

COMPLIANCE DIVISION REPORT

Cosmetology Advisory Board Meeting

June 30, 2014

Personnel Matters

- After a statewide call for applicants and an intense interview process, the top candidate from our interviews ended up being one of our own from here in the Austin region. Our new Deputy Barber and Cosmetology Programs Specialist is Marinela La Fleur. Her name should be familiar to you - she has years of experience in the industry, previously served as inspector with the Texas Cosmetology Commission, and has most recently served the Barber and Cosmetology industries for years as a key member of our Education and Examination (E&E) Division. We have once again “stolen” from another Division to increase our Compliance Division bench strength. I know this is a huge blow to our newly appointed E&E Division Director, Ray Pizarro, so I want to publicly thank him for his contributions to the Compliance Division's success.

Public Outreach

- TDLR staff also represented the agency at two trade shows since the last advisory meeting. Elizabeth Perez and David Gonzales from Compliance, Marco Rodriguez from Field Operations and Irma Mendoza from Customer Service attended the Armstrong McCall show in Corpus Christi May 4-5 and the Image Expo Show May 18-19 in Houston.
- Elizabeth Perez, Marinela LaFleur and David Gonzales participated in the PSI Barber and Cosmetology Exam Development review on June 3-5 in Austin.
- We continue to assist with various industry related questions; provide information on license renewals, and offer any other helpful information. We, with the help of our social media guru, Terry Westrum, have also increased our Facebook and Twitter presence – doing even more to engage our licensees and the industry.

Upcoming Trade Shows

- Elizabeth Perez and Marinela LaFleur will be attending the TIVA Conference @ July the 14-18 in Irving Texas.

Compliance Efforts

- Elizabeth and Marinela continue to assist Field Operations staff and Customer Service with questions that arise during inspections as well as directly responding to industry inquiries and emails.
- Compliance staff continue to participate in monthly Barber and Cosmetology Taskforce meetings which help to enhance communications between agency staff and ensure consistency for the program.



Cosmetology Advisory Board June 30, 2014



- PSI and the Subject Matter Experts met on June 3-5 to review poorly performing items and write new questions where needed in the content outline.
- The Instructor SMEs worked on referencing the Instructor examinations to the new Milady 2014. These changes will take effect Sept 1, 2014.
- The Cosmetology and Barber SME Instructors met to discuss the practical examination content outline. Revisions will be made so that both exams reflect the same content, since the instructor exam is the same for both industries.
- PSI facilitated a webinar with TDLR and the Cosmetology SMEs on June 18 and 19, 2014. The purpose of the webinar was to review the Licensing and Regulation items for all 6 Cosmetology exams. The SMEs also reviewed and approved the subtopics for the Licensing and Regulation. All 6 exams will have the same 3 subtopics: Meeting Licensure Requirements, Responsibilities of the Licensee, and Health and Safety. This change will be reflective with the republishing of the examinations on September 1, 2014.

School and Student Statistics

June 18, 2014

	Schools			Enrolled
	Credit	Clock	Total	Students
Private school	5	222	227	14,956
High school	35	132	167	5,865
Community college	29	30	59	2,081
Total	69	384	453	22,902

Continuing Education Statistics

- In November 2013, the Texas Commission of Licensing and Regulation approved a reduction in the application fees for Continuing Education Providers. The initial and renewal application fees were reduced from **\$250 to \$200**. The fee reductions were effective March 1, 2014 for initial applications and April 1, 2014 for renewals.
- The Commission also changed CE provider registrations so that they are no longer required to register for each occupation. One provider registration covers all TDLR programs.

FY 2012	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Provider registrations issued	2	3	3	8	0	3	4	7	2	1	1	4	2	1	2	5	24
Course approvals issued	21	24	16	61	19	32	27	78	27	24	26	77	36	42	49	127	343
Provider renewals issued	11	7	6	24	5	12	12	29	11	10	4	25	8	8	11	27	105
Total providers	152	153	155	155	149	149	148	148	147	147	143	143	141	138	135	135	135
Total courses	336	340	333	333	339	343	344	344	314	306	303	303	308	315	335	335	335

FY 2013	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Provider registrations issued	4	1	1	6	1	0	1	2	1	1	1	3	1	1	1	3	14
Course approvals issued	27	8	10	45	13	18	47	47	29	30	24	83	13	43	36	92	267
Provider renewals issued	9	8	4	21	5	12	29	29	12	9	0	25	6	10	11	27	102
Total providers	137	135	128	128	128	127	121	121	120	120	120	120	121	121	119	119	119
Total courses	346	324	314	314	315	304	296	296	299	299	300	299	292	288	269	269	269

