

Board of Cosmetology

April 29, 2019 Board Meeting Minutes

10:00 AM to 12:02 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

Kurt Deile, Member

Donna Dungy, Member

Marcie Smith Fields, 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

Danielle Gillen, Acting Inspections Division Manager

Tami Thein, Executive Assistant

Cori Omundson, Leadership Team Assistant

I. Call to Order

- Meeting called to order at 10:00 AM.

II. Approval of Proposed Agenda

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

III. Approval of amended December 3, 2018 Board meeting minutes

- Motion: Approve amended December 3, 2018 meeting minutes.
- Seconded; 7 Ayes, 0 Nays; **Motion Carried.**

IV. Approval of February 3, 2019 Board meeting minutes

- Motion: Approve February 3, 2019 meeting minutes.
- Seconded; 7 Ayes, 0 Nays; **Motion Carried.**

V. New Business: Rule Waiver Requests

- *Minnesota State College Southeast – Jodi Heim*
 - **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 summer 2019 semester only and is based on financial hardship.
 - **Motion:** Approve the waiver request of Minnesota Rule 2110.0630 (A). **Seconded.**
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was approved, based on the following:
 - The school is permitted to have one, rather than two, licensed instructors on the premises when students are present.
 - The waiver is only valid for the school's summer 2019 semester, from 5/20/2019 to 8/2/2019.
 - The waiver is only approved for up to eleven students.
 - For all other courses, the school must meet the standard requirement of having at least two licensed instructors on the school premises and a ratio of at least one instructor per twenty students.

- *PCI Academy – Michelle Duncan*
 - **Request:** Waiver of Minnesota Rule 2110.0320 Subp. 13 (A), which requires instruction to occur within a licensed school building. This request involves a re-evaluation of a waiver the Board granted the school in 2016 and clarified in 2017. The request is based on financial hardship.
 - **Motion:** Approve the waiver request of Minnesota Rule 2110.0320 Subp. 13 (A). **Seconded.**
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was approved. based on the following:
 - Board staff must perform an inspection of the secondary building, located at 4305 Peony Lane North, after the building is remodeled and prior to the school utilizing the secondary building for clinical purposes.
 - There must be a sink within each work area where theoretical and clinical instruction is to occur within the secondary building.
 - Instruction within the secondary building is to be limited to esthetics and advance practice esthetics training.
 - The school must observe instructor to student ratio requirements outlined in Minnesota Rule 2110.0630 in both the primary and secondary school buildings.
 - The waiver is only valid through the school's next license cycle which will end 8/31/2022. The school will need to request an extension of the waiver from the Board in the months prior to the waiver expiration date.
 - The school may continue to use the secondary building within the parameters outlined in the waiver decision letter dated 12/5/2017 until all outstanding conditions outlined here are completed.

- *Judaya Bradford*
 - **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:** Approve the waiver request of Minnesota Rule 2105.0145 Subp. 4 (C).
Seconded.
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was approved.

- *Jenna Aasen*
 - **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 medical hardship.
 - **Motion:** Approve the waiver request of Minnesota Rule 2105.0145 Subp. 4 (C).
Seconded.
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was approved.

- *SouthWest Metro – Diane Weckman*
 - **Request:** Waiver of Minnesota Rule 2110.0630 (A), which requires a minimum of two licensed instructors to be on the school premises when students are present, and Minnesota Rule 2110.0630 (B), which prohibits students from accruing hours when there are less than two licensed instructors present. The school is requesting a waiver due to medical hardship experienced by one of their two licensed instructors.
 - **Motion:** Approve the waiver request of Minnesota Rule 2110.0630 (A) and Rule 110.0630 (B) with conditions. **Seconded.**
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was approved with the following conditions: The waiver permits the school to consider student hours accumulated during the Designated School Manager’s leave of absence as valid. The waiver only applies to the 14 days during the Designated School Manager’s leave of absence when the school was not in compliance with instructor requirements outlined in Minnesota Rule 2110.0630, and for up to 21 hours of training per student.

