

# Preliminary Evaluation of the Boards of Barbers and Cosmetologists

---

<b>Recommendations:</b>	<b>Waive from full evaluation</b> <b>Extend termination date by 3 years to July 1, 2024</b> <b>Require preliminary evaluation by December 15, 2021</b> <b>Direct boards to place high priority on recommending appointments for vacant consumer board members</b> <b>Direct boards to explore opportunities for complaint closure through correspondence</b>
-------------------------	--

**Date Established:** Barbers 1904; Cosmetologists 1935

**Most Recent Prior Evaluation:** Full Evaluation, 2009  
Extended termination date by 10 years to July 1, 2021 (enacted by Chapter 395 of 2010)

**Composition:** State Board of Barbers consists of 7 members, including 5 master barbers with at least 5 years of experience as a practicing barber and 2 consumer members  
  
State Board of Cosmetologists consists of 7 members, including 4 licensed cosmetologists, 1 cosmetology school owner, and 2 consumer members

**Regulated Entities:** Barbershop, Master Barber, Barber, Limited Barber Stylist, Apprentice Barber, Apprentice Limited Barber Stylist  
  
Owner Full Service, Owner Limited (Service), Senior Cosmetologist, Cosmetologist, Limited Nail Technician, Limited Esthetician, Limited Hairstylist, Apprentice Cosmetologist, Apprentice Limited Nail Technician, Apprentice Limited Esthetician, Apprentice Limited Hairstylist

**Authorizing Statute:** Titles 4 and 5, Business Occupations and Professions Article

**Evaluation Completed by:** Sierra Boney, Department of Legislative Services, 2018

## Overview of Regulatory Activity

The State Board of Barbers and the State Board of Cosmetologists are 2 of 21 regulatory boards and commissions within the Division of Occupational and Professional Licensing in the Department of Labor, Licensing, and Regulation (DLLR). The State Board of Barbers was established by Chapter 226 of 1904, and the State Board of Cosmetologists was established by Chapter 282 of 1935. Both boards were originally established to protect the public from physical harm caused by tools and chemicals by licensing individuals practicing barbering and cosmetology and to ensure that shops and schools operate under sanitary conditions. Chapters 479 and 481 of 1991 transferred responsibility for overseeing and regulating barbering and cosmetology schools, both public and private, to the Maryland State Department of Education and the Maryland Higher Education Commission, respectively. However, the boards continue to be responsible for ensuring that schools abide by standards for sanitation, and they both establish curriculum standards to be used by the education agencies in approving applications by entities wishing to provide instruction in the areas of barbering and cosmetology.

As defined by statute, the practice of barbering means, for compensation:

- cutting, razor cutting, styling, relaxing, body waving, shampooing, or coloring the hair;
- shaving or trimming the beard;
- massaging the face;
- designing, fitting, or cutting a hairpiece; or
- performing other similar procedures on the hair, beard, face, or hairpiece of an individual.

Statute defines the practice of cosmetology as, for compensation:

- providing hair services,
- arching or dyeing of eyebrows;
- dyeing eyelashes;
- providing esthetic services; or
- providing nail technician services.

Each board regulates several license types, each with its own requirements, as shown in **Appendix 1**. Both boards also register apprentices; requirements for apprentice registrations are not shown in the appendix, but generally the registrant must be at least 16 years old and have a

licensed sponsor as a condition of registration. In addition, salons and barbershops must have valid permits from their respective boards, and licenses for practitioners are valid only to the extent that licensees are employed by a salon or barbershop with a valid permit. In general, barbering and cosmetology services must be provided only in barbershops or salons with valid permits, but there are exceptions for specified mobile salons and barbershops, schools, nursing homes, and prisons.

Both boards are responsible for overall regulation, governance, and discipline of licensees with regard to practicing their occupation, including setting and enforcing sanitation standards and ensuring appropriate supervision of apprentices. In recent years, statutes have expanded the number of limited license opportunities, as discussed below.

In general, licenses, permits, and registrations are valid for two years, except some limited apprentice registrations that are valid only for one year. Licensing, registration, and permit fees, shown in **Appendix 2**, are among the lowest of the industries regulated by DLLR and have not changed since 1997. Fee-setting authority is discussed further in the next section.

