



COSMETOLOGY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Erin Karow (608) 266-2112
February 5, 2018

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:30 AM

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes (4-6)**
 - 1. December 15, 2017
- C. Administrative Matters – Discussion and Consideration (7-13)**
 - 1. Election of Officers
 - 2. Appointment of Liaisons and Alternates
 - 3. Delegation of Authorities
 - 4. Board and Staff
- D. National-Interstate Council of State Boards of Cosmetology (NIC) Model Law**
- E. Legislative and Administrative Rule Matters – Discussion and Consideration**
 - 1. Update on Legislation and Pending and Possible Rulemaking Projects
- F. Speaking Engagements, Travel, or Public Relation Requests (14)**
 - 1. National-Interstate Council of State Board of Cosmetology 2018 Regional Conference in Charlotte, NC April 21-22, 2018 – Attendance Consideration
- G. Informational Items**
- H. Deliberation on Items Added After Preparation of Agenda**
 - 1. Introductions, Announcements and Recognition
 - 2. Election of Officers
 - 3. Appointment of Liaison(s)
 - 4. Delegation of Authorities
 - 5. Administrative Matters
 - 6. Education and Examination Matters
 - 7. Credentialing Matters
 - 8. Practice Matters
 - 9. Legislative and Administrative Rule Matters

10. Liaison Reports
11. Board Liaison Training and Appointment of Mentors
12. Informational Items
13. Division of Legal Services and Compliance (DLSC) Matters
14. Presentations of Petitions for Summary Suspension
15. Petitions for Designation of Hearing Examiner
16. Presentation of Stipulations, Final Decisions and Orders
17. Presentation of Stipulations and Interim Orders
18. Presentation of Proposed Final Decision and Orders
19. Presentation of Interim Orders
20. Petitions for Re-Hearing
21. Petitions for Assessments
22. Petitions to Vacate Orders
23. Requests for Disciplinary Proceeding Presentations
24. Motions
25. Petitions
26. Appearances from Requests Received or Renewed
27. Speaking Engagement(s), Travel, or Public Relation Request(s)

I. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), 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.).

J. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

1. **Case Closings**
 - a) 16 BAC 035 **(15-20)**
 - b) 17 BAC 023 **(21-24)**

K. Deliberation of Items Added After Preparation of the Agenda

1. Education and Examination Matters
2. Credentialing Matters
3. DLSC Matters
4. Monitoring Matters
5. Professional Assistance Procedure (PAP) Matters
6. Petitions for Summary Suspension
7. Petitions for Designation of Hearing Examiner
8. Proposed Stipulations, Final Decision(s) and Order(s)
9. Proposed Interim Orders
10. Administrative Warnings
11. Review of Administrative Warnings
12. Proposed Final Decisions and Orders
13. Orders Fixing Costs/Matters Related to Costs
14. Case Closings
15. Board Liaison Training
16. Petitions for Assessments and Evaluations
17. Petitions to Vacate Orders
18. Remedial Education Cases
19. Motions
20. Petitions for Re-hearings
21. Appearances from Requests Received or Renewed

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

M. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

NEXT MEETING: MARCH 26, 2018

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED
WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**COSMETOLOGY EXAMINING BOARD TELECONFERENCE
MEETING MINUTES
December 15, 2017**

PRESENT: Kristin Allison, Vicky McNally (*In-Person*), Lori Paul, Kim Rank, Gail Sengbusch, Denise Trokan

STAFF: Erin Karow, Executive Director; Emily Handel, Bureau Assistant; and other department staff.

CALL TO ORDER

Vicky McNally, Chair, called the meeting to order at 9:32 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- ***Additional Material: Closed Session – Under Item J ‘Monitoring Matters’***
 1. *Cornell Stallworth – Requesting Termination of Suspension*

MOTION: Vicki McNally moved, seconded by Lori Paul, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Denise Trokan moved, seconded by Kim Rank, to approve the minutes of September 11, 2017 as published. Motion carried unanimously.

**LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS – DISCUSSION AND
CONSIDERATION**

Scope Statement Request Relating to 2017 Act 81 and 2017 Act 82

MOTION: Vicky McNally moved, seconded by Lori Paul, to have the Board draft a scope statement to revise administrative code, chs. Cos 1 – 11 to comply with 2017 Wisconsin Act 81 and 2017 Wisconsin Act 82 and to update the rules. Motion carried unanimously.

