

# Licensing Division

## Staff Report for the Advisory Board on Cosmetology – October 5, 2020

### Personnel Updates

We have two vacancies currently in our division for License Permit Specialists. Also, we have received assistance from other divisions with our workload because of the pandemic.

### Statistics

<b>Cosmetology Instructors</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Licenses Issued	252	278	
Renewed Licenses Issued	2,958	2,459	
Online Renewals	2,906	2,606	
% Renewed Online	98.2%	106%	
<b>Total Population</b>	<b>6,202</b>	<b>6,048</b>	<b>2.48%</b>

<b>Cosmetology Operators</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Licenses Issued	4,494	7,203	
Renewed Licenses Issued	72,794	66,749	
Online Renewals	69,917	63,501	
% Renewed Online	96.0%	95.1%	
<b>Total Population</b>	<b>152,734</b>	<b>152,435</b>	<b>0.20%</b>

<b>Specialty Licensees</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Licenses Issued	5,594	7,148	
Renewed Licenses Issued	35,928	31,757	
Online Renewals	35,266	30,969	
% Renewed Online	98.2%	97.5%	
<b>Total Population</b>	<b>83,544</b>	<b>81,968</b>	<b>1.89%</b>

<b>Student Permits</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Enrollments	34,475	35,816	
New Online Enrollments	31,346	32,314	
% Online Enrollment	90.9%	90.2%	
<b>Total Population</b>	<b>27,658</b>	<b>26,071</b>	<b>5.74%</b>

<b>Salon Licenses</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Licenses Issued	10,065	9,877	
Renewed Licenses Issued	14,958	14,824	
Online Renewals	14,842	14,450	
% Renewed Online	99.2%	97.5%	
<b>Total Population</b>	<b>48,986</b>	<b>48,065</b>	<b>1.88%</b>

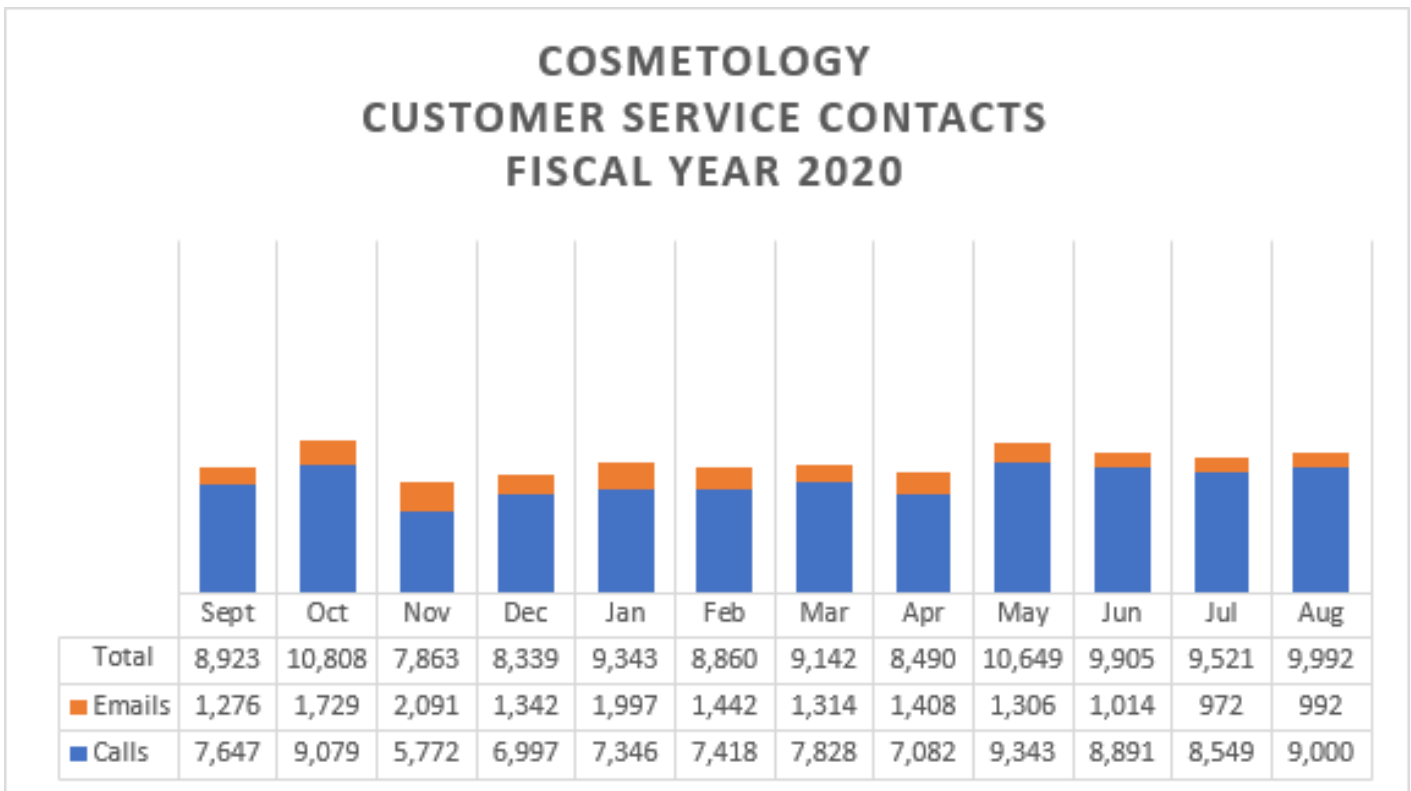
<b>School Licenses</b>	<b>Total FY 2020</b>	<b>Total FY 2019</b>	<b>% Change in Population</b>
New Licenses Issued	40	43	
Renewed Licenses Issued	472	451	
Online renewal not available	N/A	N/A	
<b>Total Population</b>	<b>511</b>	<b>501</b>	<b>1.96%</b>

