

Board of Cosmetology

July 16, 2018 Board Meeting Minutes

10:04 AM to 2:20 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

Jodi Friendshuh, Member

Stephen Adams, Member

Mary Finnegan, Member

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

I. Call to Order

- Meeting called to order at 10:04 AM.

II. Approval of Proposed Agenda

- Motion: Approve proposed agenda with flexibility.
- Seconded; 6 Aye, 0 Nay; **Motion Carried.**

III. Approval of May 14, 2018 Board meeting minutes

- Motion: Approve May 14, 2018 meeting minutes.
- Seconded; 6 aye 0 Nay; **Motion Carried.**

IV. Special Note

- Mary Finnegan's last meeting with the Board.
- She will be moving on to a new adventure to help set up a CIDESCO school in the Caribbean.

V. New Business: Rule Waiver & Variance Requests

- *Sonja Johanson*

- **Request:** Waiver of Rule 2105.0360 Subp. 6 (A), which requires each salon work area to contain a hand-washing sink. This request was submitted based on financial hardship.
 - **Motion:** Deny the waiver request of Rule 2105.0360 Subp. 6 (A). **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was denied.
- *Southwest Metro*
 - **Request:** Variance of Rule 2110.0630 A (1), which permits a school to use a licensed Salon Manager as an unlicensed substitute cosmetology instructor for up to 30 days within a consecutive 12-month period. The request was submitted due to staffing challenges the school faces as a High School program.
 - **Motion:** Grant a discretionary variance of Rule 2110.0630 A (1). **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, SW Metro’s request for discretionary variance was approved based on the following conditions:
 - Application of the rule would result in hardship or injustice.
 - Granting the variance for the Petitioner would be consistent with public interest.
 - The variance would not prejudice the substantial legal or economic rights of any person or entity.

The variance:

- Allows the school to use a teacher licensed by PELSB as an unlicensed substitute cosmetology instructor, rather than a licensed Salon Manager.
- Requires the school to include in it’s substitute notification to the Board the syllabus and teaching plan for the day or days the substitute instructor shall be in the classroom.
- Shall remain in effect only until January 31, 2019, and only as long as the school remains a licensed cosmetology school by the Board in good standing.

VI. New Business: Professional Association Approval Request

- *Sara Hellerud – Education Exchange of Minnesota*
 - **Request:** Professional association approval request.
 - **Motion:** The Board recognize Education Exchange of Minnesota as a professional association. **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, the professional association approval request was granted.

VII. New Business: Rule Waiver & Variance Requests, Cont’d.

- *Shamrock Adams*
 - **Request:** Waiver of Rule 2105.0145, Subp. 2 C, which requires initial Salon Manager license applicants to document at least 2,700 hours of licensed work experience within the three years prior to application. This request was based on medical hardship.
 - **Motion:** Deny request of waiver of Rule 2105.0145 Subp. 2 C. **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was denied.

- *Crystal Rance*
 - **Request:** Waiver of Rule 2105.0145 Subp. 2 C, which requires initial Salon Manager License applicants to document at least 2,700 hours of licensed work experience within the three years prior to application. This request was based on financial hardship.
 - **Motion:** Deny the waiver request of Rule 2105.0145 Subp. 2 C. **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was denied.

- *Alana Schlaeger*
 - **Request:** Variance of Rule 2110.0550, which requires any licensure training hours transferred into another training program be no more than five years old. This request was submitted on the basis of financial and medical hardship.
 - **Motion:** Approve waiver of Rule 2110.0550. **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, waiver request was granted without conditions. The rule waiver permits licensee to credit 550 hours of previous esthology training into a full 1,550 hour cosmetology training program.

- *Isabella Mariani*
 - **Request:** Waiver of Rule 2110.0510 D (8) and E, which requires cosmetology students to complete 10 artificial nails as part of their initial training, and waiver of 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 which relays scores from the student’s Practical Skills Test, which requires the student to perform an artificial nail application using acrylic or gel product. This request was based on medical hardship.
 - **Motion:** Approve waiver of Rule 2110.0510 D (8) and E, and Rule 2105.0145 Subp. 1 D (1). **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, the first waiver request was granted with the condition that the student complete at least 50 manicure service exercises using non-artificial products during her cosmetology training. The second rule waiver request was granted, with the condition the student complete the standard manicure section of the Practical Skills Test. Upon graduation, the Course Completion Certificate from the cosmetology school may reflect the conditions of the waivers.

- *Debra Reeve, Salon 437*
 - **Request:** Waiver of Rule 2105.0010 Subp. 11e, which defines “physical location” as the contiguous space representing each salon that can be accessed by customers without exiting the salon. The request was based on financial hardship.
 - **Motion:** Deny waiver of Rule 2105.0010 Subp. 11e. **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was denied..

Adjourned for lunch at 12:18 PM.

Board member CA exited at lunch break.

Called to order at 1:00 PM.

- *Wright Technical Center*
 - **Request:** Variance of Rule 2110.0630 A, which requires a minimum of two licensed instructors be on the school premises while students are present. The request was submitted due to declining student enrollment and a school budget deficit.
 - **Motion:** Grant discretionary variance of Rule 2110.0630 A. **Seconded.**
 - **Decision:** On a vote of 5 ayes and 0 nays, the Wright Technical Center's request for a discretionary variance was approved based on the following conditions:
 - Application of the rule would result in hardship or injustice.
 - Granting the variance for the Petitioner would be consistent with public interest.
 - The variance would not prejudice the substantial legal or economic rights of any person or entity.

