Kirschner, Deputy Director, Licensing & Regulatory Programs
Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was not present for the meeting.

Ms. LaPierre, Board Chair, called the Board for Barbers and Cosmetology, Regulatory Advisory Panel meeting to order at 11:45 a.m. **Call to Order**

Ms. LaPierre read the Department of Professional & Occupational Regulations mission and announced several meeting reminders. **Mission**

Ms. Smith, Executive Director, explained the emergency egress procedure for board room 2. **Emergency Egress**

Panel members and staff introduced themselves. **Introductions**

Ms. LaPierre opened the Public Comment period of the Regulatory Advisory Panel Meeting.

Public Comment

Matt England addressed the Panel concerning reduction to the curriculum hours would result inadequately trained students.

Ms. Smith informed the Panel that the master esthetics survey was a two-part survey and only results of the first survey would be discussed at the meeting. She reported that two Panel members submitted responses to the second part of the master esthetics survey the week prior and those responses needed incorporation into the survey results to be presented at the next meeting. Ms. Smith relayed to the Panel the survey results and reported the Panel discussion will be presented to the Board for determining if curriculum hours should stay the same or decrease, if the curriculum required additional training topics, or whether to create an esthetics and master esthetics dual license.

**Overview of
Regulatory
Advisory Panel
Survey Results**

Mr. Kirschner reminded the Panel, the task guidelines are found in § 54.1-100 of the Code of Virginia and those guidelines require the Panel to review training requirements for estheticians and master estheticians to ensure they are no greater than necessary to protect or preserve the public health, safety, and welfare.

The Panel reviewed and discussed the survey results. Panel members discussed the survey results and concerns about the average and median number results.

The next Regulatory Advisory Panel meeting is scheduled for January 17, 2025.

**Next Regulatory
Advisory Panel
Meeting**

There being no further business, Ms. LaPierre adjourned the meeting at 1:53 p.m.

Adjourn

Margaret LaPierre, Board Chair

Brian P. Wolford, Board Secretary

Panel Hour Recommendations

| | Low | High | Avg. | Median | Current | |
|---|------------|------------|--------------|------------|------------|--|
| Orientation, Advanced Business Subjects and Infection Control | 14 | 87 | 40.2 | 34 | 45 | |
| State Laws, Rules and Regulations | 1 | 10 | 5.3 | 4.5 | 10 | |
| Advanced Anatomy and Physiology | 26 | 138 | 73.8 | 67 | 65 | |
| Advanced Skin Care and Advanced Modalities | 17 | 150 | 61.9 | 47 | 90 | |
| Advanced Procedures and Chemical Exfoliation | 77 | 333 | 204.4 | 211 | 270 | |
| Lymphatic Drainage | 13 | 149 | 69.7 | 56.5 | 120 | |
| TOTAL | 148 | 867 | 455.3 | 420 | 600 | |

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Overview of Surveys – Orientation, Advanced Business Subjects and Infection Control: School Policies and Procedures

- Health/Safety Concern? 4:2 Yes
 - Yes reasoning: School policies are set forth to enforce rules regarding students safely attending school and providing services to the general public safely and sanitarily. School policies are established to comply with all industry, state and federal requirements/standards. In general, education in the field of Esthetics in a school is what protects the public and in order to attend school, students must be educated in policies and procedures.
 - No reasoning: No specific harm to the health, safety and welfare of the public.
- Training Least Restrictive Manner to Mitigate? 5:1 Yes
 - Yes: Training is the least restrictive way to address the harm regardless of the method this information is disseminated. Whether training is done in person with an instructor, via a written/digital document, this information is necessary for the student to be able to practice safely.
 - No: this is not something that needs to be demonstrated but can be read by the student. Unfortunately, not everyone is a strong reader, so it does need to be repeated in the classroom. Minimum Hours Required?
 - Range: 1 to 9; Average: 3.7; Median: 3

