

Board of Cosmetologist Examiners
May 12, 2014 Board Meeting Minutes

9:00 AM to 2:30 PM

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

Present at Meeting:

Mary Finnegan, Chair	Gina Stauss Fast, Executive Director
Laurie Boggess, Member	Diane DelaBarre, Assistant Executive Director
Robert Salmonson, Member	Billi Jo Jones, Licensing Division Manager
Kurt Deile, Member	Catrina Mairose, Licensing Specialist
Michele Owen, Attorney	Tami Thein, Assistant to the Executive Director
	Rebecca Gaspard, Compliance

I. Call to Order

MF: Called meeting to order at 9:00 AM.

II. Approval of Proposed Agenda

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

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

III. Approval of Minutes

BS: Made a motion to approve the minutes from the February 24, 2014 Board meeting.

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

IV. New Business: Updates & Waivers

A. Updates – New Website

Discussion: Comments from LB, MF & GSF regarding opening new tab when going into other areas; opening multiple windows.

B. Updates – Updated Applications

GSF: Website and Applications have been updated to current forms.

C. Waiver—Paul Kamp Andrews

CM: PA is requesting a waiver for MN Rule 2105.0200 which requires at least 1800 hours of licensed practice throughout a license cycle, or 400 hours per each full year, or a 40 hour refresher course to renew a license as active. He claims medical hardship has prevented him from working.

PA: Describes background and work history.

Discussion: Comments from KD and MF.

KD: Made motion to grant the request for waiver due to medical ailment.

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

D. Waiver—Trang Le

GSF: TL is requesting a waiver of MN Rule 2105.0220 (F) which requires an applicant to wait two years after the date of revocation to apply for licensure. TL's license was revoked on 9/19/13; she is claiming financial hardship as allowed under MN Rule 2105.0820.

Discussion: Comments from KD, MF and TL's sister regarding schooling that TL attending.

KD: Made motion to grant the waiver request 2105.0220 (F) to allow TL to apply for her license prior to 11/11/14 still comply with license requirements due to financial hardship.

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

E. Waiver—MN Department of Corrections - Shakopee

CM: Becky Tweed, School Manager of MN Department of Corrections' cosmetology school, is requesting a waiver of MN Rule 2110.0630 (A) which requires two instructors on the school premises during the time students are present; and each school shall have a minimum ration of one instructor for each 1 to 20 students to be accommodated; and all students shall be under the supervision of an instructor at all times when in a classroom, clinic, or other area in which they are performing cosmetology services. In 2007, the school received a waiver of the first portion of this rule. Now, the school would like to add one refresher course student to their prescribed ration. This waiver is based on the hardship of the difficulty in having more than one instructor in the facility and the hardship of the students who are unable to take a course outside of the facility.

BT: Describes the program and the safety of increasing the number of students.

Discussion: Comments from MF and BT.

KD: Made motion to grant MN DOC waiver to Rule 2110.0630 (A) to allow one more refresher student and allowing teaching theory and practical in refresher at same time; thus allowing 19:1 ratio.

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

F. Waiver—Dolores Jasper

GSF: DJ is requesting a waiver of MN Rule 2105.0200 (2.A) which requires at least 1800 hours of licensed practice throughout a license cycle, or 400 hours per each full year, or a 40 hour refresher course in order for an applicant to renew a license as active. DJ has not worked since 2008 and feels she is unable to take a refresher course. This waiver is based on hardship due to her remote location and her son's medical ailments.

LB: Made motion to grant DJ request under MN Rule 2105.0200 (2.A) to keep license active due to financial and medical hardship.

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

G. Waiver—Dianne Moeller

GSF: DM is requesting a waiver of MN Rule 2105.0210 (3) which requires applicants whose most recent active cosmetologist license has expired by more than three years to complete a refresher program of a minimum of 155 hours; once complete, the applicant must comply with MN 2105.0140-60, which in DM's case would require an Initial Operator Application, then a Salon Manager Application. DM is requesting this waiver based on the hardship that she would encounter from a refresher course and not being able to practice in her residential salon.

KD: Made motion to grant waiver under Rule 2105.0210 (3) to waive the 155 refresher course/exam and 2700 hours due to financial hardship.

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

H. Waiver—Thomas Mayo

CM: TM is requesting a waiver of MN Rule 2105.0210 (3) which requires applicants whose most recent active cosmetologist license has expired by more than three years to complete a refresher program of a minimum of 155 hours; once complete, the applicant must comply with MN 2105.0140-60, which in TM's case would require an Initial Operator Application, then a Salon Manager Application. TM is requesting this waiver based on the medical and financial hardship.

LB: Made motion to grant waiver request to renew TM Managers license of Rule 2105.0210 (3) based on medical and financial hardship waiving 155 refresher course, exam and 2700 hours.

