Cosmetology Advisory Board Meeting February 10, 2020

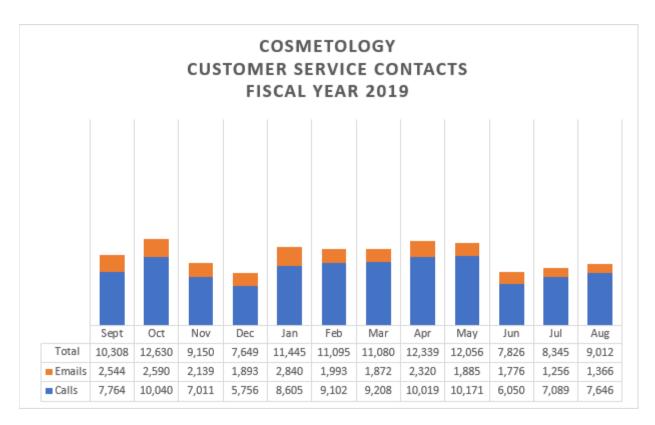
Licensing Statistics

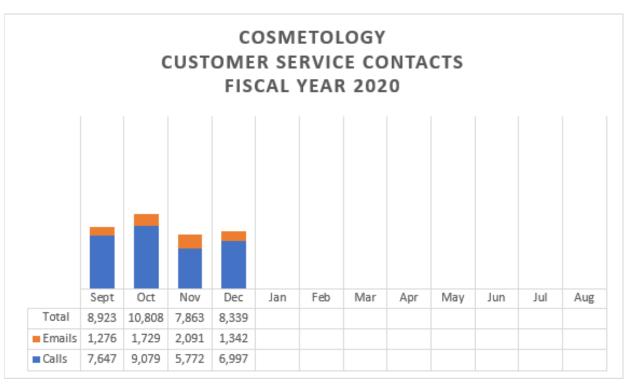
Sep. 1, 2019 - Dec. 31, 2019

Licensed Individuals	New Licenses Issued	% New Licenses Issued Online	Renewal Licenses Issued	% Renewed Online	FY 2020 TOTAL POPULATION	FY 2019 TOTAL POPULATION	% Change in Population
Cosmetology Operators	1,909	88%	21,743	96.1%	151,633	152,435	
Cosmetology Student Permits	13,264	83.0%	not ren	iewable	28,681	26,071	
Cosmetology Specialty Licenses	2,365	88%	10,901	98.3%	82690	81,968	
Cosmetology Instructors	120	83.3%	851	98.1%	6,081	6,048	
Total Licensed Individuals	17,658	84.3%	33,495	96.8%	269,085	266,522	0.95%

Licensed Businesses	New Licenses Issued	% New Licenses Issued Online	Renewal Licenses Issued	% Renewed Online	FY 2020 TOTAL POPULATION	FY 2019 TOTAL POPULATION	% Change in Population
Cosmetology Shops	765	n/a	2061	n/a	19,516	19,620	
Cosmetology Specialty Shops	3091	n/a	4072	n/a	28,372	28,445	
Cosmetology Schools	10	n/a	193	n/a	507	501	
Total Licensed Businesses	3856	19.5%	6133	23.4%	48,395	48,566	-0.35%

	FY 2020 TOTAL POPULATION	FY 2019 TOTAL POPULATION	% Change in Population
TOTAL COSMETOLOGY POPULATION	317,480	315,088	0.75%
TOTAL TDLR LICENSE BASE POPULATION	805,983	832,771	-3.32%
% OF COSMETOLOGY POPULATION	39.4%	37.8%	3.95%





RAY PIZARRO, DIRECTOR

ADVISORY BOARD ON COSMETOLOGY

Monday, February 10^{TH} , 2020

PERSONNEL UPDATES

HB2847 UPDATES

COSMETOLOGY STATISTICS AND TRENDS

COSMETOLOGY CURRICULUM STATISTICS

(As Of December 31st, 2019)

2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
CURRICULUM APPROVALS ISSUED	46	27	33	106	27	-	-	27	-	-	-	0	-	-	-	0	133
2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
CURRICULUM APPROVALS ISSUED	61	51	34	146	44	74	37	155	23	32	10	65	30	30	39	99	465
2018	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
CURRICULUM APPROVALS ISSUED	121	97	66	284	54	159	61	274	140	113	293	546	303	255	54	612	1,716