FY 2014	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Provider registrations issued	1	2	1	4	2	0	0	2	0	0	0	0	0	0	0	0	6
Course approvals issued	31	9	3	43	8	31	17	56	26	11	27	64	0	0	0	0	163
Provider renewals issued	9	9	4	22	5	10	0	5	0	0	0	0	0	0	0	0	27
****Provider Population	117	118	118	118	119	119	119	119	397	403	404	404	0	0	0	0	404
Total courses	266	269	262	262	260	275	263	260	266	252	263	263	0	0	0	0	263

Total Providers as of 04/01/2014 =397

Examination Results

FY 2012	Pass	Fail	Total	Percent	No Show
Operator Written	9,632	5,309	14,941	64.47%	959
Operator Practical	8,754	438	9,192	95.23%	924
Manicurist Written	3,281	1,760	5,041	65.09%	240
Manicurist Practical	3,251	283	3,534	91.99%	143
Esthetician Written	2,207	702	2,909	75.87%	162
Esthetician Practical	2,148	49	2,197	97.77%	82
Manicure-Esthetician Written	0	3	3	0.00%	0
Manicure-Esthetician Practical	0	0	0	0.00%	0
Eye Lash Written	0	0	0	0.00%	0
Eye Lash Practical	0	0	0	0.00%	0
Hair weaving Written	5	2	7	71.43%	0
Hair weaving Practical	5	0	5	100.00%	0
Shampoo Written	5	19	24	20.83%	2
Shampoo Practical	3	2	5	60.00%	1
Wig Written	6	4	10	60.00%	1
Wig Practical	3	0	3	100.00%	1
Subtotal	29,300	8,571	37,871	77.37%	2,515
Instructor Written	387	863	1,250	30.96%	44
Instructor Practical	405	44	449	90.20%	16
Subtotal	792	907	1,699	46.62%	60
Total	30,092	9,478	39,570	76.05%	2,575

FY 2013	Pass	Fail	Total	Percent	No Show
Operator Written	9,209	6,869	16,078	57.28%	942
Operator Practical	8,500	552	9,052	93.90%	862
Manicurist Written	2,932	3,160	6,092	48.13%	249
Manicurist Practical	2,895	273	3,168	91.38%	107
Esthetician Written	1,991	1,731	3,722	53.49%	192
Esthetician Practical	1,848	43	1,891	97.73%	94
Manicure-Esthetician Written	5	36	41	12.20%	4
Manicure-Esthetician Practical	4	1	5	80.00%	0
Eye Lash Written	53	14	67	79.10%	3
Eye Lash Practical	44	3	47	93.62%	0
Hair weaving Written	15	8	23	65.22%	2
Hair weaving Practical	8	1	9	88.89%	1
Shampoo Written	6	10	16	37.50%	1
Shampoo Practical	7	0	7	100.00%	1
Wig Written	0	0	0	0.00%	0
Wig Practical	0	0	0	0.00%	0
Subtotal	27,517	12,701	40,218	68.42%	2,458
Instructor Written	349	739	1,088	32.08%	53
Instructor Practical	288	41	329	87.54%	11
Subtotal	637	780	1,417	44.95%	64
Total	28,154	13,481	41,635	67.62%	2,522

FY 2014

First Quarter	Pass	Fail	Total	Rate	No Show
Operator Written	1,958	1,703	3,661	53.48%	221
Operator Practical	2,081	234	2,315	89.89%	198
Manicurist Written	715	583	1,298	55.08%	63
Manicurist Practical	726	122	848	85.61%	40
Esthetician Written	561	395	956	58.68%	47
Esthetician Practical	548	12	560	97.86%	27
Manicure-Esthetician Written	6	3	9	66.67%	2
Manicure-Esthetician Practical	9	5	14	64.29%	0
Eye Lash Written	14	2	16	87.50%	2
Eye Lash Practical	14	1	15	93.33%	2
Hair weaving Written	4	2	6	66.67%	0
Hair weaving Practical	4	0	4	100.00%	0
Shampoo Written	0	0	0	0.00%	0
Shampoo Practical	0	0	0	0.00%	0
Wig Written	0	0	0	0.00%	0
Wig Practical	0	0	0	0.00%	0
Subtotal	6,640	3,062	9,702	68.44%	602
Instructor Written	82	141	223	36.77%	13
Instructor Practical	105	21	126	83.33%	5
Subtotal	187	162	349	53.58%	18
Total	6,827	3,224	10,051	67.92%	620