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

I. Waiver—Holly Hicks

GSF: HH would like to request a waiver of MN Rule 2110.0690, which requires license applicants to pass examination and be licensed within no more than three years from completion of training. Students who fail to do so must complete the full required training again, in addition to the skills certification. HH finished her training course 5 years and 7 months ago; she claims medical hardship as allowed under Rule 2105.0820.

Discussion.

LB: Made motion to grant HH request of waiver based on financial hardship; she would need to establish school hours, take exams and take 155 refreshers within 1 year.

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

J. Waiver—Carly Bledsoe

CM: CB is requesting a waiver of MN Rule 2105.0160 which requires an applicant for a salon manager license to provide documentation of at least 2700 hours of licensed practice, in a licensed salon and supervised by a licensed manager within the three years prior to application. CB worked in an unlicensed salon for the duration of her hours and is requesting this waiver based on the financial hardship she faces by not having a manager license.

Discussion.

LB: Made motion to deny waiver request of CB based on financial hardship due to her lack of hours.

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

K. Waiver—Castle Ridge Salon

GSF: Jim Angell, CRS is requesting a waiver of MN Rule 2105.0360 (A) for CRS. This rule requires cosmetology salons to have a minimum workspace of 120 square feet for the first practitioner, and 50 square feet for each practitioner thereafter. The salon has 86 square feet of workspace and has previously obtained a waiver of this rule.

This request is based on hardship

Discussion of location of nurse's stations and waiver in future by MF, KD and GSF.

BS: Made motion to grant waiver of Rule 2105.0360 (A).

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

L. Waiver—Erickson Hair and Skin Care Center

GSF: Ann Richards, the DSLM of EHSCC is requesting a waiver of MN Rule 2015.0630(C.6) which requires a salon's work area to contain a sink or shampoo bowl. The salon is used by patients of Mayo Clinic and she claims installing a sink would cause hardship on patients and clients due to the lack of work space. This waiver is requested under MN Rule 2015.0280 and based on hardship.

Discussion on skin changes during chemotherapy; no skin services are being offered.

KD: Made motion to grant request of waiver to allow them to not have a sink.

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

M. Waiver—Details

GSF: Brian Horst, of R. Horst Enterprises Inc., is requesting a waiver of MN Rule 2105.0360 (6) for his salon, Details. This rule requires clean, hot and sanitary running water in the work area; the pedicure room in Details does not have a sink. BH claims that installing a sink or creating a 5 foot opening into the next area with a sink would cause significant financial hardship.

Discussion.

BS: Made motion to deny request due to the submission past the grace period and the lack of financial hardship.

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

MF calls for break at 10:39AM.

MF calls for order at 10:57AM.

MF: Amendment to agenda

GSF: Requests to add discussion on electronic pre-enrollment disclosures

BS: Made motion to approve change in agenda.

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

V. *Electronic documents rather than paper.*

GSF: MN Rule 2110.0730; Boards interpretation of schools providing students with electronic course catalog and other documents that do not need signatures.

Discussion between MO, GSF, MF and Gina Lamancousa with Aveda Institute regarding enrollment and solicitation documents only.

LB: Made motion that the Board interpretation of Rule 2110.0730 allows pre-enrollment disclosures to be electronic; the documents do not need to be given to students in paper form.

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

VI. *Division Reports – Administrative, Compliance, Inspection and Licensing*

A. *Administrative Division Report*

GSF: Many items on our radar. RFP in progress for testing vendors, Audit Revenue, Financial report, Retreats for Managers and Staff, and New Board Members.

Discussion on 2014 Legislation which included Professional Associations; the Board will continue to approve.

B. *Compliance Division Report*

GSF: The first quarter, a total of 32 complaints were submitted to the Board. Staff currently has 106 active complaints. Next Complaint Committee will be May 19, 2014.

C. *Inspection Division Report*

GSF: New Inspection app for Inspectors to conduct inspections on an iPad, use GPS coordinates, take pictures and highlight items within the picture, and acquire a signature all in one application.

D. *Licensing Division Report*

BJJ: Licensing staff have been making the necessary adjustments to all application types to include the new legislative language and to make the applications and their process more user-friendly. Processing time has been maintained (on average) at 14 business days.

MF calls for break at 11:29AM.

MF calls for order at 11:44AM.

VII. Rulemaking update and discussion

RG: Goal is to simplify the rules and rule language to increase compliance. Update rules to remove outdated references, reflect current board practices, and incorporate recent board interpretations of rule. Focus on infection control. Address issues raised by licensees regarding the fairness, reasonableness, or the need for certain requirements. Include recommendations from the Esthetician task force.

Discussion audio in full is available on request.

Create a Rule Committee that would review the Rule changes word for word and bring back to the Board a final draft for approval.

MF: Volunteers to sit on the Rules Committee.

LB: Volunteers to sit on the Rules Committee.

VIII. Adjournment

MF: Adjourned the meeting at 2:30 PM.