



VIRTUAL/TELECONFERENCE
COSMETOLOGY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
January 23, 2023

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 October 31, 2022 (4-6)**
- C. Introductions, Announcements and Recognition**
 - 1) Introduction: Melissa K. Blake, Professional Member (Succeeds: Charity Faith Fazel)
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. 9:30 A.M. Public Hearing – Clearinghouse Rule 22-085 on Cos 2, 3, 5, and 8 Relating to Scope of Practice, Mobile Establishments and Distance Learning**
 - 1) Review Public Hearing Comments and Respond to Clearinghouse Report **(7-20)**
- F. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff, and Board Updates
 - 2) 2023 Meeting Dates **(21)**
 - 3) Annual Policy Review **(22-25)**
 - 4) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(26-34)**
 - 5) Board Members – Term Expiration Dates
 - a. Blake, Melissa K. – 7/1/2024
 - b. Cwojdzinski, Kayla M. – 7/1/2024
 - c. Halverson, Georgianna – 7/1/2023
 - d. Hoepfner, Ann M. – 7/1/2023
 - e. Jackson, Megan A. – 7/1/2023
 - f. Lee, Kristin N. – 7/1/2023
 - g. Quintal, Daisy L. – 7/1/2023
- G. Legislative and Policy Matters – Discussion and Consideration**
- H. Administrative Rule Matters – Discussion and Consideration**

1) Pending and Possible Rulemaking Project **(35-36)**

I. 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) Public Health Emergencies
- 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)

J. 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.).

K. Deliberation on Proposed Final Decision and Orders

- 1) Tamir L. Williams, Respondent – DHA Case Number SPS-22-0036, DLSC Case Number 21 BAC 036 **(37-44)**

L. 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 Final Decision(s) and Order(s) of Default
- 10) Proposed Interim Orders
- 11) Administrative Warnings
- 12) Review of Administrative Warnings
- 13) Proposed Final Decisions and Orders
- 14) Orders Fixing Costs/Matters Related to Costs
- 15) Case Closings
- 16) Board Liaison Training
- 17) Petitions for Assessments and Evaluations
- 18) Petitions to Vacate Orders
- 19) Remedial Education Cases
- 20) Motions
- 21) Petitions for Re-hearings
- 22) Appearances from Requests Received or Renewed

M. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: MARCH 15, 2023

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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
OCTOBER 31, 2022**

PRESENT: Kayla Cwojdzinski, Georgianna Halverson, Ann Hoepfner, Megan Jackson, Daisy Quintal

EXCUSED: Kristin Lee

STAFF: Adam Barr, Executive Director; Joseph Ricker, Legal Counsel; Dana Denny, Administrative Rule Coordinator; Dialah Azam, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department staff.

CALL TO ORDER

Megan Jackson, Chairperson, called the meeting to order at 9:43 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 29, 2022

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to approve the Minutes of August 29, 2022 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

Recognition: Charity-Faith Fazel, Cosmetologist/Aesthetician Member (Resigned 8/29/2022)

MOTION: Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to recognize and thank Charity-Faith Fazel for her dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Appointment of Liaisons and Alternates, Delegation of Authorities

| LIAISON APPOINTMENTS | |
|-----------------------------|---|
| Newsletter Liaison | Kristin Lee <i>Alternate:</i> Georgianna Halverson |

Delegation of Authorities

Newsletter Liaisons Delegation

MOTION: Ann Hoepner moved, seconded by Megan Jackson, to delegate authority to the newsletter liaisons to handle all matters relating to newsletters. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Rule Draft COS 2, 3, 5, & 8, Relating to Scope of Practice, Mobile Practice, Distance Learning

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, to approve the preliminary rule draft of COS 2, 3, 5, & 8, relating to scope of practice, mobile practice, distance learning, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Scope Statement COS 1, 2, 5 & 6, Relating to Education

MOTION: Ann Hoepner moved, seconded by Daisy Quintal, to approve the Scope Statement revising COS 1, 2, 5, & 6, relating to education, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

CLOSED SESSION

MOTION: Ann Hoepner moved, seconded by Kayla Cwojdzinski, 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; Georgianna Halverson-yes; Ann Hoepner-yes; Megan Jackson-yes; and Daisy Quintal-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:28 a.m.

