

4-11-22 Appearance Enhancement Advisory Board meeting

9:56 am - 11:05 am Monday, April 11, 2022 | (UTC-04:00) Eastern Time
(US & Canada)

Alison Lacy Denise Tidings +15183****65 Ernita Gantt Michael Shannon
Michelle Brenner Anthony Fiore Shannon Maguire 6464****37 Leeanne
Shade alb99-505@dos.ny.gov Erin Hundley Lisa Helmar

Michelle Brenner

Alright everybody, welcome to the April 11, 2022, meeting of the NYS
Appearance Enhancement Advisory Committee.

1

Michelle Brenner 00:00:10.120 --> 00:00:22.835

I am Michelle D'Allaird Brenner and the chair of the advisory
committee. The time is now 10:32, and I'm going to start the meeting
by taking attendance. Shirley Cheng?

2

Michelle Brenner 00:00:25.325 --> 00:00:30.425

I believe Shirley has been excused and won't be attending the meeting.
Anthony Fiore?

Anthony Fiore

Here.

3

Michelle Brenner 00:00:32.314 --> 00:00:33.154

Erin Hundley?

4

Erin Hundley 00:00:34.234 --> 00:00:34.654

Here.

5

Michelle Brenner 00:00:35.974 --> 00:00:36.904

Leeanne Shade?

6

Leeanne Shade 00:00:37.474 --> 00:00:37.894

Here.

7

Michelle Brenner 00:00:39.184 --> 00:00:52.414

Excellent, thank you. We, also, based on the number of members
present, we do not have enough for a quorum this morning; therefore,
we're going to have the table both the 9/13/21 and

8

Michelle Brenner 00:00:52.444 --> 00:01:13.564
10/25 meeting summary approvals until our next meeting, and, hopefully, at that time, we will have enough for a quorum and get all meetings, all approvals set and ready to go. So, I'm just going to move forward on our agenda and the first item that I have,

9

Michelle Brenner 00:01:13.569 --> 00:01:28.834
have is mark number two, for those of you that have your agenda in front of you, and this is Department and subcommittee reports. I'd love to start with letter 'A' first, which is the enforcement update from John Goldman. John, are you available?

10

John Goldman alb99-505@dos.ny.gov 00:01:29.734 --> 00:01:34.714
Yes, I'm here. Good morning, everybody. Um, although the

11

John Goldman alb99-505@dos.ny.gov 00:01:34.719 --> 00:01:55.864
last meeting minutes aren't finalized, I did want to just kind of reference them on the numbers that my colleague, Ernest Delaney, reported on, which was, uh, that, uh, at that point, October of '21, um, the State had issued 401, uh, notices of violation--tickets

12

John Goldman alb99-505@dos.ny.gov 00:01:55.870 --> 00:02:17.015
following violations, uh, 184 of which included ventilation violations--the inability for the shop owner to produce the ventilation certificate--which is about a 45% ratio. I also just wanted to point out that, uh, that program began on July 1 for the, for the year of 2021 between January through the end of

13

John Goldman alb99-505@dos.ny.gov 00:02:17.044 --> 00:02:38.104
June. We had a moratorium on inspections as a result of the Covid situation and the administration, uh, decided to, uh, on the side of caution, not to have us in the field interacting with the industry. And, so, those numbers really represent, um, July through October. Um, following the October meeting, we did another

14

John Goldman alb99-505@dos.ny.gov 00:02:38.194 --> 00:02:59.314
round of inspections that were much more focused on nail salons. The first, the first group representing that 401 number was a mix of both nail salons and non-nail salons, we'll call them. As, as you know, we don't really distinguish between the two relevant to, uh, the license type or the inspection

15

John Goldman alb99-505@dos.ny.gov 00:02:59.344 --> 00:03:20.434
program. It's just that the nail salons have a set of requirements
that don't apply to non-nail salons. So, in the latter part of the
year between October and about mid-December, when we have another
moratorium on inspections as a result of an uptake in the Covid
situation, um, as I said, we did another 323 inspections statewide.

16

John Goldman alb99-505@dos.ny.gov 00:03:20.469 --> 00:03:41.614
And, because there was a much, more focus, uh, our, our field
personnel, our investigators were instructed to focus more, uh,
specifically, on nail salons. We had a larger percentage of vent
violations, 246. So, uh, we went from about 45% for the first, uh, uh,
group between

17

John Goldman alb99-505@dos.ny.gov 00:03:41.620 --> 00:04:02.765
July to October to about 76% of failure rate, in terms of their
ability to produce the vent cert. And, again, that what amounts to
almost a doubling in the ratio is because there was a much more harder
focus on the nail, nail salons, as opposed to the non-nail salons.
But, uh, so that for the, for the year, the 2021 year, um, uh,

18

John Goldman alb99-505@dos.ny.gov 00:04:02.884 --> 00:04:05.284
that brings it to 724.

