

Board of Cosmetologist Examiners
January 12, 2016 Board Meeting Minutes

10:03 AM to 2:10 PM

Conference Room A, University Park Plaza
2829 University Ave SE, Minneapolis, MN 55414

Present at Meeting:

Mary Finnegan (electronically), Chair	Diane DelaBarre, Assistant Executive Director
Laurie Boggess, Member	Catrina Mairose, Licensing Div Manager
Rhonda Besel, Member	Lene Kiser, Interim Compliance Div Manager
Nicki Dixson, Member	Andrew Reding, Interim Inspection Div Manager
Chelsey Bell, Member	Tami Thein, Assistant to the Executive Director
Gina Stauss Fast, Executive Director	Rebecca Gaspard, Rules Analyst

I. Call to Order

MF: Called meeting to order at 10:03 AM.

II. Approval of Proposed Agenda

LB: Made a motion to pass the proposed agenda with flexibility.

CB: Seconded. 5 Ayes, 0 Nays. **Motion Carried.**

III. Approval of Minutes

Gsf: December 7, 2015 Board meeting minutes will be presented at February's Board meeting.

IV. Old Business: Rulemaking

A. Major Overhaul of Rules (Revisor's Number 0-2458)

Discussion:

1. Tentative Dates for further Board Meetings for Rulemaking. June 6-June 7 Hearing dates. April 18th for review of comments. June 14th and July 6th for review of comments after hearing.
 - a. Rules committee to continue standard of reviewing comments and presenting recommendation to full Board.
2. Issue Discussion on Substantive changes within the 12/17/15 Memo.
 - a. The definition and the related infection control provisions are changed to allow cleaning with a cleaning agent as well as with soap and water.
 - b. An exemption is added to exclude regulation of body wraps when performed by a massage therapist.

- c. The rule language is changed from requiring a board approved translator to a board approved credentialing agency.
- d. The draft rule is changed to no longer require board preapproval on the new school manager CE requirement.
- e. This is a totally new provision requiring salons to have disinfectant containers with covers large enough to submerge the tools and implements that need to be disinfected.
- f. The current rule language regarding wigs which was previously contained in the definition of licensed services was removed from there, and I neglected to place it elsewhere in rules. It is now transferred to the section on infection control practices without any changes in the text.
- g. For the more literal minded individuals, a sentence addressing brushes and linens, which are admittedly porous, is added to clarify that these are not single-use items that must be discarded after the first use.
- h. The rule draft is changed to list these items as prohibited from salons.
- i. Language is added to require the immediate removal of prohibited tools (think credo blades for example) from the salon, and to require that any customer supplied single use items (think nail buffers) be brand new.
- j. Language added to require a school to identify in the enrollment contract any conditions that must be met by the student before the school will issue a transcript.

MF: Made motion to approve changes for Draft rules from 12/17/15 memo.

RB: Seconded. 5 Ayes, 0 Nays. **Motion Carried.**

- k. Eyebrow embroidery and eyebrow microblading.

RB: Made motion to add eyebrow embroidery and microblading to items listed as unregulated for Draft rules from 12/17/15 memo.

MF: Seconded. 5 Ayes, 0 Nays. **Motion Carried.**

- l. Required copies of laws and rules at salons.

RB: Made motion to accept the Laws and rules books to be eliminated with understanding that the Board would provide a position statement that is available on the website regarding copies of the Laws and Rules in the salons and with a line stated on inspections report of how you can obtain the laws and rules books for Draft rules from 12/17/15 memo.

CB: Seconded. 5 Ayes, 0 Nays. **Motion Carried.**

- m. Proposed requirement to retest on laws and rules when license is expired more than one year but less than 3 years.

MF: Made motion to approve proposed changes of zero to less than 3 years expired (CE, Laws and Rules test and fees) for 3 years or more expired (renewal requirements depend on license type) for Draft rules from 12/17/15 memo.

ND: Seconded. 5 Ayes, 0 Nays. **Motion Carried.**

LB calls for break @ 11:26AM.

LB calls to order @ 11:58AM.

MF leaves meeting.

3. Rules Draft Review and Approval

RB: Made motion to approve Rules Draft with flexibility.

ND: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

4. SONAR Review and Approval

CB: Made motion to approve SONAR with flexibility.

ND: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

5. Board Resolution

CB: Made motion that The Executive Director of the Board of Cosmetologist Examiners is authorized and directed to proceed with rule amendment activity regarding the rules amendments and SONAR as approved by the Board at the January 12, 2016 meeting; including publishing a Dual Notice of Intent to Adopt Rules with or without a Hearing. This includes making any necessary but non-substantive changes in the rules drafts and SONAR, and as recommended by the Revisor. The Executive Director must give this notice to all persons who have registered their names with the Board for that purpose. The Executive Director must also publish the Notice in the State Register. Furthermore, the Executive Director is authorized and directed to do anything else needed to complete this Notice.

ND: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

B. *Advanced Practice Esthetician Rules (Revisor's Number 0-4342)*

1. Board Resolution

RB: Made motion that The Executive Director of the Board of Cosmetologist Examiners, is authorized and directed to proceed with development of rules on Advanced Practice Esthetics, to notify the Governor's office of the rulemaking activity, and to publish the Request for Comments. Furthermore, the Executive Director is authorized and directed to do anything else needed to complete this Notice, including seeking approval of an Additional Notice Plan with the Office of Administrative Hearings.

ND: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

V. **Adjournment**

LB: Adjourned the meeting at 2:10PM.