



Board Meeting Minutes January 8, 2018

The Kansas Board of Cosmetology held a Board meeting on Monday, January 8, 2018 at 9:30 a.m. at the Board office at 714 S.W. Jackson Street, Suite 100, Topeka, Kansas. The Board Secretary recorded minutes.

Board Members Present:

David Yocum, Chair
Christine Burgardt, Member
Kimberley Mancuso, Member
Ashley Rangel, Member
Kelly Robbins, Member
Katy Skepnek, Member

Staff Present:

Chiquita Cogg, Executive Director
Ms. Gloeckner, Assistant Director
Aubrie Pryer, Compliance Supervisor
Lindsey Bowes, Board Secretary
Darla Ray, Licensing

Members of the Public:

Genelle Hughes

Board Legal Counsel Present:

Athena Andaya, General Counsel

Public Comment

Genelle Hughes requested the Board reconsider and approve her to test for her Instructor's license with the current hours she received prior to the policy change.

Call to Order

David Yocum, Chair, called the meeting to Order at 9:43 a.m.

Approval of Agenda (Additions/Deletions/Changes)

Mr. Yocum requested the removal of agenda item, Charitable Event Permit/ Summary of State Responses, and the addition of two new items, Fraud and Cosmetology Curriculum Update to the agenda.

Motion and second to approve the additional items and the agenda made by Burgardt and Robbins, respectively. Motion carried.

Minutes of November 13, 2017

Motion and second to approve the minutes for November 13, 2017 made by Burgardt and Robbins, respectively. Motion carried.

Corrected 2018 KBOC Board Meeting Dates

Lindsey Bowes, Board Secretary, provided the Board with an updated list of the 2018 KBOC Board Meeting dates.

KBOC Strategic Plan Review

Ms. Coggs requested the item continue to be on the agenda for all Board meetings. The Board reviewed and discussed the Strategic Plan for the Board.

Ms. Coggs also informed the Board she would like to hire a part-time employee who will be primarily responsible for the update of the Kansas statutes & regulations, as they pertain to the agency.

Janey McCarthy Resignation Follow-Up

Ms. Coggs notified the Board the Governor's office has confirmed receipt and acceptance of Janey McCarthy's resignation.

Executive Session

Tina Burgardt, Member, made the following motion, "In order to protect the privacy of the party involved, I move that the Board recess into executive session to discuss an individual employee's performance pursuant to the non-elected personnel exception in the Kansas Open Meetings Act. The Board will reconvene the open meeting in this same location in 10 minutes at 10:25 a.m." The motion was seconded by Kelly Robbins, Member, and was carried unanimously.

Called to Order

Mr. Yocum called the meeting back to order at 10:27 a.m. No Motions were made after the executive session.

MO Board Teaching

Ms. Gloeckner requested the Board approve Missouri Board of Cosmetology and Barber Examiners as a Continuing Education Provider for Cosmetology Profession Instructors.

Motion and second to approve Missouri Board of Cosmetology and Barber Examiners as a Continuing Education Provider for Cosmetology Profession Instructors made by Mancuso and Robbins, respectively. Motion carried.

KDADS MOU

Mr. Yocum informed the Board about the meeting held with the Kansas Department for Aging and Disability Services (KDADS).

Athena Andaya, Legal Counsel, informed the Board she has yet to receive a response from KDADS Chief Counsel, Kimberly Lynch, but has the MOU drafted.

Mr. Yocum informed the Board he will follow up with and present the MOU draft to Ms. Lynch.

CE for Body Art / Body Art CE List Update

Ms. Gloeckner informed the Board, based on a request received to remove the nursing courses from the CE list for Body Art by David Tucker during the November 13, 2017 Board meeting-

Removing the courses would limit the courses available to meet the credits required for CE for Body Art. Ms. Gloeckner further explained the nursing courses are necessary and relevant to Body Art, as it covers infection control and blood borne pathogens. However, she understands the appearance of the program being in a nursing format how the Body Art community would feel it's not relevant. Ms. Gloeckner indicated she will continue to explore other possible alternative courses for CE.

Ms. Gloeckner indicated she will draft an e-mail for Mr. Yocum to review, following up with Mr. Tucker's request.

Instructor Permit Policy

Ms. Gloeckner requested the Board review and update the Instructor Permit policy.

Mr. Yocum volunteered to draft a Kansas regulation that would help support the Kansas statute 65-1903(k)(1) for Instructor-In-Training permits. Mr. Yocum indicated he would bring the draft to the next scheduled Board meeting in February.