## **Legislative Activity Since Last Evaluation**

**Appendix 3** summarizes the statutory changes affecting the two boards that have been enacted since the last full evaluation was completed in 2009. Major changes include (1) the creation of limited licenses to perform a variety of hair services; (2) the addition of a continuing education (CE) requirement for individuals renewing their license with the State Board of Cosmetologists; and (3) the establishment of a special joint, nonlapsing fund that enables the two boards to retain revenues generated by licensing and other fees instead of paying them to the General Fund. There has also been legislation that allow salons in Frederick, Montgomery, and St. Mary's counties to provide alcohol to customers.

Chapter 492 of 2016 created a new permit that enables a beauty salon owner or barbershop owner to obtain a secondary permit for one or more mobile beauty salons or barbershops, respectively. To qualify for a mobile salon/barbershop permit, an applicant must (1) hold a permit to operate a traditional salon or barbershop and (2) own or lease the motor vehicle or trailer in which the mobile salon/barbershop is located.

## **Licensing Activity**

Barbering and cosmetology are similar in nature, but both industries see themselves as unique and distinct. While barbering has remained relatively consistent, cosmetology has expanded as a profession to include a wide variety of activities with the introduction of nail technicians and estheticians as a part of the cosmetology industry. **Appendices 4** and **5** show the numbers of licenses and permits issued by both boards, by type. Because barber and cosmetology licenses are renewed every two years, analysis of licensing trends must be done on a biennial basis; for instance, issuances in even-numbered years must be compared with those in other even-numbered years.

Since fiscal 2014, the number of new cosmetologist licenses has declined slightly (from 1,579 in fiscal 2014 to 1,279 in fiscal 2018), which may be due to more people choosing limited licenses; for instance, the number of new nail technician licenses doubled, from 229 to 454, over the same time period. While the number of barbers is much lower than the number of cosmetologists, in part because of more limited services, the number of new and renewed barber licenses has generally grown modestly since fiscal 2014.

Previous evaluations have revealed the existence of unlicensed barbering and cosmetology services, which generally fall into two categories. Some individuals simply practice barbering or cosmetology without a valid license, while others may have an individual license, but do not provide services in a shop with a valid permit, as required by law. Often, unlicensed services are provided out of private homes. A reliable estimate of unlicensed providers is not possible because the board generally becomes aware of them only when they receive a related complaint and also because the board does not have the authority to enter or inspect private homes, but unlicensed services are believed to be fairly prevalent.

## **Complaints and Enforcements**

As shown in **Appendices 6 and 7**, the majority of complaints are either related to sanitation or an unlicensed employee or shop. If complaints are related to license status or sanitation, the inspection team conducts an inspection of the location. These inspections are conducted without notice and are in addition to the annual surprise inspections conducted in salons and barbershops. The previous sunset evaluation noted an increase in complaints for the State Board of Cosmetologists that resulted in a backlog of unresolved cases, but since then, the number of complaints has remained relatively consistent. Complaints have also begun to be received electronically, and while this has increased the amount of complaint correspondence received by shared board staff, complaints are now able to be more swiftly and efficiently processed.

The boards try to maintain a standard of resolving complaints within a 45-day time frame, but the appendices show that they have struggled to consistently meet this expectation. For instance, more than half of the complaints received by the State Board of Cosmetologists in 2015 remain unresolved. The boards cite several reasons for this. First, there have been technical issues with the complaint system that have resulted in complaints being logged as open in their database when they have actually been closed. As of June 2018, board staff have been using a new complaint tracking application to more efficiently document complaints. In transferring records from the old system to the new system, staff have identified a number of erroneous entries in the old system but do not yet know the full extent of the problem. It is quite possible that many of the cases shown to be open from previous years may in fact be closed, but a reliable determination cannot be made at this time.

Second, both boards require that resolved complaints be brought to the board for final approval. The State Board of Barbers meets only quarterly, so even if the necessary actions have been completed and penalties have been paid, the complaint is still technically open until the board

officially closes it at the board meeting. The State Board of Cosmetologists meets monthly and also maintains a complaint committee to exclusively address complaints, so the issue of meeting frequency is less of a factor.

Finally, some complaints remain open because licensees who are the subject of the complaints pay the required penalties but do not appear before the board, which both boards require as a condition for closing complaints. As a result, their cases remain open even though penalties have been assessed and paid.