COSMETOLOGY CONTINUING EDUCATION STATISTICS

(AS OF DECEMBER 31ST, 2019)

2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVALS ISSUED	20	13	3	36	19	-	-	19	-	-	-	0	-	-	-	0	55
TOTAL COURSES (END OF MONTH)	230	227	215	215	209	-	-	209	-	-	-	0	-	-	-	0	209
2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVALS ISSUED	12	16	7	35	9	28	21	58	29	12	29	70	21	12	27	60	223
TOTAL COURSES (END OF MONTH)	236	241	218	218	220	235	241	241	243	225	234	234	225	218	228	228	228
2018	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVALS ISSUED	34	10	28	72	3	11	20	34	33	24	18	75	39	17	20	76	257
TOTAL COURSES (END OF MONTH)	214	210	225	225	221	220	214	214	233	230	233	233	240	249	246	246	246

COSMETOLOGY EXAMINATION STATISTICS (AS OF DECEMBER 31st, 2019)

2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	1,905	2,373	2,062	6,340	1,899	-	-	1,899	-	-	-	0	-	-	-	0	8,239
FAIL	1,569	1,713	1,310	4,592	1,280	-	-	1,280	-	-	-	0	-	-	-	0	5,872
TOTAL	3,474	4,086	3,372	10,932	3,179	-	-	3,179	-	-	-	0	-	-	-	0	14,111
RATE	54.8%	58.1%	61.2%	58.0%	59.7%	0.0%	0.0%	59.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	58.4%
2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	2,119	2,339	1,943	6,401	1,856	1,925	1,915	5,696	2,437	2,994	3,188	8,619	2,527	3,063	3,153	8,743	29,459
FAIL	1,132	1,389	1,089	3,610	1,025	1,072	1,075	3,172	1,360	1,697	1,681	4,738	1,460	1,591	1,690	4,741	16,261
TOTAL	3,251	3,728	3,032	10,011	2,881	2,997	2,990	8,868	3,797	4,691	4,869	13,357	3,987	4,654	4,843	13,484	45,720
RATE	65.2%	62.7%	64.1%	63.9%	64.4%	64.2%	64.0%	64.2%	64.2%	63.8%	65.5%	64.5%	63.4%	65.8%	65.1%	64.8%	64.4%
2018	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	1,900	2,712	1,887	6,499	1,735	1,744	1,812	5,291	2,336	2,691	3,276	8,303	2,716	2,411	2,558	7,685	2,778
FAIL	973	1,336	1,098	3,407	886	1,022	983	2,891	1,243	1,548	4,582	4,373	1,515	1,227	1,386	4,161	14,802
TOTAL	2,873	4,048	2,985	9,906	2,621	2,766	2,795	8,182	3,579	4,239	4,858	12,676	4,231	3,638	3,947	11,816	42,580
RATE	66.1%	67.0%	63.2%	65.6%	66.2%	63.1%	64.8%	64.7%	65.3%	63.5%	67.4%	65.5%	64.2%	66.3%	64.8%	65.0%	65.2%

COSMETOLOGY EXAMINATION STATISTICS BY LICENSE TYPE (AS OF DECEMBER 31st, 2019)

SEPT – OCT – NOV			1 ST	QUARTER	DEC – JAN – FEB			2 ND	QUARTER
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
OPERATOR WRITTEN	1,503	1,487	2,990	50.27%	OPERATOR WRITTEN	480	455	935	51.34%
OPERATOR PRACTICAL	1,248	326	1,574	79.29%	OPERATOR PRACTICAL	341	76	417	81.77%
MANICURIST WRITTEN	869	1,382	2,251	38.61%	MANICURIST WRITTEN	298	375	673	44.28%
MANICURIST PRACTICAL	879	260	1,139	77.17%	MANICURIST PRACTICAL	205	51	256	80.08%
ESTHETICIAN WRITTEN	685	820	1,505	45.51%	ESTHETICIAN WRITTEN	249	248	497	50.10%
ESTHETICIAN PRACTICAL	728	60	788	92.39%	ESTHETICIAN PRACTICAL	214	8	222	96.40%
MANI/ESTH WRITTEN	12	66	78	15.38%	MANI/ESTH WRITTEN	3	12	15	20.00%
MANI/ESTH PRACTICAL	14	5	19	73.68%	MANI/ESTH PRACTICAL	3	0	3	100.00%
EYE LASH WRITTEN	102	38	140	72.86%	EYE LASH WRITTEN	27	16	43	62.79%
EYE LASH PRACTICAL	105	11	116	90.52%	EYE LASH PRACTICAL	29	5	34	85.29%
HAIR WEAVING WRITTEN	0	2	2	0.00%	HAIR WEAVING WRITTEN	2	0	2	100.00%
HAIR WEAVING PRACTICAL	1	0	1	100.00%	HAIR WEAVING PRACTICAL	0	0	0	0.00%
WIG WRITTEN	1	0	1	100.00%	WIG WRITTEN	0	0	0	0.00%
WIG PRACTICAL	0	0	0	0.00%	WIG PRACTICAL	0	1	1	0.00%
INSTRUCTOR WRITTEN	101	128	229	44.10%	INSTRUCTOR WRITTEN	29	33	62	46.77%
INSTRUCTOR PRACTICAL	92	7	99	92.93%	INSTRUCTOR PRACTICAL	19	0	19	100.00%
TOTAL	6,340	4,592	10,932	57.99%	TOTAL	1,899	1,280	3,179	59.74%