	<b>FY 2020 TOTAL POPULATION</b>	<b>FY 2019 TOTAL POPULATION</b>	<b>% Change in Population from FY 2019</b>
TOTAL TDLR LICENSE BASE POPULATION	808,835	832,771	-2.96%
<b>TOTAL COSMETOLOGY POPULATION</b>	<b>319,635</b>	<b>315,088</b>	<b>1.42%</b>
<b>% OF COSMETOLOGY POPULATION</b>	<b>39.5%</b>	<b>37.8%</b>	<b>4.26%</b>

# Customer Service

Staff Report for the Advisory Board on Cosmetology – October 5, 2020

## Statistics



<b>CS COVID-19 Related Contacts</b>		
	<b>Phone</b>	<b>Email</b>
<b>March</b>	1331	297
<b>April</b>	1739	239
<b>May</b>	1719	387
<b>June</b>	328	34
<b>July</b>	162	32
<b>Aug</b>	58	6

## EDUCATION AND EXAMINATION DIVISION

### Staff Report for the Advisory Board on Cosmetology— October 5, 2020

#### Statistics

#### COSMETOLOGY CURRICULUM STATISTICS

(AS OF AUGUST 31<sup>ST</sup>, 2020)

<b>2020</b>	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	20	43	90	62	323	361	746	42	78	40	160	1,102
<b>2019</b>	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

#### COSMETOLOGY CONTINUING EDUCATION STATISTICS

(AS OF AUGUST 31<sup>ST</sup>, 2020)

<b>2020</b>	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	25	22	66	33	21	12	66	13	18	19	50	218
TOTAL COURSES (END OF MONTH)	230	227	215	215	209	230	232	232	237	241	224	224	216	223	218	218	218
<b>2019</b>	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

COSMETOLOGY EXAMINATION STATISTICS  
(As Of August 31<sup>ST</sup>, 2020)

