

Minnesota Board of Cosmetology
July 12, 2021 Board Meeting Minutes

10:08 AM to 10:56 AM

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	Diane DelaBarre, Senior Manager of Operations
Mahogany Plautz, Member	Jenna Bohl, Licensing Division Manager
Donna Dungy, Member	Lene Kiser, Compliance Division Manager
Marcie Smith-Fields, Member	Jackie VanOverbeke, Inspections Division Manager
Carol Logan, Member	Missy Riste, Licensing Team Lead
	Tami Thein, Executive Assistant
	Allen Barr, Asst. Attorney General

I. Call to Order

- Meeting called to order at 10:08 AM by Rhonda Besel

II. Approval of Proposed Agenda

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

III. Approval of Meeting Minutes

- **Motion:** Marcie Smith-Fields – Approve meeting minutes from April 12, 2021 meeting.
- **Seconded** by Donna Dungy; 6 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy,
 - *Nays:* None
- Rhonda Besel mentioned that minutes for Emergency Meeting held on June 29, 2021 will be approved at the next (October) Board Meeting.

Carol Logan joined meeting during Yang Lee's request

IV. New Business: Rule Waiver Requests

- *Yang Lee*
 - **Request:** Yang Lee is requesting a waiver of Minnesota Rule 2105.0145 Subp. 4 C, which requires applicants for an initial instructor license to have obtained 2,700 hours of licensed practice within a licensed salon within the three years prior to application. This request is based on hardship.

- **Motion:** Marcie Smith-Fields – Motion to deny waiver of Minnesota Rule 2105.0145 Subp. 4C due to lack of documentation of the work experience obtained within a licensed salon. **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 6 ayes and 1 abstaining, the waiver request was denied.
 - **Ayes:** Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Mahogany Plautz, Donna Dungy, Marcie Smith-Fields
 - **Abstained:** Carol Logan
- *Kimberly Schroeder- Avalon School of Cosmetology*
 - **Request:** Kimberly Schroeder, Owner of Avalon School of Cosmetology, is requesting a waiver of Rule 2110.0630 A for the day of May 5, 2021, which requires a minimum of two licensed instructors to be on the school premises when students are present. This request is based on hardship stemming from the COVID-19 Pandemic.
 - **Motion:** Donna Dungy – Motion to grant the waiver of Minnesota Rule 2110.0630 A. The waiver permits the school to consider student hours accumulated during the absence of the school’s regular instructors as valid. The waiver only applies to the reported 5/5/2021 when the school’s regular instructors were absent due to exposure to the COVID-19 virus. **Seconded** by Chelsea Anderson.
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was granted.
 - **Ayes:** Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy, Mahogany Plautz, Carol Logan
 - **Nays:** None
 - *Sydney Bergey*
 - **Request:** Sydney Bergey is requesting a waiver of the one-year requirement within MN Rule 2105.0145 Subp. 1 B which states that applicants for their initial operator license are required to submit original passing test results from the general theory test, written practical test, and test on Minnesota laws and rules which are no more than one year old. This request is based on hardship.
 - **Motion:** – Marcie Smith-Fields makes a motion that the Board grant the waiver of 2105.0145 Subp 1B with conditions. The Board waives the one-year expiration date for the State Exam, General Theory Exam and Written Practical Exam results, with the condition that a complete Initial Operator License Application be received at the Board office no later than 10/29/2021. **Seconded** by Mahogany Plautz.
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was granted.
 - **Ayes:** Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy, Mahogany Plautz, Carol Logan
 - **Nays:** None

VIII. New Business: Division Reports –

Administrative Division Report

- **Legislature Audit Findings**
 - *OLA Evaluation of the Board of Cosmetology was released on May 27th 2021.*
- **Legislative Update**
 - The Governor’s office and legislative leaders have reached tentative agreements on the State Government Finance and Elections omnibus budget bill. This bill includes a budget of \$2,923,000 for both fiscal years 2022 and 2023. While this is not an increase, it is also

not a decrease. Our budget will remain the same over the next biennium. Also included in this bill is a change to the definition of school manager. The bill changes the definition to include licensees with any type of salon manger license, not just a cosmetology salon manager license, to be able to become a school manager.

