

Board of Cosmetology

May 14, 2018 Board Meeting Minutes

10:01 AM to 2:16 PM

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

Present at Meeting:

Rhonda Besel, Chair

Chelsey Anderson, Vice Chair

Kurt Deile, Member

Jodi Friendshuh, Member

Stephen Adams, Member

Mary Finnegan, Member (attended electronically)

Donna Dungy, Member

Gina Fast, Executive Director

Catrina Mairose, Chief of Staff

Diane DelaBarre, Assistant Executive Director

Rebecca Gaspard, Policy Analyst

Alex Herbert, School Liaison

Jenna Bohl, Licensing Division Manager

Lene Kiser, Compliance Division Manager

Andrew Reding, Inspections Division Manager

Tami Thein, Assistant to the Executive Director

Cori Omundson, Leadership Team Assistant

Anthony de Sam Lazaro, Assistant Atty. General

I. Call to Order

- Meeting called to order at 10:01 AM.

II. Miscellaneous News

- Donna Dungy is the newest private school board member appointed by the Governor.
- Rhonda Besel was given the 2018 Board of Trustees Professional Excellence in Teaching Award.

III. Approval of Proposed Agenda

- Motion: Approve proposed agenda with flexibility.
- Seconded; 7 Aye, 0 Nay; **Motion Carried**

IV. Approval of corrected December 4, 2017 Board meeting minutes

- Motion: Approve December 4, 2017 meeting minutes as amended.
- Seconded; 7 aye 0 Nay; **Motion Carried**

V. Approval of February 12, 2018 Board meeting minutes

- Motion: Approve February 12 meeting minutes
- Seconded; 7 aye 0 Nay; **Motion Carried**

VI. New Business: Rule Waiver Requests

- *Tanika Brown*
 - **Request:** Waiver of Rule 2105.0183, Subp. 2 (B) based on financial hardship.
 - **Motion:** Approve the waiver request of Rule 2105.0183, Subp. 2 (B). **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted with conditions. The waiver permits Tanika Brown to obtain an initial Cosmetologist Operator License with additional Minnesota training that is more than one year old, with the condition an otherwise complete Domestic License Transfer Application is received at the Board office on or before 11/30/2018.

Board member Mary Finnegan added to meeting via phone 10:15 AM.

- *Sarah Busse*
 - **Request:** Waiver of Rule 2105.0145, Subp. 1, C (1) based on medical hardship.
 - **Motion:** Deny request to waive Rule 2105.0145, Subp. 1, C (1) and grant waiver of Rule 2105.0145, Subp. 1, C (2) and (3). **Seconded.**
 - **Decision:** On a vote of 7 ayes and 0 nays, Sarah Busse's request to waive the General Theory Exam was denied. Instead, the Board waived the standard one-year expiration date for State Exam and Written Practical Exam results. Minnesota Rule 2105.0145, Subp. 1, C (2) and (3) require these exam results be not more than one year old upon application for licensure. The waiver extends the expiration date of Sarah's passing State Exam results and Written Practical Exam results beyond one year, to 2/1/2019.

VII. New Business: Rule Variance Requests

- *Lara Kelly - Minnesota School of Beauty*
 - **Request:** Variance of Rule 2105.0145, Subp. 1, D (1)
 - **Motion:** Deny request of variance of Rule 2105.0145, Subp. 1, D (1). **Seconded.**
 - **Decision:** On a vote of 7 ayes and 0 nays, the variance request was denied based on the following conditions:
 - The variance would create hardship or injustice to other schools or students.
 - The variance would not be consistent with public interest.
 - The variance would prejudice the substantial legal and economic rights of others.

- *Nina Altobelli*
 - **Request:** Variance of Rule 2105.0145, Subp. 1, D (1) and Rule 2110.0510, Subp. A
 - **Motion:** Deny request of variance of Rule 2105.0145, Subp. 1, D (1) and Rule 2110.0510, Subp. A. **Seconded.**
 - **Decision:** On a vote of 7 ayes and 0 nays, the variance request was denied based on the following conditions:
 - The variance would not result in hardship or injustice to Nina.
 - The variance would not be consistent with public interest.

- The variance would prejudice the substantial legal or economic rights of another person or entity.
- *Robert Chelberg – Sport Clips*
 - **Request:** Variance 2105.0010, Subp 14. and Rule 2105.0360, Subp. 6
 - **Motion:** Approve the variance request of Rule 2105.0010, Subp. 14 and Rule 2105.0360, Subp. 6. **Seconded.**
 - **Decision:** On a vote of 7 ayes and 0 nays, the variance request was granted through 2/28/2019, based on the following conditions:
 - Not granting the variance would result in hardship or injustice.
 - The variance would be consistent with public interest
 - The variance would not prejudice the substantial legal or economic rights of another person or entity.

Break from 11:47 AM to 12:01 PM.

