

**BARBER AND COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
DECEMBER 5, 2011**

Present: Janice Boeck, Rod Gottfredsen, Jeffrey Patterson and Howard Twait

Present by
Teleconference: Sue Kolve-Feehan and Cheryl Pearse

Guests: Melissa Altenberg, JoAnn Schneider, Sharon Miller, Darlene Murphy, Joan Kornitz, John Snarski, Robert Jordan, Naim (last name illegible on the record), Alma Hernandez, Evelyn Velez, Angelina Villagomez, Jason Saunders, Sanjuanita Mercado, Keashia Roberson, Courtney Vaughn, Carolyn Singstock, Marcia O'Loughlin, Chrystal McDonald, Melissa Wadsworth, Patrice Cherry, Toi Taylor, Lauri Thomas, Jagruti Khatri and Jan Studsville

Staff: Denise Aviles, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; and other Department staff

Janice Boeck, Board Chair, called the meeting to order at 9:35 a.m. A quorum of 6 members was confirmed.

ADOPTION OF AGENDA

Amendments

- Correct the spelling of Laura's name in E(1)(a) and J(1)(a)

MOTION: Sue Kolve-Feehan moved, seconded by Howard Twait, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Jeffrey Patterson moved, seconded by Rod Gottfredsen, to approve the minutes of September 12, 2011 as published. Motion carried unanimously.

BUREAU DIRECTOR MATTERS

Denise Aviles reported that the Department is still working on the regulatory digest. She noted that once the issues around the rule related to continuing education are resolved, she will begin to move the digest forward.

BOARD DISCUSSION

PRACTICE QUESTION MATTERS

a. Discussion on Whether the Application of Eyelash Extensions falls within the Barbering and Cosmetology Scope of Practice

Yolanda McGowan indicated that the way that the statute is currently written, one would need a barbering and cosmetology license in order to apply eyelash extension. She noted that we are talking about the lash on lash extensions and not the strip of lashea applied to the skin. Applying lash on lash extensions is not allowed for aestheticians. She noted that the Board could choose to support a legislative change to allow this type of extension to be included in the aesthetics scope of practice. The Board could, though Ms. McGowan advised against it, decide not to enforce discipline against aestheticians providing this service if the Board determines that they have been properly trained.

The Board received comments from the following members of the gallery:

Melissa Altenburg – She noted that the eyelash extensions are marketed as cosmetics which would fall under the scope of the aestheticians.

Lauri Thomas – She noted that the eyelash extensions are marketed as cosmetics which would fall under the scope of the aestheticians.

Marcia O’Loughlin – She claimed that she has been adversely affected by the Board’s handling of eyelash extensions. This should be a specialty license if it must be regulated. She recommended we look at TX law.

Crystal McDonald – She asked for a separate license as she has been training in safety and sanitation surrounding the eye and does not want her job to be taken away.

Geri Reuter – She asked the Board to more clearly define the laws for both the barbering and cosmetology license along with the aesthetics license and enforce them.

Melissa Wadsworth – She believes that cosmetologists and aestheticians should be allowed to install extensions and perhaps a separate license for lash extension installers.

Ralph Draeger – He stated that eyelash extensions should be treated as cosmetics.

Yolanda McGowan told the Board no licensee should be providing service if they have not been adequately trained to provide that service. She noted that the goal of the Department and Board is to revise the rules to reflect the intent of the Board, practice and application. She told the Board that the legislature is already looking to pass legislation that will create a barbering license separate from the cosmetology license. She then explained the process by which the licenses could be separated by the legislature. After much discussion, the Board came to the consensus that the Division of Enforcement should enforce the laws as currently written until such a time as the laws and/or rules are changed.

LEGISLATION/ADMINISTRATIVE RULE MATTERS

a. Discussion related to the Continuing Education Rule

Denise Aviles provided the Board with an update regarding the status of the proposed CE rule. Yolanda McGowan provided the Board with an update as to where, in the promulgation process, the rule is and how it might move forward.

The Board watched the video of the executive session of the Senate Committee on Labor, Public Safety, and Urban Affairs where it related to the proposed continuing education rule for barbering and cosmetology. After much discussion, the Board agreed that they would prefer to have 5 hours of continuing education per biennium is most appropriate but would agree fewer hours if necessary to maintain continuing education requirement.

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, convey to the legislature that the Board is willing to accept the Senate Committee on Labor’s recommendation of fewer than 5 hours of continuing education per biennium if necessary to ensure a continued CE requirement. However, the Board strenuously believes that a minimum of 5 hours every two years is most appropriate to ensure the safe and competent practice of the barbering and cosmetology professionals. Motion carried unanimously.

