



**VIRTUAL/TELECONFERENCE
COSMETOLOGY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
March 29, 2021**

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 of January 25, 2021 (4-9)**
- C. Introductions, Announcements and Recognition**
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) Board Members – Term Expiration Dates
- F. Public Agenda Requests – Discussion and Consideration**
 - 1) Regulating the Application of Eyelash Extensions **(10-11)**
 - 2) Changing the Title of Manicurist to Nail Technician **(12)**
- G. Legislative and Policy Matters – Discussion and Consideration
- H. Administrative Rule Matters – Discussion and Consideration (13)**
 - 1) Update on Final Rule Draft: Cos 1-11, Relating to Cosmetology Licensure and Practice Outside of a Licensed Establishment
 - 2) Preliminary Rule Draft – Cos 2, 3, 5, and 8, Relating to Scope of Practice, Mobile Establishments, and Distance Learning – Emergency and Permanent Rules
 - 3) Update on Administrative Rules Report Under s. 227.29
 - 4) Pending and Possible Rulemaking Projects
- I. COVID-19 – Discussion and Consideration**
- 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) **Proposed Final Decisions and Orders**
 - a) 18 BAC 037 – Ba T. Le **(14-19)**
 - b) 18 BAC 061 – Kin S. Tran **(20-25)**
 - c) 18 BAC 061 – Nini K. Tran, Nini Nails **(26-32)**
- 2) **Case Closings**
 - a) 19 BAC 007 – H.G.B.C. **(33-37)**
 - b) 19 BAC 037 – B.S.S. **(38-42)**
 - c) 19 BAC 075 – D.M.L., D.E.H., T.B.A.H.S.F.M. **(43-47)**
 - d) 19 BAC 089 – P.M.S., P.L. **(48-53)**
 - e) 20 BAC 025 – A.T.T.H., H.N. **(54-58)**

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 14, 2021

 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. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
JANUARY 25, 2021**

PRESENT: Kayla Cwojdzinski, Georgiana Halverson, Ann Hoepner, Megan Jackson, Vicky McNally (*excused at 10:45 a.m.*), Daisy Quintal

EXCUSED: Kristin Lee

STAFF: Valerie Payne, Acting Executive Director; Adam Barr, Executive Director; Jameson Whitney, Legal Counsel; Dale Kleven, Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff.

CALL TO ORDER

Vicky McNally, Chairperson, called the meeting to order at 9:33 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: Ann Hoepner moved, seconded by Megan Jackson, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 2, 2020

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to approve the Minutes of November 2, 2020 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Vicky McNally nominated Megan Jackson for the Office of Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Megan Jackson was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Vicky McNally nominated Georgiana Halverson for the Office of Vice Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Georgiana Halverson was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Georgianna Halverson nominated Ann Hoeppepner for the Office of Secretary.

NOMINATION: Vicky McNally nominated Kayla Cwojdzinski for the Office of Secretary.

Valerie Payne, Executive Director, called for nominations three (3) times.

Roll Call Vote: Kayla Cwojdzinski - Kayla Cwojdzinski, Georgiana Halverson- Ann Hoeppepner, Ann Hoeppepner- Ann Hoeppepner, Megan Jackson- Kayla Cwojdzinski, Vicky McNally- Kayla Cwojdzinski, Daisy Quintal- Kayla Cwojdzinski

Kayla Cwojdzinski was elected as Secretary by majority roll call vote.

ELECTION RESULTS	
Chairperson	Megan Jackson
Vice Chairperson	Georgianna Halverson
Secretary	Kayla Cwojdzinski

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaisons	Georgianna Halverson <i>Alternate:</i> Kayla Cwojdzinski
Monitoring and Professional Assistance Procedure (PAP) Liaison	Kayla Cwojdzinski <i>Alternate:</i> Daisy Quintal
Education and Examinations Liaison	Megan Jackson <i>Alternate:</i> Ann Hoeppepner
Legislative Liaison	Megan Jackson <i>Alternate:</i> Georgianna Halverson
Travel Liaison	Daisy Quintal <i>Alternate:</i> Georgianna Halverson
Screening Panel	Georgianna Halverson, Daisy Quintal Megan Jackson

Delegation of Authorities

Document Signature Delegations

MOTION: Kayla Cwojdzinski moved, seconded by Ann Hoepner, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Megan Jackson moved, seconded by Ann Hoepner, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, 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.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Ann Hoepner moved, seconded by Daisy Quintal, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Monitoring Delegations

MOTION: Kayla Cwojdzinski moved, seconded by Daisy Quintal, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the January 25, 2021 agenda materials on pages 14-15. Motion carried unanimously.

