

Minnesota Board of Cosmetology
February 3, 2020 Board Meeting Minutes

10:01 AM to 11:19 AM

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

Present at Meeting:

Rhonda Besel, Chair	Gina Fast, Executive Director (<i>via conference call</i>)
Chelsey Anderson, Vice Chair	Jill Freudenwald, Chief of Staff
Jodi Friendshuh, Member	Alex Herbert, School Liaison
Stephen Adams, Member	Diane DelaBarre, Senior Manager of Operations
Marcie Smith-Fields, Member (<i>via conference call</i>)	Jenna Bohl, Licensing Division Manager
Donna Dungy, Member	Lene Kiser, Compliance Division Manager
	Jacqueline Braun, Inspections Division Manager
	Missy Riste, Licensing Team Lead

I. Call to Order

- Meeting called to order at 10:01 AM by Rhonda Besel

- **II. Housekeeping:** Rhonda Besel noted that Marcie Smith-Fields and Gina Fast are participating via conference call

- Follow-Up from Closed Session at December 2, 2019 Board Meeting:
 - Closed session occurred pursuant to Minnesota Statutes Chapter 13D.05 Subd. 3.
 - At its next public meeting (today), the Board must summarize its conclusions regarding the performance evaluation of Executive Director, Gina Fast, which was completed in a closed session at the December 2, 2019 Board meeting.
 - **Board's Conclusions:** "Have determined that the performance is excellent and that she may be eligible for all pay increases and achievement awards for the next year."

III. Approval of Proposed Agenda

- **Motion:** Stephen Adams - Approve proposed agenda with flexibility
- **Seconded** by Donna Dungy; 6 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

IV. Approval of Meeting Minutes

- **Motion:** Chelsey Anderson - Approve meeting minutes from December 2, 2019
- **Seconded** by Donna Dungy; 6 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

V. New Business: Rule Waiver Requests

- *Dayton Laurie*
 - **Request:** Waiver of Minnesota Rule 2105.0145 Subp. 1 C (1), which requires applicants for an initial Operator License to submit passing results from the written General Theory Examination with their application. This request is based on medical hardship.
 - **Motion:** Chelsey Anderson – Grant waiver of Minnesota Rule 2105.0145 Subp. 1 C (2) & (3) to extend the expiration date of previously passed State Exam and Written Practical Exam until 8/31/2020, to allow additional time to pass the remaining exam, based on medical hardship. **Seconded** by Stephen Adams.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver was granted.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - *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.
 - **Motion:** Chelsey Anderson – Deny the waiver request of Minnesota Rule 2105.0145 Subp. 4 C, due to lack of supporting documentation. **Seconded** by Stephen Adams.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request of was denied.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

- *Lachlan Kiekow*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 4, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License via the student grandfathering provision to have graduated from an esthetician training program on or after 1/1/2018 and before 6/1/2019, submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 12/31/2019. This request is based on hardship.
 - **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 4, provided a completed application with passing exam results is received in the Board office by March 3, 2020, based on hardship. **Seconded** by Stephen Adams.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was approved.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

- *Erika Brown*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 4, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License via the student grandfathering provision to have graduated from an esthetician training program on or after 1/1/2018 and before 6/1/2019, submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 12/31/2019. This request is based on hardship.

- **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 4, provided a completed application with passing exam results is received in the Board office by March 3, 2020, based on hardship. **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
- *Anissa Nolen*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 7/31/2019. This request is based on hardship.
 - **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp.1, with proof of work experience to be further verified by Board staff and provided a completed application be received in the Board office by March 3, 2020, based on hardship. **Seconded** by Stephen Adams.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
 - *Ranada Lyons*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 7/31/2019.
 - **Motion:** Chelsey Anderson - Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1, with proof of work experience to be further verified by Board staff and provided a completed application be received in the Board office by March 3, 2020, based on hardship. **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
 - *Mattie Yutrzenka*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory

test results, and to submit a complete grandfathering application to the Board office by 7/31/2019. This request is based on financial hardship.