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	<b>6,340</b>	1,899	2,133	2,279	<b>6,311</b>	1,520	0	9	<b>1,529</b>	1,916	2,395	2,380	<b>6,691</b>	<b>20,871</b>
FAIL	1,569	1,713	1,310	<b>4,592</b>	1,280	1,243	1,442	<b>3,965</b>	1,107	0	15	<b>1,122</b>	871	1,356	1,449	<b>3,676</b>	<b>13,355</b>
TOTAL	3,474	4,086	3,372	<b>10,932</b>	3,179	3,376	3,721	<b>10,276</b>	2,627	0	24	<b>2,651</b>	2787	3751	3,829	<b>10,367</b>	<b>34,226</b>
RATE	54.8%	58.1%	61.2%	<b>58.0%</b>	59.7%	63.2%	61.2%	<b>61.4%</b>	57.9%	0.0%	37.5%	<b>57.7%</b>	68.7%	63.8%	62.2%	<b>64.5%</b>	<b>61.0%</b>
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	<b>6,401</b>	1,856	1,925	1,915	<b>5,696</b>	2,437	2,994	3,188	<b>8,619</b>	2,527	3,063	3,153	<b>8,743</b>	<b>29,459</b>
FAIL	1,132	1,389	1,089	<b>3,610</b>	1,025	1,072	1,075	<b>3,172</b>	1,360	1,697	1,681	<b>4,738</b>	1,460	1,591	1,690	<b>4,741</b>	<b>16,261</b>
TOTAL	3,251	3,728	3,032	<b>10,011</b>	2,881	2,997	2,990	<b>8,868</b>	3,797	4,691	4,869	<b>13,357</b>	3,987	4,654	4,843	<b>13,484</b>	<b>45,720</b>
RATE	65.2%	62.7%	64.1%	<b>63.9%</b>	64.4%	64.2%	64.0%	<b>64.2%</b>	64.2%	63.8%	65.5%	<b>64.5%</b>	63.4%	65.8%	65.1%	<b>64.8%</b>	<b>64.4%</b>

**COSMETOLOGY EXAMINATION STATISTICS BY LICENSE TYPE**  
(AS OF AUGUST 31<sup>ST</sup>, 2020)

SEPT – OCT – NOV					DEC – JAN – FEB				
1 <sup>ST</sup> QUARTER					2 <sup>ND</sup> 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%
<b>TOTAL</b>	<b>6,340</b>	<b>4,592</b>	<b>10,932</b>	<b>57.99%</b>	<b>TOTAL</b>	<b>1,899</b>	<b>1,280</b>	<b>3,179</b>	<b>59.74%</b>
MAR-APR-MAY					JUN-JUL-AUG				
3 <sup>RD</sup> QUARTER					4 <sup>TH</sup> QUARTER				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
OPERATOR WRITTEN	423	450	873	48.45%	OPERATOR WRITTEN	1,953	1,668	3,621	53.94%
OPERATOR PRACTICAL	282	58	340	82.94%	OPERATOR PRACTICAL	1,252	162	1,414	88.54%
MANICURIST WRITTEN	254	361	615	41.30%	MANICURIST WRITTEN	767	931	1,698	45.17%
MANICURIST PRACTICAL	181	18	199	90.95%	MANICURIST PRACTICAL	542	80	622	87.14%
ESTHETICIAN WRITTEN	159	177	336	47.32%	ESTHETICIAN WRITTEN	1,138	643	1,781	63.90%
ESTHETICIAN PRACTICAL	139	6	145	95.86%	ESTHETICIAN PRACTICAL	633	8	641	98.75%
MANI/ESTH WRITTEN	3	11	14	21.43%	MANI/ESTH WRITTEN	9	21	30	30.00%
MANI/ESTH PRACTICAL	9	1	10	90.00%	MANI/ESTH PRACTICAL	9	0	9	100.00%
EYE LASH WRITTEN	17	19	36	47.22%	EYE LASH WRITTEN	141	79	220	64.09%
EYE LASH PRACTICAL	26	2	28	92.86%	EYE LASH PRACTICAL	81	6	87	93.10%
HAIR WEAVING WRITTEN	0	0	0	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	0	0	0	0.00%	WIG WRITTEN	0	0	0	0.00%
WIG PRACTICAL	1	0	1	100.00%	WIG PRACTICAL	0	0	0	0.00%
INSTRUCTOR WRITTEN	19	17	36	52.78%	INSTRUCTOR WRITTEN	107	71	178	60.11%
INSTRUCTOR PRACTICAL	17	3	20	85.00%	INSTRUCTOR PRACTICAL	57	7	64	89.06%
<b>TOTAL</b>	<b>1,531</b>	<b>1,123</b>	<b>2,654</b>	<b>57.69%</b>	<b>TOTAL</b>	<b>6,691</b>	<b>3,676</b>	<b>10,367</b>	<b>64.54%</b>

