

**Vermont Secretary of State
Office of Professional Regulation
BOARD OF BARBERS AND COSMETOLOGISTS
UNAPPROVED MINUTES
February 1, 2010**

1. The meeting was called to order at 9:15 a.m.

Members Present: Madonna Commo, Chairperson; Ruth Comeau, Vice Chair; Donna Hendee, and Marsha Descheneau.

OPR Staff Present: Christopher D. Winters, Director; Larry S. Novins, Board Counsel; Carla Preston, Unit Administrator; Gregg Meyer, State Prosecuting Attorney and Kara Shangraw, Administrative Assistant.

Others Present: Anne Orr with O'Briens Aveda Institute.

The Board welcomed its new members. Attorney Novins provided an overview of how disciplinary matters are processed at OPR. Ms. Preston provided an overview of the complaint process for the new members after the regular meeting.

2. The Chair called for approval of the Minutes of the November 16th meeting. Chairperson Commo made a motion, seconded by Ms. Comeau, to approve the Minutes of the November 16, 2009 meeting as presented. Motion passed unanimously.

3. **Hearings/Stipulations**

- a. The Board considered a *Stipulation and Consent Order* in the matters of Donna Mead-Buck and Modern Hair Design, Docket Numbers 2008-34 (CO24-0108) and 2008-35 (CO25-0108). The Respondents were not present. Gregg Meyer, Prosecuting Attorney was present for the State. Attorney Novins presided for the Board. One correction was made regarding a statutory reference. Based on the information submitted, Chairperson Commo made a motion, seconded by Ms. Comeau, to accept the *Stipulation and Consent Order* as amended. The question was called and the motion passed unanimously. Josephine Thomas, former Board Member, was the Investigating Member for this case.
- b. The Board considered a *Stipulation and Consent Order* in the matter of Adrienne Hall, Docket Number 2008-434 (APP-CO20-1108). The Respondent was not present but was available by phone to answer any questions. Gregg Meyer, Prosecuting Attorney was present for the State. Attorney Novins presided for the Board. Attorney Meyer explained that Ms. Hall's application to become a cosmetologist apprentice had been preliminarily denied based on her prior criminal convictions. He said she agreed to the conditions set forth in the proposed Stipulation and Consent Order but he had not yet received the signed copy of the Order back from her. He asked the Board to consider the Stipulation and approve it upon receipt of all required signatures. The Board decided to consider the Stipulation as presented. Based on the information presented, Chairperson Commo made a motion, seconded by Ms. Comeau, to accept the *Stipulation and Consent Order* contingent upon receiving all required signatures. The question was called and the motion passed unanimously.

4. Reports/Guests

- A. Christopher Winters, Director of OPR attended the meeting to introduce himself to the new Board members and to discuss proposed legislation concerning barber licensure. He said a bill has been introduced, H.497, to create a two tiered licensure for barbers, one without the use of straight razors. He explained that the issue was raised by a barber who wishes to retire and sell the practice to cosmetologists who have worked at the barber shop for years. The perspective new owners want to retain the barber pole and are seeking an expedited route to barber licensure. He indicated that Madonna Commo had recently testified on the issue before the Legislature. He presented some questions from Representative Hubert of the House Government Operations Committee regarding the number of shaves performed by barbers in Vermont, number of hours in a barbering program dedicated to the shaving portion of the practice, the cost of attending a barbering program, and the time involved in attending a barbering program. He said the Committee agrees to not change the scope of practice for barbers. The question is how would licensed cosmetologists expedite dual licensure to include barbering. The matter was discussed at length.

Chairperson Commo said she was opposed to changes that would lessen the barbering profession's reputation. She said she is licensed as both a barber and cosmetologist and noted that the practices differ in many ways. Barbering requires a particular skill and talent. Other members agreed. She said the barber pole implies that the professionals working at that shop have the required skills and training to perform specific hair cuts and shaves (i.e., for military and law enforcement personnel).

The Board had previously approved O'Briens (school) to offer a barbering program for licensed cosmetologists wishing to obtain a second license as a barber. Considerable overlap was found between the two programs with the exception of 400 hours in very specific areas related to barbering. Once the 400-hour barbering program was completed the cosmetologists would be eligible to sit for the barber examination and become licensed.

Anne Orr from O'Briens confirmed that they worked with the Board to acquire approval of their 400 hour barbering program for cosmetologists. She agreed that the professions are very different and would not recommend melding them together. She said only a few people had taken advantage of that program.

