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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**

TIME: 10:30 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

Monday, April 22, 2024

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State Board of Cosmetology  
April 22, 2024

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of  
Professional and Occupational Affairs  
Tammy Y. O'Neill, Chair, Professional Member  
Jennifer A. D'Amato-Dow, Vice Chair, Professional  
Member  
Nicole Weakland, Secretary, Professional Member  
Heather Kelly, Esquire, Deputy Attorney General,  
Consumer Protection Member  
Felicia L. Brown-Haywood, Professional Member  
Teresa Whisler, Professional Member  
Sandra Jenkins, Professional Member  
Linda Iezzi, Professional Member - Absent  
Alexandria Lee, Public Member

BUREAU PERSONNEL:

Jared Hinsey, Esquire, Board Counsel  
Thomas M. Davis, Esquire, Regulatory Counsel  
J. Karl Geschwindt, Esquire, Senior Board Prosecutor  
Adrienne McClendon, Esquire, Board Prosecution  
Liaison  
James Ritchie Espino Ostman, Esquire, Board  
Prosecutor  
Julius Zeitlinger, Esquire, Board Prosecutor  
Valerie Eaton, Board Administrator  
Andrew LaFratte, MPA, Deputy Policy Director,  
Department of State

ALSO PRESENT:

Aaron Shenck, Executive Director, Mid-Atlantic  
Association of Career Schools  
Beth Krause, Vice President, Student Services, Empire  
Education Group  
Debbie Eckstine-Weidner, Cosmetology Instructor,  
Cumberland Perry Vo-Tech  
Janette Zellers, Divisional Vice President, Empire  
Beauty Schools  
Mike Gent, Curriculum Coordinator, Pennsylvania  
Department of Corrections

State Board of Cosmetology  
April 22, 2024

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ALSO PRESENT: (cont.)

- Anthony Panuccio, Gmerek Government Relations, Inc.
- Paula DeSabato, Owner, Bella Capelli Academy
- Amber Vanasdalan, LMT
- Colby Meier, Beards & Shears by Colby
- Mollie Bowman, DeRielle Cosmetology Academy
- Morgan Nelling, Executive Director, Empire Beauty School
- Althea Hosler, Director of Educational Operations, Empire Beauty School
- Christopher Graham
- Cidoney Pearson, Regional Director, Empire Education Group
- Heather DeAngelo, Assistant Director, Empire Beauty School
- Lori Sekelskey, Empire Beauty School
- Tiffany Hess, Empire Beauty School
- Stephanie Dunkerley
- Andrea
- Anita
- Henry
- Springfield
- Allison Chernov
- Kay Lopez
- Kyle Womer
- Maddy S.
- P.J.
- Jesse
- Call-In (unidentified) #383-8029
- Derek Richmond, Sargent's Court Reporting Service, Inc.

1 \*\*\*

2 State Board of Cosmetology

3 April 22, 2024

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at 9:00 a.m. the Board entered into Executive Session  
7 with Jared Hinsey, Esquire, Board Counsel, for the  
8 purpose of conducting quasi-judicial deliberations on  
9 a number of matters currently pending before the  
10 Board and to receive the advice of counsel. The  
11 Board returned to open session at 10:30 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Cosmetology was held on Monday, April 22,  
15 2024. Tammy Y. O'Neill, Chair, Professional Member,  
16 called the meeting to order at 10:30 a.m.

17 Heather Kelly, Esquire, Deputy Attorney General,  
18 Consumer Protection Member, was not present at the  
19 commencement of the meeting due to technical  
20 difficulties.

21 \*\*\*

22 [Jared Hinsey, Esquire, Board Counsel, noted the  
23 meeting was being recorded, and those who continued  
24 to participate were giving their consent to be  
25 recorded.]

1 Mr. Hinsey also noted the Board entered into  
2 Executive Session with Board Counsel to have  
3 attorney-client consultations and for the purpose of  
4 conducting quasi-judicial deliberations.]

5

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6 Roll Call/Introduction of Attendees

7 [Valerie Eaton, Board Administrator, provided a roll  
8 call of Board members and introduction of attendees.  
9 A quorum of Board members was present.]

10

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11 [Heather Kelly, Esquire, Deputy Attorney General,  
12 Consumer Protection Member, entered the meeting at  
13 10:35 a.m.]