# Rule Change Implementation

House Bill 2847, 86<sup>th</sup> Legislature, Regular Session (2019)

Reduction of the Cosmetology Operator 1500-Hour course to a 1000-Hour course

The Department conditionally approved all schools operating a licensed 1500-Hour Cosmetology Operator Course to enroll students in a 1000-hour Cosmetology Operator Course beginning on May 1, 2020. This conditional approval was valid from May 1, 2020 to August 31, 2020.

To continue offering a 1000-Hour Cosmetology Operator Course after August 31, 2020, licensed cosmetology schools was required to submit the New 1000-Hour Cosmetology Operator Course Application for approval; once approved a New Green Course Certificate of Approval was issued. All courses must meet the updated industry standards adopted under [16 Texas Administrative Code §83.120](#).

## Notice Timeline for The Implementation of HB 2847

- Collection of required applications began in May.
- 1<sup>st</sup> Notice of the final communication plan requesting the required applications began going out on July 20, 2020.
- 2<sup>nd</sup> Notice of the final communication plan started going out July 29<sup>th</sup>.
- 3<sup>rd</sup> Notice of the final communication plan started going out August 12<sup>th</sup>.

Those schools who did not comply or respond were then contacted by phone starting August 20<sup>th</sup>.

- September 1, 2020 SHEARS access was terminated for those schools who had not complied.
- September 2, 2020 the DOE and accrediting agencies were provided a list of schools that had not responded and were no longer approved to offer the 1000-hour courses.
- September 14, 2020 schools which had not complied, were notified of possible enforcement action. 4 schools did not comply, and enforcement has been notified. 3 cosmetology schools complied after receiving the notification of possible enforcement action.

Exam eligibilities have been issued for students who have completed 1000-Hours and who have met all other requirements.

Notice will be going out to schools explaining the 1000-hour exam eligibilities.

## COVID Update

### Cosmetology Schools

- A Temporary Emergency Distance Education Provision was put in place March 2020. This allow the Cosmetology Schools to offer virtual learning
- 4 cosmetology schools have closed permanently due to COVID.

### Examination Impact

- Exam sites were closed in March and re-opened in May with limited capacity. We worked with PSI to open additional written available at their 3<sup>rd</sup> party sites. That gave us additional 14 sites bringing a total of 37 exam sites where the written exam is administered.
- We are currently working with PSI to provide additional capacity while still following State guidelines.

## Continuing Education Record Fees Waived

Record fees were waived for the months of June, July, and August

<b>TOTAL INVOICES</b>			
June	July	Aug	Total
69	64	63	196
<b>TOTAL FEES WAIVED</b>			
June	July	Aug	Total
\$36,155	\$42,305	\$42,280	\$120,740

## **Outreach**

Information was sent to the DOE and all accrediting agencies.

Cosmetology schools now have the option to request a virtual school visit.



## Enforcement Division

### Staff Report for the Advisory Board on Cosmetology – October 5, 2020

#### **Personnel Updates:**

On March 1, John Medlock was promoted to Chief Prosecutor. John has worked for TDLR for 7 years, previously serving as a Prosecutor and Senior Prosecutor in the Enforcement Division.

On May 1, Trevor Theilen was promoted to Senior Prosecutor. Trevor has worked for TDLR for 9 years as a Prosecutor in the Enforcement Division.

On February 15, Jackie Revilla was promoted to Legal Assistant Supervisor. Jackie has worked for TDLR for 18 years, previously serving as a Legal Assistant and Senior Legal Assistant in the Enforcement Division.

