

Minnesota Board of Cosmetology
October 5, 2020 Board Meeting Minutes

10:07 AM to 11:35 AM

WebEx Meeting/Board of Cosmetology Conference Room
1000 University Avenue West Suite 100, St. Paul, MN 55104

Present at Meeting:

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| Rhonda Besel, Chair | Gina Fast, Executive Director |
| Chelsey Anderson, Vice Chair | Jill Freudenwald, Chief of Staff |
| Jodi Friendshuh, Member | Alex Herbert, School Liaison |
| Mahogany Plautz, Member | Diane DelaBarre, Senior Manager of Operations |
| Marcie Smith-Fields, Member | Jenna Bohl, Licensing Division Manager |
| Donna Dungy, Member | Lene Kiser, Compliance Division Manager |
| Carol Logan, Member | Jackie Braun, Inspections Division Manager |
| | Missy Riste, Licensing Team Lead |
| | Tami Thein, Executive Assistant |

I. Call to Order

- Meeting called to order at 10:07 AM by Rhonda Besel

II. Housekeeping

- Rhonda Besel performed roll call to verify all members were present. Rhonda Besel spoke about the WebEx meeting process.

III. Approval of Proposed Agenda

- **Motion:** Carol Logan - Approve proposed agenda with flexibility
- **Seconded** by Donna Dungy; 7 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
 - *Nays:* None

IV. Approval of Meeting Minutes

- Carol Logan noted that the word conditionally was missing from Apree Gardner-Henry's request decision.
- **Motion:** Carol Logan - Approve meeting minutes from August 3, 2020 with amendment to add conditionally to Apree Gardner-Henry's request on page 9.
- **Seconded** by Donna Dungy; 7 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
 - *Nays:* None

V. New Business: Rule Waiver Requests

- *Jenilee Douville*
 - **Request:** Waiver of Minnesota Rule 2110.0680 Subp. B, which establishes that accrued student hours are valid for a maximum of five years. Jenilee wishes to apply hour she accrued in 2009 toward a cosmetology training program now. Her request is based on hardship.

- **Motion:** Marcie Smith-Fields – Grant waiver request of Minnesota Rule 2110.0680 Subp. B which establishes that accrued student hours are valid for a maximum of five years. This is based on hardship. The extension is valid through 12/31/2022.
Seconded by Donna Dungy.
- **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
 - *Nays:* None
- *Sotheavy Kang*
 - **Request:** Waiver of Minnesota Rule 2110.0550, which requires any licensure training hours that are transferred into another training program to be no more than five years old. Sotheavy wishes to apply 300 hours from her initial nail technician training toward a cosmetology program. This request is based on hardship.
 - **Motion:** Marcie Smith-Fields – Grant the waiver request of MN Rule 2210.0550, which requires any licensure training hours that are transferred into another training program to be no more than five years old. She may apply 300 hours from her initial nail technician training toward a cosmetology program, based on hardship.
Seconded by Carol Logan.
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
 - *Nays:* None
- *Twalisa Ferguson*
 - **Request:** Waiver of Minnesota Rule 2110.0525, which requires an advanced practice esthetician training program to consist of at least 500 hours of coursework. This request is based on hardship.
 - **Motion:** Marcie Smith-Fields – Deny the waiver request of Minnesota Rule 2105.0525 which requires an advanced practice esthetician training program to consist of at least 500 hours of coursework. This is based on the request being received significantly after the grandfathering clause deadline.
Seconded by Donna Dungy.
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was denied.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
 - *Nays:* None
- *Minnesota West Community and Technical College- Pipestone*
 - **Request:** Waiver of Minnesota Rule 2110.0630 A which requires a minimum of two licensed instructors to be on the school premises when students are present and Minnesota Rule 2110.0630 A (1), which states that a school may use unlicensed instructors who hold a salon manager license as substitutes for licensed instructors for no more than 30 full or partial calendar days in 12 consecutive months. This request is based on hardship applies to a limited number of dates the school was out of compliance with instructor requirements (8/24/2020-11/13/2020).
 - **Motion:** Carol Logan – Conditionally grant the waiver of Minnesota Rule 2110.0630 A which requires a minimum of two licensed instructors to be on the school premises when students are present and Minnesota Rule 2110.0630 A (1) which states that a

school may use unlicensed instructors who hold a salon manager license as substitutes for licensed instructors for no more than 30 full or partial calendar days in 12 consecutive months based on hardship. With the condition that the applicants complete all of their testing and obtain their instructor licenses by 11/30/2020.