14

\*\*\*

15 Approval of Minutes of February 12, 2023

16 CHAIR O'NEILL:

17 The next item on the agenda is approval  
18 of minutes from our last meeting on  
19 February 12, 2024.

20

21 Can I have a motion to approve the  
22 minutes for the February 12, 2024  
23 meeting?

24 ACTING COMMISSIONER CLAGGETT:

25 So moved.

CHAIR O'NEILL:

1 Second motion?

2 MS. D'AMATO-DOW:

3 Second.

4 MS. EATON:

5 Roll call.

6

7 Arion Claggett, aye; Tammy O'Neill,  
8 aye; Jennifer D'Amato-Dow, aye; Nicole  
9 Weakland, aye; Felicia Brown-Haywood,  
10 aye; Teresa Whisler, aye; Sandra  
11 Jenkins, abstain; Alexandria Lee,  
12 abstain.

13 [The motion carried. Sandra Jenkins and Alexandria  
14 Lee abstained from voting on the motion. Heather  
15 Kelly did not vote due to technical difficulties.]

16 \*\*\*

17 Report of Board Prosecution

18 [James Ritchie Espino Ostman, Esquire, Board  
19 Prosecutor, presented the Consent Agreement for Case  
20 No. 23-45-016275.]

21 MR. HINSEY:

22 Based on the presentation of the  
23 prosecution division, does any Board  
24 member wish to reenter Executive  
25 Session for deliberations on this

1 matter? Hearing none.

2 Based on Executive Session  
3 deliberations, I believe the Board  
4 Chair would entertain a motion to  
5 approve the Consent Agreement at agenda  
6 item 2, Case No. 23-45-016275.

7 CHAIR O'NEILL:

8 Could I have a motion to approve the  
9 case number?

10 ACTING COMMISSIONER CLAGGETT:

11 So moved.

12 CHAIR O'NEILL:

13 Second motion?

14 MS. KELLY:

15 Second.

16 MS. EATON:

17 Roll call.

18  
19 Arion Claggett, aye; Tammy O'Neill,  
20 aye; Jennifer D'Amato-Dow, aye; Nicole  
21 Weakland, aye; Heather Kelly, aye;  
22 Felicia Brown-Haywood, aye; Teresa  
23 Whisler, aye; Sandra Jenkins, aye;  
24 Alexandria Lee, aye.

25 [The motion carried unanimously. The Respondent's

1 name at agenda item 2, Case No. 23-45-016275, is  
2 Nails Hope Incorporated.]

3 \*\*\*

4 Report of Board Counsel - Final Adjudications and  
5 Orders

6 MR. HINSEY:

7 Based on Executive Session  
8 deliberations, I believe the Board  
9 Chair would entertain a motion  
10 directing Board Counsel to issue the  
11 Final Adjudications and Orders at  
12 agenda item 3, Hairway to Heaven, Case  
13 No. 23-45-002039; and agenda item 4,  
14 Shakira Staten, Case No. 21-45-004845.

15 CHAIR O'NEILL:

16 Can I have a motion to approve the  
17 Final Adjudications and Orders?

18 ACTING COMMISSIONER CLAGGETT:

19 So moved.

20 CHAIR O'NEILL:

21 Second motion?

22 MS. BROWN-HAYWOOD:

23 I second.

24 MS. EATON:

25 Roll call.



1

2

Arion Claggett, aye; Tammy O'Neill,

3

aye; Jennifer D'Amato-Dow, aye; Nicole

4

Weakland, aye; Heather Kelly, aye;

5

Felicia Brown-Haywood, aye; Teresa

6

Whisler, aye; Sandra Jenkins, aye;

7

Alexandria Lee, aye.

8

[The motion carried unanimously.]

9

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10 Report of Board Counsel - Motions to Deem Facts

11 Admitted

12 MR. HINSEY:

13

Based on Executive Session

14

deliberations, I believe the Board

15

Chair would entertain a motion to grant

16

the Motion to Deem Facts Admitted and

17

Enter Default and direct Board Counsel

18

to prepare Adjudications and Orders in

19

accordance with the discussion in

20

Executive Session at agenda item 5,

21

Vieng Phommachat, Case No. 21-45-

22

017325; and agenda item 6, Tip Top

23

Nails, Case Nos. 23-45-016621 & 23-45-

24

016622.

25 CHAIR O'NEILL:

1 Can I have a motion to approve the  
2 MDFAs?

3 ACTING COMMISSIONER CLAGGETT:

4 So moved.

5 MS. KELLY:

6 Second.

7 MS. EATON:

8 Roll call.

9  
10 Arion Claggett, aye; Tammy O'Neill,  
11 aye; Jennifer D'Amato-Dow, aye; Nicole  
12 Weakland, aye; Heather Kelly, aye;  
13 Felicia Brown-Haywood, aye; Teresa  
14 Whisler, aye; Sandra Jenkins, aye;  
15 Alexandria Lee, aye.

