

Minnesota Board of Cosmetology
December 6, 2021 Board Meeting Minutes

10:03 AM to 11:50 AM

WebEx Meeting

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

Present at Meeting:

Rhonda Besel, Chair	Gina Fast, Executive Director
Chelsey Anderson, Vice Chair	Jill Freudenwald, Chief of Staff
Mahogany Plautz, Member	Diane DelaBarre, Senior Manager of Operations
Donna Dungy, Member	Jackie VanOverbeke, Inspections Division Manager
Marcie Smith-Fields, Member	Jenna Bohl, Licensing Division Manager
Carol Logan, Member	Missy Richert, Licensing Team Lead
	Alex Herbert, School Liaison
	Tami Thein, Executive Assistant
	Allen Barr, Asst. Attorney General

I. Call to Order

- Meeting called to order at 10:03 AM by Rhonda Besel

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

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

III. Approval of Proposed Agenda

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

III. Approval of Meeting Minutes

- **Motion:** Mahogany Plautz – Approve meeting minutes from October 4th, 2021 Board meeting.
- **Seconded** by Carol Logan; 6 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
 - *Nays:* None

IV. COVID-19 and Schools:

- **Background Information:** Until December 31, 2021, the Board has approved all schools to:
 - Move any scheduled theory instruction within the school's previously approved curricula and schedule online.
 - Use mannequins for Clinical Service Exercises that can reasonably and effectively be performed on mannequins.
 - Use mannequins for all service sections of the Practical Skills Test that can reasonably and effectively be performed on mannequins.

- Online Theory Instruction:
 - **Motion:** Carol Logan- Until August 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 August 31, 2022. This timeframe is subject to change based on any external State or Federal orders or at the Board's discretion. **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - Ayes: Rhonda Besel, Chelsey Anderson, Marcie Smith-Fields, Donna Dungy, Mahogany Plautz, Carol Logan
 - Nays: None

- Live Models vs Mannequins: Clinical Service Exercises (“Quotas”), Practical Skills Test
 - Clinical Service Exercises**
 - **Motion:** Chelsey Anderson- Until August 31, 2022, students required to perform Clinical Service Exercises (“quotas”) may do so on mannequins so long as the service can reasonably and effectively be performed on mannequins. Clinical Service Exercises must not be performed on live models if relevant State restrictions and established social distancing guidelines prohibit it. Practice-based instruction, including Clinical Service Exercises (“quotas”), must occur within the licensed school building. **Seconded** by Mahogany Plautz.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - Ayes: Rhonda Besel, Chelsey Anderson, Marcie Smith-Fields, Donna Dungy, Mahogany Plautz, Carol Logan
 - Nays: None

 - Practical Skills Test**
 - **Motion:** Marcie Smith-Fields- Until August 31, 2022, all service sections of the Practical Skills Test that can reasonably and effectively be performed on mannequins may be performed on mannequins. The Practical Skills Test must not be performed on live models if relevant State restrictions and established social distancing guidelines prohibit it. Practice-based instruction, including the Practical Skills Test, must occur within the licensed school building. **Seconded** by Carol Logan.
 - Decision: On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - Ayes: Rhonda Besel, Chelsey Anderson, Marcie Smith-Fields, Donna Dungy, Mahogany Plautz, Carol Logan
 - Nays: None

V. New Business:

- *Beauty Inspiration Association Approval Request*
 - Request: Michele Trautner is seeking Board recognition as a professional association for her non-profit corporation, Beauty Inspiration Association