The variance:

- Is limited to permitting the school to have a single instructor present for classes of at most 20 students.
- Requires the school to inform its students in writing that this variance relating to Rule 2110.0630 A has been granted by the Board.
- Shall remain in effect only until June 5, 2019, and only as long as the school remains a licensed cosmetology school by the Board in good standing.

VIII. New Business: In-House Requests

- Single School Licenses
 - **Request:** Board staff request direction to:
 - Not require all school licensees or applicants to offer a cosmetologist licensure course.
 - Not require parts of Minnesota Rule 2110.0400 that are not applicable to the type of course offered in a licensed school.
 - **Motion:** Direct Board staff to not require a cosmetologist licensure course as a requirement for a School License. Further, the equipment rules in Minnesota Rule 2110.0400 must only be applied to the relevant courses offered by the school licensee or applicant that would utilize the specific equipment. School licenses will continue to only be available for schools offering licensure courses. **Seconded.**
 - **Decision:** On a vote of 5 ayes and 0 nays, the in-house request was approved.
- Advanced Practice Esthetician Skills Test and Quotas
 - **Request:** Approval of the Advanced Practice Esthetician Practical Skills Test and clinical service exercises, developed by the Advanced Practice Subcommittee of the Practical Skills Task Force. .
 - **Motion:** Adopt the Advanced Practice Esthetician Practical Skills Test and clinical service exercises, as proposed, and allow staff to make technical changes as needed. As such, the Advanced practice Esthetician Practical Skills Test and clinical service exercises will be required for completion of any advanced practice esthetics curriculum offered in licensed schools. **Seconded.**
 - **Decision:** On a vote of 5 ayes and 0 nays, the in-house request was approved.

IX. New Business: Rulemaking Activity

- Advanced Practice Esthetics, Revisor's Draft 0-4342
 - The rules with proposed modifications were approved by Judge Lipman and were included in the Board meeting packet.
 - Board rebuttal response to comments filed after May 20, 2018 were included in the Board meeting packet.
 - Rules adoption, publication dates and effective date – update provided at meeting.
 - Implementation planning:
 - Notification plan for licensees (cosmetologist, estheticians, schools, instructors).
 - Tests for AP Estheticians will be ready around October 2018.
 - Grandfathering deadline is July, 2019 (students completing esthi programs between January 2018 and June 2019 have until December, 2019 to apply for grandfathering).
 - After the grandfathering deadline, only AP estheticians can provide AP services.
- School Rules Overhaul, Revisor's Draft 0-4456
 - Overhaul of Minnesota Rule Chapter 2110 (includes updates of Chapter 2105 as needed).
 - No major updates reported.
 - Preliminary plan: 24-36 month project, estimated *earliest* completion 3rd Quarter 2020.
- Small Rules Update, Revisor's Draft 0-4552
 - Continuing to identify rule language that could be improved or clarified.
 - Preliminary rules drafts expected for review by the Rules Committee in winter 2018-2019.
- Committee updates
 - Rules Committee change: Added DD.
 - Current members:
 - DD
 - SA
 - RB

X. New Business: Division Reports

- Compliance Division
 - Complaint Committee meeting met on 4/9/2018 and reviewed 81 complaints.
 - In the second quarter of 2018, the Board received 17 new public filed complaints. Board staff had 141 open complaints and were tracking 250 closed complaints.
- Inspections Division
 - In the second quarter of 2018, 1,415 salons and 30 schools were inspected.
 - New software and a new inspection process launched April 23, 2018. Inspectors are using tablets and have automated processes for email, penalties, and route planning.
- Licensing Division
 - In the second quarter of 2018, Licensing maintained an average processing time of about three business days, an average of 55 licenses issued per day, and 277 licenses issued per week.
 - JB expected to take 12-week maternity leave on our around 7/20/18. In her absence, AH will be serving as Interim Licensing Division Manager.
- Policy Division

- Legislative Update
 - 2018 Legislative Session ended and did not result in any changes to Minnesota Statute 155A.
 - Staff is now preparing for the 2019 session.
- Internal Controls
 - Board Chair RB and staff met with Minnesota Management and Budget's Internal Controls Division to review general procedures and the Annual Internal Controls Certification.
 - Representatives were pleased with the Board's current state of internal controls review.
 - The 2018 certification will be submitted by July 31, 2018.
- Occupational Health & Safety Seminar
 - On June 16, 2018, the Occupational Health & Safety Seminar was hosted at the Board Office.
 - Approximately 30 people attended and immediate feedback was positive overall.
- Practical Skills Task Force
 - The Practical Skills Task Force has completed drafts of all sections of the test for cosmetologists, estheticians, and nail technicians.
 - In addition to updating the current test, the group also proposed an Infection Control section of the Practical Skills Test for all initial licensure programs.
 - Board Staff will release the draft documents to all schools for input in July.
 - The Practical Skills Task Force will meet in August to review the final drafts. Staff anticipate providing the task force recommendation to the Board at the December 2018 meeting.

XI. Off-site Meeting & Meet & Learn Update

- **Location:** Holiday Inn & Suites Downtown, 200 West 1st Street, Duluth, MN 55802
- **Date:** Sunday, September, 30, 2018
- **Time:** 1:00 PM – 4:30 PM
- **Meet & Learn:** Follows Board meeting, same location, 5:00PM – 8:00PM

XII. Adjournment

- Meeting adjourned at 2:20 PM.