16 [The motion carried unanimously.]

17 \*\*\*

18 Report of Board Counsel - Citation Appeals

19 MR. HINSEY:

20 Based on Executive Session  
21 deliberations, I believe the Board  
22 Chair would entertain a motion to  
23 dismiss the Citation Appeal at agenda  
24 item 7, Liem Hoang, Case No. 23-45-  
25 007769.

1 CHAIR O'NEILL:

2 Can I have a motion to dismiss the  
3 Citation Appeal?

4 ACTING COMMISSIONER CLAGGETT:

5 So moved.

6 CHAIR O'NEILL:

7 Second motion?

8 MS. KELLY:

9 Second.

10 MS. EATON:

11 Roll call.

12

13 Arion Claggett, aye; Tammy O'Neill,  
14 aye; Jennifer D'Amato-Dow, aye; Nicole  
15 Weakland, aye; Heather Kelly, aye;  
16 Felicia Brown-Haywood, aye; Teresa  
17 Whisler, aye; Sandra Jenkins, aye;  
18 Alexandria Lee, aye.

19 [The motion carried unanimously.]

20

\*\*\*

21 Report of Board Counsel - Reconsiderations

22 MR. HINSEY:

23 Based on Executive Session  
24 deliberations, I believe the Board  
25 Chair would entertain a motion to

1 rescind the votes on February 12, 2024,  
2 provisionally denying the Application  
3 matters at agenda item 8, Azhar  
4 Altehimer, Case No. 24-45-002565;  
5 agenda item 9, Beards & Shears by Colby  
6 LLC, Case No. 24-45-002569; agenda item  
7 10, Enrique Rivera Sanchez, Case No.  
8 24-45-001860; agenda item 11, Killer  
9 Bee Hair Studio, Case No. 24-45-002567;  
10 and agenda item 12, Martha Mosquera,  
11 Case No. 24-45-002551.

12 CHAIR O'NEILL:

13 Can I have a motion to rescind the  
14 prior votes and approve the following  
15 for reconsideration?

16 ACTING COMMISSIONER CLAGGETT:

17 So moved.

18 CHAIR O'NEILL:

19 Second motion?

20 MS. KELLY:

21 Second.

22 MS. EATON:

23 Roll call.

24

25 Arion Claggett, aye; Tammy O'Neill,

1 aye; Jennifer D'Amato-Dow, aye; Nicole  
2 Weakland, aye; Heather Kelly, aye;  
3 Felicia Brown-Haywood, aye; Teresa  
4 Whisler, aye; Sandra Jenkins, aye;  
5 Alexandria Lee, aye.

6 [The motion carried unanimously.]

7 \*\*\*

8 MR. HINSEY:

9 Based on Executive Session  
10 deliberations, I believe the Board  
11 Chair would entertain a motion to  
12 approve the Applications for Licensure  
13 at agenda item 8, Azhar Altehimer, Case  
14 No. 24-45-002565; agenda item 10,  
15 Enrique Rivera Sanchez, Case No. 24-45-  
16 001860; and agenda item 12, Martha  
17 Mosquera, Case No. 24-45-002551.

18 CHAIR O'NEILL:

19 Can I have a motion to approve the  
20 Applications for Licensure?

21 ACTING COMMISSIONER CLAGGETT:

22 So moved.

23 MS. KELLY:

24 Second.

25 MS. EATON:

1 Roll call.

2

3 Arion Claggett, aye; Tammy O'Neill,  
4 aye; Jennifer D'Amato-Dow, aye; Nicole  
5 Weakland, aye; Heather Kelly, aye;  
6 Felicia Brown-Haywood, aye; Teresa  
7 Whisler, aye; Sandra Jenkins, aye;  
8 Alexandria Lee, aye.

9 [The motion carried unanimously.]

10

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11 MR. HINSEY:

12 Based on Executive Session  
13 deliberations, I believe the Board  
14 Chair would entertain a motion to  
15 approve the Variance Requests at agenda  
16 item 9, Beards & Shears by Colby LLC,  
17 Case No. 24-45-002569 and agenda item  
18 11, Killer Bee Hair Studio, Case No.  
19 24-45-002567.

20 CHAIR O'NEILL:

21 Can I have a motion to approve the  
22 Variance Requests?

23 ACTING COMMISSIONER CLAGGETT:

24 So moved.

25 CHAIR O'NEILL:

1 Second?

2 MS. KELLY:

3 Second.

4 MS. EATON:

5 Roll call.

6

7 Arion Claggett, aye; Tammy O'Neill,  
8 aye; Jennifer D'Amato-Dow, aye; Nicole  
9 Weakland, aye; Heather Kelly, aye;  
10 Felicia Brown-Haywood, aye; Teresa  
11 Whisler, aye; Sandra Jenkins, aye;  
12 Alexandria Lee, aye.