The group was aware that due to time and financial constraints, licensees were finding it difficult to take the required classes in a school setting.

Director Winters asked the Board to continue working on the issue. Options discussed included developing an apprenticeship program equivalent to the 400-hour school program for cosmetologists seeking licensure as barbers, and possibly an abbreviated national examination that focused specifically on barbering, eliminating overlaps in the cosmetology and barbering examination criteria.

Chairperson Commo said she is aware of some online barbering courses that could be considered for at least part of the training.

- B. Anne Orr attended the meeting to request Board support for additional programs to be offered at O'Briens Aveda Institute. She said the school needs Board approval of new programs to obtain accreditation from the National Accrediting Commission of

Cosmetology Arts & Sciences. She explained that two years ago they needed a letter from the Board concerning their 650 hour massage therapy program. The letter simply stated that the profession was not regulated. She said now that they are an Aveda Institute, they propose to offer a spa/therapy program which consists of 600 hours of esthetics to meet Vermont's requirements, and 600 hours of massage. She explained that students would be eligible for national certification for completion of the 1200 hour course. She said the esthetics portion of the program incorporates all of the Board's criteria. Students would also meet the training requirements to become licensed in Vermont as an esthetician, subject to successful completion of the required examinations.

The Board advised that the esthetics portion of the program must be taught by a person licensed in esthetics who possesses the instructor's endorsement. Based on the information presented, the Board approved O'Briens Aveda Institute's esthetics program which is part of the school's spa/therapy program.

Ms. Orr said she also needed Board approval to change the number of weeks in the cosmetology program from 37 weeks to 43 weeks, and the number of weeks in the barbering program from 25 weeks to 29 weeks. The required number of hours per week would be reduced so the total clock hours of each program would not change. She said the reason for this change is related to finances and how monies are dispersed to the students. Concerns were raised about the benefits to students when lengthening the program, and the Board's role regarding schools in general. Ms. Orr assured the Board that the students would benefit from the change. She said students do have the option of completing a program in less time if they wish. In the end, the Board agreed to support the proposed changes in the number of weeks for O'Briens cosmetology and barbering programs.

The Board wrote letters stating its approval of the esthetics program and change in hours for the school's program hours in cosmetology and barbering.

5. Complaints/Follow ups

- a. 2008-198 (CO46-0508) – The Board reviewed the report of concluded investigation. Ms. Comeau made a motion, seconded by Ms. Hendee, to accept the Investigative Team's recommendation and conclude the case without formal prosecution. Motion passed. Janice Crossan, former Board Member, was the Investigating Member for this case.
- b. The Board reviewed Ingrid Halligan's request for removal of the conditions on her cosmetology license and the supporting documentation she submitted. Based on the information provided and the Investigative Team's approval, Chairperson Commo made a motion to grant Ms. Halligan's request to remove the conditions. The motion was seconded by Ms. Comeau and passed unanimously.
- c. The Board reviewed Mona Lisa Paquin's request for removal of the conditions on her cosmetology license and the supporting documentation she submitted. Based on the information provided and the Investigative Team's approval, Chairperson Commo made a motion to grant Ms. Paquin's request to remove the conditions. The motion was seconded by Ms. Comeau and passed unanimously.

- d. The Board reviewed Laura Bassette's request for removal of the conditions on her cosmetology license and the supporting documentation she submitted. Based on the information provided and the Investigative Team's approval, Chairperson Commo made a motion to grant Ms. Bassette's request to remove the conditions. The motion was seconded by Ms. Comeau and passed unanimously.

6. Legislation & Draft Rules

Proposed new legislation was discussed under item number four with Director Winters.

7. Applications for Discussion

8. Correspondence

- a. The Board reviewed and noted the "NIC Bulletin" from the National-Interstate Council of State Boards of Cosmetology Inc.
- b. Other correspondence from the National Accrediting Commission of Cosmetology Arts & Sciences, the National Coalition of Esthetic & Related Associations, and the National Association of Barber Boards of America was noted.

9. Public Comment

10. Other Business Introduced by the Board

The Board discussed examination procedures and wishes to explore other options. Online testing was mentioned so that students would have their results sooner. This will be an agenda topic for future meetings.

11. The meeting adjourned at 11:50 p.m.

Respectfully submitted,

Carla Preston
Unit Administrator
Office of Professional Regulation