MOTION: Kristin Allison moved, seconded by Denise Trokan, to delegate authority to the Chair to approve the Scope Statement revising administrative code, chs. Cos 1 – 11 to comply with 2017 Wisconsin Act 81 and 2017 Wisconsin Act 82, for submission to the Department of Administration and Governor’s Office and for publication. Additionally, the Board moves to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

Petition for Repeal of Rules under the Expedited Rule Repeal Process provided by 2017 Act 108

MOTION: Vicky McNally moved, seconded by Gail Sengbusch, to have the Board make a request of the Joint Committee for Review of Administrative Rules for authorization to repeal portions of administrative code chs. Cos 1-11, pursuant to 2017 Wisconsin Act 108, in order to bring the administrative rules into compliance with 2017 Wisconsin Act 81 and 2017 Wisconsin Act 82. Motion carried unanimously.

2017 Act 81

MOTION: Gail Sengbusch moved, seconded by Kim Rank, to delegate authority to Vicky McNally, to review all one-hour courses educating cosmetology applicants on the statutes and rules that apply to the practice, pursuant to Wis. Stat. § 454.13(1)(a). Motion carried unanimously.

2017 Act 82

MOTION: Vicky McNally moved, seconded by Denise Trokan, to delegate authority to DSPS Legal Counsel to review all disciplinary orders pertaining to cosmetology manager licenses and issue orders as necessary, which identifies the converted license number, pursuant to 2017 Wisconsin Act 82. Motion carried unanimously.

CLOSED SESSION

MOTION: Denise Trokan moved, seconded by Kristin Allison, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss.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.). Vicky McNally, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kristin Allison-yes; Vicky McNally-yes; Lori Paul-yes; Kim Rank-yes; Gail Sengbusch-yes; Denise Trokan-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:45 a.m.

RECONVENE TO OPEN SESSION

MOTION: Kristin Allison moved, seconded by Lori Paul, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 11:37 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Kim Rank moved, seconded by Denise Trokan, to affirm all motions made in closed session. Motion carried unanimously.

Monitoring Matters

Cornell Stallworth – Requesting Termination of Suspension

MOTION: Lori Paul moved, seconded by Kristin Allison, to grant the request of Cornell Stallworth for termination of suspension. The Board has determined that should Cornell Stallworth apply for renewal of his license, that limitations upon that license are necessary to ensure the protection of the public health safety and welfare. Motion carried unanimously.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Case Closings

MOTION: Vicky McNally moved, seconded by Denise Trokan, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 15 BAC 089 (G.C.) – Insufficient Evidence
2. 16 BAC 017 (B.C.) – Prosecutorial Discretion (P3)
3. 17 BAC 047 (O.C., J.M.) – Prosecutorial Discretion (P2)

Motion carried unanimously.

Proposed Final Decisions and Orders

15 BAC 089 & 16 BAC 017 – Gaulien L. Smith & Gees Clippers

MOTION: Gail Sengbusch moved, seconded by Kim Rank, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Gaulien L. Smith and Gees Clippers, DLSC Case Numbers 15 BAC 089 & 16 BAC 017. Motion carried unanimously.

ADJOURNMENT

MOTION: Gail Sengbusch moved, seconded by Denise Trokan, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:40 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Laura Smith, Bureau Assistant, on behalf of Erin Karow, Executive Director		2) Date When Request Submitted: 11/24/17 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board			
4) Meeting Date: 2/5/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters/Updates 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) Delegation of Authorities	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A
10) Describe the issue and action that should be addressed: 1) The Board should conduct Election of its Officers for 2018 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider continuation or modification of previously delegated authorities			
11) Authorization <div style="display: flex; justify-content: space-between;"> <i>Laura Smith</i> 11/24/2017 </div> <hr/> <div style="display: flex; justify-content: space-between;"> Signature of person making this request Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (if required) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </div> <hr/> <div style="background-color: #f0f0f0; padding: 5px;"> Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. </div>			

February 6, 2017 Election Results

2017 ELECTION RESULTS	
Board Chair	Vicky McNally
Vice Chair	Kristin Allison
Secretary	Gail Sengbusch

LIAISON APPOINTMENTS

2017 LIAISON APPOINTMENTS	
Credentialing Liaisons	Kristin Allison Alternate – Gail Sengbusch
Office of Education and Examinations Liaison	Vicky McNally Alternate – Lori Paul
Monitoring and Professional Assistance Procedure (PAP) Liaison	Gail Sengbusch Alternate – Denise Trokan
Screening Panel	Vicky McNally, Gail Sengbusch
Legislative Liaison	Vicky McNally Alternate – Lori Paul
Travel Liaison	Vicky McNally Alternate – Kristin Allison
Screening Panel	Vicky McNally, Gail Sengbusch

MOTION: Lori Paul moved, seconded by Denise Trokan, to affirm the Chair's appointment of liaisons for 2017. Motion carried unanimously.

