

Board of Cosmetology

Feb 4, 2019 Board Meeting Minutes

10:02 AM to 12:03 PM

Board of Cosmetology Conference Room

1000 University Avenue West Suite 100, St. Paul, MN 55104

Present at Meeting:

Rhonda Besel, Chair via conference call

Chelsey Anderson, Vice Chair via conference call

Jodi Friendshuh, Member

Stephen Adams, Member acting chair

Donna Dungy, Member

Marcie Smith Fields, Member

Gina Fast, Executive Director

Rebecca Gaspard, Policy Analyst

Alex Herbert, School Liaison

Lene Kiser, Compliance Division Manager

Andrew Reding, Inspections Division Manager

Jenna Bohl, Licensing Division Manager

Cori Omundson, Leadership Team Assistant

Anthony de Sam Lazaro, Assistant Atty. General*

*via conference call

I. Call to Order

- Meeting called to order at 10:02 AM.

II. Approval of Proposed Agenda

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

III. Approval of December 3, 2018 Board meeting minutes

- Motion: Approve December 3, 2018 meeting minutes.
- Seconded; 6 aye 0 Nay; **Motion Carried.**

IV. New Business: Public Comment

- *Mary Reed*
 - **Comment:** Make public comments a permanent Board meeting agenda item.
 - **Discussion:** Incorporate public comments as agenda item at the end of each Board meeting with parameters: 10 minute comment period divided by the number of individuals requesting to make a comment; If less than 3 individuals, 3 minutes maximum per individual. If an individual submits a request to make a public comment in

advance of the meeting, which is the current and standard process, the comment will be included on the meeting agenda and will be heard at the beginning of the meeting.

- **Result:** Addition of public comments as an agenda item. Change to process, no motion necessary.

Assistant Attorney General Anthony de Sam Lazaro joined the meeting via conference call.

V. New Business: Variance Requests

- *Southwest Metro – Request 1 of 2*
 - **Request:** Variance of Rule 2110.0710, which requires schools to enroll students in no less than a full training program. The request is based on their status as a high school that offers a partial cosmetology program.
 - **Motion:** Approve variance request of Rule 2110.0710. **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, the variance request was approved based on the following:
 - 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 will remain in effect until May 31, 2023 and only as long as the petitioner remains a licensed cosmetology school by the Board in good standing.
- *Southwest Metro – Request 2 of 2*
 - **Request:** Variance of Rule 2110.0630 A (1), which requires unlicensed substitute instructors to hold a Salon Manager License, and Rule 2110.0630 A, which requires a minimum of two licensed instructors be on the school premises when students are present. The request is based on financial hardship.
 - **Motion:** Approve variance request of Rule 2110.0630 A and 2110.0630 A (1). **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, the variance request was approved based on the following:
 - 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, for classroom theory instruction only.
 - 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 May 31, 2023 and only as long as the school remains a licensed cosmetology school by the Board in good standing.

Assistant Attorney General Anthony de Sam Lazaro left the meeting.

VI. New Business: Waiver Requests

- *Arisa Grier*
 - **Request:** Waiver of 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. The request is based on medical hardship.
 - **Motion:** Approve request to waive Rule 2105.0145 Subp. 1 C (1) with the condition that a complete application be received at the Board office no later than July 1, 2019.
Seconded.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was approved.

VII. New Business: In-House Request

- *English Proficiency Expectation for Schools*
 - **Request:** Staff would like the Board to approve an explicit expectation that students are taught in a language they can understand. Each school must ensure that all students attending a licensure program taught in English are proficient in English. If a student is not proficient in English, the school should either (1) instruct the student in a language other than English, in which the instructor is proficient or (2) utilize a professional interpreter for the entirety of the student's training. Staff's intent is to remind schools that in order for students to be successful, students must be afforded every opportunity to learn and absorb the instruction provided them.
 - **Motion:** Schools are expected to ensure that all students attending a licensure program taught in English are proficient in English. Further, if a student is not proficient in English, that student must either (1) be taught in a language they, and their instructor, are proficient in, or (2) utilize a professional interpreter for the entirety of their training.
Seconded.
 - **Decision:** On a vote of 6 ayes and 0 nays, the motion passed.

VIII. New Business: Rule Activity

- Small Rules Update, Revisor's Draft 0-4552
 - Rules committee met January 23, 2019 and approved a preliminary rules draft (V5) and an intention to explore potential changes to certain licensure requirements through the Request for Comments process.
 - **Motion:** Approve initial draft of highlighted rule changes, presented to the Board members at the meeting. **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, motion was passed.
 - **Motion:** Explore the topic of high school diploma requirements for initial licensure, and requirements for an initial Salon Manager License, through the Request for Comments process. **Seconded.**
 - **Decision:** On a vote of 6 ayes and 0 nays, motion was passed.
- School Rules Overhaul, Revisor's Draft 0-4456

- Establishing in rule acceptable methods schools may use to determine minimum English competency requirements for students participating in licensure programs taught in English, and minimum requirements for enrolling students who do not meet minimum English competency standards.
- Researching minimal financial stability measures for new and existing schools.
- Estimated earliest completion is third quarter 2020.

IX. New Business: Division Reports

- Administrative Division
 - Catrina Mairose – Chief of Staff, departure from Board staff. Job posting live, in process of back-filling the position.
 - CLEAR Conference.
 - Board of Cosmetology Social media efforts. Draft bid being prepared.
 - Board Member Policies and Procedures (Bylaws) – Draft complete, will be distributed to Board members for review.
 - Legislative Overview
 - Presentation for the House January 24, 2019
 - Presentation for the Senate January 29, 2019
 - House File 140 – Hair Braiding Repeal – Board’s position is to stay neutral.
- Compliance Division
 - Complaint Committee meeting held on December 10, 2018 and reviewed 115 complaints.
 - In the fourth quarter of 2018, 38 new complaints were filed. Board staff currently have 55 open complaints and are tracking 344 closed complaints.
- Inspections Division
 - In the fourth quarter of 2018, 985 salons and 29 schools were inspected.
 - New employee, Field Inspector Michael Levorson, began working January 23, 2019
 - Phase two work on Laserfiche inspections system is complete which includes enhancements to attempted inspection correspondence, automated paper and electronic OTC workflows, email correspondence, etc.
- Licensing Division
 - In the fourth quarter of 2018, Licensing maintained an average processing time of about fourteen business days, an average of 53 licenses issued per day, and 265 licenses issued per week.
 - Bryan Rasmussen began January 24, 2019 as our Primary Service Specialist at the front desk. Division aims to hire an additional Licensing Specialist in the next month.
 - Board staff has researched additional vendors for foreign credentialing but are not asking for approval of any subsequent vendor at this time.

X. New Business: Public Comment

- *Michelle Forstner*
 - **Comment:** Regarding the requirement of a high school diploma for initial licensure, schools that are accredited and receive federal funding must require a high school diploma, even if the Board does not require it.

- *Renee Vermilyea of Salon Concepts*
 - **Comment:** Received a call from a State of Minnesota agency regarding proposed requirements for salons to register and meet hazardous waste disposal criteria.
 - **Board comment:** Requirement is independent of the Board of Cosmetology.

XI. Adjournment

- Meeting adjourned at 12:03 PM.