

Board of Cosmetology

September 30, 2018 Board Meeting Minutes

1:07 PM to 4:02 PM

Offsite meeting held at the Holiday Inn & Suites Duluth - Downtown
200 W 1st Street, Duluth, MN 55802

Present at Meeting:

Rhonda Besel, Chair	Rebecca Gaspard, Policy Analyst
Chelsey Anderson, Vice Chair	Alex Herbert, School Liaison
Jodi Friendshuh, Member	Lene Kiser, Compliance Division Manager
Stephen Adams, Member	Andrew Reding, Inspections Division Manager
Donna Dungy, Member	Tami Thein, Assistant to the Executive Director
Gina Fast, Executive Director	Cori Omundson, Leadership Team Assistant
Catrina Mairose, Chief of Staff	Anthony de Sam Lazaro, Asst. Atty. General (via phone)
Diane DelaBarre, Assistant Executive Director	

I. Call to Order

- Meeting called to order at 1:07 PM.

II. Approval of Proposed Agenda

- Motion: Approve proposed agenda with flexibility.
- Seconded; 5 Aye, 0 Nay; **Motion Carried.**

III. Approval of July 16, 2018 Board meeting minutes

- Motion: Approve July 16, 2018 meeting minutes.
- Seconded; 5 aye 0 Nay; **Motion Carried.**

IV. New Business: Rule Waiver & Variance Requests

- *Lisa Reginek – Intuition Salon, LLC*
 - **Request:** Variance of Rule 2105.0360 Subp. 6 A, which requires each salon work area to contain a hand-washing sink. This request was submitted based on financial hardship.
 - **Motion: GF made motion on behalf of the Board:** Deny the variance request of Rule 2105.0360 Subp. 6 A. **Seconded.**
 - **Decision:** On a vote of 5 ayes and 0 nays, Lisa Reginek's request for discretionary variance was denied based on the following conditions:

- Application of the rule would not result in hardship or injustice to Lisa Reginek-Intuition Salon.
 - Granting the variance for the Petitioner would not be consistent with public interest and would put the public health, safety, and environment at risk.
- *Josie Germundson (via phone)*
 - **Request:** Waiver of Rule 2105.0145 Subp. 1(C), which requires applicants for an initial Operator License to submit passing results from the written examinations that are not more than one year old with their application. This request is based on medical hardship.
 - **Motion:** Grant a waiver of Rule 2105.0145 Subp. 1(C), on the basis of medical hardship. **Seconded.**
 - **Decision:** On a vote of 5 ayes and 0 nays, the waiver was granted on the basis of medical hardship. The Board will accept the passed exams beyond their expiration date with the condition that a complete license application is received at the Board office by the end of October 2018.
- *Vernita Gibson (via phone)*
 - **Request:** Waiver of Rule 2110.0680 B, which establishes that accrued student hours are valid for a maximum of five years. Vernita wishes to apply hours that she accrued in 2012 and 2013 towards a current cosmetology training program. This request was based on hardship.
 - **Motion:** Grant a waiver of Rule 2110.0680(B). **Seconded.**
 - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was granted.
- *Heidi Schmidt*
 - **Request:** Waiver of Rule 2105.0145 Subp. 2(C), which requires initial Salon Manager License applicants to document at least 2,700 hours of licensed work experience within the three years prior to application. This request was based on hardship.
 - **Motion:** Deny the waiver request of Rule 2105.0145 Subp. 2(C). **Seconded.**
 - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was denied based on hardship not being met as Heidi has a salon manager for her salon where she can accumulate the 2,700 hours needed to qualify for a Salon Manager License.

Short break called at 2:18 PM

Anthony de Sam Lazaro left conference call during break.

Returned from break at 2:27 PM

V. New Business: In-House Requests

- Practical Skills Task Force – Models for Chemical Hair Services
 - **Request:** Staff request that the Board determine whether cosmetology students should be required to use live models for all chemical hair services on the Practical Skills Test or should students be required to perform either the Perm or Relaxer Section or the Color or Foil section on a live model and perform the other on a mannequin.