On February 15, Debbie Hawkins was promoted to Legal Assistant Supervisor. Debbie has worked for TDLR for 8 years as a Legal Assistant in the Enforcement Division.

On August 31, Investigations Manager Gregg Dodson retired after 22 years of service with TDLR. Gregg oversaw the Investigations Section within the Enforcement Division, which includes 42 investigators. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

On August 31, Prosecution Legal Assistant Manager Daryl Kunze retired after 18 years of service with TDLR. Daryl oversaw the Prosecution Legal Assistant Section within the Enforcement Division, which includes 33 legal assistants and administrative assistants. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

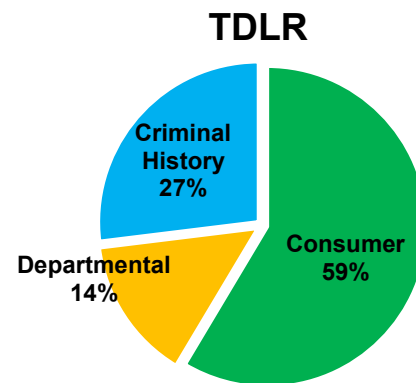
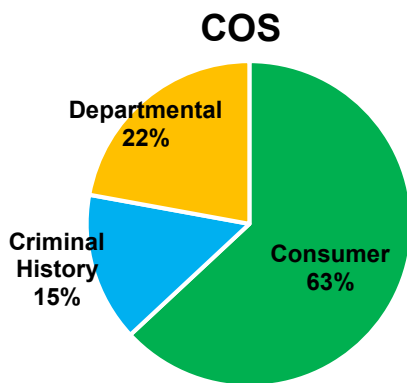
On August 31, Senior Investigator Esmer Arguijo retired after 21 years of service with TDLR. Esmer conducted investigations of cases in the building and mechanical, water well, and property tax programs.

## Statistics:

Shown below are the Enforcement Performance Measures and key statistics for the Cosmetology program (COS) and for all TDLR programs combined for **Fiscal Year 2020**:

<b>Performance Measure</b>	<b>COS</b>	<b>TDLR</b>
Cases opened	1,979	10,465
Cases closed	1,852	9,763
Average time to close (days)	125.17	157.58
% of cases resolved within 6 months	72.41%	68.64%
% of cases resulting in disciplinary action	22.41%	13.48%
Cases Pending	912	5,850

### Source of cases opened for Fiscal Year 2020



<b>Case Outcomes</b>	<b>COS</b>	<b>TDLR</b>
Commission Orders	1	28
Default Orders	78	344
Agreed Orders	319	853
Penalties Assessed	\$480,805.00	\$2,368,951.00
Penalties Collected	\$349,157.50	\$1,284,467.16
Licenses Revoked (Disciplinary)	9	62
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	28	240
Cease & Desist Orders	3	46
Informally Resolved	1,431	8,365

## Top 10 COS Alleged Violations at Opening for Fiscal Year 2020

Alleged Violation:	Count
Failed to clean and sanitize	339
Violation of disaster ordinance/order	321
Criminal Activity	285
No operator's license	268
No school or salon license	195
Employed or leased to unlicensed person	88
Expired school/salon license	66
Implements not sterilized or sanitized before use	42
Engaged in gross malpractice	26
Practice in unlicensed facility	22

## TOP 10 COS Violations Resulting in Disciplinary Action for Fiscal Year 2020

Violation:	Count
Fail to clean and sanitize	162
No operator's license	54
Employed or leased to unlicensed person	52
Logs are wrong or incomplete	40
Implements not sterilized or sanitized after use	38
No Foot spa Records	35
Criminal Activity	28
Fail to dispose single use equipment	19
No school or salon license	16
Fail to clean or disinfect wax pots	16

## Case Highlights

- **Tiara Cherelle Calhoun Smith d/b/a SSL Skin Institute**  
(COS20190007466) | Agreed Order issued March 24, 2020

On March 24, 2020 an Agreed Order was signed that finalized the settlement agreement between the Department and **SSL Skin Institute**. As part of this negotiated settlement, owner Tiara Cherelle Calhoun Smith accepted liability for failing to provide a student refund, implementing course content without approval from the Department, and possessing a product that penetrates the dermis layer of the skin. The Order imposed a penalty of \$7,875.00. To date she is in compliance with her payment plan.