- **Motion:** Carol Logan – Approve the recognition of Beauty Inspiration Association as a professional association and give Board staff the authority to approve their application on a yearly basis without coming before the Board. **Seconded** by Chelsey Anderson.
 - **Decision:** On a vote of 6 ayes and 0 nays, the Board recognition was granted.
 - **Ayes:** Rhonda Besel, Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
 - **Nays:** None
- *Minnesota School of Beauty*
 - **Request:** Variance of Rule 2110.0710, which requires schools to enroll students in no less than a full training program. The school is requesting a variance as they are a cosmetology school that offers high school students a partial training program.
 - **Motion:** Chelsey Anderson- Approve the variance request of Minnesota Rule 2110.0710. The variance request was approved, based on the following:
 - Application of the rule would result in hardship or injustice to Minnesota School of Beauty.
 - It would be consistent with public interest.
 - It would not negatively impact the legal or economic rights of others.
 - The variance protects the public health, safety, and the environment.
 - The variance is granted until the license cycle ends February 28, 2025**Seconded** by Mahogany Plautz.
 - **Decision:** On the vote of 6 ayes and 0 nays, the variance request was approved.
 - **Ayes:** Rhonda Besel, Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
 - **Nays:** None
- *SouthWest Metro Intermediate District 288-06*
 - **Request:** David Fuller-Rueschman, designated school manager, on behalf of Southwest Metro Intermediate District 288-06, is requesting a waiver of the 1 to 20 instructor to student ratio requirement within Rule 2110.0630 A; the requirement to use only a licensed salon manager as a substitute and for no more than 30 days per year within 2110.0630 A (1); and the requirement to notify the Board that it will not accept hours accrued by students during the period of noncompliance within Rule 2110.0630 B. This is requested for the period of 9/7/2021 through 1/21/2022. This request is based on hardship.
 - **Motion:** Chelsey Anderson- Grant the waiver of MN Rule 2110.0630A and MN Rule 2110.0630 A (1) from 9/7/22 through 1/31/2022. This is based on hardship. **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - **Ayes:** Rhonda Besel, Chelsey Anderson, Marcie Smith-Fields, Donna Dungy, Mahogany Plautz, Carol Logan
 - **Nays:** None
- *Sharla Pickard*
 - **Request:** Sharla Pickard is requesting a waiver of the repeal of MN Rule 2105.0155 Subp. 1 and a waiver of the deadline within the rule, which stated a cosmetologist or esthetician operator may apply for a grandfathered advanced practice (AP) esthetician operator license by meeting the requirements of the subpart and that a completed application must be received no later than 7/31/2019. Her request is based on hardship.
 - **Motion:** Marcie Smith Fields- Deny the requests to waive the repeal of MN Rule 2105.0155 Subp. 1, and the deadline within the rule, which stated a cosmetologist or esthetician operator may apply for a grandfathered advanced practice esthetician operator license by meeting the requirements of the subpart and that a completed application be received no later than 7/31/2019. **Seconded** by Carol Logan.

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

- *Learn with Cadre Association Approval Request*
 - **Request:** Stephanie Domrose is seeking Board recognition as a professional association for her non-profit corporation, Learn with Cadre.
 - **Motion:** Chelsey Anderson – Approve the recognition of Learn with Cadre as a professional association and give Board staff the authority to approve their application on a yearly basis without coming before the Board. **Seconded** by Mahogany Plautz.
 - **Decision:** On a vote of 6 ayes and 0 nays, the Board recognition was granted.
 - **Ayes:** Rhonda Besel, Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
 - **Nays:** None

- *Denise Mercado*
 - **Request:** Denise Mercado is requesting a waiver of the five-year limit within MN Rule 2110.0550 C, which requires any licensure training hours that are transferred into another training program be no more than five years old. Denise wishes to apply 200 hours from her initial nail technician training toward an esthetician training program. Her request is based on hardship.
 - **Motion:** Carol Logan- Grant the waiver of MN Rule 2110.0550 C based on hardship. **Seconded** by Marcie Smith Fields.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - **Ayes:** Rhonda Besel, Chelsey Anderson, Donna Dungy, Mahogany Plautz, Carol Logan, Marcie Smith Fields
 - **Nays:** None

- *Julie Roemer*
 - **Request:** Julie Roemer is requesting a waiver of the one-year expiration within MN Rule 2105.0145 Subp. 4. E., which requires an applicant to submit original passing instructor test results not more than one year old for the instructor general theory, practical and laws and rules tests. This request is based on hardship.
 - **Motion:** Chelsey Anderson- Approve the request to waive MN Rule 2105.0145 Subp. 4. E. This is based on hardship. **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - **Ayes:** Rhonda Besel, Chelsey Anderson, Marcie Smith Fields, Donna Dungy, Mahogany Plautz, Carol Logan
 - **Nays:** None

VII. New Business: Division Reports –

Administrative Division Report

- **Board Member Service Award Certificates for 2021**
- **HR Module Project**
 - In early November, we went live with a new HR module. This module automates and streamlines several of our HR processes such as: performance reviews, time requests, onboarding and offboarding of employees, etc. All maintaining consistency within the agency.