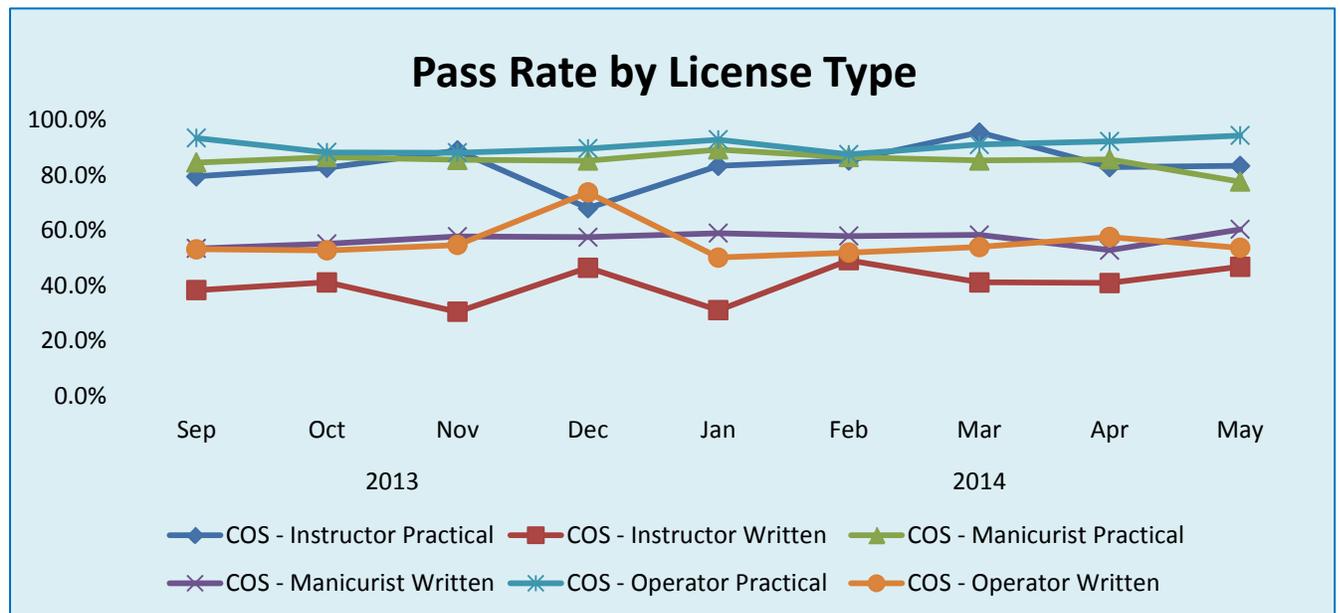
FY 2014

Second Quarter	Pass	Fail	Total	Rate	No Show
Operator Written	1,608	1,194	2,802	57.39%	173
Operator Practical	1,548	175	1,723	89.84%	189
Manicurist Written	722	520	1,242	58.13%	53
Manicurist Practical	658	98	756	87.04%	27
Esthetician Written	462	328	790	58.48%	40
Esthetician Practical	457	8	465	98.28%	40
Manicure-Esthetician Written	1	6	7	14.29%	2
Manicure-Esthetician Practical	3	1	4	75.00%	0
Eye Lash Written	38	3	41	92.68%	3
Eye Lash Practical	30	9	39	76.92%	4
Hair weaving Written	2	2	4	50.00%	0
Hair weaving Practical	2	0	2	100.00%	1
Shampoo Written	0	0	0	0.00%	0
Shampoo Practical	0	0	0	0.00%	0
Wig Written	0	0	0	0.00%	0
Wig Practical	0	0	0	0.00%	0
Subtotal	5,531	2,344	7,875	70.23%	532
Instructor Written	73	100	173	42.20%	9
Instructor Practical	66	17	83	79.52%	4
Subtotal	139	117	256	54.30%	13
Total	5,641	2,461	8,102	69.62%	545