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

Administrative Warnings

MOTION: Ann Hoepner moved, seconded by Megan Jackson, to issue Administrative Warnings for the following DLSC cases:

1. 20 BAC 061 – M.T.R. J.R.
2. 22 BAC 009 – T.X.L., P.N.

Motion carried unanimously.

Case Closings

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

1. 19 BAC 043 – H.S., H.B.B. – Prosecutorial Discretion (P2)
2. 21 BAC 056 – G.H.S. – Prosecutorial Discretion (P2)
3. 22 BAC 020 – A.M. – Insufficient Evidence

Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDERS

Tamir L. Williams, Respondent – DHA Case Number SPS-22-0036, DLSC Case Number 21 BAC 036

MOTION: Ann Hoepner moved, seconded by Daisy Quintal, to take no action at this time and revisit the matter at the next meeting. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 10:43 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 10:45 a.m.

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

AGENDA REQUEST FORM

| | | | |
|---|--|--|--|
| 1) Name and title of person submitting the request: Dana Denny Administrative Rules Coordinator | | 2) Date when request submitted: 1/9/23 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: 1/23/23 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? 9:30 A.M. Public Hearing - Clearinghouse Rule 22-085 on Cos 2, 3, 5, and 8 relating to Scope of Practice, Mobile Establishments and Distance Learning 1. Review Public Hearing Comments and Respond to Clearinghouse Report | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | 8) Is an appearance before the Board being scheduled? (If yes, please complete Appearance Request for Non-DSPS Staff) <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if applicable: N/A | |
| 10) Describe the issue and action that should be addressed: The Board will hold a Public Hearing on this rule as required by the rulemaking process. | | | |
| 11) Authorization | | | |
| <i>Dana Denny</i> | | 1/9/23 | |
| Signature of person making this request | | Date | |
| Supervisor (Only required for post agenda deadline items) | | Date | |
| Executive Director signature (Indicates approval for post agenda deadline items) | | Date | |
| Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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. | | | |



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 22-085

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

While s. 454.01 (2), Stats., is listed in the explanation of board authority, it is not listed under statutory authority, implying that the agency relies on s. 227.11 (2) (a) (intro.), Stats., to promulgate rules as necessary to interpret the provision. It may be useful for the agency to provide additional detail regarding its exercise of authority to define the scope of practice of aesthetics, and the relationship of that scope to the scope of practice other licensees regulated by ch. Cos 2. In particular, it appears the agency should explain in further detail its reasoning for including microblading, defined as insertion of pigment under the skin, in the scope of practice of “aesthetics”, which the statute refers to as “...cleaning, applying..., massaging, stimulating, wrapping or exercising the skin of the human body”. [s. 1.01 (2) (c) 1., Manual.] A similar analysis could be conducted for other activities referenced in the proposed rule and existing code, such as microneedling, dermaplaning, and microdermabrasion.

2. Form, Style and Placement in Administrative Code

a. The introductory clause for the proposed rule should be updated to reflect any changes made in response to these comments. [s. 1.01 (2) (d), Manual.]

b. In SECTION 2 of the proposed rule, consider reformatting the rule with an introduction to allow for more future practices to be included under the scope of practice of aesthetics. In the current format, there would need to be an entirely new rule section for every new practice. [s. 1.11, Manual.] See, also, other comments on the relationship between scope of practice and delegated medical procedures.

c. In SECTION 4 of the proposed rule, s. Cos. 2.025 (2) (d) includes “microneedling” as a delegated medical procedure but does not include it within the practice of aesthetics, in contrast to the treatment of microblading under SECTION 1. Relatedly, unlike microblading, microneedling is not defined in newly created s. Cos 2.01. Conversely, dermaplaning is defined in s. Cos 2.01, and referred to in context of aesthetician licensure in s. Cos 2.025 (2m), but it is also not specifically identified as within the scope of practice of aesthetics.

