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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF COSMETOLOGY
VIA VIDEOCONFERENCE**

TIME: 10:52 A.M.

Monday, September 21, 2020

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State Board of Cosmetology
September 21, 2020

BOARD MEMBERS:

Tammy Y. O'Neill, Chair, Professional Member
Felicia Brown-Haywood, Vice Chair, Professional Member - Absent
Tracy E. Bruno, Secretary, Professional Member
Theodore Stauffer, Executive Secretary, Bureau of Professional and Occupational Affairs, on behalf of K. Kalonji Johnson, Commissioner, Bureau of Professional and Occupational Affairs
Kristal L. Ferron, Consumer Protection Member
Carolyn R. Folk, Professional Member
Deborah S. Neatock, Professional Member
Elisa Brown, Professional Member - Absent
Stephen J. Szabo, Professional Member

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Board Counsel
Jaime D. Black, Esquire, Co-Counsel
Carolyn A. DeLaurentis, Deputy Chief Counsel, Prosecution Division
Dean F. Picarella, Esquire, Senior Board Counsel
Monty J. Batson, Esquire, Board Prosecution Liaison
Garrett A. Rine, Esquire, Board Prosecutor
Heather J. McCarthy, Esquire, Senior Prosecutor
Kelly I. Diller, Board Administrator
Kraig R. Kiehl, Deputy Secretary for Regulatory Programs, Department of State
Andrew LaFratte, MPA, William Penn Fellow, Department of State
Marc Farrell, Deputy Policy Director, Department of State

ALSO PRESENT:

Aaron Shenck, Executive Director, Pennsylvania Association of Private School Administrators
Addie Harter
Alicia Corcino
Alissa Messina, Cosmetology Instructor, Central Montco Technical High School
Alisha Melvin

State Board of Cosmetology
September 21, 2020

ALSO PRESENT: (cont.)

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7 Allison Garrett
8 Ana Polanco, Licensed Cosmetologist
9 Ashley Smithson
10 Brandee Baker, Cosmetology Instructor, Bucks County
11 Technical High School
12 Brian Abella
13 Sue Smith, Teacher, Career & Technology Center
14 Chris L.
15 Chris Weber, Teacher, Career & Technology Center
16 Corina Bonsall, Cosmetology Teacher, Steel Center for
17 Career and Technological Education
18 Danielle Slade, Licensed Cosmetologist and Educator
19 Debbie Dunn, Owner/President, Lancaster School of
20 Cosmetology
21 Debbie Weidner, DeRielle Cosmetology Academy
22 Dee Scott
23 Deja Johnson
24 Dennis Virga, Director, Monroe Career & Technical
25 Institute
26 Dory Lynch
27 Elaine Gustafson, Owner, Emilaine Skincare Studio
28 Ellen Kanitz
29 Emma Pina, Student, DeRielle Cosmetology Academy
30 Erica Delano
31 Frank Schoeneman, Chairman/CEO, Empire Beauty Schools
32 Henry Pelusi, Studio of Elegance dba Philip Pelusi
33 Hilary Sanchez, Owner, Bella De Salon
34 Haleigh Bernhardt, Salon Owner
35 Amy Loughlin, Levity Salon & Spa
36 Jacqueline Butcher-Jones, Technical College High
37 School Pennock's Bridge Campus
38 John Cowan, My Salon Suite
39 Julie
40 Judith Padoimi, Hand & Stone Massage and Facial
41 Spa
42 Justin Lehman, Pennsylvania Association of Private
43 School Administrators
44 Kaylee Kepley
45 Karen Houshultz, Licensed Cosmetologist/Salon Owner,
46 Apple Day Spa & Hair Restoration Salon
47 Karen Krall, Distributor/Educator, Danne'
48 Montague-King
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State Board of Cosmetology
September 21, 2020

ALSO PRESENT: (cont.)

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7 Kathy Swift, Instructor, Mercy Career & Technical High
8 School
9 Gail Prince, Instructor, Mercy Career & Technical High
10 School
11 Kristen Peckich, Owner, La Pomponnee
12 Kyle Shaffer
13 Lisa Nunamaker
14 Lindsay Weisinger
15 Lorraine Johnson, Hand & Stone Massage and Facial
16 Spa
17 Leah Richardson, Cosmetology Teacher
18 Mark Fisch
19 Mary Puchella
20 Mary Lou Enoches, Owner, La Difference Salon & Day Spa
21 Missy Baker, Empire Beauty School
22 Megan Reidy
23 Michael Stauffer, Ed.D., Director of Curriculum,
24 Instruction, and Assessment/East Campus Principal at
25 Berks Career & Technology Center
26 Michelle Grochalski, CEO/Esthetician, Foundation
27 Skincare by Michelle
28 Mike Gent, Curriculum Coordinator, Pennsylvania
29 Department of Corrections
30 Natalie Cook, Associate, McNeese-Winter Group LLC,
31 representing the American Massage Therapy
32 Association Pennsylvania Chapter
33 Nicole Sidle, Majority Committee Executive Director,
34 House Professional Licensure Committee
35 Nikki, Teacher, Career & Technology Center
36 Regilynn Haywood, There She Glows
37 Regina Wilkins, Heyday Skincare
38 Sandra Knight, Cosmetology Teacher, Steel Center for
39 Career and Technological Education
40 Jen Smeltz, Executive Director, Senate Consumer
41 Protection and Professional Licensure Committee
42 Susanne Philo, General Manager, Chain of Salons
43 at N.E.S.
44 Tamara Artnak, Owner/CEO, Luxe Hair Salon
45 Tamara Karabinus, Lehigh Career & Technical Institute
46 Tara Hepler, Medical Aesthetician/Laser Technician
47 Taylor, DeRielle Cosmetology Academy
48 Taylor Geare
49 Vicky Vanstill, Esthetician
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State Board of Cosmetology
September 21, 2020

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ALSO PRESENT: (cont.)