FY 2014

Third Quarter

Operator Written	1,748	1,374	3,122	55.99%	155
Operator Practical	1,286	118	1,404	91.60%	146
Manicurist Written	504	402	906	55.63%	46
Manicurist Practical	537	91	628	85.51%	30
Esthetician Written	395	248	643	61.43%	48
Esthetician Practical	352	9	361	97.51%	23
Manicure-Esthetician Written	4	2	6	66.67%	3
Manicure-Esthetician Practical	1	0	1	100.00%	0
Eye Lash Written	9	2	11	81.82%	1
Eye Lash Practical	7	0	7	100.00%	3
Hair weaving Written	2	2	4	50.00%	1
Hair weaving Practical	0	0	0	0.00%	0
Shampoo Written	0	1	1	0.00%	0
Shampoo Practical	0	0	0	0.00%	0
Wig Written	0	0	0	0.00%	0
Wig Practical	0	0	0	0.00%	0
Subtotal	4,845	2,249	7,094	68.30%	456
Instructor Written	57	82	139	41.01%	6
Instructor Practical	50	7	57	87.72%	5
Subtotal	107	89	196	54.59%	11
Total	4,952	2,338	7,290	67.93%	467



ADVISORY BOARD ON COSMETOLOGY

Enforcement Division Staff Report June 30, 2014

- On March 26, a default order was entered against Hanh Thi Ngoc Nguyen assessing an administrative penalty of \$5,000 and revoking her cosmetology operator license for engaging in fraud or deceit in obtaining a certificate, license, or permit.
- On March 27, a default order was entered against Anny Ngoc Phan d/b/a A.N. Nails assessing an administrative penalty of \$4,000 for failing to clean and sanitize four whirlpool foot spas as required at the end of each day; and failing to follow whirlpool foot spas cleaning and sanitization procedures as required bi-weekly for five foot spas.
- On April 1, a default order was entered against Linh Thuy-Thi Nguyen d/b/a Nail Club assessing an administrative penalty of \$4,500 for failing to utilize clean and disinfected implements; failing to keep a record of the date and time of each foot spa daily or bi-weekly cleaning for 14 foot spas; and failing to follow whirlpool foot spas cleaning and sanitization procedures as required bi-weekly
- On April 23, two agreed orders were entered against TBES, Inc. The first order was against the Texas Barber Colleges & Hairstyling Schools facility in Dallas, assessing an administrative penalty of \$5,700 for failing to submit notice to the Department within ten days of a student's withdrawal or termination; and failing to submit an electronic record of a student's accrued clock hours once per month. The second order was against the Texas Barber Colleges & Hairstyling Schools facility in Conroe, assessing an administrative penalty of \$3,100 for failing to apply the correct refund percentage for a withdrawn student; failing to publish in the school's catalogue and enrollment contract a description of the refund policy; and failing to provide a refund policy.
- On May 1, two agreed orders were entered against Shelton Ogle Enterprises, LP. The first order was against the Ogle School Hair Skin Nails facility on Preston Road in Dallas, assessing an administrative penalty of \$400 for failing to submit an electronic record of a student's accrued clock hours once per month. The second order was against the Ogle School Hair Skin Nails facility in Hurst, assessing an administrative penalty of \$2,250 for failing to properly account for hours granted to each student. Then on May 2, another agreed order was entered against Shelton Ogle Enterprises, LP, this one against the Ogle School Hair Skin Nails facility on Mockingbird Lane in Dallas, assessing an administrative penalty of \$6,500 for granting or approving student hours for field trips not related to cosmetology.
- Since the last advisory board report was written on April 9, there have been 195 closing orders issued in the Cosmetology. Of those, 79 were against respondents that engaged or were involved in unlicensed activity. The total penalties against those unlicensed individuals and salons were \$60,250. The Department has also issued nine cease and desist orders against unlicensed respondents since April 9.

Key Statistics for Fiscal Year 2014

Shown below are key statistics for the Cosmetology program and for all TDLR programs combined through May 31, 2014.

<u>Statistic</u>	<u>COS</u>	<u>TDLR</u>
• Number of cases opened:	2,608	8,865
• Number of cases resolved:	2,455	7,388
• Number of Agreed Orders:	757	1,509
• Total amount of penalties assessed:	\$907,963	\$2,677,038
• Total amount of penalties collected:	\$570,838	\$1,379,877