## **Finances**

For many years, the two boards have shared staff, which is a major reason why their sunset evaluations have been done in conjunction with each other. Prior to fiscal 2019, licensing fees for both boards were paid to the General Fund, and expenditures were funded by general fund revenues. The 2009 sunset evaluation recommended that the boards be special funded so that they could retain more of the revenues they generate through fees and, thus, have the resources necessary to adequately regulate their respective professions. Chapter 256 of 2017 established the State Barbers and Cosmetologists Boards' Fund as a special, nonlapsing fund whose revenue consists of fees collected from the State Board of Barbers and the State Board of Cosmetologists. Beginning in fiscal 2019, the fund is used to cover the actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the two boards. At the end of each fiscal year, any unspent and unencumbered portion of special funds in excess of \$100,000 reverts to the General Fund. Chapter 256 also capped any fee increases approved by each board at no more than 12.5% of the prior fee. While license revenue from the boards accrues to the special fund, any investment earnings and penalty revenue will continue to accrue to the general fund.

Both boards have consistently collected revenue that has far exceeded their general fund appropriations annually, as shown in **Exhibit 1**. Creating the dedicated special fund gives them the resources that they need to hire the additional staff necessary to properly regulate the two professions. With the transition to special funding, the boards have added 2 staff to support both administrative and investigative duties for the boards. There will also be a slight increase in indirect costs (to a combined \$55,900) to support the boards beginning in fiscal 2019. The licensing revenue generated annually is sufficient to support the increase in staff as well as the slight increase in indirect costs for the boards. **Exhibit 2** outlines the projected revenue and expenditures beginning in fiscal 2019, the year that the special funding takes effect. The exhibit also shows the increased operating costs related to the additional staff, and subsequent reversions to the General Fund.

---

**Exhibit 1**  
**Combined Board Revenues and Expenditures**  
**Fiscal 2014-2018**

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
<b>Revenues</b>	<b>\$1,136,321</b>	<b>\$1,152,249</b>	<b>\$1,174,751</b>	<b>\$1,167,482</b>	<b>\$1,197,042</b>
<b>Expenditures</b>					
Indirect Costs	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Personnel	229,853	322,159	333,681	322,224	274,761
Technical and Special Fees	10,839	8,915	37,606	66,130	99,491
Postage/Telephone	34,060	3,141	22,112	39,302	40,612
Travel	14,384	16,056	20,037	14,446	11,458
Motor Vehicle	924	924	1,540	1,028	996
Contractual	282,455	301,178	328,004	238,760	215,150
Equipment, Supplies, and Materials	1,908	2,406	2,156	255	810
Fixed Charges	310	350	0	460	310
<b>Total Expenditures</b>	<b>\$624,733</b>	<b>\$705,129</b>	<b>\$795,136</b>	<b>\$732,605</b>	<b>\$693,588</b>
<b>Excess (Gap)</b>	<b>\$511,588</b>	<b>\$447,120</b>	<b>\$379,615</b>	<b>\$434,877</b>	<b>\$503,454</b>

Note: Fiscal 2018 amounts are estimates.

Source: State Board of Barbers; State Board of Cosmetologists

---

---

**Exhibit 2**  
**Special Fund Projections**  
**Fiscal 2019-2023**

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Beginning Balance	\$0	\$100,000	\$100,000	\$100,000	\$100,000
Revenue	1,152,074	1,200,494	1,152,074	1,200,494	1,152,074
<b>Total Available Funds</b>	<b>\$1,152,074</b>	<b>\$1,300,494</b>	<b>\$1,252,074</b>	<b>\$1,300,494</b>	<b>\$1,252,074</b>
Existing Costs	\$690,536	\$693,988	\$697,458	\$700,945	\$704,450
New Staff Costs	152,614	149,889	156,818	164,143	171,891
Indirect Costs	55,894	55,894	55,894	55,894	55,894
<b>Total Costs</b>	<b>\$899,044</b>	<b>\$899,771</b>	<b>\$910,170</b>	<b>\$920,982</b>	<b>\$932,235</b>
Balance Before Reversion	\$253,030	\$400,723	\$341,903	\$379,511	\$319,839
Reversion	153,030	300,723	241,903	279,511	219,839
<b>End of Year Balance</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>

Source: Department of Legislative Services

---

Exhibits 1 and 2 both show that the boards will be operating with a substantial surplus, much of which is scheduled to revert to the General Fund at the end of each year. However, the boards may need additional staff, even beyond the 2 positions recently added, to address gaps in the services they provide. For instance, the State Board of Cosmetologists has not yet implemented the CE requirement enacted by Chapter 784 of 2017 because it has lacked sufficient staff to do so and monitor compliance.