DELEGATION MOTIONS

Delegated Authority for Urgent Matters

MOTION: Vicky McNally moved, seconded by Lori Paul, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Vicky McNally moved, seconded by Denise Trokan, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Lori Paul moved, seconded by Gail Sengbusch, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Denise Trokan moved, seconded by Vicky McNally, to delegate authority to the Credentialing Liaisons to make all credentialing decisions. Motion carried unanimously.

MOTION: Gail Sengbusch moved, seconded by Denise Trokan, to authorize and delegate to DSPS attorneys and paralegals to make decisions regarding conviction review approving credentials according to Wis. Stats. §454.06. All potential denials will be reviewed by the Credentialing Liaison. Motion carried unanimously.

Monitoring Delegations

MOTION: Kristin Allison moved, seconded by Gail Sengbusch, to adopt the ‘Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor; document as presented. Motion carried unanimously.


Travel Delegation

MOTION: Lori Paul moved, seconded by Gail Sengbusch, to delegate authority to approve any Board Member travel to the Travel Liaison. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Denise Trokan moved, seconded by Kristin Allison, to delegate authority to the Legislative Liaison to speak on behalf of the Board regarding any legislation regarding cosmetology that is drafted or introduced during the 2017 – 2019 Legislative Session. Motion carried unanimously.

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ashley Ayres Monitoring and Intake Supervisor Division of Legal Services and Compliance		2) Date When Request Submitted: December 18, 2017 Items will be considered late if submitted after 4:30 p.m. and less than: ■ 10 work days before the meeting for Medical Board ■ 14 work days before the meeting for all others	
3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board			
4) Meeting Date: February 5, 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Appointment of Monitoring Liaison and Delegated Authority Motion	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Adopt or reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet.			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  Signature of person making this request </div> <div style="text-align: center;"> December 18, 2017 Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> Supervisor (if required) </div> <div style="text-align: center;"> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="text-align: center;"> Date </div> </div>			
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Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.
8. Grant or deny a request to appear before the Board/Section in closed session.
9. *(Except Pharmacy)* Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.
10. *(Except Pharmacy)* Grant Respondent’s petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison.
 - a. Year 1: 49 screens (including 1 hair test, if required by original order)
 - b. Year 2: 36 screens (plus 1 hair test, if required by original order)
 - c. Year 3: 28 screens plus 1 hair test
 - d. Year 4: 28 screens plus 1 hair test
 - e. Year 5: 14 screens plus 1 hair test
11. *(Dentistry only)* – Ability to approve or deny all requests from a respondent.

Current Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
 2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.
 3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
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Proposed (New) Delegations to the Monitoring Liaison

The Monitoring Unit is proposing the following additions to the Monitoring Liaison's authority:

1. Board Monitoring Liaison may determine whether Respondent's petition is eligible for consideration by the full Board/Section.
2. Board Monitoring Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Erin Karow, Executive Director on behalf of the Chair, Vicky McNally		2) Date When Request Submitted: November 2 nd , 2017 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board			
4) Meeting Date: 02/05/2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagements, Travel, or Public Relation Requests – Discussion and Consideration 1) National-Interstate Council of State Boards of Cosmetology 2018 Regional Conference in Charlotte, NC from April 21-22, 2018	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: None	
10) Describe the issue and action that should be addressed: The board will make a motion to delegate a member to travel, speak, and vote (if necessary) at the National-Interstate Council of State Boards of Cosmetology 2018 Regional Conference in Charlotte, NC from April 21-22, 2018.			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <i>Erin Karow</i> </div> <div style="width: 35%; text-align: right;"> 11/2/2018 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Signature of person making this request</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 35%; text-align: right;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 35%; text-align: right;">Date</div> </div>			
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