

# Board of Cosmetology

## October 7, 2019 Board Meeting Minutes

10:06 AM to 1:34 PM

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

Jodi Friendshuh, Member

Marcie Smith-Fields, Member

Donna Dungy, Member

Gina Fast, Executive Director

Jill Freudenwald, Chief of Staff

Diane DeLaBarre, Senior Manager of Operations

Rebecca Gaspard, Policy Analyst

Alex Herbert, School Liaison

Jenna Bohl, Licensing Division Manager

Lene Kiser, Compliance Division Manager

Jacqueline Braun, Inspections Division Manager

Anthony de Sam Lazaro, Assistant Attorney General  
*via conference call*

Tami Thein, Executive Assistant

Cori Omundson, Leadership Team Assistant

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### I. Call to Order

- Meeting called to order at 10:06AM.

### II. Approval of Proposed Agenda

- Motion: Approve proposed agenda with flexibility.
- Seconded; 4 ayes, 0 nays; **Motion Carried.**

### III. Approval of Board Meeting Minutes

- Motion: Approve July 22, 2019 Board Meeting Minutes.
- Seconded; 4 ayes, 0 nays; **Motion Carried.**
- Motion: Approve September 18, 2019 Special Board Meeting Minutes.
- Seconded; 4 ayes, 0 nays; **Motion Carried.**

#### IV. New Business: Rule Waiver Requests

- *Leslie Eckert*
  - **Request:** Waiver of Minnesota Rule 2105.0145 Subp. 2 A (2), which requires applicants for an initial Salon Manager License to have 2,700 hours of licensed practice within the three years prior to application. This request is based on medical and financial hardship.
  - **Motion:** Approve the waiver request of Minnesota Rule 2105.0145 Subp. 2 A (2).  
**Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the requirement of 2,700 hours of licensed practice within the three years prior to application is approved based on medical hardship.
  
- *Robyn Kennedy*
  - **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:** Deny the waiver request of Minnesota Rule 2105.0145 Subp. 4 C. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the requirement of 2,700 hours of licensed practice within the three years prior to application is denied due to lack of supporting hardship documentation.
  
- *Janessa Burch*
  - **Request:** Waiver of Minnesota Rule 2105.0145 Subp. 1 (C), which requires applicants for an initial Operator License to submit passing results from the written examinations that are not more than one year old with their application. This request is based on medical hardship.
  - **Motion:** Approve the waiver request of Minnesota Rule 2105.0145 Subp. 1 (C).  
**Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the one-year expiration date of previously passed exams is approved based on medical hardship, with the condition a completed application be received at the Board office within three months, by January 7, 2020.
  
- *Andrea Gedge*
  - **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:** Deny the waiver request of Minnesota Rule 2105.0145 Subp. 4 C. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the requirement of 2,700 hours of licensed practice within the three years prior to application is denied due to lack of supporting hardship documentation.

- *Amanda Dudley*
  - **Request:** Waiver of Minnesota Rule 2105.0145 Subp. 1 D (1), which requires applicants for an initial Operator License to submit a Course Completion Certificate with their license application. This request is based on hardship.
  - **Motion:** Approve the waiver request of Minnesota Rule 2105.0145 Subp. 1 D (1). **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the requirement of a Course Completion Certificate with an Initial Operator License Application is approved, based on hardship.
  
- *Little Falls Care Center*
  - **Request:** Waiver of Minnesota Rule 2105.0305 C, which prohibits an individual from being the Designated Licensed Salon Manager at more than one salon, unless the salons are not open concurrently. This request is based on hardship.
  - **Motion:** Deny the waiver request of Minnesota Rule 2105.0305 C. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the prohibition of an individual being the Designated Licensed Salon Manager at more than one salon is denied, based on lack of supporting hardship documentation.
  
- *Maple Lawn Senior Care*
  - **Request:** Waiver of Minnesota Rule 2105.0360 Subp. 5a, which prohibits a dispensary from being located within a restroom. This request is based on financial hardship.
  - **Motion:** Deny the waiver request of Minnesota Rule 2105.0360 Subp. 5a. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the prohibition of a dispensary being located within a restroom is denied, due to insufficient information.
  