As previously mentioned, licensing fees have not been changed since 1997, and the licensing fees for both barbers and cosmetologists are historically low. Known additional staffing needs can be covered by anticipated fund surpluses. Should other costs be incurred, it may be necessary in the future to increase licensing fees.

## **Other Statutory, Industry, or Programmatic Issues**

### **Apprenticeships**

Regulations specifically require a master barber or senior cosmetologist who is mentoring an apprentice to (1) ensure that the apprentice receives the required theory and practical training; (2) ensure that the apprentice receives at least 20 (cosmetology) hours of training each week; (3) file a monthly report with the board stating the progress of the apprentice; and (4) advise the

board, in writing, when an apprenticeship is discontinued. After having completed the required hours of apprenticeship, the apprentice may take the exam for full licensure.

Progress reports filed in a timely manner by the master barber or senior cosmetologist are required for the apprentice to take the examination for full licensure. If a monthly report is not received by the appropriate board within 90 days of the training period being reported, the board may decide to not give credit for the training. In previous years, there has been a consistent lack of accountability in tracking the submission of progress reports, and the boards did not notify apprentices that their reporting requirement had not been met. As a result, there were numerous requests for both renewal and restarts of apprenticeship licenses due to failure to meet the training commitments in the initial license term. In response to this issue, board staff have implemented a new electronic filing system for reporting of apprenticeship hours. The apprenticeship sponsor can document the number of apprentice hours logged and the nature of work completed on the DLLR website. This documentation is immediately submitted to the appropriate board and to the apprentice so that all stakeholders are informed and accountable to the apprenticeship process. As a result, there has been a decrease in the number of apprenticeship renewals requested due to lack of documentation of apprenticeship hours.

As apprenticeships in Maryland have gained both support and federal funding, the boards have begun work to transition the current apprenticeship program to a nationally registered apprenticeship program based on the federal standards. This would result in a more structured training curriculum for apprentices and streamline the process for receiving credit for apprenticeship hours.

## **Reciprocity**

Both boards are authorized to waive an individual licensed to practice in any other state from the licensing exam requirement if the individual (1) otherwise meets the statutory qualifications; (2) became licensed in another state after passing an exam that is at least equivalent to the Maryland exam; and (3) for barbers, practiced barbering in another state during the two years prior to applying for a Maryland license. In these cases, a candidate for an exam waiver must provide a sealed endorsement from the state in which he or she is currently licensed confirming licensure in that state and pay an endorsement fee to the appropriate board. Board staff confirms all endorsements received from other states, typically by conducting searches on other boards' websites.

There are preliminary discussions surrounding the reciprocity program for barbers because the two-year requirement for barbers has caused many otherwise eligible barbers not to receive their reciprocal license. It is suspected that the inability to receive a reciprocal license is a major reason for the existence of unlicensed barbers in the State. The State Board of Barbers is currently exploring strategies to streamline reciprocity to make it easier for otherwise qualified individuals.



## Consumer Member Vacancies

Every evaluation report submitted in the last 20 years has noted frequent and persistent vacancies among the consumer members on the two boards. The difficulty in filling consumer positions on the boards continues today. As the variety of licensure options continues to expand, the interests of different license holders and their consumers expands as well. Consumer presence on the boards offers an opportunity for representation of interests outside of salon and shop owners.

In addition, consumer membership offers an opportunity to engage constituents that will have an interest in how regulations and governance decisions affect the service they receive from a cosmetologist or barber. For instance, the examinations are only offered in English, Spanish, and Vietnamese. The Institute for Justice brought to the attention of the Board of Cosmetologists the higher number of exam takers that speak Mandarin Chinese and how this may contribute to the pass rate for the exam, particularly on the theory portion of the examination. **The Department of Legislative Services (DLS) recommends that the boards work with the Secretary's Office to place a high priority on recommending consumer members of the boards to the Governor.**

## Conclusion and Recommendations

Although the boards appear to be operating within their statutory authority and have addressed some of the deficiencies identified in the previous full evaluation, DLS identified three potential operational shortcomings. First, the boards (particularly cosmetologists) cannot reliably tell how many complaints have been closed following an investigation and possible disciplinary action. Reported figures show substantial backlogs of unresolved complaints. However, the boards advise that those figures are not reliable due to data quality issues with the prior complaint tracking system and that they are working to resolve those issues, but that will take time. Second, the State Board of Cosmetologists has not yet implemented the CE requirement enacted by Chapter 784 due to staffing shortages. A third area of concern, the persistent vacancies among consumer members on the boards, is largely beyond the boards' authority because the Governor, in consultation with the Secretary of Labor, Licensing, and Regulation, is responsible for filling vacancies on the boards.