- **Cosmetology and Barbering Compact Technical Assistance Group**
 - Gina Fast attended a meeting in Washington D.C. on October 6 –October 7, 2021 to participate and contribute in the Cosmetology and Barbering Compact Technical Assistance Group and their initiative.
- **2022 Board Meeting Dates**
 - February 14th, 2022
 - May 2nd, 2022
 - August 1st, 2022
 - October 3rd, 2022
 - December 5th, 2022
- **2022 Committee Elections – All stay the same**
 - **Motion:** Chelsey Anderson- Continue the current committees through 2022.
Seconded: Donna Dungy
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - Ayes: Rhonda Besel, Chelsey Anderson, Marcie Smith Fields, Donna Dungy, Mahogany Plautz, Carol Logan
 - Nays: None
- **2022 Chair and Vice Chair Elections:**
 - **Motion:** Donna Dungy- Appoint Chelsey Anderson as Chair and Mahogany Plautz as Vice Chair.
Seconded: Carol Logan
 - **Decision:** On a vote of 6 ayes and 0 nays, the motion was granted.
 - Ayes: Rhonda Besel, Chelsey Anderson, Marcie Smith Fields, Donna Dungy, Mahogany Plautz, Carol Logan
 - Nays: None
- **Plan for reaching out for open Board Member Positions**

Compliance Division

- **Complaint Committee Meetings**
 - The Complaint Committee met on August 9, 2021 and reviewed 16 complaints. The categories of complaints heard during the meeting were as follows:
 - Licensing – 9 complaints
 - Infection Control – 1 complaint
 - Licensing and Infection Control – 1 complaint
 - Declined Release, Doesn't Warrant Resources, and/or other – 5 complaints
 - The Complaint Committee met on November 8, 2021 and the results from that meeting will be reported during the next Board meeting.
 - The next scheduled Complaint Committee meeting will be held on January 24, 2022.
- **New Complaint Breakdown**
- In the third quarter of 2021, a total of 35 new complaints were filed with the Board. Board staff currently have 60 open complaints and are tracking 202 closed complaints by waiting for either completion of infection control course or payment of civil penalties.

Inspections Division

- **Q3 2021 Inspection Summary**
 - 1,594 Salons and 1 School – 1,595 Total Inspections
- **News and Updates:**
 - Staffing Updates: As of November 23, 2021, the board's inspection division employs seven inspectors. A posting for the Inspections Division Manager was opened on September 16, 2021, and we are currently in the hiring process of reviewing final candidates.

- **Statewide Completion Statistics as of 10/06/2021:**
 - 68% (3,699 salons) inspected within the past one year
 - 32% (1,757 salons) inspected between one and two years ago
 - 0% (0 salons) inspected over two years ago

Licensing Division

- **Licensing Activity Q3**
 - In the third quarter of 2021, we maintained an average processing time of about 5 business days. There was an average of 53 licenses issued per day and 263 licenses issued per week.
- **2022 Continuing Education**
 - As of November 9, 2021, all staff have begun approving continuing education providers and courses for the 2022 calendar year.

Policy and Rulemaking Division

- **Rulemaking update (Rule Docket 4456)**
 - After a brief break during the summer, the Board's Rules Committee resumed meeting to discuss the rule draft and SONAR. On November 3, the Committee met to review the rule draft and considered language regarding student breaks, physical requirements, and general terminology. The Rules Committee will meet again on January 12, 2022.
- **Schools**
 - There are currently 36 Licensed Schools
- **Distance and Online Learning Best Practices**
 - Earlier this year the Board directed staff to create a best practices for distance learning. A bulleted list of best practices was created.

IX: Adjournment

- Meeting was adjourned at 11:50 AM by Rhonda Besel.