Generally, the creation of s. Cos 2.015 as a single item included in the scope of practice of aesthetics creates confusion with respect to the scope of practice of aesthetics, the scope of practice of other licensees under s. 454.06, Stats., and the status of delegated medical procedures performed by such licensees. Presumably, the delegated medical procedures are also within the scope of practice of aesthetics (and also, possibly, within the scope of practice of other licensees), subject to the additional requirements of s. Cos 2.025. However, if the rule is promulgated as currently drafted, only microblading will be explicitly defined as within the scope of aesthetics practice under s. Cos 2.015.

More extensive revision to ch. Cos 2 may be useful. For example, the chapter could be revised to first identify and define the rule-based expansions to the scope of practice of all licensees under s. 454.06, Stats., then identify and define the rule-based expansions that apply only to the scope of practice of aesthetics. Lastly, the agency could identify certain activities within each of those scopes of practice that are subject to the additional, but varied, regulation as delegated medical procedures as prescribed by the current code and the proposed rule.

d. In SECTION 5 of the proposed rule, new material should be underscored. [s. 1.04 (4) (a), Manual.] Also, SECTION 5, which treats s. Cos 2.025 (2) (c) 1. and 2., should precede SECTION 4, which first treats sub. (2) (d).

e. Would the proposed rule benefit from an initial applicability clause, particularly as it relates to the changes to courses of instruction in SECTION 7? [s. 1.03 (3), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In SECTION 2 of the proposed rule, should the reference be to s. 454.02, Stats., or s. 454.04, Stats., as it is not a definition but an expansion of current law regarding aesthetics practice?

b. In SECTION 4 of the proposed rule, the reference to s. 456.06 (3), Stats., is incorrect, as the statute does not exist. [s. 1.15 (2) (a) 1., Manual.] Did the agency intend to refer to s. 454.06 (4), Stats.? Relatedly, what is the intended effect of the specific reference to a licensed aesthetician in s. Cos 2.025 (2m) 2.? May the other activities be performed by a person holding any license issued under s. 454.06, Stats., if trained, as described in s. Cos 2.025 (2m) (intro.)? Note, also, that following the introductory material, sub. (2m) should be subdivided using lettered pars. (a) to (d), rather than numbered subs. 1. to 4.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In SECTION 1 of the proposed rule, consider defining “stratum corneum” in s. Cos. 2.01 in order to clarify references to the term in SECTION 4 of the proposed rule. Similarly, what does it mean to “impact” a skin layer? As used in the existing code and proposed rule, it appears possible that microblading, dermabrasion, eyelash and eyebrow tinting, dermaplaning, utilization of electromagnetic radiation and electric current, and utilization of thermal energy could all “impact” multiple skin layers in different instances.

Clarification is especially important if the intent of the rule is to allow microblading and other activities by certain licensees without direction or supervision by a physician. Review of medical texts indicates that the stratum corneum is the first layer of skin. Accordingly, note that the definition of dermaplaning, referring to removal of layers of skin (plural), is inconsistent with s. Cos 2.025 (2m) (intro.) and 2. The definition and treatment of microblading within the scope of practice of aesthetics under s. Cos 2.015 presents a similar conflict with the categorization of any

treatment impacting a skin layer below the stratum corneum as a delegated medical procedure, requiring direction and supervision by a physician under s. Cos 2.025 (2) (e).

b. In SECTION 3 of the proposed rule, what will it mean, practically, for a licensee to diagnose a disease under the direction of a physician? If a physician is directing a licensee in a context where diagnosis is required, would that diagnosis be made directly by the physician?