The issues described above are normally sufficient to prompt a recommendation from DLS that the Legislative Policy Committee either authorize a full evaluation to be conducted the following year or require a follow-up report. However, DLS notes that the boards are in the first year of operation with a new special fund that was established to provide sufficient resources to address staffing deficiencies. The resources made available to the boards by virtue of the transition to a special fund may enable them to address the areas of concern within a reasonable time frame, and indications are that the boards are at least aware of the need to address them. Therefore, DLS believes that it is premature to conduct a full evaluation at this time but recommends that progress in these areas be assessed in three years.

**Accordingly, DLS recommends that the boards be waived from a full evaluation but that legislation be enacted to reauthorize the boards for three years, with another preliminary evaluation required during the 2021 interim.**

## **Appendix 1**

### **License and Permit Requirements**

<b><u>License Type</u></b>	<b><u>Requirements</u></b>
Cosmetologist	Must (1) be at least 17 years of age and have completed grade 9 or equivalent; (2) complete either 1,500 hours of training in a cosmetology school or 24 months as a registered apprentice in a beauty salon with a permit; and (3) pass an examination given by the board.
Hairstylist	Must (1) be at least 17 years of age and have completed grade 9 or equivalent and (2) complete 1,200 hours of training in a cosmetology school or 15 months as a registered apprentice in a beauty salon with a permit.
Esthetician	Must (1) be at least 17 years of age and have completed grade 9 or equivalent and (2) complete 600 hours of training in a cosmetology school or 6 months as a registered apprentice in a beauty salon with a permit.
Nail Technician	Must (1) be at least 17 years of age and have completed grade 9 or equivalent and (2) complete at least 250 hours of training in a cosmetology school or 3 months as a registered apprentice in a beauty salon with a permit.
Senior Cosmetologist	Must have 2 years of experience as a licensed cosmetologist and passing grades on the senior cosmetologist examination.
Barber	Must complete 1,200 hours of barber student training in a barber school or 2,250 hours as a registered apprentice in a barbershop with a permit and pass an examination given by the board.
Barber-stylist Limited	Must complete 900 hours of barber student training in a barber school or 1,650 hours as an apprentice barber-stylist limited in a barbershop with a permit and pass an examination given by the board.
Master Barber	Must have 15 months of experience as a licensed barber and a passing grade on the master barber examination.
Owner Salon/Barbershop Permit	Must own or lease the facility and pass inspection. Limited owner licenses available for manicuring or esthetic services.

Source: Laws of Maryland

**Appendix 2**  
**Licensing and Renewal Fees**

	<u>Original</u>	<u>Renewal</u>	<u>Late Fee</u>
Cosmetologist	\$25	\$25	\$25
Esthetician	25	25	25
Nail Technician	25	25	25
Senior Cosmetologist	25	25	25
Owner Salon*	200	50	50
Owner Limited Practice*	200	50	50
Cosmetology Apprentice	10	10	n/a
Nail Technician Apprentice	10	10	n/a
Esthetician Apprentice	10	10	n/a
Barber	50	50	50
Master Barber	50	50	50
Shop Owner*	200	50	50
Apprentice	10	n/a	n/a
License Certification	25	n/a	n/a
Barber (duplicate)	25	n/a	n/a
Shop Owner (duplicate)	25	n/a	n/a

\* Owner fee includes one-time inspection fee of \$150 in the original fee.

