

**Testimony to the House Professional Licensure Committee  
October 5, 2011**

**HB 1867  
HB 1868  
HB 1571**

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Good Morning. My name is Deborah Dunn. I am the Owner and President of the Lancaster School of Cosmetology & Therapeutic Bodywork in Lancaster, Pennsylvania. I am also the President of PAPSA, the Pennsylvania Association of Private School Administrators representing 150 private career colleges and schools including postsecondary cosmetology schools and programs. This morning I will be testifying on House Bills 1867, 1868 and 1571.

### **Testimony on HB 1867**

Allowing Licensed Massage Therapist to practice in the licensed space of a cosmetology or esthetics salon will actually add to the economic growth and tax base for Pennsylvania. I will provide just two quick examples.

A yoga studio wanted to add esthetic and massage services. They had only one space available that they could fully utilize offering both massage and esthetics. They were very disappointed to find out they could only legally offer one or the other in that space. This decreased their income thereby decreasing tax revenue.

We have many graduates who become dually licensed in esthetics and massage. Their goal is to open their own spa. With limited start-up resources, the ability to offer both services in one space until they have the resources to expand makes their goal unattainable. Without this dual option, the goal is delayed and once again the personal income and tax base suffers.

While the current proposed language is not exactly what we were looking for, as it expands the law too broadly, we would like to suggest language allowing a licensed massage therapist to provide services within the licensed space of a cosmetology or esthetics spa. Then the State Board of Cosmetology would develop specific regulation to protect consumers.

### **Testimony Concerning HB 1868**

Allowing an applicant to take the theoretical part of the licensing examination is an outstanding step forward in getting more students licensed faster and therefore becoming taxpaying employees sooner. This methodology has proven very successful in New Jersey.

The only addition I would make is to add an amendment to include all limited licenses according to the following: esthetician theoretical testing at 250 hours, nail technology theoretical testing at 150 hours and teacher theoretical testing at 400 hours. Once people have taken the theory part of the exam, they can then hone their skills through practice, observation, and feedback from faculty. This will allow them to focus on skill building and putting theory into practice.

## **HB 1571 Testimony Concerning Booth Rental**

While booth rental may seem to be a way to expand the salon business it comes with many unintended consequences and lack of any oversight. Booth rental can be detrimental to consumers and it supports the "underground economy."

Simply eliminating the ban on booth rental opens the doors for fraud and abuse without a great deal of additional oversight being developed. This creates a salon within a salon and the consequences could be great.

Section 7.64 of the State Board of Cosmetology regulations assigns the primary responsibility of "administration of the business and personnel affairs of the salon and compliance within the salon with all laws of the Commonwealth, this chapter and the Pennsylvania Human Relations Act." It also subjects the salon owner to "disciplinary action by the Board for a violation of the act or this chapter committed by a licensed employee of the salon."

Without the Employer/Employee relationship, the salon owner will have NO control over the administration of the business and personnel affairs of the salon, and therefore the Cosmetology Board will have little recourse for violations of the code.

Section 7.71 of the State Board of Cosmetology regulations outlines equipment requirements for each cosmetologist. If Booth Renters within the salon do not supply each of these 16 items, the safety of each and every client is in jeopardy.

Sections 7.8, 7.82 and 7.83 address the rendering of services outside a salon, further protecting the cosmetologist from liability in the event of an unexpected incident. Without the Employer/Employee relationship, salon owners will NOT be able to implement policies in this regard and WILL NOT be able to police the Booth Renters' activities outside the salon, thus exposing the general public to unsafe conditions.

Severing the Employer/employee relationship makes it impossible to implement and enforce Drug and Alcohol Policies, Ethics Policies, and Confidentiality Policies amongst Booth Renters, putting the clients' safety and personal information in jeopardy.

Will booth renters be required to carry professional liability insurance as salon owners do? How would the consumer know if they do or do not?

Who will police booth space to make certain sanitation and licensure standards are met? With the current burden on state inspectors, where will the dollars come from to train state inspectors in this new aspect and to hire more inspectors to keep up with booth renters? In addition, how is an inspector to know if the salon has booth renters or not? If they merely ask, someone trying to keep this income hidden would simply say no. If booth renters are not required to have their space licensed or to register as a booth renter, there can be no oversight.

Currently salons create jobs and pay taxes plus maintain sustainable business in the communities. This bill will not only impair and diminish the investment of existing businesses it may prevent existing and new businesses the incentive for future expansion and development.

Booth rental can create an underground economy with a cash business. The state may lose tax dollars because of under reporting or not reporting income of booth renters.

As a school, this lack of oversight will also be a problem. Currently, schools are required to track graduates, their place of employment, and salary information. Booth rental makes tracking of graduates difficult, if not impossible.

Currently in place is the ability for any licensed cosmetologist to rent a 180 square foot space to create their own salon or space. With this in place why is there a need to reinvent the wheel by adding booth rental? And with using the current law and regulation, consumer safety is ensured.