MOTION: Howard Twait moved, seconded by Cheryl Pearse, to authorize Jeffrey Patterson to speak on behalf of the Board at any public hearing before the legislature or committee relative the CE rule, consistent with the Board’s position as evidenced on the record of this meeting. Motion carried unanimously.

b. 2011 Senate Bill 280 Relating to Complementary and Alternative Health Services

Noted.

c. Review for Approval – Text of Proposed Amendments to BC 2.07 (1g) and 6.04 (1)

Yolanda McGowan explained that this change was necessary due to a legislative change that would allow practitioners meeting certain requirements would be allowed to supervise and train barbering and cosmetology apprentices.

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to approve the rule draft as submitted. Motion carried unanimously.

LIAISON/COMMITTEE REPORTS

a. Sanitation Committee

Jeffrey Patterson provided the Board with a summary of the discussion that took place at the Sanitation Committee meeting this morning.

PUBLIC COMMENTS

Mary Kardoskee – She noted that she appreciated the discussion related to eyelash extension and asked the Board to take the same approach with the hair braiding.

Lauri Thomas – She also asked that the Board take the same approach with hair braiders and express disappointment in the Board’s decision to require changing disinfectant daily. She also commented that mascara is makeup and aestheticians should be allowed to apply it but cannot because it is applied to hair.

Geri Reuter – She told the Board that there are schools and salons that have yet to be inspected. She also noted that the practitioners look to the Board to lead the professions.

CLOSED SESSION

MOTION: Howard Twait moved, seconded by Jeffrey Patterson, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Janice Boeck - yes; Rod Gottfredsen - yes; Sue Kolve-Feehan - yes; Jeffrey Patterson - yes; Cheryl Pearse - yes; and Howard Twait - yes. Motion carried unanimously. Open session recessed at 1:02 p.m.

RECONVENE TO OPEN SESSION

MOTION: Jeffrey Patterson moved, seconded by Rod Gottfredsen, to reconvene in open session at 1:50 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Jeffrey Patterson moved, seconded by Howard Twait, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 10 BAC 024, 10 BAC 032, 10 BAC 124, 11 BAC 074, 11 BAC 027 against three respondents, 11 BAC 154 and 11 BAC 089. Motion carried unanimously.

CASE CLOSINGS

- MOTION:** Sue Kolve-Feehan moved, seconded by Rod Gottfredsen, to close the following cases according to the recommendations by the Division of Enforcement:
- | | |
|---------------|---------------|
| a. 10 BAC 024 | l. 11 BAC 067 |
| b. 10 BAC 050 | m. 11 BAC 070 |
| c. 10 BAC 085 | n. 11 BAC 074 |
| d. 10 BAC 117 | o. 11 BAC 086 |
| e. 10 BAC 124 | p. 11 BAC 112 |
| f. 11 BAC 002 | q. 11 BAC 113 |
| g. 11 BAC 010 | r. 11 BAC 116 |
| h. 11 BAC 032 | s. 11 BAC 118 |
| i. 11 BAC 035 | t. 11 BAC 151 |
| j. 11 BAC 055 | u. 11 BAC 156 |
| k. 11 BAC 056 | |
- Motion carried unanimously.

CITATIONS

- MOTION:** Howard Twait moved, seconded by Jeffrey Patterson, to issue citations in the following cases according to the recommendations by the Division of Enforcement:
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| a. 11 BAC 010 | f. 11 BAC 087 (2) |
| b. 11 BAC 051 | g. 11 BAC 088 (2) |
| c. 11 BAC 055 | h. 11 BAC 090 (2) |
| d. 11 BAC 079 (2) | i. 11 BAC 143 |
| e. 11 BAC 084 | |
- Motion carried unanimously.

ADMINISTRATIVE WARNINGS

- MOTION:** Jeffrey Patterson moved, seconded by Rod Gottfredsen, to issue administrative warnings in the following cases:
- | | |
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| a. 09 BAC 130 | b. 11 BAC 018 |
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- Motion carried unanimously.

APPLICATION REVIEW

- MOTION:** Rod Gottfredsen moved, seconded by Sue Kolve-Feehan, to deny licensure to Sau Thi Dinh under 454.15(2)(a) and under 454.13(1)(a) and request that Department staff notify other jurisdictions. Motion carried unanimously.

ADJOURNMENT

- MOTION:** Jeffrey Patterson moved, seconded by Rod Gottfredsen, to adjourn the meeting at 1:56 p.m. Motion carried unanimously.