

Minnesota Board of Cosmetology
August 1, 2022, Board Meeting Minutes

10:03 AM to 12:25 PM

WebEx Meeting

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

Present at Meeting:

Chelsey Anderson, Chair	Gina Fast, Executive Director
Mahogany Plautz, Vice Chair	Jill Freudenwald, Chief of Staff
Donna Dungy, Member	Diane DelaBarre, Senior Manager of Operations
Marcie Smith-Fields, Member	Josh Luhmann-Woodbury, Inspections Division Manager
Carol Logan, Member	Jenna Bohl, Licensing Division Manager
Rhonda Besel, Member	Lene Kiser, Compliance Division Manager
	Tami Thein, Executive Assistant
	Jackie VanOverbeke, Business and Communications Analyst
	Allen Barr, Asst. Attorney General
	Jodie Wehrspann, Board Administrative Coordinator

I. Call to Order

- Meeting called to order at 10:03 AM by Chelsey Anderson.

II. Reading of 13D.021- COVID-19

- Read by Chelsey Anderson
- Meeting to be held by telephone or electronic means due to COVID-19
- Roll call of Board members

III. Approval of Proposed Agenda

- **Motion:** Carol Logan – Approve proposed agenda with flexibility.
- **Seconded** by Mahogany Plautz; 6 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - *Nays:* None

IV. Approval of Meeting Minutes

- **Motion:** Mahogany Plautz – Approve meeting minutes from May 2, 2022, Board meeting.
- **Seconded** by Carol Logan; 6 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - *Nays:* None

V. New Business: Rule Waiver Requests

- *Cassandra Bell*
 - **Request:** Cassandra Bell is requesting to waive MN Rule 2110.0680 B, which establishes that accrued student hours are valid for a maximum of five years, based on financial hardship.
 - **Motion:** Carol Logan motioned to grant Cassandra Bell a waiver, based on financial hardship, of MN Rule 2110.0680 B, which establishes that accrued student hours are valid for a maximum of five years—allowing her to attribute the esthetician training hours accumulated in 2015-2016 toward a licensed Minnesota school’s esthetician training program--under the condition that she

obtain her Minnesota esthetician license by February 1, 2023, or the waiver no longer applies. **Seconded** by Donna Dungy.

- **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - *Nays:* None

- *Jordan Henkel*
 - **Request:** Jordan Henkel is requesting a waiver of MN Rule 2110.0510 subp. A, which specifies the cosmetology training program must consist of 1,550 hours of training. This request is based on financial hardship.
 - **Motion:** Rhonda Besel motioned to deny Jordan Henkel's request to waive the requirement of a complete 1,550-hour cosmetology program. **Seconded** by Carol Logan.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was denied.
 - *Ayes:* Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - *Nays:* None

- *Michael Nelson, DBA Michael Nelson's Hair Salon*
 - **Request:** Michael Nelson is requesting a waiver of MN Rule 2105.0360, Subp. 6(B), which states that a shampoo bowl may not be a designated sink unless the salon has only one practitioner. This request is based on financial hardship.
 - **Motion:** Rhonda Besel motioned to grant the waiver of MN Rule 2105.0360 Subp. 6(B), permitting the salon to use the shampoo bowls in the two vacant workstations as the designated sinks for disinfecting, with the stipulation that the waiver is only valid for the length of ownership under current owner Michael Nelson, DBA Michael Nelson's Hair Salon. **Seconded** by Mahogany Plautz.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - *Nays:* None

- *Patricia O'Connell*
 - **Request:** Patricia O'Connell is requesting a waiver of MN Rule 2105.0145 Subp. 4 C, which requires applicants for an initial Instructor License to have at least 2,700 hours of licensed work experience within the three years prior to application. This request is based on financial hardship.
 - **Motion:** Donna Dungy motioned to grant Patricia O'Connell a waiver of the three-year timeframe for which work experience can be considered toward the 2,700-hour requirement within Minnesota Rule 2105.0145 Subp. 4 C. The Board will consider licensed practice she accumulated beginning in May 2016 up until the present within the application for an initial Instructor License. **Seconded** by Carol Logan.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - *Nays:* None

- *Amy Schwartz, Lavish Beauty School*
 - **Request:** Amy Schwartz, Designated School Manager, on behalf of Lavish Beauty School is requesting a waiver of Rule 2110.0680 subpart G, which addresses student breaks. This request is based on hardship.

