

Cosmetology Advisory Board Meeting

Licensing Division

November 18, 2019

Licensed Individuals	New Licenses Issued	% New Licenses Issued Online	Renewal Licenses Issued	% Renewals Issued Online	FY 2019 TOTAL POPULATION*	FY 2018 TOTAL POPULATION*
Cosmo Licensees	14,351	87.1%	98,506	97.1%	234,403	227,984
Cosmo Instructors	278	82.7%	2,459	106.0%	6,048	5,994
Cosmo Student Permits	35,816	90.2%	Does Not Renew		26,071	25,500
# of Individuals	50,445	89.3%	100,965	96.1%	266,522	259,478

Licensed Businesses	New Licenses Issued	% New Licenses Issued Online	Renewal Licenses Issued	% Renewals Issued Online	FY 2019 TOTAL POPULATION*	FY 2018 TOTAL POPULATION*
Cosmo Salons	9,877	87.9%	14,824	97.5%	48,065	47,662
Cosmo Schools	43	N/A	451	94.6%	501	470
# of Businesses	9,920	87.5%	15,275	28.6%	48,566	48,132

	FY 2019 TOTAL POPULATION*	FY 2018 TOTAL POPULATION*
TOTAL COSMETOLOGY POPULATION (INDIVIDUALS & BUSINESSES)	315,088	307,610
TOTAL TDLR LICENSEE POPULATION	832,771	823,787
COSMETOLOGY PERCENTAGE OF TOTAL TDLR LICENSEE POPULATION	37.8%	37.3%

*The population number is a snapshot of the number of active licenses on the first day of the month.
The number of licenses issued and renewed is the total activity performed during the fiscal year.

ADVISORY BOARD ON COSMETOLOGY

NOVEMBER 18, 2019

Examination Review Committee (ERC) Updates

The Cosmetology Examination Review Committee met various times in the past year, with the Education and Examination Staff in attendance. The Committee reviewed the updated practical exams as well as reviewed poorly performing written items and augment the item pool. The Committee is planning a meeting in December to continue the maintenance of the exams.

COSMETOLOGY STATISTICS AND TRENDS

COSMETOLOGY CURRICULUM STATISTICS

FY 2018-2019

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 EXAMINATION STATISTICS

FY 2018-2019

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%

2017	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	2,314	2,428	2,156	6,898	2,045	2,079	2,133	6,257	2,753	2,909	3,170	8,832	2,658	2,428	2,481	7,567	29,554
FAIL	1,019	1,049	878	2,946	767	884	946	2,597	1,228	1,265	1,423	3,916	1,232	1,134	1,064	3,430	12,889
TOTAL	3,333	3,477	3,034	9,844	2,812	2,963	3,079	8,854	3,981	4,174	4,593	12,748	3,890	3,562	3,545	10,997	42,443
RATE	69.4%	69.8%	71.1%	70.1%	72.7%	70.2%	69.3%	70.7%	69.2%	69.7%	69.0%	69.3%	68.3%	68.2%	70.0%	68.8%	69.6%

COSMETOLOGY EXAMINATION STATISTICS BY LICENSE TYPE

FY 2018-2019

SEPT – OCT – NOV					DEC – JAN – FEB				
1 ST QUARTER					2 ND QUARTER				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
OPERATOR WRITTEN	1,492	1,610	3,102	48.10%	OPERATOR WRITTEN	1,309	1,323	2,632	49.73%
OPERATOR PRACTICAL	1,619	145	1,764	91.78%	OPERATOR PRACTICAL	1,278	110	1,388	92.07%
MANICURIST WRITTEN	897	883	1,780	50.39%	MANICURIST WRITTEN	897	820	1,717	52.24%
MANICURIST PRACTICAL	816	163	979	83.35%	MANICURIST PRACTICAL	764	163	927	82.42%
ESTHETICIAN WRITTEN	665	633	1,298	51.23%	ESTHETICIAN WRITTEN	628	585	1,213	51.77%
ESTHETICIAN PRACTICAL	627	10	637	98.43%	ESTHETICIAN PRACTICAL	580	21	601	96.51%
MANI/ESTH WRITTEN	8	27	35	22.86%	MANI/ESTH WRITTEN	8	25	33	24.24%
MANI/ESTH PRACTICAL	6	2	8	75.00%	MANI/ESTH PRACTICAL	10	0	10	100.00%
EYE LASH WRITTEN	67	40	107	62.62%	EYE LASH WRITTEN	64	38	102	62.75%
EYE LASH PRACTICAL	61	5	66	92.42%	EYE LASH PRACTICAL	47	4	51	92.16%
HAIR WEAVING WRITTEN	3	2	5	60.00%	HAIR WEAVING WRITTEN	3	5	8	37.50%
HAIR WEAVING PRACTICAL	1	0	1	100.00%	HAIR WEAVING PRACTICAL	2	0	2	100.00%
WIG WRITTEN	0	0	0	0.00%	WIG WRITTEN	0	0	0	0.00%
WIG PRACTICAL	0	0	0	0.00%	WIG PRACTICAL	0	0	0	0.00%
INSTRUCTOR WRITTEN	67	83	150	44.67%	INSTRUCTOR WRITTEN	55	67	122	45.08%
INSTRUCTOR PRACTICAL	72	7	79	91.14%	INSTRUCTOR PRACTICAL	51	11	62	82.26%
TOTAL	6,401	3,610	10,011	63.94%	TOTAL	5,696	3,172	8,868	64.23%