13 [The motion carried unanimously.]

14

\*\*\*

15 Report of Board Counsel - Correspondence

16 [Jared Hinsey, Esquire, Board Counsel, referred to  
17 correspondence from Gwanshema Ladd, a licensee in  
18 Texas, who filed a complaint via the Pennsylvania  
19 Licensing System (PALS). He informed Board members  
20 that the correspondence is labeled National Complaint  
21 and Recommendations to All State Boards of  
22 Cosmetology Rules & Regulations in the United States  
23 of America Department of State Division of Licensing:  
24 Changes to rules and updates needed in Cosmetology.

25 Mr. Hinsey explained that Ms. Ladd believes there

1 is a problem with the oversaturation of  
2 Asian/Oriental salons creating difficulties for  
3 American manicurists and consumers. She further  
4 believes this has led to mass production, skipping  
5 steps in services, human trafficking, forced labor,  
6 and unsafe products and practices. She also believes  
7 there are issues concerning reflexology and massage  
8 with cosmetologists in salons.

9 Mr. Hinsey noted Ms. Ladd recommends services  
10 created by non-licensed persons be reviewed and  
11 approved by licensed professionals before being  
12 performed on the public. She also recommends  
13 requiring schools to hire reflexology specialists to  
14 train students and having more inspections and  
15 increasing the frequency of inspections of Asian or  
16 Oriental salons.

17 Mr. Hinsey noted Ms. Ladd also recommends  
18 creating documentation standards regarding incidents,  
19 injuries, and medical issues, along with having  
20 multiple professionals brought in medical staff to  
21 teach cosmetology students about medical issues,  
22 diagnoses, and their effects. She further recommends  
23 creating holistic license types that also provides  
24 small amounts of religious training and compact  
25 licenses or travel licenses for people who practice



1 in multiple states.

2 Mr. Hinsey stated the Commonwealth of  
3 Pennsylvania's State Board of Cosmetology does not  
4 and will not discriminate in its inspection practices  
5 of salons and licensees based on ethnicity, gender,  
6 race, or any other class of the licensee or licensed  
7 salon.

8 Mr. Hinsey reiterated that only cosmetology  
9 services may be provided by licensees within  
10 cosmetology salons in Pennsylvania. He believed the  
11 State Board of Cosmetology and State Board of Massage  
12 Therapy have worked very well together in complying  
13 with the sections permitting the practice of massage  
14 therapy in cosmetology salons and a regulation  
15 concerning that issue is being finalized.

16 Mr. Hinsey stated the Board also regularly grants  
17 licensure by endorsement for those who wish to  
18 practice in Pennsylvania but are licensed in other  
19 jurisdictions, and the education requirements of the  
20 State Board of Cosmetology ensure public safety and  
21 competence in the services provided by its  
22 licensees.]

23

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24 Report of Board Chairperson - No Report

25

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1 Report of Acting Commissioner - No Report

2 \*\*\*

3 Report of Board Administrator

4 [Valerie Eaton, Board Administrator, welcomed new  
5 Board members to the State Board of Cosmetology.]

6 \*\*\*

7 Applications - Act 41/Endorsement Applications

8 MR. HINSEY:

9 Based on Executive Session  
10 deliberations, I believe the Board  
11 Chair would entertain a motion to  
12 provisionally deny the Application for  
13 Licensure by Endorsement to Practice  
14 Esthetics at agenda item 15, Silvia  
15 Budinich; and agenda item 17, Aisha  
16 Kamara.

17 CHAIR O'NEILL:

18 Can we have a motion to deny?

19 ACTING COMMISSIONER CLAGGETT:

20 So moved.

21 CHAIR O'NEILL:

22 Second?

23 MS. KELLY:

24 Second.

25 MS. EATON:

1 Roll call.

2

3 Arion Claggett, aye; Tammy O'Neill,  
4 aye; Jennifer D'Amato-Dow, aye; Nicole  
5 Weakland, aye; Heather Kelly, aye;  
6 Felicia Brown-Haywood, aye; Teresa  
7 Whisler, aye; Sandra Jenkins, aye;  
8 Alexandria Lee, aye.

9 [The motion carried unanimously.]