**Field Operations Division Report
Cosmetology Advisory Board Meeting
June 30, 2014**

Ten Most Common Code Violations in Cosmetology Salons

- 1. Establishment, furniture, equipment and/or fixtures are unclean or are not in good repair - 16**
Tex. Admin. Code Ch. 83.114(a) Establishments shall keep the floors, walls, ceilings, shelves, furniture, furnishings, and fixtures clean and in good repair. Any cracks, holes, or other similar disrepair not readily accessible for cleaning shall be repaired or filled in to create a smooth, washable surface.
- 2. Failed to post individual licenses and booth rental (independent contractor) licenses at the licensee's work station or in a notebook – 16** Tex. Admin. Code 83.70(e) Individual licenses and booth rental (independent contractor) licenses may be posted at the licensee's work station in the public view or be made available in a notebook at the salon reception desk.
- 3. Failure to keep products labeled - 16** Tex. Admin. Code Ch. 83.102(m). Each establishment shall keep all products used in the conduct of their business properly labeled in compliance with OSHA requirements.
- 4. Failure to keep a record of the date and time of each daily or bi-weekly cleaning - 16** Tex. Admin. Code Ch. 83.108(e) For whirlpool foot spas, a record shall be made on a department-approved form of the date and time of each cleaning and disinfecting indicating whether the cleaning was a daily or bi-weekly cleaning. This record shall be made at or near the time of cleaning and disinfecting and shall indicate if a spa was not used during any individual work day. **Download the department-approved Whirlpool Foot Spa Cleaning and Disinfection Record Form.**
- 5. Failure to attach current photograph to the front of license, certificate or permit - 16** Tex. Admin. Code 83.70(f) A current photograph of the licensee approximately 1 1/2 inches by 1 1/2 inches shall be attached to the front of the license, certificate or permit.
- 6. Failure to have rest room on or near premises without stored chemicals - 16** Tex. Admin. Code Ch. 83.114(e). Every establishment shall provide at least one restroom located on or near the premises of the establishment. For public safety, chemical supplies shall not be stored in the restroom.
- 7. Failure to store clean implements in a clean, dry, debris-free environment or failure to separate clean implements from soiled implements or non-cosmetology supplies - 16** Tex. Admin Code Ch. 83.102(f) All clean and disinfected implements and materials when not in use shall be stored in a clean, dry, debris-free environment including but not limited to drawers, cases, tool belts, rolling trays, or hung from hooks. They must be stored separate from soiled implements and materials. Ultraviolet electrical sanitizers are permissible for use as a dry storage container. Non-cosmetology related supplies must be stored in separate drawers or locations.
- 8. Salon failed to post a sign directing complaints to the department --** Tex. Occupations Code. Section 1603.151(2). Salons must notify consumers and service recipients of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department regarding barbering and cosmetology on a sign prominently displayed in the place of business.
- 9. Salon failed to post the most recent inspection report issued by the department in a conspicuous place clearly visible to the public - 16** Tex Admin Code – Ch. 83.71(j) Cosmetology establishments shall display in the establishment, in a conspicuous place clearly visible to the public, a copy of the establishment's most recent inspection report issued by the department.

10. Salon failed to maintain a list of all booth renters (independent contractors) - 16 Tex. Admin Code Ch.83.71(c) Salons may lease space to an independent contractor who holds a booth rental (independent contractor) license. The lessor to an independent contractor must maintain a list of all renters that includes the name of renter and the cosmetology license number of the renter. The lessor must supply the department inspector with a list of renters upon request.

Division Projects

Update on New Technology - Route Optimization

June 5, 2014 TDLR representatives met with MobiCorp representative to kick off this project.

Update on New Technology - Einspection

We continue to expect a workable version of the Einspection program; however Brazos has run into delays. The next deadline to view a test version is June 17, 2014.

Division Personnel Update

On April 15, 2014 Jennifer Harless accepted the position of South Region Manager in the Field Operations Division.

I completed the interviews for the Field Operations Facilitator at the end of May and expect to make an offer very soon.

We are expecting to post for eight inspector positions throughout the state. Four will be in the Houston area, one in East Texas, one in the Austin area, and one in the DFW area.