- **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1, provided a completed application with passing exam results is received in the Board office by April 3, 2020, based on financial hardship. **Seconded** by Stephen Adams.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None
- *Danielle Motl*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 7/31/2019. This request is based on medical hardship.
 - **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1, provided a completed application with passing exam results is received in the Board office by April 3, 2020, based on medical hardship. **Seconded** by Donna Dungy.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request as approved.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None
- *Hayley Nothem*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 7/31/2019. This request is based on hardship.
 - **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1, provided a completed application with passing exam results is received in the Board office by March 3, 2020, based on hardship. **Seconded** by Stephen Adams.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None
- *Jessica Bakke*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory

test results, and to submit a complete grandfathering application to the Board office by 7/31/2019. This request is based on financial hardship.

- **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1, provided a completed application with passing exam results is received at the Board office by March 3, 2020, based on financial hardship. **Seconded** by Stephen Adams.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
- *Emily Bienias*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 7/31/2019. This request is based on hardship.
 - **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1, with proof of work experience to be further verified by Board staff and provided a completed application be received in the Board office by March 3, 2020, based on hardship. **Seconded** by Stephen Adams.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
 - *Heather Ryan*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 2, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Salon Manager License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 7/31/2019. This request is based on medical hardship.
 - **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 2, provided a completed application with passing exam results is received in the Board office by April 3, 2020, based on medical hardship. **Seconded** by Donna Dungy.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
 - *Katie Pettee*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 4, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License via the student grandfathering provision to have graduated from an esthetician training program on or after 1/1/2018 and before 6/1/2019, submit passing AP Esthetician Written Practical

and General Theory test results, and to submit a complete grandfathering application to the Board office by 12/31/2019. This request is based on financial and medical hardship.

- **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 4, provided a completed application with passing exam results is received in the Board office by April 3, 2020, based on medical hardship. **Seconded** by Stephen Adams.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
- *Haley Kvam*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 4, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License via the student grandfathering provision to have graduated from an esthetician training program on or after 1/1/2018 and before 6/1/2019, submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 12/31/2019. This request is based on financial hardship.
 - **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp 4, provided a completed application with passing exam results is received in the Board office by April 3, 2020, based on financial hardship. **Seconded** by Stephen Adams.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
 - *Kalliann Wilson*
 - **Request:** Kalliann Wilson is requesting a waiver of Minnesota Rule 2105.0155 Subp. 4, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License via the student grandfathering provision to have graduated from an esthetician training program on or after 1/1/2018 and before 6/1/2019, submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 12/31/2019. This request is based on medical hardship.
 - **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 4, provided a completed application with passing exam results is received in the Board office by April 3, 2020, based on medical hardship. **Seconded** by Donna Dungy.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
 - *Apree Gardner-Henry*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 4, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License via the student grandfathering provision to have graduated from an esthetician training program on or after 1/1/2018 and before 6/1/2019, submit passing AP Esthetician Written Practical

and General Theory test results, and to submit a complete grandfathering application to the Board office by 12/31/2019. This request is based on hardship.

- **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 4, provided a completed application with passing exam results be received in the Board office by April 3, 2020, based on hardship. **Seconded** by Stephen Adams.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
- *Janesian Xiong*
 - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 4, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License via the student grandfathering provision to have graduated from an esthetician training program on or after 1/1/2018 and before 6/1/2019, submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 12/31/2019. This request is based on hardship.
 - **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp.4, provided a completed application with passing exam results is received at the Board office by March 3, 2020, based on hardship. **Seconded** by Donna Dungy.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
 - *Kendra Thomas*
 - **Request:** Kendra Thomas is requesting a waiver of Minnesota Rule 2105.0155 Subp. 4, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Operator License via the student grandfathering provision to have graduated from an esthetician training program on or after 1/1/2018 and before 6/1/2019, submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by 12/31/2019. This request is based on hardship.
 - **Motion:** Chelsey Anderson – Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 4, provided a completed application with passing exam results is received in the Board office by April 3, 2020, based on hardship. **Seconded** by Donna Dungy.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
 - *Kali Mulvany-Spies*
 - **Request:** Kali Mulvany-Spies' request involves two rules. First, Rule 2110.0510 D (8) and E, which require cosmetology students to complete 10 artificial nail services as part of their initial training, and to submit documentation to the Board verifying completion of these services. The second is Rule 2105.0145 Subp. 1 D (1), which requires cosmetology

license applicants to submit proof of completion of training via a Course Completion Certificate. A portion of this certificate relays the scores from a student's Practical Skills Test, which requires the student to perform an artificial nail application using acrylic or gel product. This request is based on medical hardship.