- *MN State West Community & Technical College – Jackson*
 - **Request:** Variance of Rule 2110.0630, A (1)
 - **Motion:** Approve variance of Rule 2110.0630, A (1). **Seconded.**
 - **Decision:** On a vote of 7 ayes and 0 nays, variance request was granted through 12/31/2018, permitting the school to utilize an unlicensed substitute instructor with a Salon Manager License for 16 additional days, based on the following conditions:
 - Not granting the variance would result in hardship or injustice.
 - The variance would be consistent with public interest.
 - The variance would not prejudice the substantial legal or economic rights of another person or entity.
- *MN State Community & Technical College – Wadena*
 - **Request:** Variance of Rule 2110.0630, A (1)
 - **Motion:** Approve the variance of Rule 2110.0630, A (1). **Seconded.**
 - **Decision:** On a vote of 7 ayes, and 0 nays, the board granted the variance request through 6/30/2018, permitting the school to operate with one licensed instructor for a limited number of days in May 2018 and June 2018, based on the following conditions:
 - Not granting the variance would result in hardship or injustice.
 - The variance would be consistent with public interest.
 - The variance would not prejudice the substantial legal or economic rights of another person or entity.
- *The Salon Professional Academy - Maplewood*
 - **Request:** Variance of Rule 2110.0630, A
 - **Motion:** Approve the variance of Rule 2110.0630, A. **Seconded.**
 - **Decision:** On a vote of 7 ayes, and 0 nays, the board granted the variance request through 12/31/2018, permitting the school to operate the eyelash technician training program and esthiology training program with one instructor in limited situations, based on the following conditions:

- Not granting the variance would result in hardship or injustice.
- The variance would be consistent with public interest.
- The variance would not prejudice the substantial legal or economic rights of another person or entity.

Adjourned for lunch at 12:22 PM.

Called to order at 1:03 PM.

XIII. New Business: Professional Association Approval Request

- *Sara Hellerud – Education Exchange of Minnesota*
 - **Request:** Seeking Board recognition as a Professional Association for her non-profit corporation, Education Exchange of Minnesota.
 - **Decision:** The Board decided to table the request until Sara or the corporation provides more information.

IX. New Business: Rulemaking Activity

- Advanced Practice Esthetics
 - Hearing was held on 5/7/2018; 40 people in attendance.
 - Current comment period ends 5/29/2018, followed by a 5 day rebuttal period.
 - **Motion:** Motion for the Board to adopt a resolution that the Executive Director of the Board of Cosmetology is authorized and directed to respond, on behalf of the Board, to comments and issues raised at the hearings on the proposed rules, to make further modifications to the proposed rules in response to comments or as suggested or required by the Office of Administrative Hearings, to sign the Order Adopting Rules as the Board’s representative in responding to at the hearing, and to do anything else needed to adopt these rules. The Executive Director is directed to consult with the Board Chair on substantive changes in the proposed rules before making such changes. **Seconded.**
 - **Decision:** On a vote of 7 ayes and 0 nays, the Board delegated rule response to the Executive Director with consultation with Board Chair, if needed.
 - Judge’s decision is expected in mid-June; after final approval by Judge it will go to the Governor for review and be published.
- School Rules Overhaul, Revisor’s Draft 0-4456
 - Preliminary plan 24-36 month project; estimated earliest completion 3rd quarter 2020
 - Licensee/School input
 - Listening sessions were held in April; included participants from private schools, public schools, and high school programs.
 - A total of 6 sessions were held.

X. New Business: Division Reports

- Administrative Division
 - 2018 Committee Elections
 - Complaint Committee: RB, CA, SA
 - Rules Committee: RB, SA, MF

- Licensing Committee: MF, KD, JF
 - Legislative Committee: CA, DD, SA
 - Chair and Vice Chair Elections
 - Chair: RB
 - Vice Chair: CA
- Compliance Division
 - New Investigator hired and started 3/12/2018.
 - Complaint Committee meeting was held before the Board meeting on 2/12/2018.
 - In the first quarter of 2018, 36 new complaints were failed. Board staff currently have 123 open complaints and are tracking 247 closed complaints.
- Inspections Division
 - In the first quarter of 2018, 1474 salons and 3 schools were inspected.
 - New software and new inspection process was launched April 23, 2018; inspectors are using tablets and have automated processes for email, penalties, route planning, etc.
- Licensing Division
 - In the first quarter of 2018, Licensing maintained an average processing time of about eight business days, an average of 55 licenses issued per day, and 277 licenses issued per week.
- Policy Division
 - Legislative Update
 - Legislature is still in session; several proposed changes to the Board still waiting to receive a final vote and to be signed by the Governor.
 - Hair Braiding Deregulation
 - Eyelash Facilities and Salon Managers
 - Budget Reduction
 - PSI Exam Review Committees
 - Eyelash Technician Instructor Practical Exam - expected to be launched by mid-May 2018
 - Advanced Practice Esthetician General Theory and Practical Exams – PSI and Subject Matter Experts have begun item writing and had an Exam Review Committee 5/1/2018. Exams are expected to launch in approximately October.
 - Cosmetology, Esthology, Nail Technology Operator Exams – These exams are scheduled to be reviewed 6/21/2018 and updates will go live in September.
 - Occupational Health & Safety Seminar
 - Board staff partnering with representatives from MN Department of Health, MN OSHA, and the University of Minnesota to provide a health and safety seminar to cosmetology schools and continuing education providers. Topics will include chemical safety, ergonomics, recent research regarding asthma for Minnesota cosmetologists, and helpful resources.
 - Staff Training
 - Staff participated in an engagement evaluation and training.

XI. Adjournment

- Meeting adjourned at 2:16 PM.