Source: Code of Maryland Regulations

### Appendix 3

## Legislative Changes Related to Cosmetologists and Barbers

<u>Year</u>	<u>Chapter</u>	<u>Change</u>
2010	395	Extends the termination dates for the State Board of Barbers and State Board of Cosmetologists by 10 years to July 1, 2021, and requires evaluation of the boards prior to their termination.
2013	412	Establishes a limited license under the State Board of Cosmetologists that authorizes the licensee to perform hair services exclusively under specific conditions.
2014	387	Authorizes the Montgomery County Board of License Commissioners to issue a special beauty salon beer and wine license to a holder of a beauty salon permit.
2015	262	Establishes a limited license issued by the State Board of Barbers for barber-stylist services under specific conditions.
2016	127	Authorizes the Frederick County Board of License Commissioners to issue a special beauty salon beer and wine license to a holder of a beauty salon permit.
	434 and 435	Establish a limited license by the State Board of Cosmetologists to provide “hair services-blow drying” and integrate the license into the existing regulatory framework.
	492	Enables a beauty salon owner or barbershop owner to obtain a secondary permit for one or more or mobile beauty salons or barbershops, respectively, based on certain qualification criteria.
2017	198	Repeals criminal penalties for violating barbering laws.
	256	Establishes the State Barbers and Cosmetologists Boards’ Fund as a special, nonlapsing fund in the Department of Labor, Licensing, and Regulation effective July 1, 2018, making both boards special funded beginning in fiscal 2019.
	289	Authorizes the St. Mary’s County Board of License Commissioners to issue a special beauty salon beer and wine license to a holder of a beauty salon permit.
	784	Requires an individual renewing a license from the State Board of Cosmetologists to complete at least six credit hours of continuing education (CE) approved by the board. The board must adopt regulations that set standards for the CE courses that, at a minimum, require two hours of training in health, safety, and welfare subjects and four hours of training in general elective courses.

Source: Laws of Maryland

**Appendix 4**  
**Cosmetology Licenses and Permits by Type**  
**Fiscal 2014-2018**

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
<b>Shop Permits</b>					
Owner Limited – New	93	92	83	105	81
Owner Limited – Renewal	263	259	269	261	252
Owner Full Service – New	431	412	473	468	497
Owner Full Service – Renewal	1,669	1,673	1,708	1,588	1,555
<b>Cosmetology Licenses</b>					
Senior Cosmetologist – New	95	87	71	105	108
Senior Cosmetologist – Renewal	3,310	3,323	3,149	3,227	3,089
Cosmetologist – New	1,579	1,336	1,650	1,398	1,279
Cosmetologist – Renewal	12,281	12,427	12,663	12,837	13,332
Limited Nail Technician – New	229	230	311	321	454
Limited Nail Technician – Renewal	3,575	3,495	3,553	3,457	3,497
Limited Esthetician – New	234	191	291	282	309
Limited Esthetician – Renewal	1,497	1,558	1,506	1,622	1,679
Apprentice Cosmetologist – New	109	131	145	121	94
Apprentice Cosmetologist – Renewal	92	77	67	52	62
Apprentice Limited Nail Technician – New	151	126	158	133	166
Apprentice Limited Nail Technician – Renewal	49	63	25	16	1
Apprentice Limited Esthetician – New	10	24	15	20	26
Apprentice Limited Esthetician – Renewal	6	1	5	5	6
Limited Hairstylist – New	-	-	-	-	5
Limited Hairstylist – Renewal	-	-	-	-	-
Apprentice Limited Hairstylist – New	-	-	-	-	15
Apprentice Limited Hairstylist – Renewal	-	-	-	-	-

Source: State Board of Cosmetologists

**Appendix 5**  
**Barber Licenses by Type**  
**Fiscal 2014-2018**

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
<b>Shop Permits</b>					
Barbershop – New	102	123	126	112	161
Barbershop – Renewal	399	408	359	400	332
<b>Barber Licenses</b>					
Barber – New	151	192	225	232	215
Barber – Renewal	1,200	1,406	1,255	1,419	1,324
Master Barber – New	41	31	29	34	52
Master Barber – Renewal	1,005	1,197	1,004	1,140	946
Apprentice Barber – New	102	87	110	99	124
Apprentice Barber – Renewal	33	30	25	17	19
Limited Barber Stylist – New	0	0	0	0	1
Apprentice Limited Barber Stylist – Renewal	0	0	0	0	6