19

John Goldman 00:04:05.284 --> 00:04:06.394
inspections,

20

John Goldman alb99-505@dos.ny.gov 00:04:06.424 --> 00:04:23.914
of which 430 were issued "no vent cert" violations, which percentage-
wise equals about a 59% failure rate. Um, as I said, or mentioned, we
again, about mid-December, before the full year came to an end, uh,
called for another moratorium because

21

John Goldman alb99-505@dos.ny.gov 00:04:23.944 --> 00:04:45.064
of an uptick in Covid situations. I was also asked to kind of explain
real quick how we handled disposition of those tickets during '21 and
that was through a process that we defined as "OTC" process,
'Opportunity to Cure' is what it stands for, which is basically rather
than, uh,

22

John Goldman alb99-505@dos.ny.gov 00:04:45.425 --> 00:05:06.215
there being, uh, some sort of monetary penalty against the shop for
the violation, they're given an opportunity to cure the violation
through an email communication system we devised. And, that worked

very, very well. Um, we are still working on processing those, although we're past the first quarter of '22, but we are coming to the end of

23

John Goldman alb99-505@dos.ny.gov 00:05:06.244 --> 00:05:27.364
that process of assessing the materials sent by the, the shops that were issued the tickets and determining whether or not they, in fact, did comply. Uh, those, uh, tickets that were written relevant to, um, uh, the inability to produce the vent cert were handled in a special manner. Uh, we had, uh,

24

John Goldman alb99-505@dos.ny.gov 00:05:27.485 --> 00:05:48.005
paralegals that work on our legal team communicate with the shop and, in some instances, uh, give them an opportunity if at that point, they were not grandfathered, meaning their shop license was issued prior to October 16 or, excuse me, after October 16. Uh, meaning that when they, when they opened a

25

John Goldman alb99-505@dos.ny.gov 00:05:48.604 --> 00:06:09.634
by regulation, they should have had the vents, such a system installed already. Um, they were given an opportunity to sign, which really amounts to a consent agreement, in which they agreed to have the system installed, and we gave them a generous period of time to get that system installed because, in lots of instances, it's not easy.

26

John Goldman alb99-505@dos.ny.gov 00:06:09.669 --> 00:06:30.784
It's technically challenging, and it's very often not cheap. Um, and so we worked with the industry and those folks who are not compliant to come into compliance. Um, and that continues to this day, as we work through the remainder of the tickets issued in 2021. As far as the 2022 enforcement program, um, we've focused on a

27

John Goldman alb99-505@dos.ny.gov 00:06:30.819 --> 00:06:51.904
backlog of complaints that developed as a result of the moratorium on inspection. So, we have roughly 400 complaints that are backlogged where folks, specifically the consumer, somebody comes to us and alleges a specific incident, an issue that they want us to address as opposed to what we refer to as

28

John Goldman alb99-505@dos.ny.gov 00:06:51.969 --> 00:07:13.114
'cold' inspections. So, the administration has decided for the remainder of the '22 calendar year we're going to focus on, uh, completion of those investigations and whatever dispositions our team warrants. Um, the other thing I was told to mention is that one of the things we were concerned about, right from the onset of

29

John Goldman alb99-505@dos.ny.gov 00:07:13.145 --> 00:07:34.265
the whole vent certification process, was the validity of those
certifications as presented to us in the field. Our enforcement folks
are not HVAC professionals. We don't have the ability to look at a
ventilation system and determine whether or not it meets code, et
cetera. We rely on the certificate, that this produces, that the shops

30

John Goldman alb99-505@dos.ny.gov 00:07:34.295 --> 00:07:55.415
have filled out by the installer, by an engineer, by an HVAC
professional, but we were concerned about us being, uh, 'played', for
lack of a better term. In other words, having shops, uh, uh, you know,
fill these out in a fictional manner, make up an HVAC company, have it
signed and so forth and so on. Uh, it's just human nature that some
folks

31

John Goldman alb99-505@dos.ny.gov 00:07:55.444 --> 00:08:15.604
try to get over on things as opposed to doing what they're required to
do. So, we did do a spot check. We've developed a spot check program
where we are looking at a certain number of them to verify their
validity. Uh, which would include contacting the installer, uh,
Internet research to see whether or not the company, for example, even
exists,

32

John Goldman alb99-505@dos.ny.gov 00:08:16.774 --> 00:08:37.714
and, in certain instances, literally sharing that certificate with the
installer with the license--with the professional. I'm sorry, that
doesn't necessarily have to be a licensed professional, but with the
professional who installed the system. In some cases, it is a licensed
professional--licensed architect, an engineer--and confirming that
they, in fact, prepared the certificate and that it was legitimate.
And, so that is something