MOTION: Ann Hoepner moved, seconded by Megan Jackson, to delegate to Board Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Generic)

MOTION: Ann Hoepner moved, seconded by Georgianna Halverson, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to

credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Daisy Quintal moved, seconded by Ann Hoepfner, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Department Attorneys and Paralegals to make decisions regarding applications according to Wis. Stat. § 454.06(1)(b). Motion carried unanimously.

Delegation to DSPS When Applicant's History Has Been Previously Reviewed

MOTION: Ann Hoepfner moved, seconded by Georgianna Halverson, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous Cosmetology credential and there is no new conviction record. Motion carried unanimously.

Delegation of Authority for Reciprocity/Endorsement Reviews

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to delegate authority to the Department Attorneys to review and approve reciprocity/endorsement applications in which the out of state services are substantially equivalent to those in Wisconsin. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Voluntary Surrenders

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender

pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to delegate authority to the 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 Related Bodies

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that 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: Daisy Quintal moved, seconded by Kayla Cwojdzinski, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Liaison(s) Delegation

MOTION: Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Travel Liaison(s) to approve any board member travel. Motion carried unanimously.

(Vicky McNally was excused at 10:45 a.m.)

CLOSED SESSION

MOTION: Daisy Quintal moved, seconded by Ann Hoepfner, 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.). Megan Jackson, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call

Vote: Kayla Cwojdzinski -yes; Georgiana Halverson-yes; Ann Hoepner-yes; Megan Jackson-yes; and Daisy Quintal-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:21 a.m.

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

Case Closings

MOTION: Ann Hoepner moved, seconded by Megan Jackson, to close the following DLSC Cases for the reasons outlined below:

1. 18 BAC 008 – R.S. – Prosecutorial Discretion (P5)
2. 18 BAC 075 – C.M.B.R., F.I.H.S. – Insufficient Evidence
3. 20 BAC 033 – J.A.F., J.B.B.B. – No Violation

Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Ann Hoepner moved, seconded by Daisy Quintal, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 11:29 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Ann Hoepner moved, seconded by Daisy Quintal, to affirm all motions made and votes taken 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.)

ADJOURNMENT

MOTION: Ann Hoepner moved, seconded by Daisy Quintal, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:31 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Adam Barr, Executive Director on behalf of Hannah Ostman		2) Date when request submitted: 3/24/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting																
3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board																		
4) Meeting Date: 3/29/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Eyelash Extensions – Discussion and Consideration																
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: Discussion of whether to regulate the practice of eyelash extensions.																		
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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. 																		

-----Original Message-----

From: Hannah Ostman

Sent: Friday, March 19, 2021 4:37 PM

To: DSPS

Subject: Eyelash Extensions

Hi,

I am a licensed cosmetologist who performs eyelash extensions. I would like to know why Wisconsin has yet to require a cosmetology/esthetician/medical license to perform this service. I take pride in my work and uphold the health and safety of my clients. I think it's ridiculous that any Joe Schmoe can start doing eyelash extensions after watching a few you tube videos. I have seen first hand harm caused to clients by this. It is abhorrent. Wisconsin is 1 of 6 states that DO NOT require any sort of training in safety and sanitation or the study of hair/skin to perform a service that works so closely to the eye and with the eyelashes. With SHARP IMPLEMENTS. DANGEROUS CHEMICAL ADHESIVES AND ADHESIVE REMOVER. I TOUCH my clients. I have to deal with ALLERGIC REACTIONS. CONTRAINDICATIONS. I have to RECOGNIZE DISEASES OF THE EYE AND SKIN. I have witnessed PERMANENT loss of eyelashes from IMPROPER application. INJURY because multiple lashes were glued together.... and I KNOW that hair grows at different rates and why that is BAD because I have a COSMETOLOGY LICENSE. Also I know what to do when a client has a reaction and I know not to PRESCRIBE MEDICATION because it is OUTSIDE OF MY SCOPE OF PRACTICE. But I do know the proper steps to take to keep my clients safe when something bad happens. PLEASE REGULATE EYELASH EXTENSIONS. 1 of 6 states left that DOES NOT! I'm sick of these poor people coming to me asking to help them because of IMPROPERLY TRAINED PEOPLE.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Adam Barr, Executive Director on behalf of Lisa Mobley		2) Date when request submitted: 3/24/21 <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: 3/29/21	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Nail Technician – Discussion and Consideration																
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:																
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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kevyn Radcliffe Administrative Rule Coordinator		2) Date when request submitted: March 17, 2021 <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 29, 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Update on Final Rule Draft: Cos 1-11, Relating to cosmetology licensure and practice outside of a licensed establishment 2. Preliminary Rule Draft - Cos 2, 3, 5, and 8, Relating to scope of practice, mobile establishments, and distance learning – Emergency and Permanent Rules 3. Update on Administrative Rules Report under s. 227.29 4. 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 type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Kevyn Radcliffe</i>		March 17, 2021	
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			
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