Mr. Yocum recommended the Board continue to use the January 2008 Instructor Permit policy when processing Instructor-In-Training permits and delegating the authority to office personal to grant and authorize received hours for the Instructor-In-Training program.

Motion and second to approve made by Robbins and Burgardt, respectively. Motion carried.

Instructor Hours Review: Genelle Hughes & Ngoc Phan

The Board has granted authority to office personal to grant and authorize received hours for the Instructor-In-Training program. Therefore, Genelle Hughes and Ngoc Phan will be referred for testing to complete their applications.

Kim Tran Out of State Application

Aubrie Pryer, Compliance Supervisor, informed the Board Kim Tran has recently applied for Kansas licensure. However, the Board has received notice that two states have proof of fraudulent activity for Ms. Tran, regarding fraudulent required documents. However, neither state will pursue disciplinary action and have since granted licensure to Ms. Tran. Since action has not been taken against Ms. Tran in either state, she is using reciprocity to apply in the State of Kansas.

Ms. Andaya informed the Board that pursuant to K.S.A. 65-1908(a)(5), Ms. Tran has not committed fraud in the State of Kansas and has the required hours and documents that would allow her to apply under reciprocity. Therefore, the application needs to be processed according to policy.

Recess

Motion and second to approve recess break until 11:24 a.m. made by Robbins and Rangel, respectively. Motion carried.

Called to Order

Mr. Yocum called the meeting back to order at 11:24 a.m.

K.S.A. 65-1903(j)

Mr. Yocum suggested the Board review K.S.A. 65-1903(j) for possible statute change in the future.

K.S.A. 65-1903(j), Any instructor's license may be renewed by an applicant within one month after the date of expiration of the applicant's last license upon submission of proof, satisfactory to the board, of the applicants current hours and qualifications to renew practice as an instructor and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed in K.S.A. 65-1904, and amendments thereto. Any applicant whose instructor's license has expired for more than one month may obtain a license in the same manner and on payment of the same nonrefundable fees as provided for an applicant for an original license.

Reciprocity Statute SB 345

Ms. Coggs informed the Board a previously approved draft for Senate Bill 345 is ready to be presented to the Legislature.

Ms. Coggs also requested the Board approve the below definition of Reciprocity.

Acceptance of a practitioner applicant for licensure from outside the state or jurisdiction based on documented prior record of training and/or experience in work hours from another state or jurisdiction without additional testing with the exception of state law exams.

Motion to include the submitted definition of Reciprocity to be included in the language of SB 345 made by Robbins and Burgardt, respectively. Motion carried.

Proposed Statute Change K.S.A. 74-2703

Ms. Coggs requested the Board approve the recommended change to K.S.A. 74-2703 Meetings of board; examination of applicants to read as follows:

K.S.A. 74-2703. Meetings of board. It shall be the duty of such board to meet at least twice a year, and at such times and places as it may deem advisable, ~~and shall at such times hold examinations of such applicants as shall have applied for licensure.~~

Ergometrics Monthly Report for November 2017

Ms. Coggs informed the Board the Ergometrics Monthly report is for informational purposes only.

KBOC Cash Balance Reports for November & December 2017

Ms. Coggs informed the Board the KBOC Cash Balance Reports for November & December 2017 is for informational purposes only.

Fraud

Tina Burgardt, Member, informed the Board of the high number of complex cases that involve fraud.

Cosmetology Curriculum Update

Mr. Yocum informed the Board of the current updates being made to the Cosmetology Curriculum.

Reimbursement for Hearing Follow-Up

Ms. Andaya provided the Board with examples of other state agencies on how they handle the funding for Hearings that fall under the Kansas Administrative Procedure Act.

Ms. Andaya volunteered to draft a general statute that will give the Board the authority to impose the Hearing charge to the Respondent only when the Administrative Judge rules in the Boards favor.

Motion and second to approve Ms. Andaya to draft the general statute made by Burgardt and Robbins, respectively. Motion carried.

Motion and second to delegate the authority to Mr. Yocum to review and approve the draft of the general statute on the Board's behalf made by Burgardt and Robbins, respectively. Motion carried.

Adjournment

Motion and second to adjourn the meeting at 12:15 p.m. made by Robbins and Rangel, respectively. Motion carried.

Call to Order

Motion and second to reconvene the meeting at 12:18 p.m. made by Robbins and Burgardt, respectively. Motion carried.

State of Kansas Traveling Policy

Ms. Coggs and Ms. Gloeckner informed the Board of a State of Kansas Traveling Policy that is going to be enforced. The Traveling Policy covers state employees, including Board Members.

Adjournment

Motion and second to adjourn the meeting at 12:24 p.m. made by Mancuso and Robbins, respectively. Motion carried.