33

John Goldman alb99-505@dos.ny.gov 00:08:37.744 --> 00:08:58.864
we are concerned about, and we have developed, for lack of a better
term, a "spot check" system to try to ensure that they are, and I am
happy to report that that process has yet to reveal any, uh, phony,
fictionalized, bogus certificates. Uh, I'm a pessimist--I can't help
myself. That's just my nature. I don't believe that that is accurate.
I'm sure we

34

John Goldman alb99-505@dos.ny.gov 00:08:58.870 --> 00:09:20.015
had been played, or will be played going forward, at some point, and
we will detect a one or another; we just haven't found it yet in the
pile, so to speak. Uh, so I, I was, uh, just asked to speak a little
bit about that, that we, um, are realists, and we understand that

there is the possibility that there will be some attempts to "pull the wool over our eyes" during the inspection process,

35

John Goldman alb99-505@dos.ny.gov 00:09:20.020 --> 00:09:39.725
but we've worked out this spot check system to, uh, detect that. Hopefully, at some point, some will slip through the cracks, of course. But at some point, I'm confident, we'll, we'll detect one or another and take appropriate action. Um, so that's the extent of my report for this meeting.

36

Michelle Brenner 00:09:39.755 --> 00:09:41.165
That's great. John,

37

Michelle Brenner 00:09:41.169 --> 00:09:58.504
thank you. I actually do have a question from you. You said something that just caught my attention. And, just to clarify, the expectations for a nail salon versus any other appearance enhancement business that is still offering nail services, the ventilation requirements are the same, correct?

38

John Goldman alb99-505@dos.ny.gov 00:09:59.674 --> 00:10:02.284
Well, correct. We would define it as a nail salon simply

39

John Goldman alb99-505@dos.ny.gov 00:10:02.319 --> 00:10:23.434
by them offering the service but, of course, there are shops out there that do not offer nail services, and we don't know it before we walk in the door and look at the price list or interview the provider. So, um, you know, most nail salons that most people would identify as nail salons, literally, the word 'nail' is in the name of the shop and you can, you can, you know it

40

John Goldman alb99-505@dos.ny.gov 00:10:23.494 --> 00:10:44.614
before you walk in the door, but there are shops out there who are perhaps an area renter around, or in the corner in the back, where, even as a primary service alongside hair and skin services, but the, from the outside, you can't detect that. The name does not reveal it. Mm. Hmm. Um, and so when we're in there, even though our focus for '21 was nail salons, we recognize that there are,

41

John Goldman alb99-505@dos.ny.gov 00:10:44.645 --> 00:11:05.705
are businesses out there that, from the outside, you can't detect are nail salons and so, therefore, we really didn't make any effort. We still went in and out of shops and inspected shops that, from the outside, you potentially could not identify as a quote, unquote, "nail

shop". Um, and so the, as I mentioned, the latter part of the first half of the year,

42

John Goldman alb99-505@dos.ny.gov 00:11:05.914 --> 00:11:26.884
the second half of the year, October through December, we really instructed our enforcement staff to focus on shops that clearly were nail shops because, of course, the gorilla in the room, 800 pound gorilla in the room, is the best situation, and we wanted to focus on that as we anticipated October initially was coming up, that we had, uh, the spring

43

John Goldman alb99-505@dos.ny.gov 00:11:26.944 --> 00:11:35.134
which now again, of course, the, the requirement has been extended once again to October 22. Um, but the latter of

44

John Goldman 00:11:35.164 --> 00:11:35.524
last

45

John Goldman alb99-505@dos.ny.gov 00:11:35.524 --> 00:11:48.064
year we weren't aware of that extension coming and we wanted to try to get the word out as best we could. And, so that's why, that explains the distinction between the 45% failure rate between July and October

46

John Goldman alb99-505@dos.ny.gov 00:11:48.094 --> 00:11:50.974
almost doubling between October and

47

John Goldman alb99-505@dos.ny.gov 00:11:51.094 --> 00:11:51.544
the, the beginning of the year.

48

Michelle Brenner 00:11:52.414 --> 00:11:53.404
Okay, okay.

49

Anthony Fiore 00:11:53.494 --> 00:11:54.574
Michelle, I have a question.

50

Michelle Brenner 00:11:54.904 --> 00:11:55.414
Certainly.

51

Anthony Fiore 00:11:55.774 --> 00:12:08.854

Does the State have anything implemented or in place that there's a limit on how many times one of these salons fail, that there's eventually something more than just a fine in place that

52

Anthony Fiore 00:12:09.334 --> 00:12:15.694

if they continue this onward and forward? I know when I, we, this law was put into place, there are

53

Anthony Fiore alb99-505@dos.ny.gov 00:12:15.694 --> 00:12:16.684
certain

54

Anthony Fiore 00:12:16.744 --> 00:12:29.074

salons or businesses that it's physically impossible to actually get a ventilation system into the building they currently exist in. So, I'm just wondering if the State has anything enforcement wise that is in place where there's a limit,

55

John Goldman alb99-505@dos.ny.gov 00:12:31.445 --> 00:12:34.205

A limit to the number of times we conduct an inspection?