Inspection Statistics

	Cosmetology Salons		Dual Establishments		Cosmetology Schools		Cosmetology Booth Renters		Dual Booth Renters		Cosmetology Program Totals	
	FY 2014	FY 2013	FY 2014	FY 2013	FY 2014	FY 2013	FY 2014	FY 2013	FY 2014	FY 2013	FY 2014	FY 2013
SEPT	1138	763	135	50	81	43	1068	740	182	89	2604	1685
OCT	1291	1081	128	91	89	81	1085	1193	181	82	2774	2528
NOV	660	907	86	78	104	101	682	893	139	107	1671	2086
QTR 1	3089	2751	349	219	274	225	2835	2826	502	278	7049	6299
DEC	649	703	88	64	96	62	575	569	207	134	1615	1532
JAN	929	1339	103	146	25	60	661	1270	144	229	1862	3044
FEB	1049	1092	109	88	43	54	0	1148	0	128	1201	2510
QTR 2	2627	3134	300	298	164	176	1236	2987	351	491	4678	7086
MAR	1090	1218	120	91	57	46	0	1164	0	321	1267	2840
APR	1082	1575	156	134	77	102	0	1457	0	154	1315	3422
MAY	846	1239	111	112	169	116	0	1112	0	120	1126	2699
QTR 3	3018	4032	387	337	303	264	0	3733	0	595	3708	8961
JUNE	0	1333	0	111	0	31	0	1282	0	145	0	2902
JUL	0	1295	0	119	0	47	0	1318	0	142	0	2921
AUG	0	1001	0	87	0	39	0	1000	0	151	0	2278
QTR 4	0	3629	0	317	0	117	0	3600	0	438	0	8101
Year to Date/ Year End	8,734	13,546	1,036	1,171	741	782	4,071	13,146	853	1,802	15,435	30,447

Cosmetology Advisory Board

Licensing Statistics

Fiscal Years 2012 to 2014

License Type	Percent New Licenses Issued		Percent Renewals Issued		FY 2014	FY 2013	FY 2012
	New Licenses Issued	Online	Renewal Licenses Issued	Online	TOTAL POPULATION*	TOTAL POPULATION*	TOTAL POPULATION*
Operator	5,746	N/A	42,067	93.7%	127,491	124,768	119,494
Manicure Specialist	2,180	N/A	12,543	97.0%	40,406	39,539	3,769
Esthetician Specialist	1,502	N/A	5,529	98.1%	18,999	18,637	17,643
Manicure/Esthetician Specialist	940	N/A	6	83.3%	1,646	719	20
Hair Braiding Specialist	210	N/A	214	85.5%	1,209	1,171	1,116
Hair Weaving Specialists	10	N/A	34	88.2%	154	152	153
Wig Specialist	0	N/A	1	0.0%	14	18	21
Eyelash Extension Specialist	57	N/A	315	0.0%	508	899	858
Operator Instructor	228	N/A	1,630	96.4%	4,980	4,847	4,706
Manicure Instructor	7	N/A	13	92.3%	59	52	46
Esthetician Instructor	15	N/A	48	97.9%	169	161	150
Wig Instructor	0	N/A	1	100.0%	2	2	2
Manicurist/Esthetician Instructor	2	N/A	0	0.0%	2	1	2
Eyelash Extension Instructor	0	N/A	0	0.0%	0	0	0
Student Permits	25,879	86.5%	Does Not Renew		25,889	24,023	24,452
Cosmetology Salon	2,021	80.5%	5,588	95.9%	19,512	19,610	25,935
Manicure Salon	119	82.4%	185	97.3%	761	819	884
Esthetician Salon	221	88.2%	228	98.7%	1,053	1,004	883
Esthetician/Manicure Salon	784	83.5%	1,164	98.8%	4,749	4,570	4,308
Hair Braiding Salon	32	71.9%	6	100.0%	90	75	53
Dual Salon/Shop	659	86.9%	550	96.4%	2,878	2,592	2,226
Hair Weaving Salon	101	86.9%	18	100.0%	101	99	91
Wig Salon	3	66.7%	8	100.0%	32	33	35
Eyelash Extension Salon	42	76.2%	0	0.0%	78	49	17
Booth Rentals	2,752	48.0%	4,640	94.4%	0	57,761	53,096
Mobile Salons	6	N/A	2	N/A	13	8	8
Cosmetology School-Private	11	N/A	171	N/A	227	226	218
Cosmetology School-Vocational	5	N/A	140	N/A	168	164	165
Cosmetology School-JR College	2	N/A	54	N/A	59	58	54
TOTAL INDIVIDUALS	36,776	78.1%	62,401	94.8%	237,886	236,476	220,130
TOTAL FACILITIES	6,670	81.6%	12,754	93.0%	29,721	87,068	81,702
TOTAL COSMETOLOGY LICENSEE POPULATION					267,607	323,544	301,332
TOTAL TDLR LICENSEE POPULATION					622,631	683,181	667,506
COSMETOLGY PERCENTAGE OF TOTAL TDLR LICENSEE POPULATION					43.0%	47.4%	45.1%

*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.