c. In SECTION 6 of the proposed rule, “prior to being serviced” reads less clearly than “before services are provided”. Consider retaining the current language.

d. In SECTION 7, each instance of “which” in s. Cos 5.01 (1) could be replaced by “that”.

e. In SECTION 7 of the proposed rule, s. Cos. 5.01 (2) refers to the “appropriate syllabus included in this section chapter”. The correct reference appears to be “appropriate syllabus as approved by the board in this chapter”, similar to s. Cos. 5.01 (1).

f. In SECTION 7, s. Cos 5.01 (3) allows a school to determine whether a course may be offered remotely, while s. Cos 5.01 (4) states that the board will determine when simulated patrons may be utilized, implying board approval of practical courses. Given this element of board oversight of practical courses, is it inaccurate to generally state that a school may determine when a course may be offered remotely?



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **22-085**

AN ORDER to amend Cos 2.02 (1), 2.025 (2) (c) (1) and (2), and 2.05 (2); to repeal and recreate Cos 5.01; and to create Cos 2.01 (title), (1), (2), and (3), 2.015 (title), and 2.025 (2) (d), and (e), and (2m), relating to scope of practice, mobile establishments, and distance learning.

Submitted by **COSMETOLOGY EXAMINING BOARD**

12-02-2022 RECEIVED BY LEGISLATIVE COUNCIL.

12-13-2022 REPORT SENT TO AGENCY.

SG:RB

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO

STATE OF WISCONSIN
COSMETOLOGY EXAMINING BOARD

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

PROPOSED ORDER

An order of the Cosmetology Examining Board to amend Cos 2.02 (1), Cos 2.025 (2) (c) (1) and (2), and 2.05 (2); to repeal and recreate Cos 5.01; to create Cos 2.01 (title), (1), (2), and (3), Cos 2.015 (title), and Cos 2.025 (2) (d), (e), and (2m), related to scope of practice, mobile establishments, and distance learning.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 454.02, 454.04, and 440.62 (5) (b) 1., Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) (a), and 440.62 (5) (b) 1., Stats.

Explanation of board authority:

Section 15.08 (5) (b), Stats., provides that an examining board, “shall 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., states that an agency, “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” This section allows an agency to promulgate administrative rules which interpret the statutes it enforces or administers if the proposed rule does not exceed proper interpretation of the statute.

Section 440.62 (5) (b) 1., Stats., states that “[t]he cosmetology examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of cosmetology and specialty schools and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of cosmetology and specialty schools.”

Section 454.01 (2), Stats., defines “aesthetics” as ... caring for or beautifying the skin of the human body, including but not limited to cleaning, applying cosmetics, oils, lotions, clay, creams, antiseptics, powders or tonics to or massaging, stimulating, wrapping or exercising the skin of the human body.

Related statute or rule:

Microdermabrasion is currently considered a delegated medical procedure that must be supervised, with exceptions laid out in Cos 2.025 (2r).

Plain language analysis:

The proposed rule provides that the scope of practice for aesthetics includes dermaplaning, microblading, and microdermabrasion. The proposed rule also clarifies that courses may be offered to students remotely as deemed appropriate by the school. Schools may use simulated patrons for practical training upon prior written approval from the Board. The proposed rule makes other changes to definitions consistent with industry practice.

Summary of, and comparison with, existing or proposed federal regulation:

There are no existing or proposed federal requirements.

Comparison with rules in adjacent states:

Illinois:

Cosmetologists are prohibited from using any technique, product, or practice intended to affect the living layers of the skin. Estheticians are prohibited from using techniques, products, and practices intended to affect the living layers of the skin.

Iowa:

Iowa code prohibits cosmetologists/estheticians from administering any procedure in which the human tissue is cut, shaped, vaporized, or otherwise structurally altered. The code specifically prohibits dermaplaning.