- *Century College – Dawn Goebel*
 - **Request:** Waiver of Minnesota Rule 2110.0630 (A), which requires a minimum of two licensed instructors to be on the school premises when students are present. This request applies to the school’s summer 2019 semester only and is based on financial hardship.
 - **Motion:** Approve the waiver request of Minnesota Rule 2110.0630 (A) with conditions. **Seconded.**
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was approved with the following 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 2019 summer semester, from 5/28/2019 to 6/27/2019, and for up to fifteen students. Additionally, the school must only permit 60% of students who are

present to perform services on live clients; the other 40% may only perform services on a mannequin. It is up to the school to determine clinic scheduling within these parameters.

- *Terri Paulson*
 - **Request:** Waiver of Minnesota Rule 2105.0145 Subp. 2 A (2), which requires applicants for a salon manager license to have 2,700 hours of licensed practice within the three years prior to application. This request is based on financial hardship.
 - **Motion:** Approve the waiver request of Minnesota Rule 2105.0145 Subp. 2 A (2).
Seconded.
Decision: On a vote of 7 ayes and 0 nays, the waiver request was approved

VI. New Business: Rule Activity

- Licensing and Practice Updates, Revisor's Draft 0-4552
 - The Rules Committee met on April 10, 2019 to review comments and suggestions received in response to the Request for Comments. The committee approved and referred to the Board additional rule changes.
 - **Motion:** Approve initial draft of licensing and practice changes. **Seconded.**
 - **Decision:** On a vote of 7 ayes and 0 nays, motion was passed.
- School Rules Overhaul, Revisor's Draft 0-4456
 - Preliminary work still in progress.

VII. New Business: Division Reports

- Administrative Division
 - Board Appointments
 - Waiting for Governor to confirm appointments
 - 3 positions
 - Kurt Deile is not returning. This is his last meeting.
 - New Chief of Staff, Jill Freudenwald
 - Andrew Reding, military leave update
 - Danielle Gillen, Interim Inspections Division Manager
- Compliance Division
 - Complaint Committee meeting was held on January 14, 2019 to focus on inspection penalties. The committee reviewed 110 inspection penalty disputes and 2 complaints.
 - In the first quarter of 2019, 89 new complaints were filed. Board staff currently have 68 open complaints and are tracking 359 closed complaints.
- Inspections Division
 - In the first quarter of 2019, 980 salons and 10 schools were inspected.
 - Madusu Jawara was hired as our new Field Inspector and began working on April 11, 2019.
 - Legislative report was sent to ranking members of the State Government Finance Committee and State Government Finance, Policy, & Elections Committee. A copy of the report is included with the Board packet.
- Licensing Division

- In the first quarter of 2019, Licensing maintained an average processing time of about fourteen business days, an average of 50 licenses issued per day, and 249 licenses issued per week.
- Jodie Wehrspann was hired as our new Licensing Specialist and began working on February 27, 2019. The division is now fully staffed.
- The grandfathering period for advanced practice esthetician licensing is underway. The deadline is July 31, 2019 for licensees and December 31, 2019 for recent graduates. A reminder notice was sent last week to all estheticians, cosmetologists, and schools.
- **Policy Division**
 - Legislative Update:
 - Staff have been monitoring hearings in both the House and Senate committees as they discuss budget and policy provisions that may affect the Board. The proposed House bill includes deregulation of hair braiding. The proposed Senate bill includes a decrease in funding as well as a policy provision delaying the effective date of any proposed rules until the end of the 2020 legislative session.
 - Practical Skills Task Force
 - Meeting on May 6, 2019 to discuss clinical services exercises (“quotas”).
 - Internal Controls
 - Staff met with the Minnesota Management and Budget’s Internal Controls Division to review general procedures and the Annual Internal Controls Certification. The 2019 certification is due by July 31, 2019.
 - Schools Update
 - Staff have been working to review and approve updated cosmetology and esthology curricula for each school per recent rule changes regarding eyelash extensions and AP Esthetics.

VIII. New Business: Public Comment

- *No Public Comments*

IX. Adjournment

- Meeting was adjourned at 12:02 PM.