- **Motion:** Chelsey Bell – Approve the waiver request of Minnesota Rule 2110.0510 D (8) and E and Rule 2105.0145 Subp. 1 D (1), with the condition a total of 50 manicure service exercises be completed during cosmetology training, based on medical hardship. **Seconded** by Stephen Adams.
 - **Decision:** On the vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None
- *Brittany Perish, on behalf of Maple Lawn Senior Care*
 - **Request:** Brittany Perish, on behalf of Maple Lawn Senior Care, is requesting a waiver of the second clause of Rule 2105.0360 Subp. 5a, which prohibits a dispensary from being located within a restroom, or Minnesota Rule 2105.0360 Subp 5a A, which prohibits a shampoo bowl from being used as a dispensary sink unless the salon has only one practitioner. This request is based on financial hardship.
 - **Motion:** Chelsey Bell – Approve the waiver request of Minnesota Rule 2105.0360 Subp 5a A, with the stipulation that only one practitioner works in the salon at a time. **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request approved.
 - Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Stephen Adams, Marcie Smith-Fields, Donna Dungy
 - Nays: None

VI. New Business: Division Reports

Compliance Division

- Rachael Bower has been on leave since 11/25/2019 will return 2/19/2020.
- Complaint Committee has met twice in the fourth quarter: On 10/21/2019 and 12/9/2019
 - On 10/21/2019 the Committee reviewed 88 complaints.
 - On 12/9/2019 the Committee focused on complaints with allegations of violations occurring at four cosmetology schools.
- In the fourth quarter of 2019, a total of 53 new complaints were filed with the Board. Board staff currently have 81 open complaints and are tracking 376 closed complaints by waiting for either completion of the infection control course or payment of civil penalties.

Inspections Division

- In the fourth quarter of 2019, 1,358 salons and 2 schools were inspected, a total of 1,360 inspections.
- The Inspections Division currently has an open position for a Field Inspector Position.
- Statewide Completion Statistics as of 10/1/2019:
 - 85% (4,625 salons) inspected within the past one year
 - 15% (847 salons) inspected between one and two years ago

- 0% (0 salons) inspected over two years ago

Licensing Division

- In the third quarter of 2019, we maintained an average processing time of about 13 business days. There were an average of 52 licenses issued per day and 260 licenses issued per week.
- Diana Vang started on January 22, 2020 as our newest Licensing Specialist.

Policy and Rulemaking Division

- **Legislative Update:** The 2020 legislative session begins on February 11, 2020. At this time, there is no Board-driven legislation planned. This is a supplemental (non-budget) year. Staff are aware of the following outside legislative initiatives:
 - HF 2249/SF 696 – Eliminates the licensure requirement for salons providing only eyelash technology services
 - HF 2230/SF 2095 – Modifies salon licensure requirements and continuing education requirements
 - HF 2591/SF 2623 – Authorizes local government licensing of barbering and cosmetology
 - SF 2898 – Exempts hair styling, make up and eyelash services from Board regulation
- **Rule Docket 4552:** Rule docket 4552 is ready for publishing in the Minnesota State Register. Once published, the rules will take effect five business days after publication. The Board expects to publish the rules at the end of February to allow enough time to revise licensing applications and update the Board's website.
- **Rule Docket 4456:** On January 15, the Board's Rules Committee met to review comments to rule docket 4456 and appoint members to the Advisory Committee on Schools Rules. Board staff read aloud the names of the individuals who submitted comments regarding rule docket 4456, and the names of the individuals appointed to the Advisory Committee on School Rules.
- The Board has hired a second school liaison, Leahkim Gannett.

VII: Public Comments

- None

VIII: Adjournment

- Meeting was adjourned at 11:19AM by Rhonda Besel.