

Minnesota Board of Cosmetology
December 7, 2020 Board Meeting Minutes

10:06 AM to 1:06 PM

WebEx Meeting/Board of Cosmetology Conference Room
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
Jodi Friendshuh, Member	Alex Herbert, School Liaison
Mahogany Plautz, Member	Diane DelaBarre, Senior Manager of Operations
Marcie Smith-Fields, Member	Jenna Bohl, Licensing Division Manager
Donna Dungy, Member	Lene Kiser, Compliance Division Manager
	Jacqueline VanOverbeke, Inspection Division Manager
	Andrew Reding, Inspection Division Manager
	Allen Barr, Assistant Attorney General
	Missy Riste, Licensing Team Lead
	Tami Thein, Executive Assistant

I. Call to Order

- Meeting called to order at 10:06 AM by Rhonda Besel

II. Housekeeping

- Rhonda Besel performed roll call to verify which members were present. Rhonda Besel spoke about the WebEx meeting process.

III. Approval of Proposed Agenda

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

IV. Approval of Meeting Minutes

- **Motion:** Marcie Smith-Fields - Approve meeting minutes from October 5, 2020 meeting.
- **Seconded** by Mahogany Plautz; 6 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

V. New Business: Rule Waiver Requests

- *Amelia Wong*
 - **Request:** Waiver of Rule 2110.0525, which requires an Advanced Esthetician training program to consist of at least 500 hours of coursework. She is also including Rule 2105.0145 Subp. 1a A (3) which requires a course completion certificate documenting the successful completion of curriculum from a board-approved school. Her request is based on financial hardship. This is an appeal of the Board's decision to deny her request at the 8/3/2020 Board meeting.

- **Motion:** Rhonda Besel – the Board moves to grant Amelia Wong’s request to waive the repeal of MN Rule 2105.0155 Subpart 1, which provides guidelines for grandfathering Advanced Practice Esthetician Operator licenses. The Board also moves to conditionally approve a waiver of the grandfathering deadline of 7/31/2019 within MN Rule 2105.0155 Subp. 1 with the condition that Amelia submit a complete grandfathering application, including written exams, to the Board office by 12/23/2020. This waiver is based on financial hardship. **Seconded** by Chelsey Anderson.
- **Decision:** On a vote of 4 ayes and 2 nays, the waiver request was granted.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Mahogany Plautz
 - *Nays:* Marcie Smith-Fields, Donna Dungy

Mahogany Plautz left the meeting at 11am.

- *Jamie Schauss Tatreau*

- **Request:** Waiver of Rule 2110.0525, which requires an advanced practice esthetician training program to consist of at least 500 hours of coursework. She is also requesting a waiver of Rule 2105.0145 Subp. 1a A (3) which requires a course completion certificate documenting the successful completion of curriculum from a board-approved school be submitted with her license application. Her request is based on financial hardship.
- **Motion:** Rhonda Besel – the Board moves to grant Jamie Schauss Tatreau’s request to waive the repeal of MN Rule 2105.0155 Subpart 1, which provides guidelines for grandfathering Advanced Practice Esthetician Operator licenses. The Board also moves to conditionally approve a waiver of the grandfathering deadline of 7/31/2019 within MN Rule 2105.0155 Subp. 1 with the conditions that Jamie take and pass the AP Esthetician Written Practical Exam and the AP Esthetician General Theory Exam and submit a complete grandfathering application to the Board office by 1/29/2021. This waiver is based on financial hardship. **Seconded** by Donna Dungy.
- **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

Break from 11:19 – 11:25

Gina Lutz (Colleran)

- **Request:** Gina Lutz (Colleran) is requesting a waiver of Rule 2105.0145 Subp. 1 C (1), which requires initial license applicants to submit proof of completion of training via a Course Completion Certificate and Rule 2110.0680 B, which establishes that accrued student hours are valid for a maximum of five years. This request is based on financial hardship.
- **Motion:** Marcie Smith-Fields – the Board moves to grant the rule waiver of Minnesota Rule 2105.0145 Subp. 1 C (1). She may apply for initial licensure with a partially completed Course Completion Certificate, with the condition that the certificate document passing results from the Practical Skills Test. And grant the rule waiver of Minnesota Rule 2110.0680 B which will permit her to attribute the cosmetology training hours she accumulated over 5 years ago toward the 1,550 total required cosmetology training hours. This request is based on financial hardship. **Seconded** by Donna Dungy.
- **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

Anna Lucking

- **Request:** waiver of MN Rule 2105.0145 Subp. 1 C (1), which requires initial license applicants to submit proof of completion of training via a Course Completion Certificate. Her request also involves the test sections and Clinical Service Exercise requirements outlined within the Practical Skills Test Guide. This request is based on medical hardship.
- **Motion:** Chelsea Anderson- the Board moves to grant the waiver of MN Rule 2105.0145 Subp. 1 C (1) which requires initial license applicants to submit proof of completion of training via a Course Completion Certificate for eyelash extensions, including the test sections and Clinical Service Exercise requirements outlined within the Practical Skills Test Guide relating to eyelash extensions only, based on medical hardship.
- **Seconded** by Marcie Smith-Fields.
- **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of was approved.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