56

Anthony Fiore 00:12:35.105 --> 00:12:42.635

No, limit to the number of times you are fined and eventually you can shut them down or tell them they can no longer offer these services.

57

John Goldman alb99-505@dos.ny.gov 00:12:43.415 --> 00:12:51.515

Well, our legal folks look at the disciplinary history of any business that we regulate on are pursuing disciplinary action against.

58

John Goldman alb99-505@dos.ny.gov 00:12:51.519 --> 00:13:12.664

So, if they see that this is a repeat problem--two, three, you know--their disposition, obviously, the potential for the disposition to result in something other than a fine, is more likely. But, um, I mean, there's not a policy, per se, that I'm aware of. I think every case is looked at on, on a space. Um, and I agree with you, I believe there are

59

John Goldman alb99-505@dos.ny.gov 00:13:12.695 --> 00:13:33.815

circumstances where the physical layout of the shop does not allow it to adhere to the code that, that would be an exterior event, source capture, and I don't really know what our plans are, for what we're doing in those circumstances when the, you know, the, again, I'm gonna say physical layout--you can think of like a shop

60

John Goldman alb99-505@dos.ny.gov 00:13:33.844 --> 00:13:48.154
in a mall--where it's just simply not feasible to vent to the exterior
of the building or something like that. I don't know what our attitude
is, what our plan is, how we are handling those particular
circumstances. I think they're the exception to the rule, but I agree
with you--they're out there.

61

Jodi DeLollo alb99-505@dos.ny.gov 00:13:49.745 --> 00:14:09.395
And, I'll add to.. any, um, any case that results in a hearing, those
decisions are made by an administrative law judge, and they'd be out
of program's or legal's hands. And, just to let you know, that those
decisions are made, um, separately, once our investigation is
completed.

62

Michelle Brenner 00:14:12.634 --> 00:14:15.394
All right, thank you, guys. Anybody else have any questions for

63

Michelle Brenner alb99-505@dos.ny.gov 00:14:15.394 --> 00:14:16.024
John?

64

Michelle Brenner 00:14:19.085 --> 00:14:26.945
John, thank you very much. Next on our agenda, under reports, is the
processing report with Emily Lupe. Emily?

65

Emily Lupe alb99-505@dos.ny.gov 00:14:27.995 --> 00:14:40.085
Hello. Included in the materials you were provided, you will find
licensing statistics for March of 2021 and March of 2022. These
reports show the number of

66

Emily Lupe alb99-505@dos.ny.gov 00:14:40.144 --> 00:15:01.234
Appearance Enhancement licenses, broken down by license type. Please
note that the 2021 numbers include only licensees and do not include
those licenses whose licenses may have expired but were covered at
that time by Executive Order 202.11, which allowed individuals
licensed by the Department of State to

67

Emily Lupe alb99-505@dos.ny.gov 00:15:01.264 --> 00:15:07.624
extend the expiration date of their license during the State of
Emergency, and that concludes the processing report.

68

Michelle Brenner 00:15:10.744 --> 00:15:12.424
Any questions for Emily, anyone?

69

Michelle Brenner 00:15:15.364 --> 00:15:18.304
Emily, thank you so much. Lastly... uh, go ahead.

70

Erin Hundley 00:15:21.904 --> 00:15:26.674
It's Erin. I just wanted to know, is it possible to have a

71

Erin Hundley alb99-505@dos.ny.gov 00:15:26.764 --> 00:15:27.334
Um,

72

Erin Hundley 00:15:27.574 --> 00:15:30.754
like, I don't know, is there any data anywhere to

73

Erin Hundley 00:15:30.904 --> 00:15:36.484
find out how many licenses have been issued over the last 20 years?

74

Emily Lupe alb99-505@dos.ny.gov 00:15:39.694 --> 00:15:40.114
I'm sorry,

75

Erin Hundley 00:15:42.004 --> 00:15:55.594
There was the statistic there, you know, so, you know it showed, 25
for 25 people, and then 2000 people. Like, is there anything that
shows over the years, how many licenses have been distributed?

76

Jodi DeLollo alb99-505@dos.ny.gov 00:15:57.094 --> 00:16:00.154
I think we can only report back to 2014, unfortunately.

77

Jodi DeLollo alb99-505@dos.ny.gov 00:16:01.684 --> 00:16:10.864
Our statistics, statistics, we can report back, uh, to 2014, um, when
we implemented a new app database.

78

Erin Hundley 00:16:12.184 --> 00:16:21.214
Gotcha. Because it went online, right? Is it possible? Do you know
where I can, where those statistics can be found? Or is

79

Jodi DeLollo alb99-505@dos.ny.gov 00:16:21.844 --> 00:16:22.414
They aren't published

80

Erin Hundley 00:16:22.804 --> 00:16:22.954
Right.