MAR – APR – MAY					JUN – JUL – AUG				
3 RD QUARTER					4 TH QUARTER				
LICENSE TYPE	PASS	FAIL	TOTAL	RATE	LICENSE TYPE	PASS	FAIL	TOTAL	RATE
OPERATOR WRITTEN	2,804	2,625	5,429	51.65%	OPERATOR WRITTEN	2,094	2,169	4,263	49.12%
OPERATOR PRACTICAL	2,201	152	2,353	93.54%	OPERATOR PRACTICAL	2,307	143	2,450	94.16%
MANICURIST WRITTEN	873	860	1,733	50.38%	MANICURIST WRITTEN	1,007	1,195	2,202	45.73%
MANICURIST PRACTICAL	855	159	1,014	84.32%	MANICURIST PRACTICAL	918	122	1,040	88.27%
ESTHETICIAN WRITTEN	808	755	1,563	51.70%	ESTHETICIAN WRITTEN	1,048	844	1,892	55.39%
ESTHETICIAN PRACTICAL	783	13	796	98.37%	ESTHETICIAN PRACTICAL	969	28	997	97.19%
MANI/ESTH WRITTEN	5	22	27	18.52%	MANI/ESTH WRITTEN	8	48	56	14.29%
MANI/ESTH PRACTICAL	6	0	6	100.00%	MANI/ESTH PRACTICAL	2	1	3	66.67%
EYE LASH WRITTEN	75	54	129	58.14%	EYE LASH WRITTEN	113	71	184	61.41%
EYE LASH PRACTICAL	61	2	63	96.83%	EYE LASH PRACTICAL	97	9	106	91.51%
HAIR WEAVING WRITTEN	0	1	1	0.00%	HAIR WEAVING WRITTEN	2	0	2	100.00%
HAIR WEAVING PRACTICAL	1	0	1	100.00%	HAIR WEAVING PRACTICAL	3	0	3	100.00%
WIG WRITTEN	0	0	0	0.00%	WIG WRITTEN	0	0	0	0.00%
WIG PRACTICAL	0	0	0	0.00%	WIG PRACTICAL	0	0	0	0.00%
INSTRUCTOR WRITTEN	80	88	168	47.62%	INSTRUCTOR WRITTEN	99	109	208	47.60%
INSTRUCTOR PRACTICAL	67	7	74	90.54%	INSTRUCTOR PRACTICAL	76	2	78	97.44%
TOTAL	8,619	4,738	13,357	64.53%	TOTAL	8,743	4,741	13,484	64.84%

COSMETOLOGY CONTINUING EDUCATION STATISTICS

FY 2018-2019

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

2017	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVALS ISSUED	26	7	17	50	7	14	25	46	14	26	20	60	28	6	19	53	209
TOTAL COURSES (END OF MONTH)	241	238	235	235	229	224	230	230	218	216	217	217	215	209	22	202	202