10

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11 MR. HINSEY:

12 Based on Executive Session  
13 deliberations, I believe the Board  
14 Chair would entertain a motion to  
15 provisionally deny the Application for  
16 Licensure by Endorsement to Practice  
17 Nail Technology at agenda item 16,  
18 Altamirano Ethel; and agenda item 19,  
19 Krystal Sherry Acevedo.

20 CHAIR O'NEILL:

21 Can I have a motion to provisionally  
22 deny?

23 ACTING COMMISSIONER CLAGGETT:

24 So moved.

25 CHAIR O'NEILL:

1 Second motion?

2 MS. KELLY:

3 Second.

4 MS. EATON:

5 Roll call.

6

7 Arion Claggett, aye; Tammy O'Neill,  
8 aye; Jennifer D'Amato-Dow, aye; Nicole  
9 Weakland, aye; Heather Kelly, aye;  
10 Felicia Brown-Haywood, aye; Teresa  
11 Whisler, aye; Sandra Jenkins, aye;  
12 Alexandria Lee, aye.

13 [The motion carried unanimously.]

14

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15 MR. HINSEY:

16 Based on Executive Session  
17 deliberations, I believe the Board  
18 Chair would entertain a motion to  
19 approve the Applications for Licensure  
20 by Endorsement to Practice Cosmetology  
21 at agenda item 18, Michele Pereira da  
22 Silva de Mello; agenda item 20, Madina  
23 Isangulova; agenda item 21, Zebo  
24 Musovarova; and the Application for  
25 Licensure by Endorsement to Practice

1 Esthetics at agenda item 22, Viktoriiia  
2 Vasylchenko.

3 CHAIR O'NEILL:

4 Can I have a motion to approve for  
5 Licensure by Endorsement?

6 ACTING COMMISSIONER CLAGGETT:

7 So moved.

8 CHAIR O'NEILL:

9 Second motion?

10 MS. KELLY:

11 Second.

12 MS. EATON:

13 Roll call.

14

15 Arion Claggett, aye; Tammy O'Neill,  
16 aye; Jennifer D'Amato-Dow, aye; Nicole  
17 Weakland, aye; Heather Kelly, aye;  
18 Felicia Brown-Haywood, aye; Teresa  
19 Whisler, aye; Sandra Jenkins, aye;  
20 Alexandria Lee, aye.

21 [The motion carried unanimously.]

22

\*\*\*

23 Applications - Variance Request

24 MR. HINSEY:

25 Based on Executive Session

1                   deliberations, I believe the Board  
2                   Chair would entertain a motion to  
3                   provisionally deny the Applications for  
4                   a Floor Space Variance at agenda item  
5                   23, Beautiful Enchantments, and agenda  
6                   item 25, Candice Marie Esthetics.

7 CHAIR O'NEILL:

8                   Can I have a motion to provisionally  
9                   deny the Floor Space Variance?

10 ACTING COMMISSIONER CLAGGETT:

11                   So moved.

12 CHAIR O'NEILL:

13                   Second?

14 MS. KELLY:

15                   Second.

16 MS. EATON:

17                   Roll call.

18  
19                   Arion Claggett, aye; Tammy O'Neill,  
20                   aye; Jennifer D'Amato-Dow, aye; Nicole  
21                   Weakland, aye; Heather Kelly, aye;  
22                   Felicia Brown-Haywood, aye; Teresa  
23                   Whisler, aye; Sandra Jenkins, aye;  
24                   Alexandria Lee, aye.

25 [The motion carried unanimously.]

1 \*\*\*

2 MR. HINSEY:

3 Based on Executive Session  
4 deliberations, I believe the Board  
5 Chair would entertain a motion to  
6 approve the Applications for a Floor  
7 Space Variance at agenda item 24,  
8 Tangles by Lisa, and agenda item 26, By  
9 Faith Beauty.

10 CHAIR O'NEILL:

11 Can I have a motion to approve the  
12 Floor Space Variance?

13 ACTING COMMISSIONER CLAGGETT:

14 So moved.

15 CHAIR O'NEILL:

16 Second?

17 MS. KELLY:

18 Second.

19 MS. EATON:

20 Roll call.

21  
22 Arion Claggett, aye; Tammy O'Neill,  
23 aye; Jennifer D'Amato-Dow, aye; Nicole  
24 Weakland, aye; Heather Kelly, aye;  
25 Felicia Brown-Haywood, aye; Teresa

1 Whisler, aye; Sandra Jenkins, aye;  
2 Alexandria Lee, aye.

3 [The motion carried unanimously.]