Seconded by Donna Dungy.

- **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was granted.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
 - Nays: None

- *Katy Baldry*
 - **Request:** Waiver of Minnesota Rule 2105.0145 Subp. 4 C, which requires applicants for an initial instructor license to have 2,700 hours of licensed practice within the three years prior to application. This request is based on financial hardship. This request is a reconsideration of the previous Board ruling at the 8/3/2020 Board meeting.
 - **Motion:** Mahogany Plautz – Deny the waiver request of Minnesota Rule 2105.0145 Subp. 4 C, which requires which requires applicants for their initial instructor license to have 2,700 hours of licensed practice within the three years prior to application as no further documentation of hardship was submitted since the 8/3/2020 decision.
 - **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request of was denied.
 - Ayes: Rhonda Besel, Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
 - Nays: None

VI. New Business: Division Reports

- Due to quarter three ending just last week, quarter three statistics will be reported at the 12/7/2020 meeting.

Administrative Division

- Tracey Sigstead joined to provide an overview of SmART (Small Agency Resource Team).
- Program Evaluation Audit: Still in process, no further updates.

Compliance Division

- There is a Complaint Committee meeting scheduled for 10/26/2020.
- One Compliance Investigator recently returned to full-time status. The Compliance Division is now operating with a full staff.

Inspections Division

- The Inspections Division is currently operating with 6 of its 7 field inspectors, as one has been redeployed to the Minnesota Department of Health.
- Field Inspectors are inspecting salons for compliance with the Governor's Executive Order in addition to existing rule and statutes.

Licensing Division

- The Licensing Division is gearing up to release new online continuing education provider and course applications later this month for 2021 approvals.

- Continuing education course attendance auditing, which takes place after practitioner renewals, is also being automated for implementation later this year.

Policy and Rulemaking Division

- **Rule Docket 4456**

Board staff continue to work on revising Minnesota Rules, Chapter 2110 regarding schools. The Advisory Committee on School Rules met on August 10 and are tentatively planning to meet again later in October. At the August meeting, topics of discussion included a review of the curricula rule sections.

- **Fall School Inspections**

Planning is underway to conduct school inspections this fall. Currently there are 38 licensed schools.

- **Schools**

Between April and September of 2020, seven cosmetology schools submitted Curriculum Change Applications requesting to make online theory a permanent part of their curricula. Sixteen training programs have met curricula requirements and received approval.

- **Biennial Budget and Legislative Planning**

Board staff are working with the Governor's Office and Minnesota Management and Budget (MMB) to submit the FY22-23 biennial budget. In August, staff submitted our Agency Profile to MMB for review. Staff are also working on budget planning for the next biennium. We will provide a final copy to Board members once it is published by MMB. The Board does not plan to bring forward any legislation in 2021. The 2021 legislative session is scheduled to convene on January 5, 2021.

- **Hairstyling and Makeup Update**

At the Board meeting in August, the Board approved a guidance document to answer some of the questions surrounding the exemption of hairstyling and makeup from licensure. The Board allowed staff to make technical changes as needed. Since the last Board meeting, staff have made some clarifications to the document as new questions have arisen. The revised guidance is attached.

VII: Public Comments

- Georgina Davis – Designated School Manager at Bloomington Career and College Academy.
 - Georgina's comment related to distance learning due to the COVID-19 Pandemic.
 - Options to have student's work on themselves, rather than mannequins, fake hands etc. and having it qualify as Clinical Service Exercises.

VIII: Adjournment

- Meeting was adjourned at 11:35 AM by Rhonda Besel.