- **Motion:** Rhonda Besel motioned to table the request to allow Board staff time to complete specific research regarding the request and to bring its findings to the next Board meeting on October 3, 2022, to make its decision. Seconded by Mahogany Plautz.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was tabled.
 - *Ayes:* Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - *Nays:* None
- *Chanel Littleton*
 - **Request:** Chanel Littleton is requesting that the Board waive the repeal of MN Rule 2105.0155 Subp. 1 and to waive the deadline within the rule, which stated a cosmetologist or esthetician may apply for a grandfathered advanced practice (AP) esthetician license by meeting the requirements of the subpart and that a completed application must be received no later than 7/31/2019. Additionally, Chanel is requesting a waiver of the requirement within the rule that states you must submit original passing test results not more than one year old of the board-approved written practical test for AP estheticians. This request is based on hardship.
 - **Motion:** Rhonda Besel motioned to deny Chanel Littleton's waiver request. **Seconded** by Marcie Smith-Fields.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was denied.
 - *Ayes:* Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - *Nays:* None
 - *Faith Lofton*
 - **Request:** Faith Lofton is requesting that the Board waive MN Rule 2105.0145 Subp. 1C(1), which requires applicants for an initial license to submit a Course Completion Certificate from their initial training with their license application. This request is based on financial hardship.
 - **Motion:** Mahogany Plautz motioned to grant the request to waive MN Rule 2105.0145 Subp. 1C(1), permitting Faith to obtain an initial Cosmetologist License without submitting a standard Course Completion Certificate with the initial licensure application and allowing her to submit a diploma from her original training instead under the condition that she submits a completed application by 8/1/2023. **Seconded** by Carol Logan.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - *Nays:* None
 - *Dawn Goebel, Century College*
 - **Request:** Dawn Goebel, Designated School Manager, on behalf of Century College, is requesting a waiver of the portion of MN Rule 2110.0630(a) that requires a minimum of two licensed instructors be on the school premises when students are present. This request applies to the Eyelash Technology Training Program only for the 2022-23 academic year and is based on financial hardship.
 - **Motion:** Donna Dungy motioned to approve the request of Century College to waive the portion of MN Rule 2110.0630(a) that requires a minimum of two licensed instructors be on the school premises when students are present, permitting the school to have one, rather than two, licensed instructors on the premises when students are present. The waiver would only be valid for the school's Eyelash Technology Training Program for the 2022-23 academic year (8/22/2022-5/5/2023), based on financial hardship. **Seconded** by Mahogany Plautz.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.

- Ayes: Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - Nays: None
- *Break. The Board recessed from 11:40 AM to 11:50 AM.*

VI. New Business: Covid-19 and Schools

- **Online Theory Instruction**
 - **Motion:** Rhonda Besel - Until 12/31/2022, the Board will approve all cosmetology schools to temporarily move any scheduled theory instruction online. Schools that pursue this option must report to the Board:
 - A written explanation of all changes
 - The name of the program/courses impacted by the changes
 - The mode of instruction and the textbooks and resources to be used
 - The date the change in instruction will take effect for current training programs
 - The anticipated start date for each new training program that will begin under the online theory model
 - Pursuant to Minnesota Statute 155A.30 Subd. 11 (b), online instruction is permitted for theory-based instruction only. Instruction must follow the training topics within the school's previously approved curricula and schedule and must relate to the student's scheduled training. Changes and relevant information must be reported to the Board office prior to implementation. This process change remains effective until 12/31/2022. This timeframe is subject to change based on any external State or Federal orders or at the Board's discretion." **Seconded** by Mahogany Plautz.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - Ayes: Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - Nays: None
- **Live Models vs. Mannequins: Clinical Service Exercises ("Quotas")**
 - The Board considered whether to extend the option of mannequin use for Clinical Service Exercises and how ongoing approval of mannequin use may impact student training and future professional practice.
 - No action was taken, and the Board's previous motion will expire after August 31, 2022, and students will be expected to perform Clinical Service Exercises on live models per previously established Board protocols.
- **Live Models vs. Mannequins: Practical Skills Test**
 - The Board considered whether to extend the option of mannequin use for the Practical Skills Test and how ongoing approval of mannequin use may impact future professional practice.
 - No action was taken, and the Board's previous motion will expire after August 31, 2022, and students will need to perform test sections on live models as established in the Practical Skills Test Guide.