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Overview of Surveys – Orientation, Advanced Business Subjects and Infection Control: Professional Ethics and Practices

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: Ethics while is a global business topic to understand the concept itself, it is very specific to the master level profession. Basic level ethical business practice is a different discussion. This also includes adhering to the scope of practice of their profession, referring clients to the appropriate qualified medical level practitioner when indicated, as well as offering services only within the scope of practice. Master level ethical business practice deals with ethically and safely delivering treatments such as not providing a treatment to someone who should not have that master level treatment..
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: Students need to be guided and coached on how to provide multiple services on the same client without thinking of only money. They need to see the effect of each of their services in a controlled setting (school clinic) so that they can understand and see the consequences of the advanced treatment. This is usually taught as students work on their classmates and observe their skin the next day.
- Minimum Hours Required?
 - Range: 3 to 12; Average: 6.5; Median: 5.5

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Overview of Surveys – Orientation, Advanced Business Subjects and Infection Control: Ethics and Professional Conduct

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: Ethics while is a global business topic to understand the concept itself, it is very specific to the master level profession. Basic level ethical business practice is a different discussion. This also includes adhering to the scope of practice of their profession, referring clients to the appropriate qualified medical level practitioner when indicated, as well as offering services only within the scope of practice. Master level ethical business practice deals with ethically and safely delivering treatments such as not providing a treatment to someone who should not have that master level treatment. The state should not be limiting business topics when these topics are necessary and required to maintain compliance with state regulations.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: This topic, first covered in professional esthetics, is so important that it deserves a full review in masters. There are too many estheticians currently operating outside their scope of practice, which may reflect a lack of understanding of this issue.
- Minimum Hours Required?
 - Range: 1 to 12; Average: 5.3; Median: 4.5

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Overview of Surveys – Orientation, Advanced Business Subjects and Infection Control: Insurance and Liability issues

- Health/Safety Concern? 4:2 No
 - Yes reasoning: Insurance and liability are important because during the time that you are getting insurance you also have different stipulations and criteria that is taught that will further assist with the client's health and safety. There is also discussion of scope of practice again in this section as you will not be insured for stepping outside of your scope of practice. Practitioners also need to understand incompetence and negligence during their practice. The opportunity to teach this section ensures that practitioners are taking their profession seriously. Liability insurance is an integral part of running a business. The state should not be limiting business topics when these topics are necessary and required to maintain compliance with state regulations.
 - No reasoning: No specific harm to the public but is important for those hoping to own a business.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: the subject matter can be explained theoretically, but it must be reinforced throughout the course of study.
- Minimum Hours Required?
 - Range: 1 to 4; Average: 2, Median: 2

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Overview of Surveys – Orientation, Advanced Business Subjects and Infection Control: Confidentiality and HIPAA

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: Advanced treatments often require obtaining sensitive medical information and history from clients in order to ensure treatments offered are safe and free of contraindication. Therefore, Master Estheticians need training in client confidentiality and HIPAA rules and regulations.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: This can be taught theoretically but must be reinforced as the students discuss their day's services and the types of medications that their client might have revealed to the student.
- Minimum Hours Required?
 - Range: 1 to 6; Average: 2.8; Median: 3

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Overview of Surveys – Orientation, Advanced Business Subjects and Infection Control: Client Records and Documentation

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: It is required understand a client's health record, how to document all visits and the associated change in information that accompanies each visit to provide treatment without causing harm, for example, if a client has an allergy. Each time the client comes in you need to check to find out if they have an allergy or a change in medication so just a one-time explanation of this topic is not going to facilitate the entirety and the level that is needed to ensure health wealth and safety of the citizens of the Commonwealth. Maintaining client records and confidentiality is imperative to properly adhere to HIPAA.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: in person and ongoing but this could also be combined with the HIPAA subject.
- Minimum Hours Required?
 - Range: 1 to 8; Average: 2.7; Median: 2