81

Jodi DeLollo alb99-505@dos.ny.gov 00:16:22.954 --> 00:16:27.154
We can request reports run and provided at the next board meeting.

82

Erin Hundley 00:16:28.594 --> 00:16:30.364
Okay, that would be great because I'm interested

83

Erin Hundley 00:16:31.264 --> 00:16:31.564
to see.

84

Jodi DeLollo alb99-505@dos.ny.gov 00:16:32.254 --> 00:16:32.704
Okay.

85

Erin Hundley 00:16:32.734 --> 00:16:33.184
Thank you.

86

Jodi DeLollo alb99-505@dos.ny.gov 00:16:34.174 --> 00:16:39.394
In what, specifically, uh, businesses, operators, all of the above?

87

Erin Hundley 00:16:40.474 --> 00:16:42.754
Yeah, all of the above. The whole list that you have there.

88

Erin Hundley 00:16:42.965 --> 00:16:44.315
I thought that was interesting.

89

Jodi DeLollo alb99-505@dos.ny.gov 00:16:45.515 --> 00:16:45.995
Okay.

90

Erin Hundley 00:16:46.355 --> 00:16:51.755
To see how many licenses are or aren't being distributed.

91

Erin Hundley 00:16:54.904 --> 00:16:55.084
I think.

92

Jodi DeLollo alb99-505@dos.ny.gov 00:16:55.084 --> 00:17:14.104
What we can tell you, we can, what we can tell you is a snapshot of
the number of licensees. We can't tell you like, this is how many we
issued, like, new licenses, but we can tell you, um, this is how many
licensees we had at any one given time.

93

Erin Hundley 00:17:14.104 --> 00:17:15.183
Yeah, yeah.

94

Jodi DeLollo alb99-505@dos.ny.gov 00:17:15.275 --> 00:17:23.765
I would say, like, we'll give you the report for the end of the year,
uh, December of 2000, actually 2015, and forward.

95

Erin Hundley 00:17:25.415 --> 00:17:26.645
Okay, that sounds great. Thank you.

96

Jodi DeLollo alb99-505@dos.ny.gov 00:17:27.935 --> 00:17:30.275
Yeah, no problem.

97

Michelle Brenner 00:17:30.275 --> 00:17:35.945
Thanks, Jodi. Okay, so any other questions for Emily?

98

Michelle Brenner 00:17:37.984 --> 00:17:44.434
Okay, next is, on the reports, is the examination administration
report by Shannon Maguire.

99

Michelle Brenner alb99-505@dos.ny.gov 00:17:44.464 --> 00:17:44.884
Shannon?

100

Shannon Maguire 00:17:46.354 --> 00:17:57.484
Good morning. The following exam statistics will cover the period of
2021 for cosmetology. The written exam was administered to 4,186
applicants with a

101

Shannon Maguire 00:17:57.544 --> 00:18:18.634
pass rate of 72%; the cosmetology practical exam was administered to
2896 applicants with a pass rate of 82%. Moving on to esthetics, the
written exam was administered to 3115 applicants with the pass rate of
69%; the practical exam was administered to 2537

102

Shannon Maguire 00:18:19.115 --> 00:18:30.395
applicants with a pass rate of 97%. For nail specialty, the written
exam was administered to 2236 applicants with a pass rate of 88%;

103

alb99-505@dos.ny.gov 00:18:30.395 --> 00:18:31.025

104

Shannon Maguire 00:18:31.715 --> 00:18:39.695

and the practical exam was administered to 2546 applicants with a pass rate of 89%. For natural hair,

105

Shannon Maguire 00:18:39.789 --> 00:19:00.934

the written exam was administered to 44 applicants with a pass rate of 59%; and the practical exam was administered to 32 applicants with a pass rate of 84%. For waxing, the written exam was administered to 1034 applicants with a pass rate of 65%. Additionally, we have statistics for the

106

Shannon Maguire 00:19:00.940 --> 00:19:08.465

first quarter of 2022. For cosmetology, the written exam was administered to 1057 applicants

107

Shannon Maguire alb99-505@dos.ny.gov 00:19:08.525 --> 00:19:08.765

with a pass rate of

108

Shannon Maguire 00:19:08.975 --> 00:19:22.085

66%; and the practical exam as administered to 675 applicants with a pass rate of 87%. For the esthetics written exam, it was administered to 1093 applicants with a

109

Shannon Maguire 00:19:22.114 --> 00:19:42.424

pass rate of 68%; the practical exam was administered to 671 applicants with a pass rate of 97%. For nail specialty, the written exam has been administered to 580 applicants with a pass rate of 86%; and the practical exam is 542 applicants with a pass rate of 93%.