4 \*\*\*

5 Applications - Reciprocity

6 MR. HINSEY:

7 Based on Executive Session  
8 deliberations, I believe the Board  
9 Chair would entertain a motion to  
10 provisionally deny the Application for  
11 Licensure by Reciprocity as an  
12 Esthetician Teacher at agenda item 27,  
13 Sean Rockey.

14 CHAIR O'NEILL:

15 Can I have a motion to provisionally  
16 deny the licensure?

17 ACTING COMMISSIONER CLAGGETT:

18 So moved.

19 CHAIR O'NEILL:

20 Second?

21 MS. KELLY:

22 Second.

23 MS. EATON:

24 Roll call.

25



1 Arion Claggett, aye; Tammy O'Neill,  
2 aye; Jennifer D'Amato-Dow, aye; Nicole  
3 Weakland, aye; Heather Kelly, aye;  
4 Felicia Brown-Haywood, aye; Teresa  
5 Whisler, aye; Sandra Jenkins, aye;  
6 Alexandria Lee, aye.

7 [The motion carried unanimously.]

8 \*\*\*

9 Report of Regulatory Counsel

10 [Thomas M. Davis, Esquire, Regulatory Counsel,  
11 provided a Regulatory Report for the Board's review  
12 prior to the meeting detailing the General Revisions,  
13 Schedule of Civil Penalties, Massage Therapy in  
14 Cosmetology Salons, and Licensure by Endorsement  
15 regulations.

16 Mr. Davis reported that the Massage Therapy in  
17 Cosmetology Salons regulation is moving quickly. He  
18 reminded Board members that it was published as  
19 proposed in the *Pennsylvania Bulletin* on December 16,  
20 2023, which opened a 30-day comment period for the  
21 public that ended on January 16, 2024, and then  
22 kicked off a 30-day comment period for the  
23 Independent Regulatory Review Commission (IRRC).

24 Mr. Davis noted prior discussion regarding  
25 comments received from the public. He also provided

1 comments received from IRRC and a little background  
2 on the regulation. He mentioned that the regulation  
3 allows massage therapists to practice in cosmetology  
4 or esthetician salons with minimum square footage  
5 being the only sticking point.

6 Mr. Davis referred to the concern from Board  
7 members regarding the current regulations, where each  
8 licensee must have a minimum square footage of 60  
9 square feet that might end up being applied to  
10 massage therapists. He noted two public comments  
11 suggesting 120 square feet is too big.

12 Mr. Davis also noted reviewing comments received  
13 initially with the first circulation of the  
14 regulation and were told that 90 square feet should  
15 satisfy based on a couple of those comments. He  
16 mentioned that the Board indicated being in favor of  
17 doing so.

18 Mr. Davis addressed the three comments from IRRC,  
19 including whether the Board considered providing  
20 salons with an opportunity to obtain an exemption on  
21 a case-by-case basis and whether the Board considered  
22 including a delayed implementation in order to  
23 provide a time frame for salons that require  
24 renovations.

25 Mr. Davis noted IRRC also asked the Board to

1 reevaluate with the State Board of Massage Therapy  
2 the reasonableness of the appropriate minimum square  
3 footage requirements in the final regulation as well  
4 as ways to minimize fiscal impacts from  
5 implementation of the final regulation.

6 Mr. Davis mentioned that it was entirely tied up  
7 in the minimum square footage requirement, and the  
8 Board did discuss an exemption briefly at the last  
9 meeting. He stated the Board did approve a few  
10 variance requests earlier in the meeting and is still  
11 something the Board actively does.

12 Mr. Davis explained that the Board would be  
13 examining exemption requests essentially from massage  
14 therapists and then deciding whether or not what the  
15 massage therapist is suggesting would be reasonable.  
16 He mentioned that it may require the Board to send  
17 the request to the State Board of Massage Therapy for  
18 approval followed by an approval from the Board of  
19 Cosmetology, which is too complicated, especially  
20 when it would be easier to drop the minimum square  
21 footage to 90 from 120.

22 Mr. Davis noted another comment inquired as to  
23 whether the Board considered including a delayed  
24 implementation in order to provide a time frame for  
25 salons that need renovations. He stated other boards

1 have done this in different circumstances, and it  
2 might be proper to do at a certain time frame after  
3 the final regulation is actually in the *Pennsylvania*  
4 *Bulletin* when it is published as final.

5 Mr. Hinsey informed Board members that he and Mr.  
6 Davis discussed the regulations with the State Board  
7 of Massage Therapy as well, noting that Board also  
8 agreed that 90 square feet is the appropriate square  
9 footage. He mentioned that it also helped alleviate  
10 the exemption and variance requests could still be  
11 made. Board members agreed.