- Vicky Haines, Cosmetology Instructor, Bethlehem Area Vocational-Technical School
- Wendy Leyden, Instructor, Eastern Center for Arts and Technology
- Yvette Jones, Licensed Esthetician, Hand & Stone Massage and Facial Spa
- Leslie, Student, DeRielle Cosmetology Academy

1 ***

2 State Board of Cosmetology

3 September 21, 2020

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:00 a.m. the Board entered into executive session
7 with Shana M. Walter, Esquire, Board Counsel, and
8 Jaime D. Black, Esquire, Co-Counsel, to have
9 attorney-client consultations and for the purpose of
10 conducting quasi-judicial determinations and
11 deliberations. The Board returned to open session at
12 10:30 a.m.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Cosmetology was held on Monday, September 21,
16 2020. Tammy Y. O'Neill, Chair, Professional Member,
17 called the meeting to order at 10:52 a.m.

18 ***

19 [Roll call was taken.]

20 ***

21 Approval of Minutes

22 CHAIR O'NEILL:

23 First on the agenda, we would like to
24 approve our minutes from the last
25 meeting of July 13, 2020.

1 May I get a motion to approve those
2 minutes?

3 MR. SZABO:

4 I will make a motion to approve the
5 minutes.

6 MS. BRUNO:

7 Second.

8 CHAIR O'NEILL:

9 All in favor, say aye. Any opposed?

10 [The motion carried unanimously.]

11 ***

12 [Jaime D. Black, Esquire, Board Counsel, reminded
13 everyone the meeting is being recorded, and their
14 attendance at this meeting is consent to being
15 recorded.]

16 ***

17 Report of Prosecutorial Division

18 [Garrett A. Rine, Esquire, Board Prosecutor, on behalf
19 of Colby B. Widdowson, Esquire, Board Prosecutor,
20 presented the Consent Agreements for Case No. 18-45-
21 001143 and Case No. 20-45-008832.]

22 ***

23 Introduction of Audience

24 [Tammy Y. O'Neill, Chair, Professional Member,
25 requested the introduction of everyone participating

1 in today's meeting.]

2

3 Appointment - Pennsylvania Association of Private
4 School Administrators

5 [Aaron Shenck, Executive Director, Pennsylvania
6 Association of Private School Administrators, stated
7 the association represents about 100 technical
8 colleges and postsecondary career schools across
9 Pennsylvania, including several dozen schools that
10 offer cosmetology programs.

11 Mr. Shenck reported that online delivery tools
12 have gotten more advanced and diversified and more
13 technical and career schools are starting to use this
14 technology, but cosmetology programs have lacked the
15 legal authority to use online technologies in the
16 commonwealth even though approximately half of their
17 curriculum is theory-based and does not require any
18 hands-on training.

19 Mr. Shenck addressed student education during
20 COVID-19, noting programs like welding, construction,
21 auto mechanics, aviation, nursing, and other careers
22 fall under the State Board of Private Licensed Schools
23 (PLS) in the Pennsylvania Department of Education. He
24 mentioned the Pennsylvania Association of Private
25 School Administrators (PAPSA) worked with the PLS

1 Board in the Department of Education and the
2 administration who voted to give those programs new
3 legal authorities to do as much education as they
4 could online throughout the pandemic.

5 Mr. Shenck stated that barbering and cosmetology
6 fall under the Department of State and not the
7 Department of Education and were not given the same
8 legal authority. PAPSA then contacted the Department
9 of State and requested similar authority for barbering
10 and cosmetology, which were given some online
11 flexibility but was capped at 250 hours or 20%.

12 Mr. Shenck stated PAPSA again contacted the
13 Department of State warning that the caps would run
14 dry and indicated these programs could offer more
15 hours, so the Governor granted the request of the
16 Board of Barbering Examiners an increase to 50% online
17 but not cosmetology programs.

18 Mr. Shenck commented that PAPSA disagreed with
19 what they had been hearing, where the field of
20 cosmetology was being treated differently than other
21 higher education because cosmetologists are not
22 assessed on practical skills. He noted the General
23 Assembly unanimously passed Act 136 of 2014, which
24 enacting the law requiring written examination for
25 cosmetology license applicants to include both

1 questions on theory and questions on practical skills
2 in the state assessment.

3 Mr. Shenck noted the importance of providing
4 cosmetology schools with additional online hours
5 during the pandemic and even after the pandemic. He
6 requested the Board take action today to provide
7 additional flexibility for schools and programs.

8 Debbie Dunn, Owner, Lancaster School of
9 Cosmetology/President, PASA Board of Directors, noted
10 PAPSA provided information to state Board staff
11 regarding what PAPSA schools have been doing to
12 effectively evaluate practical skills.

13 Ms. Dunn believes cosmetologist should also be
14 permitted to do 120 hours of haircutting, hairstyling,
15 and hairpieces via distance just like barbers. She
16 questioned why, in the crossover curriculum, are
17 licensed cosmetologists permitted to do 327 hours of
18 695 via distance education at a barbering school if,
19 according to the current belief, that licensed
20 cosmetologist never took a practical exam and may
21 never have worked a day in a salon; yet they can do up
22 to 50% of their barber curriculum via distance
23 education.