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Overview of Surveys – Orientation, Advanced Business Subjects and Infection Control: Microbiology and Bacteriology

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: Professionals must understand the science behind bacteriology in order to prevent the transmission of disease, to prevent cross contamination and to ensure the health welfare and safety of the citizens of the Commonwealth of Virginia as well for themselves as technicians.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: Students do not learn by just reading text. They need to be taught in person the importance of such topics. This subject is taught in basic esthetics and can be a part of infection control.
- Minimum Hours Required?
 - Range: 2 to 8; Average: 4; Median: 4

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Overview of Surveys – Orientation, Advanced Business Subjects and Infection Control: Infection control, Disinfection and Sterilization

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: learning infection control keeps the public safe. Proper infection control, disinfection, and sterilization procedures are imperative to protecting the health, safety, and welfare of practitioners, fellow employees, and the general public. When appropriate infection control is not performed, serious illness could cause harm, for example, proper sanitation of treatment area and facial implements.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: in person training and theory. People don't often realize the act of cross contamination, for example, pushing back glasses while performing services. It is the Instructor's job to note this and provide learning opportunities.
- Minimum Hours Required?
 - Range: 2 to 12; Average: 7.2; Median: 7

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Overview of Surveys – Orientation, Advanced Business Subjects and Infection Control: OSHA, FDA and SDS

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: Understanding SDS as well as how to use them in case of an emergency is imperative for health welfare and safety and how to act in the case of an emergency or allergic reaction. We follow OSHA standards to keep public safe. Appropriate instruction of OSHA requirements ensures all practitioners abide by the same safety standards to protect the public's health, safety, and welfare. Information regarding the FDA is imperative as well because we have to have an FDA approved disinfectant.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: Covered in professional esthetics, but review in masters is warranted.
- Minimum Hours Required?
 - Range: 1 to 8; Average: 3.3; Median: 2

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Overview of Surveys – Orientation, Advanced Business Subjects and Infection Control: PPE

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: Some advanced treatments require the use of PPE for both the technician and/or the client for safety. Examples include the use of protective eyewear during light based treatments and the use of masks during microdermabrasion, Master Estheticians need to be properly educated in the use of these items in order to ensure personal and public safety.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: proper procedures for donning and doffing of PPE takes practice to ensure there isn't self contamination.
- Minimum Hours Required?
 - Range: 1 to 8; Average: 2.7; Median: 1

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Overview of Surveys – State Laws, Rules and Regulations

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: The laws and regulations are set forth by the state to ensure public safety. There must be a very clear understanding of what the state defines as regulatory requirements for the practitioner including but not the health and safety criteria, infection control processes and limits to scope of practice.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: Students need to be taught what is within their scope of practices.
- Minimum Hours Required?
 - Range: 1 to 10; Average: 5.3; Median: 4.5

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Panel Hour Recommendations

| | Low | High | Avg. | Median |
|---|-----------|-----------|-------------|------------|
| Orientation, Advanced Business Subjects and Infection Control (School policies and Procedures) | 1 | 9 | 3.7 | 3 |
| Orientation, Advanced Business Subjects and Infection Control (Professional Ethics and Practices) | 3 | 12 | 6.5 | 5.5 |
| Orientation, Advanced Business Subjects and Infection Control (Ethics and Professional Conduct) | 1 | 12 | 5.3 | 4.5 |
| Orientation, Advanced Business Subjects and Infection Control (Insurance and Liability Issues) | 1 | 4 | 2 | 2 |
| Orientation, Advanced Business Subjects and Infection Control (Confidentiality and HIPAA) | 1 | 6 | 2.8 | 3 |
| Orientation, Advanced Business Subjects and Infection Control (Client Records and Documentation) | 1 | 8 | 2.7 | 2 |
| Orientation, Advanced Business Subjects and Infection Control (Microbiology and Bacteriology) | 2 | 8 | 4 | 4 |
| Orientation, Advanced Business Subjects and Infection Control (Infection Control, Disinfection and Sterilization) | 2 | 12 | 7.2 | 7 |
| Orientation, Advanced Business Subjects and Infection Control (OSHA, FDA and SDS) | 1 | 8 | 3.3 | 2 |
| Orientation, Advanced Business Subjects and Infection Control (PPE) | 1 | 8 | 2.7 | 1 |
| ORIENTATION - TOTAL | 14 | 87 | 40.2 | 34 |
| State Laws, Rules and Regulations | 1 | 10 | 5.3 | 4.5 |
| LAWS - TOTAL | 1 | 10 | 5.3 | 4.5 |

