



**TELECONFERENCE/VIRTUAL
COSMETOLOGY EXAMINING BOARD
Room Virtual, 4822 Madison Yards Way, Madison
Contact: Christian Albouras (608) 266-2112
May 22, 2020**

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 (1-4)**
- B. Approval of Minutes of June 4, 2018 (5-7)**
- C. Introductions, Announcements and Recognition**
- D. Conflicts of Interest**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Annual Policy Review **(8)**
 - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(9-15)**
 - 4) 2020 Meeting Dates **(16)**
 - 5) Board Members – Term Expiration Dates
 - a. Kayla Cwojdinski – 7/1/2020 (Replaced: Rank)
 - b. Georgiana Halverson – 7/1/2023 (Replaced: Paul)
 - c. Ann Hoepfner – 7/1/2023 (Replaced: Sengbusch)
 - d. Megan Jackson – 7/1/2023 (Replaced: Trokan)
 - e. Kristin Lee – 7/1/2023 (Replaced: Steuber)
 - f. Vicky McNally – 7/1/2020
 - g. Daisy Quintal – 7/1/2023 (Replaced: Allison)
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Administrative Rule Matters – Discussion and Consideration (17-18)**
 - 1) Rules Process Overview **(19)**
 - 2) Adoption Order for CR 18-031, Rule Repeal **(20-21)**
 - 3) Scope Statement (SS 022-18) for Cos 1 to 11, Relating to Cosmetology Licensure, Continuing Education, and Practice Outside of a Licensed Establishment **(22-23)**

- 4) Code Change Request Relating to Increasing Required Hours for Aesthetics and Manicuring Training Programs **(24-27)**
- 5) Pending and Possible Rulemaking Projects

H. COVID-19 – Discussion and Consideration

- 1) Apprenticeship Hours
- 2) Temporary Work Permits
- 3) Distance Learning
- 4) Back-to-Work Guidelines
- 5) Testing (Practical and Written)

I. Communication to Licensees and Other Stakeholders – Discussion and Consideration

- 1) Communication Resources

J. Deliberation on Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Election of Officers, Appointment of Liaison(s), Delegation of Authorities
- 3) Administrative Matters
- 4) Education and Examination Matters
- 5) Credentialing Matters
- 6) Practice Matters
- 7) Legislative and Policy Matters
- 8) Administrative Rule Matters
- 9) Liaison Reports
- 10) Board Liaison Training and Appointment of Mentors
- 11) Informational Items
- 12) Division of Legal Services and Compliance (DLSC) Matters
- 13) Presentations of Petitions for Summary Suspension
- 14) Petitions for Designation of Hearing Examiner
- 15) Presentation of Stipulations, Final Decisions and Orders
- 16) Presentation of Stipulations and Interim Orders
- 17) Presentation of Proposed Final Decision and Orders
- 18) Presentation of Interim Orders
- 19) Petitions for Re-Hearing
- 20) Petitions for Assessments
- 21) Petitions to Vacate Orders
- 22) Requests for Disciplinary Proceeding Presentations
- 23) Motions
- 24) Petitions
- 25) Appearances from Requests Received or Renewed
- 26) Speaking Engagement(s), Travel, or Public Relation Request(s)

K. 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.).

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

- 1) **Stipulations, Final Decisions and Orders**
 - a) 17 BAC 013 – Thao T. Do **(28-33)**

- b) 17 BAC 014 – Van D. Vo **(34-39)**
- c) 17 BAC 014 – Van T. Nguyen **(40-45)**
- d) 17 BAC 040 – Anh M. Chau and AA Nails **(46-52)**
- e) 17 BAC 054 – Sarah Juszczak **(53-57)**
- f) 17 BAC 085 – Duyen Vo **(58-62)**