24 Ms. Dunn commented that the regulation clearly
25 states that 1000 hours of cosmetology skills includes

1 both cognitive and manipulative skills, noting that
2 cognitive relates to the mental processes of
3 perception, memory, judgment, and reasoning and not
4 hands on. She believes it can be increased to 50% if
5 it is written in the regulation that those 1000 hours
6 of cosmetology skills include both cognitive and
7 manipulative.

8 Ms. Dunn reported that some students are seeing
9 this as discriminatory in a female-dominated
10 cosmetology program. She requested the Board consider
11 50% via distance hybrid, especially during the
12 pandemic.

13 Frank Schoeneman, Chairman/CEO, Empire Beauty
14 Schools, stated Empire has 17 schools in the
15 commonwealth and 20 schools in other states, noting it
16 to be a travesty where barbering, a male-dominated
17 profession, is allowed to have 625 of the 1250 hours
18 virtually with essentially the same skill sets. He
19 commented that the visuals are unacceptable, and it
20 needs to be changed.

21 Mr. Schoeneman addressed the changed 25-30 years
22 ago, where all schools in Pennsylvania within five
23 years of operating had to become accredited because
24 the Board had no ability to manage, inspect, and take
25 care of what amounted to quality education standards.

1 Mr. Schoeneman commented that the state allowed
2 accrediting commissions to become the compliance
3 people for education and have never discussed it
4 since. He reported accrediting agencies have all
5 allowed at least 50% or more of cosmetology education
6 to be online in 50 states.

7 Mr. Schoeneman stated the 625, less 250 already
8 approved at 20% of the program leaves 375 hours. He
9 noted subjecting cosmetology students, who are
10 primarily between the ages of 18-24 and female, to 59
11 days of public transportation to learn theory that
12 could easily and effectively be learned at home during
13 the pandemic.

14 Mr. Schoeneman addressed practical testing in
15 Pennsylvania called a written practical test with
16 approved by the Pennsylvania legislature, democrats,
17 republicans, and signed by the governor. He commented
18 that students have been blocked at 250 hours since
19 March and pleaded with the Board to allow 625 hours of
20 online theoretical education today.

21 Mark Fisch, father of a student at Monroe Career
22 & Technical Institute, requested assistance from the
23 Board to help his daughter and keep other kids on
24 track in visualizing their dreams and seeing their
25 dreams of becoming licensed come true by allowing them

1 additional distance hours.

2 Vicky Haines, Cosmetology Instructor, Bethlehem
3 Area Vocational-Technical School, commented that
4 global partnership for education (GPE) schools are
5 suffering. She expressed the need to take a serious
6 look at this today to get the hours increased, so
7 students do not have to pay any additional monies
8 because of a pandemic due to not having the hours.

9 Karen Houshultz, Licensed Cosmetologist, Apple
10 Day Spa & Hair Restoration Salon, stated she is
11 hopeful the considerations will be taken and also
12 extended to the teachers' portion of cosmetology as
13 well.

14 Jacqueline Butcher-Jones, Technical College High
15 School Pennock's Bridge Campus, noted experiencing the
16 same problems as other schools, where students will
17 run out of the ability to accrue hours, noting they
18 will graduate and meet the Pennsylvania Department of
19 Education (PDE) requirements but not as far as
20 cosmetology. She requested the Board increase hours
21 for cosmetology students for both private and public
22 schools.

23 Michael Stauffer, Ed.D., Director of Curriculum,
24 Instruction, and Assessment/East Campus Principal at
25 Berks Career & Technology Center, addressed the limit

1 of 250 hours in a virtual environment, where students
2 are still in uniform, practicing the skills,
3 interacting with the instructor, and interacting with
4 classmates. He respectfully asked the Board to
5 consider extending the hours.

6 Alissa Messina, Cosmetology Instructor, Central
7 Montco Technical High School, agreed that this being a
8 disservice to students and agreed to increase the
9 number of hours virtually.

10 Corina Bonsall, Cosmetology Teacher, Steel Center
11 for Career and Technological Education, introduced
12 herself and Sandra Knight, Cosmetology Teacher, Steel
13 Center for Career and Technological Education, agreed
14 with everything said and raising the hours even to
15 only barbering students.

16 Brandee Baker, Cosmetology Instructor, Bucks
17 County Technical High School, expressed her
18 frustration, noting their room is completely ready to
19 go with barriers and petitions and the unfairness of
20 students being penalized.

21 Ms. Neatock agreed that the Board needs to
22 increase the distance education.

23 Ms. Bruno agreed, stating it is a female-oriented
24 business and holding them back is unfair because they
25 would be able to take their studies online if they

1 were in a conventional college or university.

2 Ms. Folk suggested making it a Board
3 recommendation that the policy be changed in order to
4 help provide an education for those who are seeking
5 more online hours.

6 Mr. Szabo agree with everyone and recommend the
7 hours be changed to at least the barber industry.

8 Mary Lou Enoches, Owner, La Difference Salon &
9 Day Spa, agreed with changing the hours to get those
10 people educated and felt it to be discriminating.]