110

Shannon Maguire 00:19:43.444 --> 00:20:03.124

For natural hair, the written exam has been administered to 13 applicants with a pass rate of 38%; and the practical exam has been administered to 14 applicants with a pass rate of 93%. Lastly, the written waxing exam was administered to 306 applicants with a pass rate of 65%. Thank you.

111

Michelle Brenner 00:20:05.525 --> 00:20:17.705

Shannon, I've got a question for you. Has there been any conversation or anything that you see in the future of going back to working on live models, as opposed to the mannequin heads for the practical exams for esthetics?

112

Shannon Maguire 00:20:17.735 --> 00:20:24.845

We haven't had those. Yeah, we haven't had those discussions yet. Whether or not that will happen down the road, I can't say.

113

Shannon Maguire 00:20:25.954 --> 00:20:29.854

That as of now, we're still working on mannequins for all exams.

114

Michelle Brenner 00:20:31.924 --> 00:20:34.324

Anybody have any questions for Shannon?

115

Michelle Brenner 00:20:36.934 --> 00:20:39.004

Okay, Shannon, thank you so much.

116

Shannon Maguire 00:20:39.244 --> 00:20:39.784

Thank you.

117

Michelle Brenner 00:20:40.264 --> 00:20:57.964

Yep, absolutely. Um, next on our agenda, um, we have one item under action items, which is actually public access to the list of procedural services. And, um, I'm going to go ahead and take that topic. We had a subcommittee put together,

118

Michelle Brenner 00:20:57.994 --> 00:21:18.244

a couple of years ago, we actually began this process and our agenda was to look at all of the services that we're, we are coming across in the appearance enhancement field--cosmetology, esthetics, nails, waxing--but all of the, the things that are out there that are becoming a scope of practice.

119

Michelle Brenner 00:21:19.354 --> 00:21:40.264

Issue and point of conversation on what can I do and what can I not do with my license. So, at that time, the subcommittee put together an extensive list of topics that we are running into on a regular basis, and they categorize them based on licensure. What fell

120

Michelle Brenner 00:21:40.269 --> 00:22:01.174

under esthetics, what fell under cos, what fell under both, what fell under nails, and what fell under a medical procedure, and then something that was that was uncategorized because it wasn't regulated by anyone. We really, and that list keeps growing, as we get more and more questions. But.

121

Michelle Brenner 00:22:01.594 --> 00:22:22.564

the issue at hand now, I'm bringing to all of you is, you know, what do we do with this list now that we have it? Is there a way to, to get public access to this? Um, and I say this for a couple of reasons. Um, first of all, you know, our priority is consumers

122

Michelle Brenner 00:22:22.569 --> 00:22:43.714

safety and protection, and what we are seeing, and I know that all of the advisory board members can second this, is what we are seeing is that our licensees are unsure of what they can and can't be doing, and they don't know where to turn to find out. What, literally, is their

123

Michelle Brenner 00:22:43.744 --> 00:22:46.054

scope of practice? That being

124

Michelle Brenner alb99-505@dos.ny.gov 00:22:46.054 --> 00:22:46.804

said,

125

Michelle Brenner 00:22:47.074 --> 00:23:04.834

there are licensees that are out there that are putting our consumers at risk, because they are performing things that are not in their scope of practice. However, they're being told by product manufacturers, distributors, sales reps, whatever it may be, that oh, you know, this is absolutely okay

126

Michelle Brenner 00:23:04.869 --> 00:23:26.014

to be doing. Examples of everything from microblading and microdermabrasion and chemical peels to lash tinting and lash perming, microneedling--it's just this this whole category has blown up. And, I can tell you that, that the inquiries that come to, to

127

Michelle Brenner 00:23:26.019 --> 00:23:47.164

my desk are constant, and the frustration that's out there is, I'm not even really sure what to say. I know what scope of practices is, but what both consumers and licenses are looking for is where do I go to see that that is indeed a fact. So, I wanted to throw out some, some, some ideas

128

Michelle Brenner 00:23:47.194 --> 00:24:08.314

and look for some suggestions on what do we now do with this list and how can we get support and backing from the Department of licensing to help our licenses and our consumers know what is okay for them to be doing and what isn't. What's interesting is the licensees are looking

for even more than the consumers are. The consumers are sort of going by the wayside

129

Michelle Brenner 00:24:08.319 --> 00:24:29.404
and trusting their esthetician or cosmetologist. Um, but what I thought was, you know, sort of an outreach type of a program, consumer wise looking at, you know, how do we, can we collaborate with the Consumer Protection Office for public outreach to get this pamphlet or this list somehow in their

130

Michelle Brenner 00:24:29.469 --> 00:24:47.824
hands and out, out to them, but really, more importantly, to our licensees to give them guidance as to what they can be doing to get to protect themselves and to protect our consumers. We did a great pamphlet a while ago on a variety of things and we

131

alb99-505@dos.ny.gov 00:24:47.824 --> 00:24:47.974
Yeah.