ADVISORY BOARD ON COSMETOLOGY

Enforcement Division Staff Report February 10, 2020

Case Highlights

• Crystal Gai Nhan d/b/a Star Nails Twenty-One (COS20190001626) - Agreed Order issued September 2, 2019

On October 2, 2019 an Agreed Order was signed that finalized the settlement agreement between the Department and Star Nails Twenty-One. As part of this negotiated settlement, owner Crystal Gai Nhan accepted liability for failing to properly clean, disinfect, and sterilize metal implements and electric drill bits and failing to properly maintain cleaning records for whirlpool foot spas. This was Ms. Nhan's **second violation** of the Cosmetology Law or Rules. The Order imposed a penalty of \$3,450. To date she is in compliance with her payment plan.

• Latanya Wilkerson d/b/a Lashed by Latanya (COS20180012780) - Agreed Order issued September 2, 2019

On October 21, 2019, the Executive Director granted the Department's Motion for Default against **Latanya Wilkerson** for operating a beauty shop or specialty shop without a license. The Order imposed a penalty amount of \$1,750. To date no money has been paid by the Respondent.

This was Ms. Wilkerson's **second violation**. Specifically, on February 3, 2016, in the matter of *Latanya N. Wilkerson (Respondent)*, Case Number COS20150010788, the Executive Director of the Department issued a Default Order assessing the Respondent an administrative penalty of \$1,000 for performing or attempting to perform acts of cosmetology without a license. Respondent has an outstanding balance of \$800 remaining on a \$1,000 administrative penalty that was issued in 2016 for performing cosmetology without a license. Due to **failure to comply** with the previous Order, this second violation also carries a penalty of revocation of her cosmetology eyelash extension operator license.

• Danny Bui and Kathy Le d/b/a Da Vi Nails (COS20190004933) - Agreed Order issued December 18, 2019

On December 18, 2019 the Executive Director signed an Agreed Order that finalized the settlement agreement between the Department and **Da Vi Nails**. As part of the negotiated settlement, owners **Danny Bui and Kathy Le** accepted liability for failing to properly clean and disinfect a portable whirlpool jet, failing to discard single-use buffer blocks after

Enforcement Division 1 February 10, 2020

use on a client and reusing these single use items on other customers, and failure to clean and disinfect whirlpool foot spa chairs on the premises. Mr. Bui and Ms. Le agreed to pay an administrative penalty of \$3,750. To date they are making payments towards compliance with this order.

• Hawaiian Nail Bar LLC d/b/a Hawaiian Nail Addison LLC (COS20190014035) - Agreed Order issued December 18, 2019

On December 18, 2019, the Executive Director granted the Department's Motion for Default against **Hawaiian Nail Bar LLC** for failure to properly clean and disinfect whirlpool foot spas, failure to follow the proper procedure when using a spa liner on the whirlpool foot spa, and failure to clean, disinfect, and sterilize metal manicure implements. The Order imposed a penalty amount of \$4,750. To date no money has been paid by the Respondent.

• Miguel Armando Chavez

(COS20190014835) | Revoked by Operation of Law in January 2019

On July 8, 2019, Mr. Chavez submitted his cosmetology operator license renewal application to the Department. However, in January 2019 Mr. Chavez was imprisoned as a result of his conviction for the felony offense of Unauthorized Use of a Vehicle. A provision in the Occupations Code automatically revokes an occupational license when the licensee is imprisoned for a felony, as Mr. Chavez was.