11 ***

12 MS. WALTER:

13 I believe the Board will entertain a
14 motion to make a request to the
15 Governor's Office to increase the
16 allowable distance education hours to
17 50% of the required hours for each of
18 the license categories under the Board
19 of Cosmetology which includes
20 cosmetologists, estheticians, nail
21 technicians, natural hair braiding, and
22 all of the teacher curriculums for the
23 duration of the pandemic plus an
24 additional 90 days.

25 MS. BRUNO:

1 I make a motion.

2 MS. NEATOCK:

3 I second.

4 MS. WALTER:

5 We have a motion and a second.

6

7 Tracy Bruno, yes; Kristal Ferron, yes;
8 Carolyn Folk, yes; Deborah Neatock, yes;
9 Stephen Szabo, yes; Tammy O'Neill, yes;
10 Kraig Kiehl, yes.

11 [The motion carried. Theodore Stauffer, on behalf of
12 Commissioner Johnson, abstained from voting on the
13 motion.]

14

15 [Ms. Neatock referred to Mr. Schoeneman's comment and
16 questioned whether this is something that could go on
17 after the pandemic.

18 Ms. Walter explained that members of the public
19 who wish to have the law changed can speak with their
20 legislators. She stated the purpose of the vote today
21 is to make a request to the Governor's Office and will
22 be in effect during the emergency declaration and the
23 additional 90 days. She noted the duration of the
24 emergency declaration is determined by Governor Wolf
25 and then 90 days would be added at the conclusion of

1 the emergency declaration.

2 Ms. Walter commented that she is unable to give a
3 timeline on any action, and like all of the other
4 waivers and guidance issued during the emergency
5 declaration, it will be posted on the website.]

6

7 Report of Board/Regulatory Counsel

8 [Shana M. Walter, Esquire, Board Counsel, noted seven
9 final adjudications and orders, two proposed hearing
10 examiner adjudications and orders, four motions to
11 enter default and deem facts admitted, and several
12 individual and variance applications the Board
13 discussed during executive session.

14 Ms. Walter referred to the proposed annex for
15 16A-4520 regarding fees. She stated the Bureau of
16 Finance and Operations presented the Board's budget,
17 which showed an increase in renewal fees was
18 necessary. She provided a new fee structure, which
19 increases the fees over three renewal cycles.

20 Danielle Slade, Licensed Cosmetologist and
21 Educator, expressed concern with fee increases because
22 her business has not returned to 100% and is bringing
23 in less profit prior to March 2020.

24 Ms. Walter explained that the numbers were voted
25 on and prepared by the Bureau of Finance and

1 Operations (BFO) prior to the pandemic and would start
2 with the January 1, 2022 to December 31, 2024 biennial
3 renewal.]

4 ***

5 MS. WALTER:

6 Number 17 on the agenda. I believe the
7 Board would entertain a motion to send
8 out the fee annex for regulation 16A-
9 4520 as an exposure draft.

10 Is there a motion?

11 MS. NEATOCK:

12 I make a motion to send out the fee
13 annex as an exposure draft.

14 MS. BRUNO:

15 I second.

16 MS. WALTER:

17 All in favor? Any opposed?

18 [The motion carried unanimously.]

19 ***

20 MS. WALTER:

21 Number 18 on the agenda is regulation
22 16A-4521 licensure by endorsement. This
23 is the annex that spells out the
24 regulations drafted pursuant to Act 41,
25 where were passed in 2019. Act 41

1 allows an individual coming in from
2 another jurisdiction which could include
3 another state or country and offers
4 these individuals an alternative to
5 license by reciprocity to obtain their
6 license. We discussed this at the July
7 meeting. The annex on the agenda
8 reflects the changes to the regulation
9 that were voted upon at the July
10 meeting.

11 Do any of the Board members have
12 any questions?

13 MS. NEATOCK:

14 I make a motion to accept the license by
15 endorsement and the changes as made and
16 to accept it as it is now.

17 MS. WALTER:

18 Before we have a motion, are there any
19 members of the public who have any
20 questions?

21 [Ms. Walter answered questions from the public.]

22 MS. WALTER:

23 Are there any other questions about
24 license by endorsement?

25 I believe the Board would entertain

1 a motion to send out the annex for
2 licensure by endorsement 16A-4521 to the
3 stakeholders as an exposure draft.

4 Is there a motion?

5 MS. FOLK:

6 I'd like to make a motion.

7 MS. BRUNO:

8 I second.

9 MS. WALTER:

10 All in favor? Any opposed?

11 [The motion carried unanimously.]

12 ***

13 [Jaime D. Black, Esquire, Board Counsel, referred to
14 the proposed annex at 16A-4518 regarding massage
15 therapy in salons. She explained the regulatory
16 package was first discussed with the Board in 2015 and
17 involves the practice of massage therapy in
18 cosmetology or esthetician salons and required the
19 State Board of Cosmetology and State Board of Massage
20 Therapists to jointly promulgate regulations regarding
21 standards.

22 Ms. Black referred to the draft of the proposed
23 regulation approved by the Cosmetology Board in March
24 2015 and the Massage Therapy Board in April 2015. She
25 provided an overview of the proposed sections, noting

1 Section 7.150 is new and sets forth the standards for
2 practicing massage therapy within a salon. Subsection
3 (a) sets forth conditions that must be met to practice
4 massage therapy and would reiterate that massage
5 therapists must be the owners of the salon or an
6 employee and must comply with the Massage Therapy Law
7 and corresponding regulation.