132

Michelle Brenner 00:24:50.224 --> 00:24:50.614
Either.

133

Michelle Brenner 00:24:50.914 --> 00:24:55.264
To all the schools, I can tell you, as a school owner, we would jump on it.

134

Michelle Brenner alb99-505@dos.ny.gov 00:24:55.264 --> 00:24:55.504
I know

135

Michelle Brenner 00:24:55.504 --> 00:25:11.734
business owners would love to have access to that, to our associations, our beauty and spa salon association and then even some of our major trade magazines. Many of us have great contacts with associations and

136

Michelle Brenner 00:25:11.769 --> 00:25:32.914
magazines that are national, that do list guidelines per states, and this would be a fantastic avenue for us to be able to say, you know, in the State of New York, as a cosmetologist, as an esthetician, here are the things that fall under your scope of practice. And, then again, all of our schools are our cos, or, um,

137

Michelle Brenner 00:25:32.919 --> 00:25:54.064

private schools as well as our BOCES programs as well. Um, but I just, I'm stressing, in an urgency on my part, that we worked really hard on this, and, and the public really needs access to this. And, I'd love to be able to say, well, here's what your scope is, but they're not, people aren't looking just for me, they're really looking for it

138

Michelle Brenner 00:25:54.094 --> 00:26:15.154

to come from an official source and, um, I'd love to find a way that we can somehow do that and get that information out there, or have a directive as to here is where we can send them, whether it's on the website or a phone call, or wherever it may be. But, there's a, there's several pages of services

139

Michelle Brenner 00:26:15.220 --> 00:26:23.615

and they grow on a regular basis of what can we do and what can we not do and to be able to devise a way to get that out to the public would really be fantastic.

140

Jodi DeLollo alb99-505@dos.ny.gov 00:26:25.835 --> 00:26:36.365

Well, I'll just mention, Michelle, they're all great ideas. Um, they're different, they're all different avenues we should explore. We don't have legal staff here today, in today's meeting

141

Jodi DeLollo alb99-505@dos.ny.gov 00:26:36.394 --> 00:26:57.304

but we'll bring this back, all these ideas, and sort out what we can do and we'll be able to provide that information either at the next meeting or we can send an email with additional information about where we should head. We want to kind of get your perspective about how to get the information out there because

142

Jodi DeLollo alb99-505@dos.ny.gov 00:26:57.814 --> 00:27:18.664

we can simply put it on our website, but, like, you know, are people even gonna go to our website to look for that? They may, they may not. Um, I think, um, maybe consumer outreach, that's, that's an interesting avenue. Um, you know, we can talk to our folks, you know, in Consumer Protection to see what

143

Jodi DeLollo alb99-505@dos.ny.gov 00:27:18.694 --> 00:27:35.704

they would recommend. Um, so these are all good ideas. I don't know if any of the board members have any comments to add to that. And, Michelle, I'd also, like, do you know of any states that have this information posted on their website off the top of your head? You mentioned trade magazines.

144

Michelle Brenner 00:27:35.704 --> 00:27:39.814
Um, any states that have their

145

Michelle Brenner 00:27:39.819 --> 00:27:41.374
own listed or...

146

Jodi DeLollo alb99-505@dos.ny.gov 00:27:41.524 --> 00:27:44.404
Yes, yes, yes that have their own information.

147

Michelle Brenner 00:27:45.424 --> 00:27:50.224
Yeah, I, if I'm not mistaken, Utah does, Arizona does.

148

Jodi DeLollo alb99-505@dos.ny.gov 00:27:50.734 --> 00:27:51.304
Arizona, okay.

149

Michelle Brenner 00:27:51.304 --> 00:27:54.724
I believe, yeah, Virginia does as well.

150

Jodi DeLollo alb99-505@dos.ny.gov 00:27:54.754 --> 00:27:55.084
Okay.

151

Michelle Brenner 00:27:55.084 --> 00:28:00.964
One of the big things, one of the big sources people often go to our,
our large

152

Michelle Brenner 00:28:00.995 --> 00:28:18.635
esthetics associations. Now, we have the Beauty Spas Salon Association
here in New York, but there's a lot of big ones, um, national ones
that are out there, and they do list this information, so they would
be ideal resources to be able to reach out to.

153

Jodi DeLollo alb99-505@dos.ny.gov 00:28:19.295 --> 00:28:22.115
Yeah, um, I think an email blast.

154

Jodi DeLollo alb99-505@dos.ny.gov 00:28:22.119 --> 00:28:37.444
This is something that we can consider as well to send this
information to our, our licenses. We have the capability to do that.
But, like I said, it's important we have a conversation with our legal
staff and see what's appropriate.