The Department notified Mr. Chavez that his license had been revoked by operation of law on the day he entered prison and that he will be eligible to apply for a new license once he is no longer imprisoned.

Key Statistics

Shown below are key statistics for the Cosmetology program and for all TDLR programs combined through November of Fiscal Year 2020.

<u>Statistic</u>	<u>COS</u>	TDLR
• Number of cases opened:	424	2,655
• Number of cases resolved:	407	2,570
• Number of Final Orders:	142	470
• Total amount of penalties assessed:	\$166,035	\$874,531
Total amount of penalties collected:	\$95,695	\$403,443

Enforcement Division 2 February 10, 2020

Shown below are key statistics for the Cosmetology program and for all TDLR programs combined for Fiscal Year 2019.

<u>Statistic</u>	<u>COS</u>	TDLR
• Number of cases opened:	1,932	10,902
• Number of cases resolved:	1,697	10,113
• Number of Final Orders:	511	1,887
• Total amount of penalties assessed:	\$470,675	\$3,394,345
• Total amount of penalties collected:	\$359,497	\$1,731,554

Shown below are key statistics for the Cosmetology program and for all TDLR programs combined for Fiscal Year 2018.

<u>Statistic</u>	<u>COS</u>	TDLR
• Number of cases opened:	1,909	10,585
• Number of cases resolved:	2,139	9,833
• Number of Final Orders:	830	2,037
• Total amount of penalties assessed:	\$725,655	\$3,209,055
• Total amount of penalties collected:	\$549,362	\$1,528,594

Enforcement Division 3 February 10, 2020

Regulatory Program Management Division Staff Report and Briefing Texas Department of Licensing and Regulation Advisory Board on Cosmetology Meeting February 10, 2020

Cosmetology Program Activities and Projects

- Staff are currently engaged in the Sunset Commission review process. RPM has met with Sunset staff and provided program statistics, history and subject matter expertise.
- Staff assists other Divisions with Regulatory Program Management-related emails and questions that require subject matter expertise review and input.
- Staff have been working with Bill Implementation Teams to incorporate recent legislation into program rules specifically HB 2847.
- Staff participated in the Cosmetology Examination Review Committee meeting in Austin, Texas December 4-6, 2019.
- The Health and Safety Workgroup has not met to review the aesthetic scope as requested during the last Advisory Board meeting. We are still in the process of gathering data and will schedule once we have enough information for the group to review and discuss.

Public and Industry Outreach

- Jerry Gonzalez attended and staffed a booth at the TIVA Conference in Dallas, Texas January 21-23, 2020.
- Staff will be attending the Image Expo in Houston, Texas May 3-4, 2020.

Personnel Updates

- Charlotte Melder is the new Director of RPM. Charlotte was previously the RPM Business and Consumer Safety Section Manager and just prior to that role, she was an Enforcement Prosecutor.
- Amanda Smith has joined the MHP RPM Group as an Executive Assistant. Amanda has many years of regulatory experience and we are happy to have her on our team.

Medical and Health Professions Section Activities and Projects

- MHP staff were busy during the last legislative session. Staff reviewed over 50 bills, analyzed the impact of the proposed legislation and served on cost estimate teams for bills that relate to the medical and health profession programs. Staff are currently leading Bill Implementation Teams to implement the requirements of the new laws that were passed.
- Staff have been involved in training sessions with the new Anti-Human Trafficking Team.
- Staff will begin helping licensing process applications in February 2020.