VII. New Business: Division Reports

- **Compliance Division Report**
 - **Complaint Committee Meetings**
 - The Complaint Committee met on May 9, 2022, and reviewed 53 complaints. The categories of complaints heard during the meeting were as follows:
 - Licensing – 9 complaints

- Infection Control – 9 complaints
 - Licensing and Infection Control – 12 complaints
 - Declined Release, Non-jurisdictional, or Doesn't Warrant Resources- 10 complaints
 - Other – 13 complaints
 - The next scheduled Complaint Committee meeting will be held on August 8, 2022.
- **New Complaint Breakdown**
 - In the second quarter of 2022, a total of 33 new complaints were filed with the Board. Board staff currently have 83 open complaints and are tracking 194 closed complaints by waiting for either completion of infection control course or payment of civil penalties.
- **Inspections Division Report**
 - **Q2 2022 Inspection Summary**
 - 816 Salons and 44 Schools – 860 Total Inspections
 - **News and Updates:**
 - Staffing Updates: As of August 1, 2022, the board's inspections division employs two inspectors.
 - **Statewide Completion Statistics as of 04/06/2022:**
 - 72% (3,862 salons) inspected within the last one year
 - 28% (1,539 salons) inspected between one and two years ago.
 - 0% (0 salons) inspected over two years ago.
- **Licensing Division Report**
 - **Licensing Activity Q1**
 - In the second quarter of 2022, we maintained an average processing time of about 6 business days. There was an average of 59 licenses issued per day and 295 licenses issued per week.
 - **News and Updates:**
 - Hiring: Angelia Yang and Lynn Nelson recently joined the team as Licensing Specialists, and we are currently in the process of hiring one more.
- **Policy and Rulemaking Division Report**
 - **Legislative Update**
 - The 2022 legislative session ended and did not result in any changes to Minnesota Statutes Chapter 155A. Staff will now begin preparing for the 2023 legislative session and will have more information at the next Board meeting.
 - **Internal Controls**
 - The Board of Cosmetology's 2022 Annual Internal Control System Certification and the Control System Assessment Tool (CSAT) were submitted on July 19 to Minnesota Management and Budget's Internal Control and Accountability Unit.
 - **Rule Docket 4456**
 - On July 20, the Rules Committee met to review a final rule draft and SONAR (Statement of Need and Reasonableness) of the school rules. The Rules Committee approved the rule draft and SONAR.
 - If the Board approves of the rule draft and SONAR, the Board should adopt a resolution authorizing the Executive Director to proceed with the rules process. The process includes working with the Governor's Office, contacting Minnesota Management and Budget for input, publishing the Dual Notice of Intent to Adopt with or without a hearing, seeking approval for an additional notice plan, and any other statutory requirements to adopt or amend rules.

- **Motion:** Rhonda Besel motioned to authorize Board Chair Chelsey Anderson to sign the Certificate Of The Board Of Cosmetologist Examiners; Authorizing Resolution of the Proposed Amendment to Rules Governing Schools, Instructors, and School Managers Minnesota Rules 2110; Revisor's ID Number 0-4456. **Seconded** by Carol Logan.
- **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - *Nays:* None
- **Schools**
 - There are currently 39 licensed schools.

VIII. Public Comment.

- Lara Kelley, MN School of Beauty, made a public comment regarding the laws and rules that affect the skills course, the written practical exam and the general theory exam.

IV: Adjournment

- **Motion:** Chelsey Anderson motioned to adjourn the meeting at 12:25.
- **Seconded** by Rhonda Besel. 6 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - *Nays:* None