ADVISORY BOARD ON COSMETOLOGY

Enforcement Division Staff Report

November 18, 2019

Case Highlights

- COS20190005215 - May Y. Kwan
On June 18, 2019, an Agreed Order was issued against May Yee Kwan d/b/a Nina Nail, Skin, and Hair Care assessing an administrative penalty in the amount of \$750 for use of a product, preparation, or procedure that comes in contact with or penetrates the dermis layer of the skin. Ms. Kwan admitted to the Department Investigator that she used an expired, medically compounded prescription-grade chemical peel solution, that she acquired from a friend, not a physician, on a client at her salon. The result of the use of this peel solution was first and second degree burns to the client's face, which required medical treatment including visits to a plastic surgeon to repair scarring. The penalty has been paid in full and the case is closed.
- COS20190006650 - Idalis M. Torres
On July 24, 2019, an Agreed Order was issued against owner and operator Idalis M. Torres d/b/a Ilashes x Idalis assessing an administrative penalty of \$1500 as the salon owner for operating a place of business in which cosmetology is practiced without first obtaining a facility license and individually for performing cosmetology without a license. The Department learned about this unlicensed activity through three complaints. Two of the complainants are licensed cosmetologists with the Department. \$750 dollars of the penalty has been paid and \$750 of the penalty remains to be paid before the case can be closed. All payments have been made on time to date.
- COS20190014357 - Joshua Louis Zurovec
In July 2019, Respondent Joshua Zurovec submitted his cosmetology operator 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 Respondent Zurovec answered "yes." In March 2017, Respondent Zurovec had been convicted of the felony offense of Possession of a Controlled Substance. Based on this 2017 conviction and felony imprisonment, the Department moved to revoke Respondent Zurovec's license by operation of law. Pursuant to Tex. Oxx. Code 53.021(b) a license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision, revocation of parole, or revocation of mandatory supervision. Respondent Zurovec is eligible to reapply if he is no longer imprisoned.

- COS20180004323 - Iliana's Beauty Academy
On April 4, 2019, an Agreed Order was issued against Elena and Jaime Reyes d/b/a Iliana's Beauty Academy assessing an administrative penalty of \$4,600 for failing to report more than 205 student hours into SHEARS, failing to electronically submit a student's withdrawal to the Department within 10 calendar days and failing to terminate a student who did not attend cosmetology curriculum for 30 days. \$2,695.00 of the assessed penalty has been paid to date. A balance of \$1,905.00 is still remaining. All payments have been made on time to date.
- COS20180016583 - Van Do Thi Nguyen
On July 18, 2019, a Default Order was issued against Van Do Thi Nguyen d/b/a L & V Nail Spa assessing an administrative penalty in the amount of \$2,000 for employing an unlicensed operator and operating an unlicensed beauty shop. Ms. Nguyen admitted to purchasing the salon a year prior to the inspection but had not become licensed with the Department. The Notice of Alleged Violation was issued January 16, 2019 and the Respondent did not respond to the Department. This resulted in the Default Order being entered on July 18, 2019. To date no money has been paid by the Respondent.

Key Statistics

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>	<u>TDLR</u>
• 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>	<u>TDLR</u>
• 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

REGULATORY PROGRAM MANAGEMENT DIVISION REPORT
Cosmetology Advisory Board Meeting
November 18, 2019

Outreach and Projects

Elizabeth Perez and Marinela La Fleur attend the following:

- 74th Texas State Association & Beauty Culturist's League Convention and Trade Show: October 7 – 9, 2018 in Beaumont, Texas.
- Texas Industrial Vocational Association (TIVA) Conference: January 22-23, 2019 in Corpus Christi.
- The Foundation for Advancement of Careers & Technical Education (FACTED) Conference: July 7th – 9th, 2019 in San Antonio
- The Texas Industrial Vocational Association (TIVA) Conference: July 14th – July 16th, 2019 in Corpus Christi.
- 75th Texas State Association & Beauty Culturist's League Convention and Trade Show: October 13– 14, in Beaumont, Texas.

Marinela Lafleur, Elizabeth Perez and Jerry Gonzalez attended the following:

- The Image Expo May 5-6, 2019 in Houston.
- The Armstrong McCall World's Fair: September 8-9, 2019 in San Antonio, Texas

During the trade shows we answered questions and provided information to industry attendees. Information such as license renewals, the agency's Human Trafficking initiative, continuing education requirements and law and rule questions.

- Elizabeth Perez and Marinela LaFleur participated in the PSI Cosmetology and Barber Examination Review Committee meetings that were held in December 2018, and January, June and September 2019.
- Elizabeth and Marinela continue to assist the Enforcement Division with questions that arise during investigations. We also support Field Inspections, Education and Examination, Licensing, and Customer Service with specific program questions.

Upcoming Trade Shows

- Foundation for Advancement of Careers & Technical Education (FACTED) Conference: November 1st-3rd in Dallas.

Cosmetology Advisory Board Meeting

Field Inspections Division Report



The Face of TDLR

November 18, 2019

MOST COMMON VIOLATIONS FOUND DURING INSPECTIONS

Cosmetology Establishment Most Common Violations

3rd Quarter, Fiscal Year 2019

1. **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).
2. **Failed to have restroom on or near premises without stored chemicals.** – 16 Tex. Admin. Code Ch. 83.114(e).
3. **Failed to keep a record of the date and time of each daily or bi-weekly cleaning for at least 60 days.** – 16 Tex. Admin. Code Ch. 83.108(e,g,k,l).
4. **Establishment furniture, equipment, and/or fixtures are unclean or are not in good repair.** – 16 Tex. Admin. Code Ch. 83.114(a).
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 all products used in the conduct of business properly labeled in compliance with OSHA requirements.** – 16 Tex. Admin. Code Ch. 83.102(m).
7. **Salon failed to maintain a list of all booth renters (independent contractors).** – 16 Tex. Admin Code Ch. 83.71(c,d,e).
8. **Failed to display Notification of Public Interest Information and Participation.** – Tex. Occupations Code Section 1603.151(2).
9. **Failed to prepare fresh disinfectant daily or more often if solution becomes diluted or soiled.** – 16 Tex. Admin. Code Ch. 83.101(a)(3).
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).