Michigan:

Under Michigan law, the practice of microdermabrasion is limited to the direct supervision and control of a licensed physician. Microblading is considered a body art procedure that must be performed at a licensed body art facility.

Minnesota:

Minnesota allows cosmetologists to perform dermaplaning and microdermabrasion unsupervised if they have additional training and an advanced practice esthetician license. Minnesota requires a tattoo license to perform microblading, and does not allow cosmetologists/estheticians/advanced practice estheticians to perform it unless under supervision of a physician.

Summary of factual data and analytical methodologies:

The Cosmetology Examining Board reviewed their rules to ensure statutory compliance and that the rules are consistent with current practices.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule will be posted for 14 days on the department’s website to solicit economic impact comments from stakeholders.

Fiscal Estimate and Economic Impact Analysis:

The fiscal estimate and economic impact analysis will be attached upon completion.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Dana Denny, 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 608-287-3748; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, to be held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Cos 2.01 is created to read:

Cos 2.01 Definitions. For the purposes of this chapter:

- (1) “Chemical process” means the use of chemical reactions to change the texture, style, or length of hair, skin, or nails.
- (2) “Dermaplaning” means the removal of skin layers by use of a razor-edged instrument.
- (3) “Microblading” means the insertion of semipermanent pigment under the skin in order to change its appearance.

SECTION 2. Cos 2.015 (title) is created to read:

Cos 2.015 Microblading. The scope of practice of aesthetics under s. 454.01, Stats., includes microblading.

SECTION 3. Cos 2.02 (1) is amended to read:

Cos 2.02 (1) No licensee may diagnose or treat any disease of the skin unless under the direction of a physician.

SECTION 4. Cos 2.025 (2) (d), (e), and (2m) are created to read:

Cos 2.025 (2) (d) Microneedling.

(e) Any treatment impacting a skin layer below the stratum corneum.

(2m) The following are delegated medical procedures unless the licensee has received formal training in the procedure as part of a board-approved curriculum and the treatment does not impact a skin layer below the stratum corneum:

1. Eyelash or eyebrow tinting.
2. Dermaplaning, when performed by an aesthetician licensed under 456.06 (3).
3. Utilization of electromagnetic radiation and electric current.
4. Utilization of thermal energy.

SECTION 5. Cos 2.025 (2) (c) (1) and (2) (c) (2) are amended to read:

Cos 2.025 (2) (c) (1) Alpha hydroxyl acids of 30% or less, with a ph of not less than ~~3-0~~ 2.0.

(2) Salicylic acids of 20% or less, with a ph of not less than ~~3-0~~ 2.0.

SECTION 6. Cos 2.05 (2) is amended to read:

Cos 2.05 (2) An establishment shall either post a list of cost of services in a conspicuous place or display a sign which states: "All establishment patrons have the right to be informed of the cost of services ~~before the services are provided~~ prior to being serviced."

SECTION 7. Cos 5.01 is repealed and recreated to read:

Cos 5.01 Courses.

(1) Schools which provide instruction to students for cosmetology practitioner, or specialty schools which provide instruction to students for aesthetician, electrologist, or manicurist licenses, shall develop curricula for instruction which are based on the applicable syllabus approved by the board in this chapter.

(2) A school or specialty school shall offer at a minimum the practical and theory hours listed for subjects in the appropriate syllabus included in this section chapter.

(3) Courses may be offered to students remotely as deemed appropriate by the school.

(4) Simulated patrons, such as mannequins, may be used for practical training as deemed appropriate by the board. Schools utilizing simulated patrons must obtain prior written approval from the board.