155

Michelle Brenner 00:28:38.644 --> 00:28:39.634
That's awesome. Thank you.

156

John Goldman alb99-505@dos.ny.gov 00:28:39.634 --> 00:28:43.114
I just want to point out there is a, I just want to point out there is,

157

John Goldman alb99-505@dos.ny.gov 00:28:43.324 --> 00:29:04.384
in our regulations, there's a, there's a section entitled applicability that does list not everything you mentioned, but does identify, for example, uh, the permanent makeup, the micro pigmentation prohibition, the eyelash and eyebrows dying. Um, so there is within a regulation

158

John Goldman alb99-505@dos.ny.gov 00:29:04.444 --> 00:29:25.534
there is some specific, clear cut, prohibitions, not everything. Um, but they are, you know, I mean, obviously, our law booklet is, is a resource that very often is overlooked. Um, you know, there is there was a lot of confusion out there, I can tell you from an enforcement standpoint. Uh, we site, in the field,

159

John Goldman alb99-505@dos.ny.gov 00:29:25.569 --> 00:29:46.684
we site shops on a regular basis for things, such as eyebrow tinting and, uh, not, you know, and then there are things that are certainly permissible, but you have to have the right credentials--massage. There's a section of applicability about the need to have a, a, uh, via massage therapist and not to offer massage, uh, et cetera. So. I'm

160

John Goldman alb99-505@dos.ny.gov 00:29:46.745 --> 00:29:53.855
saying within the regulations, there is an outline of some items that you mentioned that are clearly, you know, there's some guidance on.

161

Michelle Brenner 00:29:54.665 --> 00:29:56.105
Right, yep, absolutely.

162

Leeanne Shade 00:29:58.085 --> 00:30:07.835
Um, having something possibly when a licensee renews their license, like, some sort of attachment

163

Leeanne Shade 00:30:07.894 --> 00:30:28.984
that pops up with that, when they go on the website to do the renewal online of something that comes up. Because that has, I've noticed, just within my old salon, new people coming on questioning what

they're allowed to do, particularly in the esthetics. Some of that, I've had, uh,

164

Leeanne Shade 00:30:29.019 --> 00:30:50.164
along with, I know when we were talking about doing our lash lifting, and we can do the keratin, one, finding a company that offers that option as compared to perming solution and getting a clear definition from them--that is kind of difficult. Because sometimes people I hear within the

165

Leeanne Shade alb99-505@dos.ny.gov 00:30:50.169 --> 00:30:50.769
industry,

166

Leeanne Shade 00:30:51.484 --> 00:31:08.524
stylists saying, well, you know, they were giving a class in New York City, this company, and I'm good. Well, that doesn't necessarily mean that it's a law and you're legal to do it in this state. Things like that. But, you see it advertised--lashed tinting, all the time, in salons. I see it constantly being advertised out there.

167

Michelle Brenner 00:31:11.825 --> 00:31:30.155
Thank you, Leeanne. That's, that's I think what prompted this even more is coming into trade show season and what we're seeing at the trade shows. So, licensees are coming back. Students are coming back. They're saying, I attended this class and that class and here's what I do. And I'm like, no, no, no, no, no.

168

Michelle Brenner 00:31:32.074 --> 00:31:36.604
So, well, how do I know this? And, so just to have that resource.

169

Leeanne Shade 00:31:38.194 --> 00:31:41.614
You're seeing it offered by another, because it can be found in other states, possibly.

170

Michelle Brenner 00:31:44.134 --> 00:31:45.814
Okay, thank you, everyone.

171

Michelle Brenner alb99-505@dos.ny.gov 00:31:45.814 --> 00:31:46.054
Thank you for that.

172

Michelle Brenner 00:31:46.054 --> 00:31:57.154

Next on our agenda, next item is new business for our next meeting date. Denise Tidings. Our next meeting date for Monday, June 13th at 10:30.

173

Denise Tidings alb99-505@dos.ny.gov 00:31:58.054 --> 00:32:04.804

That is correct, and if anyone has any conflicts, please let us know as soon as possible. If you have any items

174

Denise Tidings alb99-505@dos.ny.gov 00:32:04.900 --> 00:32:10.175

you would like us to consider for the agenda, please let us know that as well. Thank you.

175

Michelle Brenner 00:32:11.795 --> 00:32:18.455

Thanks, Denise. All right, so before I adjourn, any last minute questions, statements, thoughts?

176

Michelle Brenner 00:32:21.819 --> 00:32:32.254

Okay, everyone, thank you so much for your time. I really appreciate it. We'll see everybody, hopefully, again on Monday, June 13th, and this meeting is now adjourned. Take care, everyone.

177

alb99-505@dos.ny.gov 00:32:32.914 --> 00:32:33.424

Bye-bye. Bye now.

178

Leeanne Shade 00:32:34.655 --> 00:32:35.165

Bye.