8 Ms. Black noted the section clarifies that if a
9 massage therapist is the owner of a salon that they
10 are responsible for complying with other regulations
11 of the Board pertaining to salon management as well as
12 the Massage Therapy Law. The section further provides
13 requirements for private massage therapy rooms to be
14 used when the massage therapy practice exceeds the
15 scope of cosmetology or esthetician practice.

16 Ms. Black stated that private rooms would be
17 required to be 120-square feet and would be considered
18 to be part of the licensed square footage of the salon
19 and linens and other supplies used for massage
20 services would be allowed to be stored in the private
21 room or in the salon space designated by the salon
22 owner.

23 Ms. Black stated the section would allow
24 esthetician services to be provided in the private
25 room as long as the said services were not provided at

1 the same time as massage therapy services.

2 Ms. Black stated Section (b) provides that a
3 license would be subject to inspection by the Board
4 and the Massage Therapy Board. Subsection (c)
5 provides clarification that a licensee under this new
6 section who violates this act or the Massage Therapy
7 Law is subject to discipline by licensee's applicable
8 licensing board. She commented that the two
9 subsections put all licensees on notice of possible
10 inspection, investigation, and disciplinary sanctions.

11 Michelle Grochalski, CEO/Esthetician, Foundation
12 Skincare by Michelle, suggested changing owner of the
13 spa to cosmetology or limited license owner to allow
14 massage therapy to have it within the salon.

15 Ms. Black suggested that comments could be
16 submitted to the Board once the annex is sent out for
17 an exposure draft, but the Board would have to first
18 adopt the annex.]

19

20 MS. BLACK:

21 Would the Board entertain a motion
22 directing Board counsel to move forward
23 with the proposed regulations at 16A-
24 4518, send it out to stakeholders as an
25 exposure draft, and proceed through the

1 regulatory process?

2 MS. FOLK:

3 I'd like to make a motion.

4 CHAIR O'NEILL:

5 Second.

6 MS. BLACK:

7 All in favor? Any opposed?

8 [The motion carried unanimously.]

9 ***

10 MOTIONS

11 MS. WALTER:

12 We will start with numbers 2 and 3 on
13 the agenda. Number 2 is Case No. 18-45-
14 001143. Number 3 is Case No. 20-45-
15 008832.

16 I believe the Board would entertain
17 a motion to adopt the Consent Agreements
18 of the previous case numbers.

19 Is there a motion.

20 MS. NEATOCK:

21 I make a motion.

22 MR. SZABO:

23 Second.

24 MS. WALTER:

25 All in favor? Any opposed?

1 [The motion carried unanimously. The Respondent's
2 name in Case No. 18-45-00143 is Seneca Y. Harley, and
3 Case No. 20-45-008832 is Justin Huang.]

4

5 Adjudications and Orders

6 MS. WALTER:

7

We are going to move on to adjudications
8 and orders. We are going to do them as
9 a group, numbers 4 through 10.

10

I believe the Board would entertain
11 a motion to enter the final
12 Adjudications and Orders of the
13 following case numbers: Athena M.
14 Coffey, Case No. 19-45-008353; Charlotta
15 Abbott, Case No. 16-45-03740; Cassidy
16 Bowman, Case No. 19-45-003737; Nakeya A.
17 King, Case No. 18-45-003126; Doan N.
18 Nguyen t/d/b/a New York Nails and Spa,
19 Case No. 18-45-03014; Ginger Morrison,
20 Case No. 19-45-011941; Chop Shop Kutz,
21 LLC t/d/b/a Chop Shop Kutz, Case No. 17-
22 45-02644.

23

Is there a motion to enter the
24 final adjudications and orders in those
25 cases?

1 MS. BRUNO:

2 I make a motion.

3 CHAIR O'NEILL:

4 I second that.

5 MS. WALTER:

6 All in favor, say aye. Any opposed?

7 [The motion carried unanimously.]

8 ***

9 Motions to Enter Default and Deem Facts Admitted

10 MS. WALTER:

11 We are going to move on to adjudications
12 and orders, numbers 12 through 15.

13 I believe the Board would entertain
14 a motion to grant the Motion to Enter
15 Default and Deem Facts Admitted and
16 direct counsel to draft final
17 adjudications and orders in the
18 following matters: El Pueblo Dominican
19 Hair Salon, Case No. 18-45-006300;
20 Kristen Michelle Zimmerman, Case No. 19-
21 45-006733; Jonathan Ezell d/b/a Styles
22 by Jon; Case No. 17-45-03766; Nail Trix,
23 Case No. 18-45-04072.

24 Is there a motion?

25 MS. FOLK:

1 I make a motion.

2 MS. NEATOCK:

3 I second it.

4 MS. WALTER:

5 All in favor?

6 [The motion carried unanimously.]

7 ***

8 Hearing Examiners Proposed Adjudications and Orders

9 MS. WALTER:

10 Number 11 on the agenda is the proposed
11 Adjudication and Order for Ashley
12 Bianco, Case No. 17-45-08455.

13 I believe the Board would entertain
14 a motion to make final the hearing
15 examiner's proposed adjudication and
16 order?

17 MS. BRUNO:

18 I make a motion.

19 MS. FOLK:

20 Second.

21 MS. WALTER:

22 All in favor?

23 [The motion carried unanimously.]

24 ***

25 MS. WALTER:

1 Number 16 on the agenda is James Roll,
2 Case No. 19-45-014784. This is a
3 Proposed Adjudication and Order.

4 I believe the Board would entertain
5 a motion to make final the hearing
6 examiner's proposed adjudication and
7 order?