SECTION 8. 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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

| | |
|--|---|
| <p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p> | <p>2. Date October 31, 2022</p> |
| <p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) COS 2, 3, 5 and 8</p> | |
| <p>4. Subject Scope of Practice, Mobile Practice and Distance Learning</p> | |
| <p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p> | <p>6. Chapter 20, Stats. Appropriations Affected s.20.165(1)(g)</p> |
| <p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p> | |
| <p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p> | |
| <p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$</p> | |
| <p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | |
| <p>11. Policy Problem Addressed by the Rule The board is revised its rules to establish regulations relating to the provision of certain services, including but not limited to, microdermabrasion, microblading, and dermaplaning. Further, given the nature of changes in the cosmetology industry, the board believes it valuable to revise these rules to bring them in line with current industry practices and establish standards a credential holder must meet to perform certain procedures that may elevate the risk of infection, provide specific standards for licensed establishments, and clarify the methods of providing education acceptable to meet the necessary requirements to receive a credential.</p> | |
| <p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. None.</p> | |
| <p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.</p> | |
| <p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) No economic or fiscal impacts are anticipated for specific businesses, sectors, ratepayers, local government units, or the state's economy as a whole. A total one-time cost of \$680.00 is anticipated and will be absorbed within the operating budget of the Department of Safety and Professional Services.</p> | |
| <p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing the rule is consistency with current practices, applicability with Wisconsin statutes and increased efficiency of the Board's review and their approval of scope of practice, and education programs. If the rule is not implemented, the rules will not reflect current practices and applicable Wisconsin statutes.</p> | |
| <p>16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is consistency with current practices and applicable Wisconsin statutes and</p> | |

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

increased efficiency of the Board's review and approval of scope of practice and education programs.

17. Compare With Approaches Being Used by Federal Government
None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Illinois: Cosmetologists are prohibited from using any technique, product, or practice intended to affect the living layers of the skin. Estheticians are prohibited from using techniques, products, and practices intended to affect the living layers of the skin.

Iowa: Iowa code prohibits cosmetologists/estheticians from administering any procedure in which the human tissue is cut, shaped, vaporized, or otherwise structurally altered. The code specifically prohibits dermaplaning.

Michigan: Under Michigan law, the practice of microdermabrasion is limited to the direct supervision and control of a licensed physician. Microblading is considered a body art procedure that must be performed at a licensed body art facility.

Minnesota: Minnesota allows cosmetologists to perform dermaplaning and microdermabrasion unsupervised if they have additional training and an advanced practice esthetician license. Minnesota requires a tattoo license to perform microblading, and does not allow cosmetologists/estheticians/advanced practice estheticians to perform it unless under supervision of a physician.

| | |
|--------------------------------|--|
| 19. Contact Name Dana Denny | 20. Contact Phone Number (608) 287-3748 |
|--------------------------------|--|

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-

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

AGENDA REQUEST FORM

| | | | |
|---|---|---|--|
| 1) Name and title of person submitting the request: Dialah Azam, Bureau Assistant | | 2) Date when request submitted: 1/11/2023 <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: 1/23/2023 | 5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6) How should the item be titled on the agenda page? 2023 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? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if applicable: N/A | |
| 10) Describe the issue and action that should be addressed: The Board will review and potentially make a motion to approve the follow 2023 meeting dates: a. Monday January 23, 2023 – Virtual b. Monday March 27, 2023 – Virtual c. Monday June 12, 2023 – Virtual d. Monday August 28, 2023 – Virtual e. Monday October 30, 2023 - Virtual | | | |
| 11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"><i>Dialah Azam</i></div> <div style="width: 35%; text-align: right;"><i>1/11/2023</i></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 (Only required for post agenda deadline items)</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 for post agenda deadline items)</div> <div style="width: 35%; text-align: right;">Date</div> </div> | | | |
| Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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: Katlin Schwartz, Bureau Assistant on behalf of Division of Policy Development Executive Directors | | 2) Date when request submitted: 12/14/2022 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: All Boards | | | |
| 4) Meeting Date: First Meeting of 2023 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input 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 applicable: 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. In-Person Meeting Policy: Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings. <ul style="list-style-type: none"> • 4-5 Meetings per year = 1 in-person opportunity • 6-8 Meetings per year = 2 in-person opportunities • 12 Meetings per year = 4 in-person opportunities 2. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. 4. Mandatory Training: All Board Members must complete their annual Public Records and Ethics Trainings, if not complete, the training will be done at the next meeting. 5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 6. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example) 7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 8. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executive remotely. | | | |
| 11) Authorization | | | |
| Katlin Schwartz | | 12/14/2022 | |
| Signature of person making this request | | Date | |
| Supervisor (Only required for post agenda deadline items) | | Date | |
| Executive Director signature (Indicates approval for post agenda deadline items) | | Date | |
| Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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. | | | |