2) Administrative Warnings

- a) 17 BAC 109 – B.J.G. **(63-64)**
- b) 17 BAC 109 – S. **(65-66)**

3) Case Closings

- a) 17 BAC 004 – K.S., A.N.S. **(67-70)**
- b) 17 BAC 013 – L.A.N.M. **(71-78)**
- c) 17 BAC 014 – P.N. **(79-84)**
- d) 17 BAC 018 – L.N.S. **(85-90)**
- e) 17 BAC 033 – T.T.P., P.P.P., N.A.T., S.N.S. **(91-98)**
- f) 17 BAC 063 – P.N., P.N., V.N.H., M.V., K.T.H. **(99-105)**
- g) 17 BAC 066 – V.N. & P.N.C. **(106-109)**
- h) 17 BAC 089 – S.T., J.M.K., M.M.K. **(110-114)**
- i) 17 BAC 092 – P.H.D.N., E.N. **(115-119)**
- j) 17 BAC 094 – S.C.W.I. **(120-127)**
- k) 17 BAC 114 – G.N.B. **(128-125)**
- l) 17 BAC 116 – A.A.C., S.H.B. **(126-131)**
- m) 18 BAC 007 – R.B.S., R.B.S., R.B.H.C. **(132-137)**
- n) 18 BAC 012 – E.T.G. **(138-141)**
- o) 18 BAC 013 – J.M.F. **(142-145)**
- p) 18 BAC 034 – X.T.L., L.N.S. **(146-150)**
- q) 18 BAC 036 – R.V. **(151-156)**
- r) 18 BAC 050 – S.R.S., S.C.W.I. **(157-161)**
- s) 18 BAC 070 – K.S., A.N.S. **(162-166)**
- t) 18 BAC 081 – C.W.S., H.W.C., H. **(167-170)**
- u) 18 BAC 085 – V.H., V.N.S. **(171-175)**
- v) 18 BAC 093 – M.N.M., D.M.C.R., M.T.&S. **(176-180)**

4) Monitoring Matters

- a) Cornell Stallworth – Requesting Reinstatement of Full Licensure **(181-209)**

M. 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

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

P. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: JUNE 15, 2020

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 4822 Madison Yards Way, 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, or the Meetings Staff at 608-266-5439.

**COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
June 4, 2018**

PRESENT: Vicky McNally, Lori Paul, Kim Rank (*via GoToMeeting*), Gail Sengbusch, Denise Trokan (*via GoToMeeting and arrived at 10:28 a.m.*)

STAFF: Erin Karow, Executive Director; Kate Stolarzyk, Bureau Assistant; and other Department staff.

CALL TO ORDER

Vicky McNally, Chair, called the meeting to order at 10:05 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Gail Sengbusch moved, seconded by Lori Paul, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Gail Sengbusch moved, seconded by Kim Rank, to approve the minutes of March 26, 2018 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Board and Staff Updates

MOTION: Vicky McNally moved, seconded by Lori Paul, to thank and honor Gail Sengbusch for her service to the Cosmetology Examining Board. Motion carried unanimously.

SECRETARY

NOMINATION: Gail Sengbusch nominated Denise Trokan for the Office of Secretary.

Erin Karow called for nominations three (3) times.

Denise Trokan was elected as Secretary by unanimous consent.

(Denise Trokan arrived at 10:28 a.m.)

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

Petition Letter for Repeal of Rules under the Expedited Rule Process Relating to Continuing Education

MOTION: Lori Paul moved, seconded by Denise Trokan, to approve the Petition for Authorization to repeal Cos 9.01(3) and Ch. Cos 11, and to amend Cos 9.02, relating to Continuing Education, for submission to the Co-Chairpersons of Joint Committee for Review of Administrative Rules. Motion carried unanimously.

CLOSED SESSION

MOTION: Lori Paul moved, seconded by Denise Trokan, 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.). The Chair read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: 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 12:43 p.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 12:51 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Lori Paul moved, seconded by Vicky McNally, to affirm all motions made in closed session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

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

Deliberation on Proposed Final Decision and Order of Default

17 BAC 009– Tia Saipanya

MOTION: Lori Paul moved, seconded by Denise Trokan, to adopt the Proposed Decision and Order of Default in the matter of disciplinary proceedings against Tia Saipanya, DLSC Case Number 17 BAC 009. Motion carried unanimously.

Case Closings

MOTION: Lori Paul moved, seconded by Kim Rank, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 17 BAC 012 – K.S. – Insufficient Evidence
 2. 17 BAC 026 – C.H. – Insufficient Evidence
 3. 17 BAC 035 – A.N. – Insufficient Evidence
 4. 17 BAC 042 – G.T. – No Violation
 5. 17 BAC 068 – Q.T. – Prosecutorial Discretion (P5-Flag)
- Motion carried unanimously.