8 MS. NEATOCK:

9 I make a motion.

10 MS. WALTER:

11 Do we have a second?

12 MS. BRUNO:

13 Second.

14 CHAIR O'NEILL:

15 All in favor, please say aye. Any
16 opposed?

17 [The motion carried unanimously.]

18 ***

19 Applications

20 MS. BLACK:

21 I believe the Board would entertain a
22 motion for Item No. 20, Alisha Melvin,
23 to provisionally deny the application.

24 Is there a motion?

25 MS. FOLK:

1 I make a motion.

2 MS. FERRON:

3 I second the motion.

4 MS. BLACK:

5 All in favor? Any opposed?

6 [The motion carried unanimously.]

7 ***

8 MS. BLACK:

9 I believe the Board would entertain a
10 motion to ratify the approval of the Act
11 41 Application of Anxhela Hoxha.

12 Is there a motion for 21?

13 MS. FOLK:

14 I make a motion.

15 MS. BRUNO:

16 Second.

17 MS. BLACK:

18 All in favor? Any opposed?

19 [The motion carried unanimously.]

20 ***

21 MS. BLACK:

22 Number 22. I believe the Board would
23 entertain a motion to provisionally deny
24 the Application for a Variance of Salon
25 Suites of Gettysburg Suite 4.

1 MS. NEATOCK:

2 I make a motion to deny the application
3 of Salon Suites 4.

4 MS. BRUNO:

5 I second.

6 MS. BLACK:

7 All in favor? Any opposed?

8 [The motion carried unanimously.]

9 ***

10 MS. BLACK:

11 Would the Board entertain a motion to
12 provisionally deny the Application for a
13 Variance at Item No. 23, Salon Suites of
14 Gettysburg Suite 5?

15 MS. FERRON:

16 I make a motion to deny the variance for
17 Gettysburg Suites.

18 CHAIR O'NEIL:

19 I second the motion.

20 MS. BLACK:

21 Any opposed? All in favor, say aye.

22 [The motion carried unanimously.]

23 ***

24 MS. BLACK:

25 Item No. 24. Would the Board entertain

1 a motion to grant the Variance for the
2 Application of K Salon?

3 MS. NEATOCK:

4 I make a motion to grant the application
5 request for K Salon.

6 MS. BRUNO:

7 I second.

8 MS. BLACK:

9 Any opposed? All in favor, say aye.

10 [The motion carried unanimously.]

11 ***

12 MS. BLACK:

13 Would the Board entertain a motion to
14 provisionally deny the Variance request
15 of Item No. 25, Studio 220 AG Salon?

16 MS. FERRON:

17 I make a motion to deny the variance.

18 MS. BLACK:

19 Is there a second?

20 MS. FOLK:

21 Second.

22 MS. BLACK:

23 Any opposed? All in favor, say aye.

24 [The motion carried unanimously.]

25 ***

1 MS. BLACK:

2 Would the Board entertain a motion to
3 provisionally deny the Variance request
4 at Item No. 26, Hello Gorgeous?

5 MS. NEATOCK:

6 I make a motion to provisionally deny
7 the request of Hello Gorgeous.

8 MS. FERRON:

9 I second it.

10 MS. BLACK:

11 Anyone opposed? All in favor, say aye.

12 [The motion carried unanimously.]

13 ***

14 MS. BLACK:

15 Would the Board entertain a motion to
16 ratify the approval of the Application
17 of SCI Phoenix FTU?

18 MS. NEATOCK:

19 I make a motion to ratify this decision.

20 MS. FERRON:

21 Second.

22 MS. BLACK:

23 Anyone opposed? All in favor?

24 [The motion carried unanimously.]

25 ***

1 MS. BLACK:

2 Would the Board entertain a motion to
3 grant a provisional license at Item No.
4 28, Michel Burgwin-Filimowicz Act 41
5 Application?

6 MS. NEATOCK:

7 I make a motion to approve the Act 41
8 application for provisional license.

9 MS. BRUNO:

10 I second.

11 MS. BLACK:

12 Anyone opposed? All in favor, say aye.

13 [The motion carried unanimously.]

14 ***

15 MS. BLACK:

16 Would the Board entertain a motion to
17 grant a provisional license to Cassidy
18 Elizabeth Mast under Act 41?

19 MS. FOLK:

20 I make a motion to approve the
21 provisional license.

22 MS. FERRON:

23 I second.

24 MS. BLACK:

25 Anyone opposed? All in favor, say aye.

1 [The motion carried unanimously.]

2 ***

3 Report of Commissioner

4 [Kraig R. Kiehl, Deputy Secretary for Regulatory
5 Programs, Department of State, on behalf of K. Kalonji
6 Johnson, Commissioner, Bureau of Professional and
7 Occupational Affairs, thanked everyone for their
8 participation today. He noted appreciation for the
9 hard work of counsel, administration, and others.]

10 ***

11 Report of Board Chair

12 [Tammy Y. O'Neill, Chair, Professional Member,
13 expressed her appreciation for the hard work of
14 everybody who joined the meeting today as well as
15 Board members throughout the pandemic.]

16 ***

17 Report of Board Administrator - No Report

18 ***

19 [Shana M. Walter, Esquire, Board Counsel, noted today
20 is Debbie Neatock's last meeting and thanked her for
21 all of her work on the Board.]

22 ***

23 Old/New Board Business

24 [Lorraine Johnson, Hand & Stone Massage and Facial
25 Spa, questioned whether the Board intended to address

1 or vote on allowing facials in Pennsylvania today.
2 She mentioned previous discussion at the July meeting
3 but not being able find any new information on the
4 Board website.