- **Tran Nails LLC d/b/a Nails by Kim 2**  
(COS2020000624) | Agreed Order issued February 5, 2020

On February 5, 2020 an Agreed Order was signed that finalized the settlement agreement between the Department and Tran Nails LLC. As part of this negotiated settlement, owner Tran Nails LLC accepted liability for failing to dispose of single use items after use on a client, failing to use the dry heat sterilizer in accordance with the manufacturer's instructions, and failing to clean and disinfect whirlpool foot spas. The penalty has been paid in full and they are in compliance.

- **Carystal Valencia Jones**  
(COS20190010496) | Default Order signed February 18, 2020

On February 18, 2020, the Executive Director granted the Department's Motion for Default against Carystal Valencia Jones. Ms. Jones was assessed a penalty of \$1,000 for performing or attempting to perform cosmetology without a license. Ms. Jones has not complied with this order.

- **Williams W. Bailey**  
(COS20200005899) | Revoked by Operation of Law on March 31, 2020

On December 16, 2019, Mr. Bailey submitted his Cosmetology Esthetician License renewal application to the Department. However, in May 2018 Mr. Bailey was imprisoned as a result of his conviction for the felony offense of Insurance Fraud. A provision in the Occupations Code automatically revokes an occupational license when the licensee is imprisoned for a felony, as Mr. Bailey was.

The Department notified Mr. Bailey 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.

- **Sac Van Le**  
(COS20190010758) | Commission Order issued March 24, 2020

In April 2019, Mr. Le submitted his cosmetology operator's license renewal application to the Department. This application included a question that asked if Respondent had been convicted of any felonies or misdemeanors since his last renewal, to which Mr. Le answered "no." This was not accurate, because in May 2018, Mr. Le was convicted of the Second-Degree Felony offense of Aggravated Assault. Mr. Le's conviction for aggravated assault involved him entering the salon where his wife worked as a cosmetologist and pointing a gun at her in front of witnesses. He ended up leaving the salon without firing the weapon, but did succeed in terrifying his wife, who told the police she feared for her safety. Mr. Le plead guilty to aggravated assault by using a deadly weapon and was sentenced to deferred adjudication probation for 3 years.

Based on the conviction, the Department moved to revoke Mr. Le's license, and Mr. Le requested a hearing on the proposed revocation at the State Office of Administrative Hearings. After a contested case, the Administrative Law Judge found for the Department and issued a proposal recommending Mr. Le's license be revoked and renewal be denied. The ALJ issued the revocation

and renewal denial not only because it appears on the criminal conviction guidelines, but because the crime was directly related to his profession as the events occurred in a cosmetology salon and the victim was another cosmetologist.

This proposal was subsequently adopted by the Commission, and on March 24, 2020, Respondent's license was revoked.

### **Enforcement Prosecution Team**

Consumer complaint cases are handled by Prosecutors Chris Funderburg, Rebecca Burkhalter, Victoria Meza, and Morgen Cuming.

Inspection cases are handled by Prosecutor Amanda Barrera, Natalie Olvera, and Aroosa Nizami

## Regulatory Program Management

### Staff Report for the Advisory Board on Cosmetology— October 5, 2020

#### **Personnel Updates**

Elizabeth “Bebe” Perez retired on August 31, 2020. She began working for TDLR when the regulation of cosmetology transferred. She worked for the State of Texas for over 43 years. Her knowledge and devotion to the program was admirable and she will be deeply missed.

#### **Current Projects**

Staff recently participated in a bill team that implemented the provisions of House Bill 2847 that provides for the regulation of remote service businesses and digitally prearranged remote services.

A remote service business is any business that enables a client to schedule digitally prearranged remote services with a person who holds a Texas cosmetology license. The allowable services that may be offered to customers are limited. Digitally prearranged remote services are scheduled via an app or website that is operated by the remote service business, although the scheduling may happen through any “online enabled” system. TDLR does not license remote service businesses and any person or business, whether licensed by TDLR or not, may operate a remote service business. We have developed dedicated webpages for consumers and businesses that can be found on the right-hand menu of the cosmetology webpage.