Bloomington Career and College Academy

- **Request:** waiver of MN Rule 2110.0630 A, which requires a minimum of two licensed instructors to be on the school premises when students are present. This request is based on hardship.
- **Motion:** Marcie Smith-Fields – the Board moves to grant the waiver of MN Rule 2110.0630 A which requires a minimum of two licensed instructors to be on the school premises when students are present and therefore permit one instructor to oversee a small group of students in need of extra support in-person at the school through 6/3/2021. This waiver is only waiving the Board rule and all policies and prohibitions determined by any other relevant external authorities, including relevant Executive Orders, must still be followed. This request is based on hardship related to COVID-19.
- **Seconded** by Donna Dungy.
- **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of was approved.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

Wanda L Peterson

- **Request:** Wanda L Peterson is requesting a waiver of Rule 2105.0145 Subp. 1 C (1), which requires initial license applicants to submit proof of completion of training via a Course Completion Certificate. Wanda completed her cosmetology training in 1989. This request is based on hardship.
- **Note:** Rhonda Besel noted that Marcie Smith-Fields was not employed at Saint Paul College when Wanda Peterson was a student.
- **Motion:** Donna Dungy – the Board moves to grant the rule waiver of Minnesota Rule 2105.0145 Subp. 1 C (1) which requires initial license applicants to submit proof of completion of training via a Course Completion Certificate. This request is based on hardship.
- **Seconded** by Marcie Smith-Fields.
- **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

COVID-19 (Novel Coronavirus) Pandemic and Cosmetology Schools

Online Theory Instruction

- At the March 27, 2020 Board meeting, the Board approved all cosmetology schools to temporarily move any scheduled theory instruction online until June 1, 2020. Further, at the May 28, 2020 Board meeting, the Board approved all cosmetology schools to temporarily move any scheduled theory instruction online until January 1, 2021. Relevant Statute: 155A.30 Subd. 11 (b) Instruction Requirements.
- **Motion** by Marcie Smith-Fields: Until July 12, 2021, or until the next routinely scheduled Board meeting thereafter, 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. Theory training hours may not exceed the number of theory hours prescribed in Minnesota Rule Chapter 2110. Changes and relevant information must be reported to the Board office prior to implementation. This process change remains effective from March 15, 2020 until July 12, 2021, or until the next routinely scheduled Board meeting thereafter, but this timeframe is subject to change based on any external State or Federal orders, and at the Board's discretion.

- **Seconded** by Donna Dungy.
- **Decision:** On a vote of 5 ayes and 0 nays, **Motion Carried**.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

Live Models vs Mannequins: Clinical Service Exercises ("Quotas"), Practical Skills Test

1. Clinical Service Exercises

- The protocols within the October 2016 Clinical Service Exercise Bulletin and Practical Skills Test Guides require the use of live models and do not align with current social distancing and safety guidelines set by State and Federal entities, such as the Minnesota Department of Health (MDH) and the Centers for Disease Control and Prevention (CDC). At the March 27, 2020 Board meeting, the Board approved services performed on a mannequin to qualify as a Clinical Service Exercise ("quota") and prohibited services from being performed on a live model until relevant State restrictions and established social distancing guidelines are lifted. Social distancing continued to evolve, and the board extended this approval at the May 28, 2020 meeting until January 1, 2021.
- **Motion** by Marcie Smith-Fields: Until July 12, 2021, or until the next routinely scheduled Board meeting thereafter, 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 Donna Dungy.
- **Decision:** On a vote of 5 ayes and 0 nays, **Motion Carried**.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

2. **Practical Skills Test**

- The current Practical Skills Test Guides require most service sections to be performed on a live model, which may conflict with social distancing and safety guidelines set by State and Federal entities. At the March 27, 2020 Board meeting, the Board imposed a temporary amendment to the Practical Skills Test Guide to permit the use of mannequins. Social distancing guidelines have continued to evolve, and the Board extended this approval at the May 28, 2020 Board meeting.
- **Motion** by Marcie Smith-Fields: Until July 12, 2021, or until the next routinely scheduled Board meeting thereafter, 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 Donna Dungy.
- **Decision:** On a vote of 5 ayes and 0 nays, **Motion Carried.**
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy
 - *Nays:* None

M State Wadena

- **Request:** Darlene Weibye, Designated School Manager and instructor, and Bobbie Bernstetter, instructor, at M-State Wadena, are requesting a variance of Rule 2110.0320 Subp. 13 which requires instruction to be given within a licensed school building, that online instruction is permitted for board-approved theory-based classes and prohibits practice-based classes from being given online. The school is also requesting a waiver of Rule 2110.0500 which requires schools to have board-approved curriculum. The school is requesting a variance due to the on-going COVID-19 pandemic.
- **Withdrawn:** Bobbie Bernstetter verbally choose to withdraw M-State Wadena's variance request because their requests had been met in the motions made for all cosmetology schools immediately prior.