5 Ms. Walter explained that the Board and their
6 team within the department are taking this seriously
7 and considering everyone's comments made at the July
8 meeting as well as all of the comments received via
9 email and telephone relating to facials.

10 Anna mentioned attending the July meeting, where
11 the Board was going to contact the governor and asked
12 whether there was any response. She expressed concern
13 of losing her business, stating she is working in a
14 retail environment and exposing herself to more
15 dangers to pay rent on a business that has not been
16 opened since February.

17 Anna questioned why the facial issue was not put
18 on the meeting when so many estheticians have been
19 without a job for 7 months. She noted not being able
20 to qualify for the Paycheck Protection Program (PPP)
21 because she had a new business. She mentioned
22 contacting her state representative but received no
23 response. She suggested the Board help and fight for
24 them.

25 Judith Padomi, Hand & Stone Massage and Facial

1 Spa, applauded the Board for help given to students
2 this morning to achieve their career aspirations but
3 asked for help for those who need to perform their
4 career now as licensed professionals. She mentioned
5 New Jersey, Delaware, Ohio, and New York have opened
6 with enhanced protocols and safety procedures. She
7 noted presenting protocols to the Board in hopes of
8 receiving a date to resume services but believes
9 anesthetists have been overlooked without guidance.

10 Mary Lou Enoches, Owner, La Difference Salon &
11 Day Spa, stated she is aware it is the governor's rule
12 but suggested the Board send something to the governor
13 to back these people. She also suggested facial
14 coverings made of Plexiglas, where the person is
15 completely covered and hands go under the shield.

16 Marc Farrell, Deputy Policy Director, Department
17 of State, assured everyone that it is not a lack of
18 reaching out to the governor on their part that is
19 preventing anything from moving forward. He explained
20 that removal of the mask is the primary issue. He
21 encouraged everybody to contact the Governor's Office
22 directly and to contact their legislators.

23 Ms. Houshultz noted contacting Representative
24 Jonathan Fritz and being in touch with the Governor's
25 Office, where the response received from emails sent

1 from her representative says that the Board of
2 Cosmetology has not updated their guidance for salons.
3 She commented that the Governor's Office put it on the
4 Board of Cosmetology. She noted it also says the
5 Board can be contacted at the information below if
6 constituents would like to recommend changes to the
7 guidance.

8 Regilynn Haywood, There She Glows, noted CBS 21
9 reached out to the Governor's Office as well and
10 received that response. She noted an actual legal
11 battle with the governor in this regard, where it was
12 deemed unconstitutional if you were still in a county
13 where the ban was not lifted.

14 Elaine Gustafson, Owner, Emilaine Skincare
15 Studio, the Pennsylvania Department of Health states
16 clearly that masks may be removed for treatment,
17 medical or otherwise at the time treatment begins.

18 Ms. Haywood commented that according to emails
19 from our representative's office and the governor, the
20 Board is the reason facials are not allowed in the
21 state of Pennsylvania according to the governor, and
22 the governor will not allow facials according to the
23 Board. She questioned at what point do those two
24 answers communicate with each other for people to be
25 able to provide these services.

1 Ms. Walter requested the emails be forwarded to
2 the Board's resource account for her review.

3 Ms. Houshultz questioned whether the State Board
4 of Cosmetology in the State of Pennsylvania believes
5 and/or agrees with the fact that facials with the
6 proper protocols should be acceptable and has it been
7 proposed to the Governor's Office.

8 Ms. Walter stated all of the information received
9 had been provided to the Governor's Office.

10 Ms. Houshultz informed the Board of an email
11 stating that the Governor's Office said it is at the
12 discretion of the State Board of Cosmetology.

13 Ms. Walter requested the email be forwarded for
14 her review.

15 Ms. Houshultz offered to provide Ms. Walter with
16 the email. She also requested contact information to
17 speak with someone personally other than continual
18 email correspondence.

19 Ms. Walter explained that the Board staff and
20 administrator are doing their best to answer phone
21 calls but are still, in a large part, working
22 remotely.

23 Hilary Sanchez, Owner, Bella De Salon, wanted to
24 know who is making regulations for the beauty
25 industry, noting health care workers on the front

1 lines of COVID-19 do not have certain regulations.

2 Ms. Walter provided an overview of the regulatory
3 process.

4 Ms. Sanchez requested a list of who made the
5 regulations and guidelines because she believes their
6 industry is trained over and over on sanitation and
7 does not understand why hospitals are not doing some
8 of the things that are required of them.

9 Ms. Walter noted that guidance received from the
10 Governor's Office and the Department of Health is
11 being followed and will be posted on the website if
12 that guidance changes. She commented that the
13 governor has declared a state of emergency in
14 Pennsylvania related to the pandemic, and the Board
15 does not have the authority to override an executive
16 order.

17 Karen Krall, Distributor/Educator, Danne'
18 Montague-King, questioned the background and
19 credentials of those who make the regulations.

20 Ms. Walter explained the regulation process,
21 where all regulations that are drafted go before the
22 Board and then the annex is published and members of
23 the public from any individual expert or trade
24 association has the ability to comment on the proposed
25 regulation. She stated it then goes through the

1 regulatory process through the Independent Regulatory
2 Review Commission (IRRC) and then an 18-month process.
3 She noted this to be separate and apart from guidance.