Cosmetology Advisory Board Meeting Field Inspections Division Report

The Face of TDLR

February 10, 2020

MOST COMMON VIOLATIONS FOUND DURING INSPECTIONS

Cosmetology Establishment Most Common Violations

1ST Quarter, Fiscal Year 2020

- 1. Furniture, equipment, and/or fixtures are unclean or are not in good repair. 16 Tex. Admin. Code Ch. 83.114(a)
- 2. Failed to have restroom on or near premises without stored chemicals. 16 Tex. Admin. Code Ch. 83.114(e)
- 3. Failed to store clean tools and materials in a clean, dry, debris-free environment or failure to separate clean tools from soiled tools or non-cosmetology supplies. 16 Tex. Admin Code Ch. 83.102(f)
- 4. Failed to post individual licenses with a current photograph at the licensee's work station or in a book at the front desk. 16 Tex. Admin. Code 83.70(f)
- 5. Failed to keep all products used in the conduct of business properly labeled in compliance with OSHA requirements. 16 Tex. Admin. Code Ch. 83.102(m)
- 6. Failed to keep a record of the date and time of each daily or bi-weekly cleaning and disinfecting of whirlpool foot spa. 16 Tex. Admin. Code Ch. 83.108(e)
- 7. Failed to prepare fresh disinfectant daily or more often if solution becomes diluted or soiled. 16 Tex. Admin. Code Ch. 83.101(a)(3)
- 8. Failed to display Notification of Public Interest Information and Participation. <u>Tex. Occupations Code Section 1603.151(2)</u>
- 9. Failed to post the most recent inspection report issued by the department in a place clearly visible to the public. 16 Tex. Admin. Code Ch. 83.71(I)
- 10. Salon failed to maintain a list of all booth renters (independent contractors). 16 Tex. Admin Code Ch. 83.71(c)

Cosmetology Schools Most Common Violations

1ST Quarter, Fiscal Year 2020

- 1. Furniture, equipment, and/or fixtures are unclean or are not in good repair. 16 Tex. Admin. Code Ch. 83.114(a).
- 2. Failure of school to display album containing the permits, with picture attached, of each student in the required manner. 16 Tex. Admin. Code Ch. 83.72(h).
- 3. Failure to keep plumbing fixtures clean and free from cracks and similar disrepair that cannot be readily accessible for cleaning. 16 Tex. Admin. Code Ch. 83.114(c)
- 4. Failed to thoroughly clean implements and surfaces of all visible debris prior to disinfection. 16 Tex. Admin. Code Ch. 83.101(a)(1)
- 5. Failed to store clean tools and materials in a clean, dry, debris-free environment or failure to separate clean tools from soiled tools or non-cosmetology supplies. 16 Tex. Admin Code Ch. 83.102(f)
- 6. Failed to have restroom on or near premises without stored chemicals. 16 Tex. Admin. Code Ch. 83.114(e)
- 7. Failure to have permits for students enrolled in cosmetology. <u>Tex. Occupations Code Section 1602.266(a)</u>
- 8. Failed to keep all products used in the conduct of business properly labeled in compliance with OSHA requirements. 16 Tex. Admin. Code Ch. 83.102(m)

DIVISION PROJECTS

CamTu Tran, East Region Manager, continues working with Vietnamese TV in Houston and Dallas. Decembers' episodes covered the most common violations found during Barber and Cosmetology inspections and the cleaning records cited in 16 Texas Administrative Code Ch. 83.108.

PERSONNEL UPDATES

Congratulations to Juliane Crocker, who accepted a position as a Management Analyst with the Office of Innovation and Project Management, effective November 15th. And we welcome Colleen Cloudy as the new Lead Facilitator on February 3.

STATISTICS

	Cosmetolo	gy Salons	Dual Estab	lishments	Cosmetology	Mini-Salons	Dual Min	i-Shops	Cosmetology P	rogram Totals
	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019
SEPT	1328	1500	214	279	752	437	31	20	2325	2236
ОСТ	1663	1670	265	306	839	376	18	18	2785	2370
NOV	1127	1469	151	322	387	419	10	16	1675	2226
QTR 1	4118	4639	630	907	1978	1232	59	54	6785	6832
DEC	774	942	99	193	489	193	30	2	1392	1330
JAN		1666		275		458		19		2418
FEB		1533		293		365		38		2229
QTR 2	774	4141	99	761	489	1016	30	59	1392	5977
MAR		1576		294		421		16		2307
APR		1361		241		670		35		2307
MAY		1420		239		1534		55		3248
QTR 3		4357		774		2625		106		7862
JUNE		1359		243		1256		52		2910
JUL		1476		241		1159		47		2923
AUG		1187		205		557		25		1974
QTR 4		4022		689		2972		124		7807
Year to Date/										
Year End	4892	17,159	729	3,131	2467	7,845	89	343	8177	28,478

	Cosmetology Schools						
	FY 2020	FY 2019					
SEPT	84	71					
ОСТ	114	99					
NOV	76	110					
QTR 1	274	280					
DEC	50	36					
JAN		69					
FEB		68					
QTR 2	50	173					
MAR		83					
APR		111					
MAY		88					
QTR 3		282					
JUNE		43					
JUL		47					
AUG		57					
QTR 4		147					
Year to Date/							
Year End	324	882					