Cosmetology Schools Most Common Violations

3rd Quarter, Fiscal Year 2019

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.** – Tex. Occupations Code Section 1602.266(a), Tex. Occupations Code Section 1602.456(a), 16 Tex. Admin. Code Ch. 83.72(h).
3. **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).
4. **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).
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. **Shampoo bowls and manicure tables shall be disinfected prior to use for each client.** – 16 Tex. Admin Code Ch. 83.102(q).
7. **Failure to electronically submit a student's withdrawal or termination to the Department within 10 days.** – 16 Tex. Admin. Code Ch. 83.72(q).
8. **Used a time clock without having the requirements posted.** – 16 Tex. Admin. Code Ch. 83.72(j).

Division Projects

Outreach

CamTu Tran, East Region Manager continues working with Vietnamese TV in Houston and Dallas. September's episodes reviewed the changes in the Cosmetology law and responding to questions from audience members about the Cosmetology program.

Personnel Updates

As part of the new organizational chart, Field Inspections expanded from three to four regions, adding a Central Region Manager and Liaison. We also added a new designation of Inspector V and interviewed for the positions in mid-September.

Congratulations to Juan Muñoz, who accepted the position of manager for the newly created Field Inspections Central Region. His began his new role on September 16.

Congratulations to Field Inspector Angela Sanders, who accepted the position of Field Inspections Liaison. Angela was a Field Inspector in the Corpus Christi area. Her start date as a Liaison was September 16.

Congratulations to Heather Allen, Tisha Cantu, Lance Caroland, Abraham Delgado, Michael Hanna, and Jorge Vega, current TDLR Field Inspectors, who accepted the new Field Inspections Inspector V positions, effective October 15.

Richard Bolton and Patrick Kane, external applicants, accepted their Inspector V positions, begin on November 4. Congratulations Patrick and Richard!

FIELD INSPECTIONS STATISTICS

	Cosmetology Salons			Dual Establishments			Cosmetology Mini-Salons			Dual Mini-Shops			Cosmetology Program Totals		
	FY 2020	FY 2019	FY 2018	FY 2020	FY 2019	FY 2018	FY 2020	FY 2019	FY 2018	FY 2020	FY 2019	FY 2018	FY 2020	FY 2019	FY 2018
SEPT	1328	1500	839	214	279	149	752	437	352	31	20	12	2325	2236	1352
OCT		1670	1348		306	171		376	252		18	9		2370	1780
NOV		1469	1341		322	165		419	441		16	18		2226	1965
QTR 1	1328	4639	3528	214	907	485	752	1232	1045	31	54	39	2325	6832	5097
DEC		942	837		193	108		193	59		2	4		1330	1008
JAN		1666	1480		275	215		458	328		19	12		2418	2035
FEB		1533	1488		293	202		365	589		38	13		2229	2292
QTR 2		4141	3805		761	525		1016	976		59	29		5977	5335
MAR		1576	1784		294	296		421	997		16	55		2307	3132
APR		1361	1649		241	259		670	341		35	18		2307	2267
MAY		1420	1751		239	290		1534	537		55	45		3248	2623
QTR 3		4357	5184		774	845		2625	1875		106	118		7862	8022
JUNE		1359	1733		243	318		1256	295		52	11		2910	2357
JUL		1476	1570		241	257		1159	369		47	7		2923	2203
AUG		1187	2031		205	363		557	1358		25	77		1974	3829
QTR 4		4022	5334		689	938		2972	2022		124	95		7807	8389
Year to Date/ Year End	1328	17159	17851	214	3131	2793	752	7845	5918	31	343	281	2325	28478	26843

Cosmetology Schools			
	FY 2020	FY 2019	FY 2018
SEPT	84	71	80
OCT		99	69
NOV		110	75
QTR 1	84	280	224
DEC		36	45
JAN		69	72
FEB		68	82
QTR 2		173	199
MAR		83	93
APR		111	108
MAY		88	98
QTR 3		282	299
JUNE		43	50
JUL		47	45
AUG		57	37
QTR 4		147	132
Year to Date/ Year End	84	882	854

Cosmetology Schools transferred to Field Inspections March 1, 2018