- **Reopening the Office Plan**

Compliance Division

- **Staff Update**

- The open investigator position was posted on the State of MN Careers website and interviews were conducted at the end of June.

- **Complaint Committee Meetings**

- For the first quarter of 2021, the Complaint Committee met on February 22, 2021 and again on March 3, 2021.
- On February 22, the Complaint Committee reviewed three complaints. Two were against cosmetology schools and both included multiple allegations across multiple categories. The third complaint reviewed was licensing related.
- On March 3rd, a total of 27 complaints were heard. The categories of complaints heard during that meeting were as follows:
 - Licensing – 8 complaints
 - Infection Control – 3 complaints
 - Licensing and Infection Control – 5 complaints
 - Non-jurisdictional – 2 complaints
 - Declined Release, Doesn't Warrant Resources, and/or other – 10 complaints

- The Complaint Committee met on May 24, 2021 which will be reported at the next Board meeting. The next Complaint Committee meeting is scheduled for August 9, 2021.

- **New Complaint Breakdown**

- In the first quarter of 2020, a total of 42 new complaints were filed with the Board. Board staff currently have 35 open complaints and are tracking 218 closed complaints by waiting for either completion of infection control course or payment of civil penalties.

Inspections Division

- **Q1 2021 Inspection Summary**

- 1,333 Salons and 1 School – 1,334 Total Inspections

- **News and Updates:**

- Staffing Updates: As of April 8, 2021, the Board's inspections division employs seven inspectors. One Field Inspector has and continues to be redeployed to the Minnesota Department of Health. The team's newest Field Inspector was hired on February 10, 2021.

- **Statewide Completion Statistics as of 04/08/2021:**

- 53% (2,857 salons) inspected within the past one year
- 47% (2,511 salons) inspected between one and two years ago
- 0% (0 salons) inspected over two years ago

Licensing Division

- **Licensing Activity Q1**

- In the first quarter of 2021, we maintained an average processing time of about 7 business days. There was an average of 59 licenses issued per day and 296 licenses issued per week.
- **Staffing**
 - Kimberly Rosana started as our newest Licensing Specialist on June 28, 2021.
- **Shutdown Preparations**
 - In preparation for a possible state government shutdown, the Licensing Division focused on getting the application queue down to one business day processing time, and, as the shutdown did not occur, we continue to process applications very soon after receipt.

Policy and Rulemaking Division

- **Legislative Update**
 - Gina already provided this summary – contact Jill with any specific questions.
- **Schools**
 - Distance and Online Learning Best Practices
 - At the Board’s direction, staff are working on creating a best practice guide for distance and online learning.
 - Staff conducted online surveys to gather school owner and school instructor feedback. The surveys were emailed on June 2, 2021 to all school owners and to all instructors reported to be currently working at a school. The surveys closed June 18, 2021. Staff will review the responses and use them to draft a best practice guide for distance and online learning for Board review.
 - School Application and Processing Statistics
 - Summary of all school applications and curriculum approval requests received as of June 29, 2021. There are currently 34 licensed schools.
 - Policy
 - There has been some feedback received regarding the posting of a licensee's city and state of residence on the license. Some licensees feel this is a threat to their safety and privacy. Board staff have begun the process of removing the city and the state from the printed license.
 - Gina Fast notes that we will not be resending new licenses after the change has been made. But any duplicates or issued licenses after the change will no longer list the city and state.
 - Gina Fast further notes that this is public information and may be requested in a Data Request and talked about safety issues.

IX: Adjournment

- Meeting was adjourned at 10:56 AM by Rhonda Besel.