Marinela La Fleur and Jerry Gonzalez are maintaining a list of the businesses that notify TDLR of their intent to provide digitally prearranged remote services. The data will be used for internal monitoring and regulatory purposes.

Staff have been involved in the development of the new Texas Licensing System and have also been assisting Licensing with processing applications.

#### **Outreach**

During the COVID pandemic, RPM staff have been unable to attend several conferences and hair shows due to cancellations, including Image Expo in May, Texas Industrial Vocational Association (TIVA) in July, and Armstrong McCall Hair Show in September.

Staff have been assisting the Education and Examination Division with school outreach and updates.

If you are aware of any upcoming outreach opportunities that we may be able to attend virtually, please contact Marinela La Fleur.

# FIELD INSPECTIONS

## Staff Report for the Advisory Board on Cosmetology – October 5, 2020

### Statistics

	Cosmetology Salons		Dual Establishments		Cosmetology Mini-Salons		Dual Mini-Shops		Total	
	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019	FY 2020	FY 2019
SEPT	1,328	1,500	214	279	752	437	31	20	2,325	2,236
OCT	1,663	1,670	265	306	839	376	18	18	2,785	2,370
NOV	1,127	1,469	151	322	387	419	10	16	1,675	2,226
<b>QTR 1</b>	<b>4,118</b>	<b>4,639</b>	<b>630</b>	<b>907</b>	<b>1,978</b>	<b>1,232</b>	<b>59</b>	<b>54</b>	<b>6,785</b>	<b>6,832</b>
DEC	774	942	99	193	489	193	30	2	1,392	1,330
JAN	1,300	1,666	211	275	597	458	17	19	2,125	2,418
FEB	1,252	1,533	183	293	481	365	18	38	1,934	2,229
<b>QTR 2</b>	<b>3,326</b>	<b>4,141</b>	<b>493</b>	<b>761</b>	<b>1,567</b>	<b>1,016</b>	<b>65</b>	<b>59</b>	<b>5,451</b>	<b>5,977</b>
MAR	687	1,576	135	294	430	421	21	16	1,273	2,307
APR	143	1,361	20	241	322	670	10	35	495	2,307
MAY	8	1,420	1	239	12	1,534	7	55	28	3,248
<b>QTR 3</b>	<b>838</b>	<b>4,357</b>	<b>156</b>	<b>774</b>	<b>764</b>	<b>2,625</b>	<b>38</b>	<b>106</b>	<b>1,796</b>	<b>7,862</b>
JUNE	713	1,359	145	243	35	1,256	5	52	898	2,910
JUL	852	1,476	161	241	58	1,159	0	47	1,071	2,923
AUG	867	1,187	132	205	53	557	0	25	1,052	1,974
<b>QTR 4</b>	<b>2,432</b>	<b>4,022</b>	<b>438</b>	<b>689</b>	<b>146</b>	<b>2,972</b>	<b>5</b>	<b>124</b>	<b>3,021</b>	<b>7,807</b>
<b>Year to Date/ Year End</b>	<b>10,714</b>	<b>17,159</b>	<b>1,717</b>	<b>3,131</b>	<b>4,455</b>	<b>7,845</b>	<b>167</b>	<b>343</b>	<b>17,053</b>	<b>28,478</b>

† TDLR suspended inspections on March 17, 2020 in response to the COVID-19 pandemic and returned to limited inspections May 19, 2020.

## Cosmetology Schools

	FY 2020	FY 2019
SEPT	84	71
OCT	114	99
NOV	76	110
<b>QTR 1</b>	<b>274</b>	<b>280</b>
DEC	50	36
JAN	73	69
FEB	93	68
<b>QTR 2</b>	<b>216</b>	<b>173</b>
MAR	38	83
APR	1	111
MAY	4	88
<b>QTR 3</b>	<b>43</b>	<b>282</b>
JUNE	18	43
JUL	43	47
AUG	81	57
<b>QTR 4</b>	<b>142</b>	<b>147</b>
<b>Year to Date/ Year End</b>	<b>675</b>	<b>882</b>

† TDLR suspended inspections on March 17, 2020 in response to the COVID-19 pandemic and returned to limited inspections May 19, 2020.