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
 - Public Hearings (on Admin Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

Purpose Codes:

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

| NAME OF EXAMINING BOARD OR COUNCIL EXAMPLE EXAMINING BOARD | | | BOARD OR COUNCIL MEMBER'S NAME MARY SUNSHINE | |
|--|---------------------------------------|------------------------|--|--|
| Activity Date MM/DD/YY | Duration of Activity Hours/Minutes | Purpose Code A or B | Where Performed City/Location (Home, Work, DSPS) | Activity Describe Activity Performed (see purpose codes) |
| 12/2/20 | 2 hrs | B | Pleasant Prairie/Home | Review of screening panel materials |
| 12/3/20 | 2 hr / 30 mins | B | Pleasant Prairie/Home | Review of screening panel materials |
| 12/10/20 | 1 hr | A | Pleasant Prairie/Home | Screening Panel Meeting - Teleconference |
| 12/12/20 | 1 hr / 30 mins | B | Pleasant Prairie/Home | Case consultation |
| 12/13/20 | 1 hr | B | Pleasant Prairie/Home | Liaison: Application Review |
| 12/16/20 | 6 hrs | A | Madison/DSPS | Board Member Training |
| | | | | <p>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</p> <p>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</p> <p>Department staff completes the fields titled "Total Days Claimed".</p> |
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| CLAIMANT'S CERTIFICATION | | | Comments: | |
| The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law. | | | | |
| <i>Mary Sunshine</i> | | <i>1/4/2021</i> | | |
| Claimant's Signature | Date | Supervisor | Date | |

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**

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

AGENDA REQUEST FORM

| | | | |
|---|---|--|--|
| 1) Name and title of person submitting the request: Dialah Azam, Bureau Assistant | | 2) Date when request submitted: 1/11/2023 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: 1/23/2023 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> • Election of Officers, Appointment of Liaisons and Alternates, 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 applicable: N/A | |
| 10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> 1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations. <ol style="list-style-type: none"> a. Credentialing Delegations b. Monitoring Delegations | | | |
| 11) Authorization <hr/> <div style="display: flex; justify-content: space-between;"> <i>Dialah Azam</i> <i>1/11/2023</i> </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 (Only required for post agenda deadline items) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (Indicates approval for post agenda deadline items) Date </div> | | | |
| Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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 2022 Officers, Liaisons, and Authorities

| 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: Kayla Cwojdzinski</i> |
| Monitoring Liaison | Kayla Cwojdzinski <i>Alternate: Daisy Quintal</i> |
| Professional Assistance Procedure (PAP) Liaison | Kayla Cwojdzinski <i>Alternate: Daisy Quintal</i> |
| Education and Examinations Liaison | Megan Jackson <i>Alternate: Ann Hoeppe</i> |
| Legislative Liaison | Megan Jackson <i>Alternate: Georgianna Halverson</i> |
| Newsletter Liaison | Kristin Lee <i>Alternate: Georgianna Halverson</i> |
| Travel Authorization Liaison | Daisy Quintal <i>Alternate: Georgianna Halverson</i> |
| Screening Panel | Georgianna Halverson, Daisy Quintal Megan Jackson <i>Alternate: Kayla Cwojdzinski</i> |