ADJOURNMENT

MOTION: Lori Paul moved, seconded by Vicky McNally, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:52 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted: 1/7/2020 <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: All Boards			
4) Meeting Date:	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
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: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum – Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting, we ask that you let us know ASAP as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. DSPS Boards-Open Meetings Resources 2. Walking Quorum – Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. DSPS Boards-Open Meetings Resources 3. Agenda Deadlines – Please let your executive Director know if you have items to be considered on an upcoming agenda no less than 8 business days prior to a meeting when possible. DSPS Boards-Reference Materials-Meeting Timeline 4. Travel Voucher and Per Diem Submissions – Please submit all Per Diem and Reimbursement Claims to DSPS within 30 days of date an expense is incurred. DSPS Boards-Travel and Reimbursement-Travel and Reimbursement Overview 5. Lodging Accommodations/Hotel Cancellation Policy – Lodging accommodations are provided to members who must leave home before 6:00 a.m. to attend a meeting. If you cannot attend a meeting it is the board member’s responsibility to cancel their reservation within the stated cancellation timeframe. If a meeting is changed to a teleconference or cancelled or rescheduled, DSPS staff will make lodging cancellations or modifications as needed. DSPS Boards-Travel and Reimbursement-Travel and Reimbursement Overview 6. Inclement Weather Policy – In the event of inclement weather the agency may change a meeting from an in-person meeting to a teleconference. 			
11) Authorization			
<i>Kimberly Wood</i>		1/7/2020	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 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. 			

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Megan Glaeser, Bureau Assistant		2) Date When Request Submitted: March 19, 2020 <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: March 30, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters: 1) Election of Officers, Appointment of Liaisons and Alternates, and 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 2020. 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			
Megan Glaeser <hr/> Signature of person making this request		March 19, 2020 <hr/> Date	
<hr/> Supervisor (if required)		<hr/> Date	
<hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
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.			

Cosmetology Examining Board 2018 Officers, Liaisons, and Authorities

2018 ELECTION RESULTS	
Board Chair	Vicky McNally
Vice Chair	Lori Paul
Secretary	Gail Sengbusch
2018 LIAISON APPOINTMENTS	
Credentialing Liaisons	Kim Rank Alternate –Lori Paul
Monitoring and Professional Assistance Procedure (PAP) Liaison	Vicky McNally Alternate – Denise Trokan
Office of Education and Examinations Liaison	Vicky McNally Alternate – Lori Paul
Legislative Liaison	Vicky McNally Alternate – Lori Paul
Travel Liaison	Vicky McNally Alternate – Kim Rank
Screening Panel	Vicky McNally, Denise Trokan

Document Signature Delegation

MOTION: Lori Paul moved, seconded by Kim Rank, to delegate authority to the Chair, 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.

Delegated Authority for Urgent Matters

MOTION: Gail Sengbusch moved, seconded by Denise Trokan, that, in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chair, or in the absence of the Chair, the highest-ranking officer or longest serving board member in that succession, to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Monitoring Delegations

MOTION: Denise Trokan moved, seconded by Lori Paul, to adopt the ‘Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor; document as presented. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

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

Delegation of Authority to DSPS When Rule and Statute Criteria is Met

MOTION: Vicky McNally moved, seconded by Gail Sengbusch, to delegate credentialing authority to DSPS to act upon applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Delegation of Authority to DSPS for Conviction Reviews

MOTION: Lori Paul moved, seconded by Vicky McNally, to authorize and delegate the DSPS attorneys and paralegals to make decisions regarding conviction reviews approving credentials according to Wis. Stats. §454.06. All potential denials will be reviewed by the Credentialing Liaison. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Vicky McNally moved, seconded by Gail Sengbusch, 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.

Voluntary Surrenders

MOTION: Lori Paul moved, seconded by Denise Trokan, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender

of a license by a licensee who has a pending complaint or disciplinary matter per Wis. Stat. § 440.19. Motion carried unanimously.

Education Delegations

MOTION: Vicky McNally moved, seconded by Kim Rank, to delegate authority to the Office of Education and Examination Liaison(s), to address all issues related to education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Bodies

MOTION: Vicky McNally moved, seconded by Lori Paul, to authorize Department staff to provide national regulatory bodies with all Board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Lori Paul moved, seconded by Vicky McNally, to designate the Chair, chief presiding officer, or longest serving member of the Board, by order of succession, to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Lori Paul moved, seconded by Gail Sengbusch, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

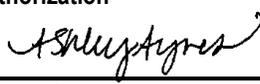
MOTION: Vicky McNally moved, seconded by Denise Trokan, to delegate authority to approve any Board Member travel to the Travel Liaison. Motion carried unanimously.