4 Ms. Krall believes a lot of regulations are
5 outdated and the state is behind. She noted a comment
6 from the July meeting, where someone mentioned the
7 State Board of Cosmetology is not here to represent
8 them but to protect the public. She commented that
9 any institution that is highly qualified keep their
10 business highly professional but is currently unsure
11 who is representing them.

12 Ms. Walter noted having email folders with
13 comments and questions and the minutes. She stated
14 the Board is doing their job to protect the citizens
15 of Pennsylvania and taking licensee concerns to the
16 appropriate individuals.

17 Tara Hepler, Medical Aesthetician/Laser
18 Technician, questioned why there could be disciplinary
19 action for guidance. She noted many people performing
20 facials in the Pittsburgh area all over social media.

21 Ms. Walter noted a link on the Department of
22 Health website, where an individual can make a
23 complaint that a business is not following the
24 Department of Health guidance and the Department of
25 State website if a business is acting contrary to the

1 regulations.

2 Ms. Gustafson referred to the Pennsylvania
3 Department of Health website, noting the question,
4 "Do I have to wear a mask at the dentist?" "At a
5 medical appointment related to my nose?" The answer
6 is individuals obtaining a service, medical or
7 otherwise, involving the nose or face for which
8 temporary removal of the face covering is necessary to
9 perform the service are allowed to temporarily remove
10 their face covering to obtain the service.

11 Ms. Enoches explained that this is a COVID-19
12 mandate from the governor who was influenced by Dr.
13 Levine. She noted trying to contact all different
14 government officials and her own officials. She noted
15 the state Board can only do so much, and it is
16 impossible to reach Dr. Levine. She explained that
17 people who are representatives under the governor will
18 not go against him and will do no good.

19 Ms. Enoches recommended everyone contact Senator
20 Mastriano, who will help, instead of attacking the
21 Board. She also explained that whoever is providing
22 information from the Governor's Office that it is the
23 state Board's responsibility is wrong.

24 Ms. Walter will contact the Governor's Office
25 tomorrow.

1 Anna mentioned prior discussion at last meeting
2 regarding face shields and wanted to know if there was
3 any response from the governor.

4 Ms. Walter noted the safety protocols and
5 personal protective equipment (PPE) brought to the
6 Board's attention at the last meeting was given to the
7 Governor's Office.

8 Julie requested specific guidance regarding
9 medical spas being allowed to perform facials and not
10 regular spas.

11 Ms. Walter explained that the statute and
12 regulations require esthetician services for
13 cosmetology for compensation be performed in a
14 licensed salon. She commented that complaints can be
15 filed on the Board's website against estheticians
16 performing services in a salon not licensed by the
17 Board.

18 Ms. Enoches commented that many spas are governed
19 under the medical Board.

20 Ms. Haywood believes there is no representation
21 for estheticians. She reported an investigation
22 taking place in her business while clients were
23 present for waxing services, noting that people are on
24 edge and then investigators come in during COVID-19
25 due to guidelines, which are causing people to lose

1 their business. She noted the need for a united front
2 on the protocols. She also noted having a license in
3 Georgia and Pennsylvania, commenting that Pennsylvania
4 is behind.

5 Ms. Haywood reported a demographic of people who
6 are experiencing heightened skin care issues because
7 of the mask mandate, and estheticians are being told
8 as healers not to do what they are licensed to do
9 because of guidance being enforced.

10 Judith Padomi, Hand & Stone Massage and Facial
11 Spa, addressed HydraFacial/Dermalinfusion (Silk Peel).
12 She commented that Virginia has the same mask mandate
13 as Pennsylvania but are allowing anything on a long
14 wand to be used underneath the mask without removal of
15 the mask, including HydraFacial and Dermalinfusion.

16 Ms. Walter believes the guidance specifically
17 says no facial treatment but could add the different
18 technique to the information being provide today.

19 Ms. Gustafson, requested clarification for an
20 esthetician's ability to provide an esthetic service
21 on the back and decollete area.

22 Ms. Walter read the definition of "esthetics."
23 She noted that she is unable to provide a direct
24 answer to anything beyond the definition because she
25 is not permitted to provide members of the public with

1 an advisory opinion but will try to get more
2 information regarding wand services under the mask.]

3 ***

4 [Shana M. Walter, Esquire, Board Counsel, noted the
5 next scheduled meeting date is November 4, 2020.]

6 ***

7 Reports of Committees - No Report

8 ***

9 Adjournment

10 MS. WALTER:

11 I believe the Board would entertain a
12 motion to adjourn.

13 MS. FERRON:

14 I make a motion to adjourn the meeting.

15 MS. BRUNO:

16 I second that.

17 CHAIR O'NEILL:

18 All in favor?

19 [The motion carried unanimously.]

20 ***

21 [There being no further business, the State Board of
22 Cosmetology Meeting adjourned at 1:36 p.m.]

23 ***

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Cosmetology meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Cosmetology meeting.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF COSMETOLOGY
REFERENCE INDEX

September 21, 2020

	TIME	AGENDA
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2		
3		
4		
5		
6		
7	TIME	AGENDA
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:52	Official Call to Order
13		
14	10:53	Introduction of Audience
15		
16	10:52	Approval of Minutes
17		
18	10:53	Report of Prosecutorial Division
19		
20	11:13	Appointment - Pennsylvania Association
21	12:00	of Private School Administrators
22		
23	12:00	Report of Board Counsel
24		
25	12:38	Old/New Board Business
26		
27	1:36	Adjournment
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