Break from 12:37 – 12:45

VI. New Business: Division Reports –

Administrative Division

- *2020 Edition of the Board Members' Handbook of Legal Issues*
- *Board Member Service Award for 2020*
- **2021 Board Meeting Schedule-** Rhonda Besel makes a motion to approve the following Board Meeting dates for 2021:
 - *Feb 8th*
 - *April 12th*
 - *July 12th*
 - *October 4th*
 - *December 6th*

Seconded by Marcie Smith-Fields.

Decision: On a vote of 5 ayes and 0 nays, **Motion Carried.**

Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy
Nays: None

- **2021 Committee Elections** -Donna Dungy makes a motion to accept the 2021 committee elections as stated in the Dec. 7, 2020 Packet (and below)

Current Committees:

- **Complaint Committee Members:** Chelsey Anderson, Rhonda Besel, Carol Logan
- **Rule Committee Members:** Donna Dungy, Rhonda Besel, Mahogany Plautz
- **Licensing Committee Members:** Marcie Smith-Fields, Jodi Friendshuh, Carol Logan
- **Legislative Committee Members:** Chelsey Anderson, Donna Dungy, Mahogany Plautz

Seconded by Chelsey Anderson.

Decision: On a vote of 5 ayes and 0 nays, **Motion Carried.**

Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy

Nays: None

- **Chair and Vice Chair Elections** – Marcie Smith-Fields makes a motion to keep the current Chair and Vice Chair positions – Rhonda Besel as Chair, Chelsey Anderson as Vice-Chair.

Seconded by Donna Dungy .

Decision: On a vote of 5 ayes and 0 nays, **Motion Carried.**

Ayes: Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy

Nays: None

Compliance Division

- **Complaint Committee Meetings** - For the third quarter of 2020, the Complaint Committee was scheduled to meet on July 20; however, the meeting was cancelled due to the COVID-19 pandemic. The next Complaint Committee meeting is scheduled for December 16, 2020.
- **New Complaint Breakdown-** In the third quarter of 2020, a total of 44 new complaints were filed with the Board. Board staff currently have 77 open complaints and are tracking 349 closed complaints by waiting for either the completion of infection control course or payment of civil penalties.

Inspections Division

- Andrew Reding has returned from military leave.
- 1471 Salons inspected and 3 schools inspected – 1474 total inspections.
- News and Updates:
 - Due to COVID-19, many Field Inspectors were redeployed to other agencies to support pandemic mitigation efforts. In Q3, all but one Field Inspector returned to their position with the Board of Cosmetology. One Field Inspector remained deployed at this time and the division operated with only 6 out of its 7 inspectors.
 - Statewide Completion Statistics as of 10/1/2020:
 - 54% (2,943 salons) inspected within the past one year
 - 46% (2,507 salons) inspected between one and two years ago
 - 0% (0 salon) inspected over two years ago

Licensing Division

- In the third quarter of 2020, we maintained an average processing time of about 8 business days. There were an average of 57 licenses issued per day and 284 licenses issued per week.
- Division Updates:
 - One of our long-time Licensing Specialists has retired. We plan to hire a replacement very soon.
 - We recently deployed a new workflow for reviewing continuing education providers and courses, which can now be applied for online. It has automated a lot of our backend work and is going very well thus far.

Policy and Rulemaking Division

- **Schools:** Between April and November of 2020, eight cosmetology schools submitted Curriculum Change Forms requesting to make online theory a permanent part of their curricula. Within these eight schools, eighteen training programs have met curricular requirements and received approval; four training programs are currently under review:

Program	Approved	Under Review
Cosmetology	6	2
Esthiology	4	1
Advanced Practice Esthiology	2	
1100-hour Combined Esth/APE	2	
Nail Technology	3	1
Eyelash Technology	1	
Total	18	4

- At the October Board meeting, it was erroneously reported that 5 nail programs and zero 1,100-hour combination esthiology/advanced practice esthiology programs had been approved between April and September 2020. Two of those programs were miscategorized. The total numbers have been corrected and are reflected in the chart above.
- **Rule Docket 4456:** Board staff continue to work on revising Minnesota Rules, Chapter 2110 regarding schools. The Advisory Committee on School Rules met on October 28 to discuss instructor ratios and student records. The next meeting of the Advisory Committee will be on December 9. Staff anticipate the Advisory Committee will have a rule draft within the next couple of months. At that time, staff will convene a meeting of the Board’s Rules Committee.
- **Biennial Report:** Per Minnesota Statute 214.07, during each even-numbered year, the Board must prepare a Biennial Report regarding the Board’s activities for the Governor’s Office. The 2018-2020 Biennial Report was delivered to the Governor’s Office on October 1. Board members received a copy on October 12. The Biennial Report is also posted on the Board’s website.
- **Biennial Budget:** Board staff are continuing to work with the Governor’s Office and Minnesota Management and Budget (MMB) to submit the FY22-23 biennial budget. On October 12, Board members received a link to the Board of Cosmetology’s Agency Profile on MMB’s website. Staff are continuing to work with MMB on budget planning for the next biennium. Attached is a copy of the Board’s base budget book. It was published on the MMB website on November 30.

VIII: Adjournment

- Meeting was adjourned at 1:06 PM by Rhonda Besel.