- **Decision:** After discussion and hearing public comments, decision was made to table the discussion until after the Practical Skills Task Force proposes changes to the existing clinical service exercises.
- Practical Skills Task Force – Artificial Nail Removal Section
 - **Request:** Staff request that the Board determine whether cosmetology and nail technology students should be required to complete an artificial nail removal section as part of the Practical Skills Test.
 - **Decision:** After discussion and hearing public comments, decision was made to table the discussion until after the Practical Skills Task Force proposes changes to the existing clinical service exercises.
- School Curriculum Changes – Inclusion of Eyelash Training into Cosmetology and Esthiology Curricula
 - **Request:** Board staff would like direction from the Board on whether cosmetologist and esthetician students should be required to complete eyelash extension training within their 1,550 and 600 hour training programs.
 - **Motion:** All schools should be required to provide training, quotas, and testing on eyelash extensions within the 1,550 hour cosmetology and 600 hour esthiology training programs. **Seconded.**
 - **Decision:** On a vote of 5 ayes 0 nays, **Motion carried.**
- School Curriculum Changes – Approval of Advanced Practice Esthetics School Curriculum Changes
 - **Request:** The new AP Esthetics rules require schools to make changes to existing cosmetology and esthiology curricula. Staff request approval of the proposed deadlines for schools to submit and implement the changes. With approval of the previous motion for schools to require eyelash extension training, this plan also applies to the implementation of eyelash extension training.
 - **Motion:** Approve the proposal for requiring schools to teach the new curriculum to any student starting a cosmetologist or esthetician program on or after February 1, 2019 and beginning June 1, 2019, schools must not teach cosmetologist or esthetician students services identified in the scope of practice for AP Estheticians.
 - **Decision:** On a vote of 5 ayes 0 nays, **Motion carried.**

VI. New Business: Rulemaking Activity

- Advanced Practice Esthetics
 - Published September 17, 2018 and effective September 24, 2018. Rule chapter will be updated by October 1, 2018 on Revisor’s website (and linked to from Board website).
 - As of August 1, 2019, only those with the AP esthetic license can provide AP services. Licensed cosmetologists and estheticians can continue to provide AP esthetic services through July 2019, when the grandfathering process expires.
 - Implementation
 - All Divisions attended a staff training on the new rules.
 - Licensees were notified via email, Facebook, and the Board’s website.
 - Schools were notified of the changes in curriculum requirements and deadlines to adjust cosmetology and esthetic curriculums.
- Small Rules Update, Revisor’s Draft 0-4552

- Rule change topics identified and drafting in process.
- Preliminary rules drafts expected for review by the Rules Committee in winter 2018-2019.
- School Rules Overhaul, Revisor's Draft 0-4456
 - Overhaul of Minnesota Rules Chapter 2110 (includes updates of Chapter 2105 as needed).
 - Preliminary plan: 24-36 month project, estimated *earliest* completion 3rd Quarter 2020.

VII. New Business: Division Reports

- Compliance/Inspection/Licensing Division Combined Report
 - 2018 Interstate Collaboration
 - The leadership teams for the Minnesota Board of Cosmetology and Nevada Board of Cosmetology collaborated to learn, share, and discuss policy, operational processes, and regulations.
 - Though laws and rules differ between states, there are a number of similarities. There were a number of highlights outlining processes or ideas that are shared between the two states including ideas that Nevada has implemented which may be explored here in Minnesota.
- Policy Division
 - Legislative Planning
 - Staff have begun to plan for the 2019 Legislative Session.
 - Staff anticipate submitting a base budget increase request to the Governor's office for potential inclusion in the new Governor's budget proposal.
 - Staff have not been contacted by any outside stakeholders regarding 2019 legislation, but believe the hair braiding deregulation bill and the eyelash extension exemption bills may be resurrected.
 - Reminder, this is an election year for the Governor's Office and the Minnesota House of Representatives.
 - Advanced Practice Esthetics License Implementation
 - Implementation of the new rules and AP licenses has begun.
 - Testing Updates
 - On September 1, minor changes were made to the state exams for operators, salon managers, school managers, and instructors. Additionally, the topics "electricity and light" and "advanced skin care treatments" were removed from exams for cosmetologists and estheticians.
 - A new tool for foreign language test candidates has been implemented.

VIII. Adjournment

- Meeting adjourned at 4:02 PM.