12 Mr. Davis asked whether the Board would still be  
13 interested in a delayed implementation or would it be  
14 active upon publishing as final if he drafted the  
15 final regulation with the 90-square-foot requirement.

16 Acting Commissioner Claggett commented that it  
17 would be active upon publishing as final.

18 Mr. Davis informed Board members that he would  
19 draft the final-form regulation based upon the  
20 conversations from both the State Board of  
21 Cosmetology and State Board of Massage Therapy. He  
22 may have it ready for the next meeting. He informed  
23 Board members there could also be further Board  
24 discussion and changes, because it would not be final  
25 until the Board voted on the regulation.]

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Discussion Items

[Jared Hinsey, Esquire, Board Counsel, informed Board members that the new United States Department of Education rules relating to eligibility to receive Title IV and Higher Education Act funds will go into effect July 1, 2024. He noted the changes may impact new students who enroll in educational programs that exceed the minimum number of hours required by statute and/or the Board's regulations to obtain licensure by the Board.

Mr. Hinsey also stated schools offering educational programs to prepare students for gainful employment in a recognized occupation, including those regulated by the Board, will be required to provide specific information to the Department of Education about the educational program and the Board's requirements for licensure.

Mr. Hinsey stated the Board is unable to provide specific or general legal advice regarding the new rules to potential students or institutions offering these programs. He encouraged students to visit the Department of Education's website at [www.ed.gov](http://www.ed.gov) and speak with their school or educational institution for information about how the new rules may affect

1 their educational goals and ability to qualify for  
2 Title IV and Higher Education Act (HEA) funds.

3 Mr. Hinsey also encouraged educational  
4 institutions to visit the Department of Education's  
5 website in conjunction with their legal counsel for  
6 information specific to the institution and its  
7 educational programs. He placed links to the final  
8 regulation and a fact sheet on the final rule into  
9 the group chat.]

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11 Appointment - Federal Student Aid

12 [Aaron Shenck, Executive Director, Mid-Atlantic  
13 Association of Career Schools, stated the  
14 organization represents approximately 100 technical  
15 colleges and trade schools, mostly within  
16 Pennsylvania, but also several surrounding states.  
17 He noted having several dozen schools with  
18 cosmetology programs and discussed how the U.S.  
19 Department of Education's Title IV funding will  
20 affect cosmetology schools.

21 Mr. Shenck explained that the change replaced the  
22 150% rule, where a school could essentially exceed  
23 state minimum hours by 50% and provided an example.  
24 He noted the 150% rule is being replaced by a 100%  
25 rule, where a program has to now align 100% with the

1 state minimum hours. He explained that students  
2 would lose student aid eligibility if a program goes  
3 above or below the required hours.

4 Mr. Shenck discussed challenges the change to the  
5 new rule presents for schools. He noted schools must  
6 first obtain state Board approval, credit agency  
7 approval, and then U.S. Department of Education  
8 approval. He noted timing to be a primary concern as  
9 far as getting the approvals by July 1, 2024.

10 Mr. Shenck provided an update regarding timing  
11 issues, noting the federal government recently  
12 released new guidance stating that the rule will  
13 still take effect July 1, 2024, but will not enforce  
14 the rule until January 1, 2025, due to timing issues.  
15 He noted schools would need to provide a defense as  
16 to the need for the extra time.

17 Mr. Shenck mentioned that one of the defenses is  
18 basically a state saying their approvals cannot be  
19 completed done as quickly as the federal government  
20 requires. He requested the Board give expedited  
21 approval to the hour changes as received. He asked  
22 whether the Board would be able to complete that by  
23 July 1, 2024, or whether the Board would consider a  
24 drafting in document saying the timing is tight,  
25 which could be used as defense.

1           Mr. Hinsey assured Mr. Shenck that the Board will  
2 process all applications in a timely manner as it  
3 does with all applications. He mentioned that the  
4 Board being able to handle all of those applications  
5 depends on the number of applications received, and  
6 the Board would take address any issues if there is a  
7 delay.

8           Mr. Shenck addressed federal student aid, noting  
9 a student is eligible for Title IV loans at 300 hours  
10 and eligible for Pell Grants at 600 hours as well.

11           Mr. Shenck referred to Pennsylvania programs and  
12 stated the change will not impact student financial  
13 aid eligibility for a cosmetology license at 1250.  
14 He noted teacher programs, where some of the schools  
15 are currently operating at above 600, will be losing  
16 Pell Grant eligibility but will keep Title IV loan  
17 eligibility.

18           Mr. Shenck mentioned there would be no change for  
19 estheticians, because they are not Pell Grant  
20 eligible and will remain Title IV student loan  
21 eligible.