Occupational Licensure Study Liaison

MOTION: Vicky McNally moved, seconded by Gail Sengbusch, to designate Lori Paul as the Board's liaison to represent and speak on behalf of the Board regarding occupational license review and related matters. Motion carried unanimously.

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

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 31, 2019 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 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: January 27, 2020	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 Authorities	
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: 1. Appoint primary and alternate Monitoring liaisons. 2. Adopt or reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet. 3. Delegate authority to Board Counsel to sign Monitoring orders on behalf of the Board/Section, after the Board/Section has taken action on Monitoring agenda items. <i>Current practice is for Department Monitors to draft Monitoring orders after Board meetings, send them to Board Counsel for review, and then send them to the Executive Director for subsequent review and signature. With the new proposed process, Department Monitors would only send their orders to Board Counsel for review and signature, eliminating the need for a second review by the Executive Director.</i>			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  <hr/> Signature of person making this request </div> <div style="text-align: center;"> December 31, 2019 <hr/> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> Supervisor (if required) <hr/> Supervisor (if required) </div> <div style="text-align: center;"> Date <hr/> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="text-align: center;"> Date <hr/> Date </div> </div>			
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.			

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. Board Monitoring Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
10. (*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.
11. (*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

12. (*Dentistry only*) – Ability to approve or deny all requests from a respondent.

13. (*Except Nursing*) – Board Monitoring Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Megan Glaeser, Bureau Assistant		2) Date When Request Submitted: March 19, 2020 <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: March 30, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2020 Meeting Dates	
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: Please review the finalized 2020 meeting date/s. Any conflicts should be identified so to ensure quorum. 3/30/2020 6/15/2020 8/17/2020 11/2/2020			
11) Authorization			
Megan Glaeser		March 19, 2020	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
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.			