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Overview of Surveys – Advanced Anatomy and Physiology: Advanced Anatomy and Physiology

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: Without knowing anatomy and physiology people could get hurt during treatments. Familiarity with anatomy and physiology allows the Esthetician to treat different parts of the body appropriately. For example, there's an endangerment site at the temples. A basic understanding of the human body and it's functions are necessary to ensure health and safety. Anatomy and Physiology is covered in the Esthetic curriculum. Since the scope of practice is only "Epidermis", the current 65 hours minimum is not necessary.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: This is very detailed information that needs to be taught and understood. Theoretical for the body parts that lie below the stratum corneum layer of the epidermis.
- Minimum Hours Required?
 - Range: 5 to 24; Average: 12; Median: 10

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Overview of Surveys – Advanced Anatomy and Physiology: Advanced Skin Structure and Functions

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: without knowing skin structure and function, Estheticians could cause harm with the services they perform and the products they recommend. For example, there are many conditions a client can have that are listed as "cautions" and not "contraindications". Without understanding the skin structure and function, students would not learn when to proceed with caution and when to decide something is a contraindication due to the way that person's skin is structured and functions. Understanding the fundamentals is crucial for application of critical thinking to address a multitude of skin types and conditions.
 - Yes reasoning: Histology which includes skin structure and functions at the advanced level is directly reflective of the master level treatments. Globalizing this as an introductory topic would not provide the training and necessary information to help protect the health welfare and safety citizens of the Commonwealth of Virginia.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: There are a lot of details and information that goes into the skin function. This takes a lot of studying and understanding of how the skin works.
- Minimum Hours Required?
 - Range: 5 to 24; Average: 13.8; Median: 14

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Overview of Surveys – Advanced Anatomy and Physiology: Advanced Skin Typing and Conditions

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: Without understanding skin types, an Esthetician could choose the wrong product and/or treatment option and possibly cause harm. For example, if a client skin type is dry and manual exfoliant is used, it could cause irritation or worse. Estheticians must be able to recognize skin conditions in order to properly treat them appropriately and effectively. If a student does not understand this, they could possibly give incorrect information to a client or perform a service that is contraindicated for that condition and cause harm.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: There are a lot of details and information that goes into the skin function and understanding skin types. This takes a lot of studying and understanding of how the skin works.
- Minimum Hours Required?
 - Range: 5 to 18; Average: 10.5; Median: 9

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Overview of Surveys – Advanced Anatomy and Physiology: Advanced Disease and Disorder

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: Understanding advanced diseases and disorders allows for the practitioner to understand the implications of this as related to the master level training which is correlated to master level treatments. Master Estheticians must be able to recognize diseases and disorders to be able to appropriately assess contraindication. This is directly related to the health welfare safety of the citizens of the Commonwealth of Virginia as well as practitioners.
 - No reasoning: No specific harm to health, safety or welfare of the public.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: There are a lot of details and information that goes into the skin function and understanding skin types and recognizing disease and disorders of the skin. This takes a lot of studying and understanding of how the skin works. we need to teach this subject but it should be covered in Esthetics. I don't know why we cover "advanced diseases and disorders".
- Minimum Hours Required?
 - Range: 5 to 18; Average: 10.5; Median: 9

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Overview of Surveys – Advanced Anatomy and Physiology: Advanced Cosmetic Ingredients