22           Mr. Shenck noted that some of the nail technician  
23 programs currently operate at 300 and will be dropped  
24 to 200 and lose student loan eligibility. He  
25 mentioned that some of the schools have had



1 discussions with the legislature and Department of  
2 State policy staff to consider raising the state  
3 minimum in Pennsylvania on nail technicians from 200  
4 to 300 or raising it from 200 to 300 but allowing  
5 current programs under 200 to be grandfathered.

6 Mr. Shenck asked Board members to consider  
7 whether it would support raising the nail technician  
8 program from 200 to 300, knowing students will lose  
9 financial aid if nothing changes.]

10 \*\*\*

11 Public Session

12 [Jesse informed Board members that he runs a  
13 nationally registered apprenticeship program through  
14 the Department of Labor, along with being a  
15 registered apprenticeship program in the state of  
16 Pennsylvania. He asked whether there was an  
17 opportunity to create a memorandum of understanding  
18 with their program. He noted they operate as a  
19 multiple employer-sponsored program and have licensed  
20 Pennsylvania instructors who work in their program as  
21 well.

22 Mr. Hinsey told Jesse to contact him directly or  
23 reach out through the resource account with an email  
24 describing his request of the Board.

25 Kyle Womer noted his wife's floor space variance

1 request was approved for By Faith Beauty and asked  
2 for information regarding the next step.

3 Mr. Hinsey stated he could not provide the  
4 information, because he is not the owner but  
5 explained that an inspector would generally be  
6 assigned to inspect the premises prior to licensure  
7 after a space variance request is approved.

8 Allison Chernov stated she has had dermaplaning  
9 to her face at several esthetics businesses, but it  
10 states in their rules and regulations books that it  
11 is not legal and asked how all of those businesses  
12 continue to provide services.

13 Mr. Hinsey stated any infraction of the rules or  
14 regulations seen during a regular inspection will be  
15 handled through the regulatory enforcement inspectors  
16 or through the Bureau of Enforcement. He noted that  
17 anyone can report an issue through PALS, and the  
18 Board is always interested in making sure services  
19 are not being provided that are not approved by the  
20 Board.

21 Ms. Eaton provided the website for filing a  
22 complaint on Teams.

23 Ms. Chernov asked how many inspectors are  
24 designated to a certain area.

25 Mr. Hinsey was unable to provide an answer but

1 asked her to email the resource account, so he could  
2 provide an answer at a later time.

3 Ms. Eaton explained that the inspectors are  
4 technically a separate agency within the Department  
5 of State and have four different regional offices  
6 with a different number of inspectors covering the  
7 state.

8 Andrea asked whether a nail salon could hire a  
9 massage therapist.

10 Mr. Hinsey stated he cannot provide any legal  
11 advice or advisory opinion as to what a nail salon  
12 can and cannot do. He noted the Cosmetology Law has  
13 been amended to allow for the practice of massage  
14 therapy in cosmetology salons and will state exactly  
15 what that practice entails. He also noted a  
16 forthcoming regulation will further clarify that part  
17 of the statute and suggested she contact a labor  
18 attorney or some other attorney to help if she cannot  
19 find the answer in the statute.]

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21 [Tammy Y. O'Neill, Chair, Professional Member,  
22 thanked everyone for attending the meeting. She  
23 noted the next meeting is scheduled for June 10,  
24 2024.]

25

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1 Adjournment

2 CHAIR O'NEILL:

3                   Can I have a motion to adjourn?

4 ACTING COMMISSIONER CLAGGETT:

5                   So moved.

6 CHAIR O'NEILL:

7                   Second?

8 MS. KELLY:

9                   Second.

10   \*\*\*

11 [There being no further business, the State Board of  
12 Cosmetology Meeting adjourned at 11:29 a.m.]

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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

April 22, 2024

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:30	Official Call to Order
13		
14	10:31	Roll Call
15		
16	10:31	Introduction of Attendees
17		
18	10:38	Approval of Minutes
19		
20	10:38	Report of Board Prosecution
21		
22	10:43	Report of Board Counsel
23		
24	10:55	Report of Board Chair
25		
26	10:55	Report of Acting Commissioner
27		
28	10:56	Report of Board Administrator
29		
30	10:56	Applications
31		
32	11:03	Report of Regulatory Counsel
33		
34	11:11	Discussion Items
35		
36	11:13	Appointment - Aaron Shenck, Executive
37		Director, Mid-Atlantic Association of
38		Career Schools - Federal Student Aid
39		
40	11:22	Public Session
41		
42	11:29	Adjournment
43		
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