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

AGENDA REQUEST FORM

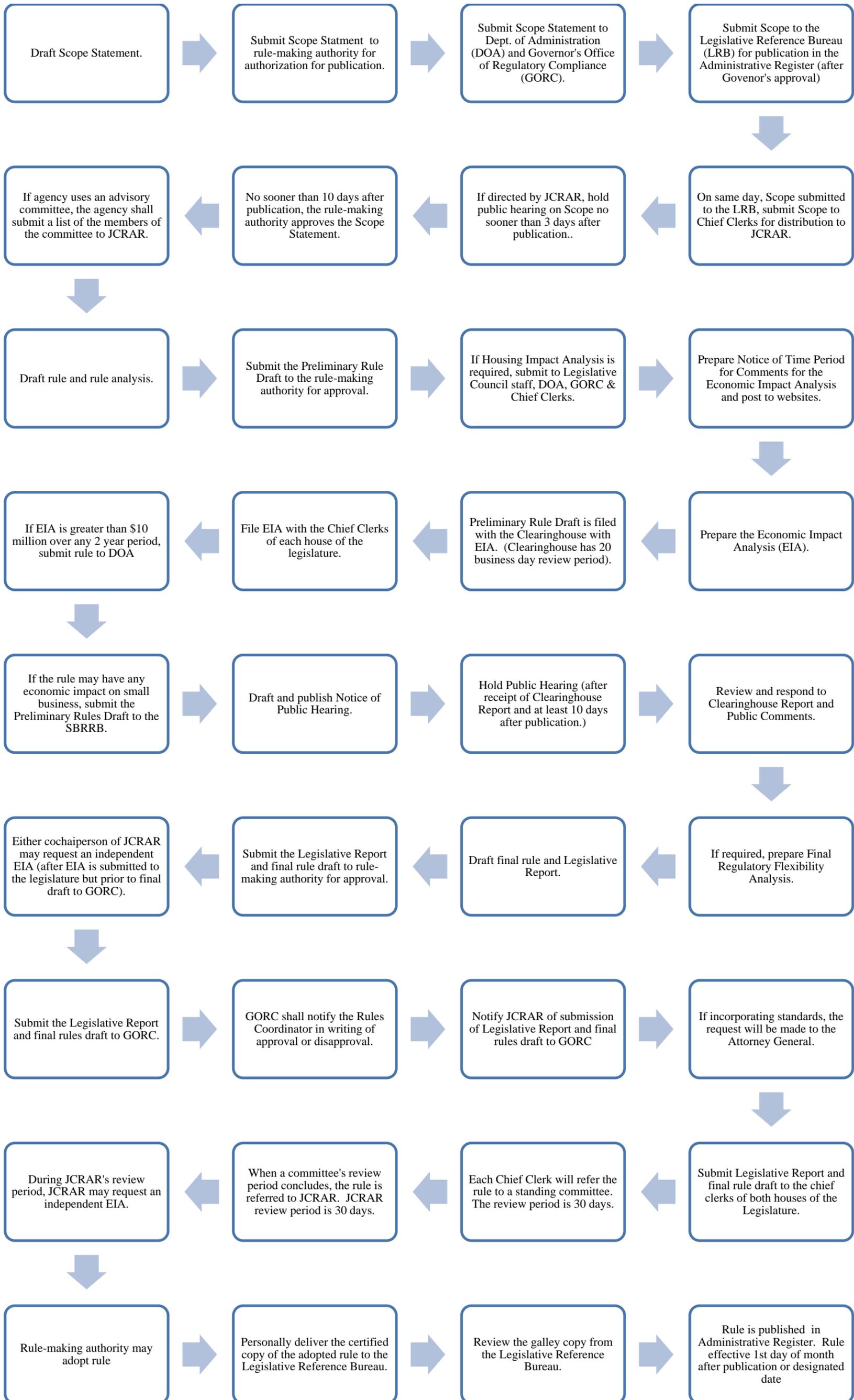
1) Name and title of person submitting the request: Jon Derenne, Administrative Rules Coordinator		2) Date when request submitted: May 11, 2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board			
4) Meeting Date: May 22, 2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. Rules process overview. 2. Adoption Order for CR 18-031 relating to cosmetology continuing education. 3. Scope statement for Cos 1 to 11 relating to Cosmetology licensure, continuing education, and practice outside of a licensed establishment. 4. Code change request relating to increasing required hours for aesthetics and manicuring training programs. 5. Pending and possible rulemaking projects.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1. Brief overview of the rulemaking process. 2. Discuss and execute adoption order for CR 18-031 relating to cosmetology continuing education. This rule project repeals references to continuing education within Cos 9 and 11 as 2017 Wisconsin Act 81 eliminated the board's authority to require continuing education other than to show competency as part of the disciplinary process. 3. Discuss scope statement for Cos 1 to 11 relating to Cosmetology licensure, continuing education, and practice outside of a licensed establishment. 4. Code change suggestion from a member of the public relating to increasing the number of training hours required for aesthetics training program from 450 to 600 hours and for a manicuring program from 300 to 500 or 600 hours.			
11) Authorization			
<i>Jon Derenne</i>		May 11, 2020	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

State of Wisconsin
Department of Safety & Professional Services

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PERMANENT RULE PROMULGATION



¹ A scope expires 30 months after the date on which it is published in the register. After it expires, an agency may not submit a proposed rule based upon that scope to the legislature for review and any rule that has not been submitted to the legislature for review before that date shall be considered withdrawn.

STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : COSMETOLOGY EXAMINING BOARD
COSMETOLOGY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 18-031)

On July 19, 2018, the Joint Committee for Review of Administrative Rules approved a petition to repeal rules using the process under s. 227.26 (4), Stats.

ORDER

An order of the Cosmetology Examining Board to repeal Cos 9.01 (3), and Ch. 11; and to amend Cos 9.02, relating to cosmetology continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 454.12, Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) (a), Stats., and 2017 Wisconsin Act 81

Explanation of agency authority: Pursuant to ss. 15.08 (5) (b) and 227.11 (2) (a), Stats., the Cosmetology Examining Board is empowered by the legislature to promulgate rules that will provide guidance within the profession and to interpret the statutes it administers. 2017 Act 81 repealed the authority to require continuing education outside of the disciplinary process.

Related statute or rule: s. 454.265, Stats., Wisconsin Administrative Code, chs. Cos 1 to 11

Plain language analysis: The Cosmetology Examining Board is updating the rules governing the practice of cosmetology based upon passage of 2017 Wisconsin Act 81. Act 81 eliminates the cosmetology continuing education requirement. This update eliminates or amends references to continuing education in chs. Cos 9 and 11 of the Wisconsin Administrative Code consistent with the requirements of 2017 Wisconsin Act 81. The Board has determined that these rules are unauthorized rules and seeks their repeal under s. 227.26 (4), Stats.