- *The Salon Professional Academy*
  - **Request:** Waiver of Minnesota Rule 2110.0630 A, which requires a minimum of two licensed instructors be on the school premises while students are present. This request applies to the school's future part-time cosmetology program. This request is based on financial hardship.
  - **Motion:** Approve the waiver request of Minnesota Rule 2110.0630 A. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the requirement of two licensed instructors being present on the school premises while students are present is approved, based on financial hardship, with conditions. The waiver permits the school to have one, rather than two, licensed instructors on the premises when students are present. The waiver is only valid for the school's future part-time cosmetology program for a maximum of ten students, and only on Tuesdays and Wednesdays from 8:30PM-9:30PM and Thursdays from 4:30-9:30PM. The waiver is valid until 10/31/2020.

## **V. Rule Waiver Requests from September 18, 2019 Licensing Committee Meeting**

31 requests to waive the deadline to submit a complete Advanced Practice Esthetician Grandfathering Application were received for the October 7, 2019 Board meeting and were reviewed by the Licensing Committee on September 18, 2019. The Licensing Committee made a recommendation for action for

each request, and the recommendations were brought to the full Board for a final determination at the October 7, 2019 Board meeting. The full Board made motions to conditionally approve or deny each of the 31 requests, as follows:

- *Kate McNally*
  - **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.
  - **Motion:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 2. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the deadline to submit a grandfathering application is denied due to insufficient documentation of hardship.
  
- *Ellie Zakheim*
  - **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 between 1/1/2018 and 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:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 4. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the deadline to complete an esthetician training program to qualify for grandfathering is denied, based on the fact she would not have graduated by the deadline even without taking a medical leave.
  
- *Bailey Verke*
  - **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 between 1/1/2018 and 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:** Conditionally approve the waiver request of Minnesota Rule 2105.0155 Subp. 4. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the portion of the rule that requires a student to have completed an esthetician training program by 6/1/2019 to qualify for student grandfathering is approved, based on medical hardship. A completed student grandfathering application must be received by the Board office by the standard student grandfathering deadline of 12/31/2019.
  
- *Jasmine Seuling*
  - **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:** Conditionally approve the waiver request of Minnesota Rule 2105.0155 Subp. 1. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the deadline to submit a grandfathering application is conditionally approved based on financial hardship, provided a completed application with passing exam results is received by the Board office by 12/6/2019.
- *Kimberly Layer*
    - **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:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 1. **Seconded.**
    - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the deadline to submit a grandfathering application is denied due to insufficient documentation of hardship.
- *Daisy Gutierrez-Borgan*
    - **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:** Conditionally approve the waiver request of Minnesota Rule 2105.0155 Subp. 1. **Seconded.**
    - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the deadline to submit a grandfathering application is conditionally approved, based on financial hardship, provided a completed application is received by the Board office by 11/6/2019.
- *Krista Kurtz*
    - **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:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 1. **Seconded.**

- **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the deadline to submit a grandfathering application is denied due to lack of previous AP esthetics education or experience, and because hardship described does not relate to lack of past AP esthetics education and experience.
- *Patricia Murray*
  - **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:** Conditionally approve the waiver request of Minnesota Rule 2105.0155 Subp. 1. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the request to waive the deadline to submit a grandfathering application is approved, based on medical hardship, provided a completed application with passing exam results is received by the Board office by 12/6/2019.

***Break for lunch at 11:47AM***

***Board meeting called to order at 12:30PM***

**Rule Waiver Requests from September 18, 2019 Licensing Committee Meeting (continued)**

- *Chau Le*
  - **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.
  - **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 2 based on insufficient documentation of hardship.
- *Stacey Klein*
  - **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.
  - **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 2 based on insufficient documentation of hardship.

- *Lynn Hatzenbeler*
  - **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.
  - **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 2 based on insufficient documentation of hardship.
  
- *Angerise Carter*
  - **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.
  - **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 2 based on insufficient documentation of hardship.
  