## Most Common Violations Found During Inspections

Cosmetology Establishment Most Common Violations  
2<sup>nd</sup> Quarter, Fiscal Year 2020

1. **Failed to post individual licenses with a current photograph at the licensee's workstation or in a book at the front desk. – 16 Tex. Admin. Code 83.70(f)**
2. **Failed to have restroom on or near premises without stored chemicals. – 16 Tex. Admin. Code Ch. 83.114(e)**
3. **Establishment furniture, equipment, and/or fixtures are unclean or are not in good repair. – 16 Tex. Admin. Code Ch. 83.114(a)**
4. **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)**
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 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: Consumer Compliant Sign. – Tex. Occupations Code Section 1603.151(2)**
- 9. Salon failed to maintain a list of all booth renters (independent contractors). – 16 Tex. Admin. Code Ch. 83.71(c)**
- 10. 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(l)**

## **Most Common Violations Found During Inspections**

### Cosmetology School Most Common Violations

2<sup>nd</sup> Quarter, Fiscal Year 2020

- 1. 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)**
- 2. Establishment furniture, equipment, and/or fixtures are unclean or are not in good repair. – 16 Tex. Admin. Code Ch. 83.114(a)**
- 3. Failed to have restroom on or near premises without stored chemicals. – 16 Tex. Admin. Code Ch. 83.114(e)**
- 4. Failed to post the salon license in public view or to post individual licenses with a current photograph at the licensee's work station or in a book at the front desk. – Tex. Occupations Code Section 1602.401; 16 Tex. Admin. Code 83.70(e,f)**
- 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. Failure to electronically submit a student's withdrawal or termination to the Department within 10 days. – 16 Tex. Admin. Code Ch. 83.72(q)**
- 7. Used a time clock and failed to have the initial submission of a student's clock hours include all hours accrued at school. – 16 Tex. Admin. Code Ch. 83.72(l)**
- 8. Failure of school using time clocks to submit, at least one time per month to the department, an electronic record of each student's accrued clock hours. – 16 Tex. Admin. Code Ch. 83.72(m)**
- 9. Operating a beauty culture school, or other place of business in which cosmetology is taught or practiced with an expired business license. – Tex. Occupations Code Section 1602.301(a)**

**10. Used a time clock without having the requirements posted. –**  
16 Tex. Admin. Code Ch. 83.72(j)

## **COVID-19 Response: Virtual Inspections**

TDLR suspended all inspections on March 17, 2020 in response to the COVID-19 pandemic. After distributing personal protective equipment and providing safety training to field staff, inspectors began to perform limited on-site inspections in May 2020. Not only are we operating under restrictions due to health and safety concerns, but we have a limited travel budget. In response to these concerns, we implemented a “virtual inspection” process for some Barber and Cosmetology schools and businesses and we are also drafting procedures to perform virtual for other programs.

### **Virtual Inspections Completed 5/19/2020 - 9/4/2020**

<b>Inspection Type</b>	<b>No. of Virtual Inspections</b>
COS Salons	517
COS Schools	131
Total Virtual Inspections	648

### Virtual Inspection Process Overview

The virtual inspection is coordinated with the licensee, owner, manager, or the representative at the inspection site. A TDLR inspector will confirm that they have access to the minimum level of technology and explain the virtual inspection process.

During the virtual inspection, the inspector will guide the contact person to:

- Show the exterior view of the business to look for signage, hours of operation, address, etc.
- Enter the business and move through the facility from left to right, systematically walking through each room.
- Periodically stop so they can verify postings, get close-up views of equipment, and take photos, if necessary.

At the resolution of the inspection, the inspector will add findings to the Proof of Inspection (POI) form, discuss any findings, answer all questions, and send the POI by email.