Agency contact person: Jon Derenne, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

Section 1. Cos 9.01 (3) is repealed.

Section 2. Cos 9.02 is amended to read:

Cos 9.02. If the application for renewal is filed less than 5 years after the expiration of the applicant's last license, the applicant shall ~~comply with the continuing education requirements in s. Cos 11.03,~~ and pay the late renewal fee in s. 440.08 (3) (a), Stats.

Section 3. Cos 11 is repealed.

Section 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Chairperson
Cosmetology Examining Board

STATEMENT OF SCOPE

Cosmetology Examining Board

Rule No.: COS 1 to 11

Relating to: Cosmetology licensure, continuing education, and practice outside of a licensed establishment

Rule Type: Permanent

1. Finding/nature of emergency:

N/A

2. Detailed description of the objective of the proposed rule:

The purpose of this rule is to revise the Cosmetology Examining Board's administrative code in light of statutory changes made by 2017 Wisconsin Act 81, 2017 Wisconsin Act 82, and 2019 Wisconsin Act 143. The board will also review and possibly update the rules to make them consistent with current industry, regulatory, and academic practices. Finally, the board will consider revisions to enhance usability for stakeholders, and ensure the rules conform to current drafting standards.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

2017 Wisconsin Act 81 eliminates continuing education requirements for licensed cosmetologists, aestheticians, electrologists, and manicurists, but allows the Cosmetology Examining Board to require continuing education for a licensee as a part of a disciplinary process to ensure competency. The Act eliminates the required 4,000 hours of experience for applicants who have a credential in another jurisdiction in order to apply for a Wisconsin license. Under the Act, a currently licensed out-of-state applicant is required to complete a one-hour course on the Wisconsin statutes and administrative rules that apply to their practice. The Act also requires notification to all current Wisconsin license holders of the changes to the statutes and rules.

2017 Wisconsin Act 82 eliminates the cosmetologist, aesthetician, electrologist, and manicurist manager license. Act 82 also allows the practice of cosmetology, aesthetics, electrology, and manicuring outside of a licensed establishment under certain circumstances, and requires the Cosmetology Examining Board to promulgate rules relating to the practice of these professions outside of a licensed establishment.

2019 Wisconsin Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential in Wisconsin if the person resides in Wisconsin and holds a credential in good standing granted by a different jurisdiction. The credential can be renewed indefinitely.

Not updating the rules would leave the administrative code in a state of non-conformity to current statutory requirements.

4. Detailed explanation of statutory authority for the rule:

Section 15.08 (5) (b), Stats., provides examining boards "[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

Section 227.11 (2) (a), Stats., discusses the parameters of an agency's rule-making authority, stating an agency, "...may promulgate rules interpreting provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute. . ."

Section 454.08 (1) (ag) 1, Stats., states that "[t]he examining board shall promulgate rules permitting the practice of electrology outside of a licensed establishment. (2) The examining board shall promulgate rules permitting the use of a chemical process in the practice of cosmetology, aesthetics, or manicuring outside of a licensed establishment, except that the examining board may not promulgate any rule that restricts the use of a chemical process in cutting or styling hair in the practice of cosmetology or applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics in the practice of aesthetics."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The staff time needed to develop the rules is expected to be about 100 hours. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

6. List with description of all entities that may be affected by the proposed rule:

Licensed cosmetologists, aestheticians, electrologists, and manicurists and those seeking Wisconsin licensure as a cosmetologist, aesthetician, electrologist or manicurist from another state.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

There are no existing or proposed federal requirements.

8. Anticipated economic impact of implementing the rule:

None to minimal.

Contact Person:

Jon Derenne, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov, or via telephone at (608) 266-0955.

Approved for Publication:

Chairperson

Date Submitted



Code Change Proposal Form

Department of Safety and Professional Services

Division of Policy Development

Code section number: _____

Topic: _____

A. Proposed change:

B. Justification: (Use page 2 or attach a separate page.)

1. Describe the problem this proposed change would address. Include information to substantiate that a problem exists.
2. What is the extent of the problem?
How often does it occur and who does it affect?
3. What will happen if this change is not made?
4. What costs, in terms of time and money, are associated with implementing this change?

Name of person submitting form: _____

Organization: _____

Address: _____

Phone Number: _____

Email Address: _____

**Send completed form to:
DSPSAdminRules@Wisconsin.gov**

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Code Change Proposal Form

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