- *Jayne Nemeth*
  - **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.
  - **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 2 based on insufficient documentation of hardship.
  
- *Nicole Liston*
  - **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 between 1/1/2018 and 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.
  - **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 4 based on the fact she did not start an esthetician training course until after the deadline to complete training, and the training does not include AP esthetics topics or services.

- *Amaya Scott*
  - **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 between 1/1/2018 and 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.
  - **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 4 based on the fact she did not start an esthetician training course until after the deadline to complete training, and the training does not include AP esthetics topic or services.
  
- *Migdalia Omae*
  - **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.
  - **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 1 based on insufficient documentation of hardship.
  
- *Marina Rolle*
  - **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.
  - **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 1 based on insufficient documentation of hardship.
  
- *Sharla Pickard*
  - **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.
  - **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 1 based on insufficient documentation of hardship.
  
- *Kimberly Westling*
  - **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.

- **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 1 based on no proof of hardship interfering with ability to meet requirements prior to deadline.
  
- *Amy Larsen*
  - **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.
  - **Recommendation:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 1 based on insufficient documentation of hardship.
  
- *Rebecca Jacobson*
  - **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.
  - **Recommendation:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 2 based on medical hardship, with proof of work experience to be further verified by Board staff and a completed application be received in the Board office by November 6, 2019.
  
- *Ann Schermeister*
  - **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.
  - **Recommendation:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 2 based on financial hardship, with proof of work experience to be further verified by Board staff and a completed application be received in office by November 6, 2019.
  
- *Summer DeLaCruz*
  - **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 financial hardship.

- **Recommendation:** Conditionally approve of the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 2 based on financial hardship, provided a completed application with passing exam results is received by the Board office by December 6, 2019.
  
- *Nicole Holl*
  - **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 financial hardship.
  - **Recommendation:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 2 based on financial hardship, provided verification of hours by Board staff and a completed application is received by the Board office by November 6, 2019.
  
- *Michelle Klemmer*
  - **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. And waiver of Minnesota Rule 2105.0155 Subp. 3, which requires individuals with an active Cosmetologist or Esthetician Instructor License seeking an AP Esthetician Instructor License via grandfathering to submit a complete grandfathering application to the Board office by 7/31/2019.
  - **Recommendation:** Conditionally approve both waiver requests of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1 and Minnesota Rule 2105.0155 Subp. 3 based on further explanation of device found to align with advanced exfoliation, on the condition that both completed applications are received in the Board office by November 6, 2019.
  
- *Chanel Littleton*
  - **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.

- **Recommendation:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1 based on hardship, provided a completed application including either passing exam results, or successful staff verification of required work experience within the last three years, is received by the Board office by December 6, 2019.
- *Kelly LaFavor*
  - **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.
  - **Recommendation:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1 based on hardship. Additionally, the Board will waive the requirement from this same rule that the appropriate work experience be acquired within the past three years by accepting work hours acquired within the past five years. Documented work experience within the past 5 years must be verified by Board staff, and a completed application must be received by the Board office by November 6, 2019.
- *Debra Murray*
  - **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 made based on financial hardship.
  - **Recommendation:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1 based on financial hardship, with the condition that a completed application must be received by the Board office by November 6, 2019.
- *Carly Goodroad*
  - **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.
  - **Recommendation:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1 based on financial hardship, provided a completed application is received by the Board office by November 6, 2019.

- *Lisa Belanger*
  - **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.
  - **Recommendation:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1 based on medical hardship, provided a completed application including passing exams is received by the Board office by December 6, 2019.
  
- *Jill Lindgren*
  - **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.
  - **Recommendation:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1 based on financial hardship. The loss of income by attending school would be too great, and she is losing income not being able to perform AP services. A completed application must be received by the Board office by November 6, 2019.