Source: State Board of Barbers

**Appendix 6**  
**Cosmetology Complaints by Type and Outcome**  
**Fiscal 2014-2018**

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Unlicensed Salon	30	16	20	21	25
Unlicensed Personnel	56	54	33	39	36
Sanitation	76	65	70	52	73
Prohibited Service	12	10	3	8	10
Service Issue/Monetary Dispute	26	19	27	18	21
<b>Total</b>	<b>200</b>	<b>164</b>	<b>153</b>	<b>138</b>	<b>165</b>
Dismissed – Unsubstantiated	160	51	82	66	53
Dismissed – Order	0	10	15	21	17
Consent Order (Completed)	0	19	14	30	18
Consent Order (Pending)	0	0	11	4	20
Unresolved – Investigation Ongoing*	40	84	31	17	57
<b>Total</b>	<b>200</b>	<b>164</b>	<b>153</b>	<b>138</b>	<b>165</b>

\* Reflects investigation still designated as ongoing as of November 2018.

Source: State Board of Cosmetologists



**Appendix 7**  
**Barber Complaints by Type and Outcome**  
**Fiscal 2014-2018**

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Unlicensed Shop	8	1	4	12	11
Unlicensed Personnel	19	9	10	14	12
Sanitation	7	6	2	4	8
Prohibited Service	0	0	0	0	1
Service Issues/Monetary Dispute	2	0	0	2	3
<b>Total</b>	<b>36</b>	<b>16</b>	<b>16</b>	<b>32</b>	<b>35</b>
Dismissed – Unsubstantiated	5	1	1	8	3
Dismissed – Other	3	0	4	0	6
Consent Order (Completed)	26	15	9	23	11
Consent Order (Pending)	0	0	2	1	12
Unresolved – Investigation Ongoing*	2	0	0	0	3
<b>Total</b>	<b>36</b>	<b>16</b>	<b>16</b>	<b>32</b>	<b>35</b>

\* Reflects investigation still designated as ongoing as of November 2018.

Source: State Board of Barbers

**Appendix 8**  
**Written Comments of the State Board of Barbers and**  
**State Board of Cosmetologists**

The boards reviewed a draft of this preliminary evaluation and provided these written comments.

December 4, 2018

Michael Rubenstein  
Principal Policy Analyst  
Office of Policy Analysis  
Department of Legislative Services  
90 State Circle  
Annapolis, MD 21401-1991

Dear Mr. Rubenstein:

The Department of Labor, Licensing and Regulation and the boards of cosmetologists and barbers have received the draft of the preliminary evaluation conducted by the Department of Legislative Services (DLS) pursuant to the Maryland Program Evaluation Act. We appreciate the time, professionalism and attention that DLS spent reviewing the boards' operations.

We are pleased that the report found that the boards are fulfilling their statutory duties and recommends that the Legislative Policy Committee waive the boards from full evaluation. Further, the department concurs with the accuracy of the factual content included in the report.

The boards concur that complaint administration has not been fully automated and accessible to staff. The boards recently transitioned from a legacy ACCESS database system to the existing AS/400 complaint system. This transition was necessary to eliminate duplication of data entry and to consolidate all information into one relational database system. Reporting and analytics capabilities are being added to satisfy this recommendation. These capabilities should be operational with the current fiscal year. Ultimately, the entire division will be transitioned to a new information system that will allow expanded capabilities not available within the AS/400 system.

The boards will implement the continuing education requirement for cosmetologists, enacted by Chapter 784, when proper human resources are available and in place.

The boards concur that filling vacant board member positions is vital to proper representation and oversight of the industries. Although new member appointments to the boards are solely within the discretion of the governor's appointment office process, the boards assist in finding qualified applicants to fill vacant board member positions. It is challenging to find individuals who are willing to volunteer their time to serve on occupational boards.

It was a pleasure working with Ms. Boney during the sunset preliminary review. She showed exceptional knowledge and professionalism in gathering historic and current information

relevant to the boards' review. We appreciate her assistance in our efforts to maintain public safety and excellent customer service.

Sincerely,

Handwritten signature of Kelly M. Schulz in blue ink.

Kelly M. Schulz  
Secretary

cc: David McGlone, Deputy Secretary  
Victoria Wilkins, Commissioner, Occupational and Professional Licensing  
John Papavasiliou, Deputy Commissioner, Occupational and Professional Licensing  
Patrick Pannella, Executive Director  
Arnold Dansicker, Chairman  
Victoria Gruber, Executive Director, Department of Legislative Services  
Ryan Bishop, Policy Analyst, Department of Legislative Services