Delegation of Authorities

Document Signature Delegations

MOTION: Ann Hoeppepner moved, seconded by Daisy Quintal, 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 Hoeppepner moved, seconded by Daisy Quintal, 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: Ann Hoeppepner moved, seconded by Georgiana Halverson, 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: Megan Jackson moved, seconded by Ann Hoeppepner, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after one meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Ann Hoeppepner moved, seconded by Megan Jackson, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the January 24, 2022 agenda materials on pages 16-17. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Ann Hoeppepner moved, seconded by Georgiana Halverson, to delegate to 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 Hoepfner moved, seconded by Megan Jackson, 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 Megan Jackson, to delegate credentialing authority to the Department 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: Ann Hoepfner moved, seconded by Daisy Quintal, 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 Megan Jackson, 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: Megan Jackson moved, seconded by Ann Hoepfner, 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, to 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: Megan Jackson 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 Daisy Quintal, 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 Megan Jackson, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department 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: Ann Hoepfner moved, seconded by Megan Jackson, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Newsletter Liaisons Delegation

MOTION: Ann Hoepfner moved, seconded by Megan Jackson, to delegate authority to the newsletter liaisons to handle all matters relating to newsletters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Ann Hoepner moved, seconded by Daisy Quintal, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Roles and Authorities Delegated for Monitoring

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

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/disciplinary/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/disciplinary/remedial 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 a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section ordered evaluation or exam.~~
5. 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 written authorization from the Liaison to sign on their behalf.
6. Grant or deny a request to appear before the Board/Section in closed session.
7. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
8. *(Except Pharmacy and Medical)* 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.

9. 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. Orders that do not start at 49 screens will still follow the same standard schedule.
 - a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.

~~11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.~~

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 education 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 education 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 of 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.
4. Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

Updated 12/13/2021

2022 Roles & Authorities

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

AGENDA REQUEST FORM

| | | | |
|--|--|--|--------|
| 1) Name and title of person submitting the request: Dana Denny Administrative Rules Coordinator | | 2) Date when request submitted: 1/9/23 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: 1/23/23 | 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. Pending or 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 <Appearance Name(s)> <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if applicable: N/A | |
| 10) Describe the issue and action that should be addressed: Attachments: -Rule Project Chart | | | |
| 11) Authorization | | | |
| <i>Dana Denny</i> | | | 1/9/23 |
| Signature of person making this request | | | Date |
| Supervisor (Only required for post agenda deadline items) | | | Date |
| Executive Director signature (Indicates approval for post agenda deadline items) | | | Date |
| Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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
Rule Projects (updated 1/9/23)**

| Clearinghouse Rule Number | Scope # | Scope Expiration | Code Chapter Affected | Relating clause/ Summary | Current Stage | Next Step |
|---------------------------|------------------|------------------|-----------------------|--|------------------------------------|--|
| 21-020 | 139-20 | 4/26/2023 | COS 2, 3, 5 and 8 | Scope of practice, mobile establishments and distance learning. /The board is considering revising its rules to establish regulations relating to the provision of certain services, including but not limited to, microdermabrasion, microblading, and dermaplaning. The board will also consider creating standards for licensed establishments that are mobile in nature. Further, the board will consider whether it is desirable to develop a definition for “chemical process,” and if so, what should that definition entail. Finally, the board will consider revising its rules to clarify when remote or distance learning may be allowed for the purposes of meeting the education requirements to receive a credential from the board. | Public Hearing. | Complete Final Rule Draft and Legislative Report and submit to GORC. |
| | Not Yet Assigned | | COS 1, 2, 5 and 6 | Education and Clarification of courses of instruction. /The objective of the proposed rule is for the Board to review the requirements relating to education in Wisconsin Administrative Code Chapters COS 1, 2, 5 and 6 and conduct a comprehensive review on courses of instruction. | Awaiting scope approval from GORC. | Scope implementation and rule drafting. |