**Motion:** On a vote of 4 ayes and 0 nays, the Board made a motion to approve the Licensing Committee's recommendations for all rule waiver requests as outlined within the September 18, 2019 Licensing Committee Meeting Minutes. **Seconded.**

## **VI. New Business: Rulemaking Activity**

- *Licensing and Practice Updates, Revisor's Draft 0-4552*
  - The Rules Committee met on October 2, 2019 to review the comments received on the proposed rule changes and review the Board's responses to the comments.
  - Request to adopt revisor's draft 0-4552 and proposed changes.
  - Board resolution:
    - **Motion:** Approve Rules Draft 0-4552 and proposed change. **Seconded.**
    - **Decision:** On a vote of 4 ayes and 0 nays, **motion approved.**
    - **Resolution:** I, Rhonda Besel, certify that I am a member and the Chair of the Board of Cosmetologist Examiners, a board authorized under the laws of the State of Minnesota; that the following is a true, complete, and correct copy of a resolution that the Board adopted at a properly convened meeting on October 7, 2019; that a quorum was present; and that a majority of those present voted for the resolution, which has not been rescinded or modified.



- December 7th
  - Board Appointments:
    - Public member position is still currently vacant.
    - Upcoming appointment: January 2020
      - Cosmetologist member – Stephen Adams
      - In November, the appointment will be listed on the Secretary of State’s website.
  - Licensing Committee has a vacant position; the Board decided to not fill it at this time.
  - In September, Gina Fast and Jill Freudenwald attended the Executive Director meeting at the NIC Annual Conference. Alex Herbert attended the main conference.
- *Compliance/Licensing/Inspection Division Report*
  - The grandfathering period for advanced practice esthetician licensing ended July 31, 2019.
  - In September, Jenna Bohl and Lene Kiser attended the CLEAR Conference held in Minneapolis.
  - The Inspections Division has hired a new inspector, Jordynn Pofert, who will be starting on October 14, 2019. This will bring the inspections team up to seven inspectors.
  - The Complaint Committee meeting will be held on October 21, 2019.
  - The Licensing Committee meeting will be held November 13, 2019.
- *Policy Division Report*
  - Legislative Update
    - Staff are planning for the 2020 legislative session which begins February 11, 2020.
  - Schools Update
    - Staff are conducting fall school inspections. There are currently 35 licensed schools.
  - Practical Skills Task Force
    - Staff recommended postponing the implementation of the clinical service exercise requirements until after the overhaul of the school rules. The staff recommended a new motion to only implement the Practical Skills Test Guide.
    - **Motion:** I, Rhonda Besel, make a motion to adopt the Practical Skills Test (PST) Guide for cosmetology, esthiology, nail technology and eyelash technology, as proposed, and allow staff to make technical changes as needed. As such, the PST within the PST Guide will be required for completion of any cosmetology, esthiology, nail technology and eyelash technology curriculum offered in licensed schools. This motion supersedes the motion made at the July 22, 2019 Board meeting. Implementation of the PST Guide is effective on January 31, 2020. **Seconded.**
    - **Decision:** On a vote of 4 ayes and 0 nays, **Motion Approved.**

***Assistant Attorney General, Anthony de Sam Lazaro joined meeting via conference call at 1:25pm.***

## VIII. New Business: Rule Variance Request

- *Bloomington Career & College Academy*
  - **Request:** Discretionary variance of Minnesota Rule 2110.0710, which requires schools to enroll students in no less than a full training program, and Minnesota Rules 2110.0510 and 2110.0520, which require specific elements to be taught within cosmetology and esthiology training curricula. The school is requesting a variance as they are a high school that offers partial training programs.
  - **Motion:** Approve the discretionary variance of Minnesota Rules 2110.0710, 2110.0510, and 2110.0520. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the discretionary variance was approved, based on the following:
    - Application of the rule(s) would result in hardship or injustice to Bloomington Career & College Academy.
    - It would be consistent with public interest.
    - It would not negatively impact the legal or economic rights of others.
    - The discretionary variance protects the health, safety, and the environment.
    - The discretionary variance is granted until the school license expiration date of 10/31/2022.

## IX. Public Comment

- No public comments

## X. Adjournment

- Meeting was adjourned at 1:34PM.