- Health/Safety Concern? 5:1 Yes
 - Yes reasoning: Master level treatments have an advanced level that must be taught especially related to cosmetic ingredients. This is related to home care aftercare products used within the treatment itself as well as product selection for peels and other modalities. This is imperative for the health welfare and safety of the citizens of the Commonwealth of Virginia. Not understanding this can cause a multitude of issues related to allergic reactions and the need to have the ability to use the SDS sheet. This is not just a topic related to lack of optimal outcomes and a home care or treatment room process it goes much further which is deeply related into safety concerns.
 - No reasoning: This subtitle is irrelevant. If we are talking prescription skincare (Retin A or antibiotics for acne), that is a different title. We are not product manufacturers, nor cosmetic chemists. Generally, we buy into a particular product line and receive manufacturer's training.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: students need to be taught these importance ingredients and how they react with the skin. Could be a theory topic only.
- Minimum Hours Required?
 - Range: 2 to 24; Average: 13; Median: 13.5

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Overview of Surveys – Advanced Anatomy and Physiology: Pharmacology

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: Master level treatments have an advanced level that must be taught especially related to cosmetic ingredients and pharmacology we must interrelate and connect these two components. This is related to home care aftercare products used within the treatment itself as well as product selection for peels and other modalities. This is imperative for the health welfare and safety of the citizens of the Commonwealth of Virginia. Not understanding this can cause a multitude of issues related to allergic reactions and the need to have the ability to use the SDS sheet. This is not just a topic related to lack of optimal outcomes and a home care or treatment room process it goes much further which is deeply related into safety concerns. If we are not capable of understanding what medications are indicated or contraindicated, we can't begin to administer any treatments. The master level is much more in detail and requires a deep understanding of these concepts.
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: Students need to be taught these importance drugs and how they react with the skin. Could be theory training only.
- Minimum Hours Required?
 - Range: 2 to 18; Average: 8.2; Median: 6

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Overview of Surveys – Advanced Anatomy and Physiology: Advanced Homecare

- Health/Safety Concern? 6:0 Yes
 - Yes reasoning: Proper homecare recommendations are essential to ensure safe treatments. This includes recommendations for products to be used prior to treatment to help prevent adverse reactions and post care recommendations to ensure proper healing after treatment. If someone is using a prescribed skincare product with a drug as an ingredient, then that is definitely out of our scope. "Homecare" as a subject is relevant and we need to help people understand the effects of active ingredients. But this should not be just be "master esthetics".
- Training Least Restrictive Manner to Mitigate? 6:0 Yes
 - Yes: Students need to be taught this process and information. Could be theory only.
- Minimum Hours Required?
 - Range: 2 to 12; Average: 5.8; Median: 5.5

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Panel Hour Recommendations

| | Low | High | Avg. | Median | |
|--|-----|-----------|------------|-------------|-----------|
| Advanced Anatomy and Physiology (Advanced Anatomy and Physiology) | | 5 | 24 | 12 | 10 |
| Advanced Anatomy and Physiology (Advanced Skin Structure and Function) | | 5 | 24 | 13.8 | 14 |
| Advanced Anatomy and Physiology (Advanced Skin Typing and Conditions) | | 5 | 18 | 10.5 | 9 |
| Advanced Anatomy and Physiology (Advanced Disease and Disorders) | | 5 | 18 | 10.5 | 9 |
| Advanced Anatomy and Physiology (Advanced Cosmetic Ingredients) | | 2 | 24 | 13 | 13.5 |
| Advanced Anatomy and Physiology (Pharmacology) | | 2 | 18 | 8.2 | 6 |
| Advanced Anatomy and Physiology (Advanced Homecare) | | 2 | 12 | 5.8 | 5.5 |
| ADVANCED ANATOMY AND PHYSIOLOGY- TOTAL | | 26 | 138 | 73.8 | 67 |



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