

Board Meeting Minutes February 11, 2019

The Kansas Board of Cosmetology held a Board meeting on Monday, February 11, 2019 at 9:30 a.m. at the Board office at 714 S.W. Jackson Street, Suite 100, Topeka, Kansas. The Board members appeared by teleconference. The Board Secretary recorded the minutes.

Board Members Present:

David Yocum, Chair
Ashley Rangel, Member
Christine Burgardt, Member
David Tucker, Member
Kelly Robbins, Member
Kimberley Mancuso, Member
Nichole Hines, Member

Staff Present:

Ms. Gloeckner, Acting Director
Aubrie Pryer, Compliance Supervisor
Lindsey Bowes, Enforcement / Board Secretary
Michaela Ewing, Licensing

Board Legal Counsel Present:

Athena Andaya, General Counsel

Members of the Public

Lane Hemsley
Lauren Willis
Todd Godfrey

Public Comment

Todd Godfrey, Patriot Tattoo Company, requested the Board to define “Direct Supervision” as it appears in K.S.A. 65-1943.

Call to Order

David Yocum, Board Chair, called the meeting to Order at 9:49 a.m.

Approval of Agenda (Additions/Deletions/Changes)

Direct Supervision definition to be added to the end of the agenda.

Motion and second to approve the additions, deletions and changes of the agenda made by Burgardt and Rangel, respectively. Motion carried.

Minutes of December 10, 2018 and December 20, 2018

Minutes to be presented during the March 2019 Board meeting.

Patriot Tattoo Company-Tooth Fairy by MADDS

Ms. Gloeckner, Acting Director, informed the Board an inquiry was made by the Kansas Dental Board regarding the service of jewelry placement on teeth at the facility and questioned if the service would be regulated by the Kansas Board of Cosmetology.

Athena Andaya, Legal Counsel, advised the Board the service may not be under the jurisdiction of the Board.

Agenda item to be tabled for further review by legal counsel. Ms. Andaya and Ms. Gloeckner to draft and send letter to the Kansas Dental Board requesting health risks the service could pose.

Motion and second to approve the agenda item be tabled for further legal review and letter be drafted and sent to the Kansas Dental Board by Ms. Andaya and Ms. Gloeckner made by Mancuso and Robbins, respectively. Motion carried.

Z Hair Academy (Overland Park) Request for Accommodation for March

Ms. Gloeckner informed the Board Z Hair Academy in Overland Park will be undergoing renovations and is requesting the transfer of the apprentice licenses to their school located in Lawrence, Kansas.

Motion and second to approve the transfer of the Overland Park apprentice licenses to the Lawrence location during the month of March to accommodate the renovations with notice to the Board when the students return to their Overland Park location made by Burgardt and Tucker, respectively. Motion carried.

2019 Disciplinary Panel Member Selection

Aubrie Pryer, Compliance Supervisor, requested volunteers to serve on the Disciplinary Panel for 2019.

Kimberley Mancuso, Member, David Tucker, Member, and Mr. Yocum volunteered to serve on the Disciplinary Panel for 2019.

Motion and second to approve Ms. Mancuso, Mr. Tucker and Mr. Yocum made by Burgardt and Rangel, respectively. Motion carried.

Policy Examination Complaint Appeal Procedure

Ms. Gloeckner presented the updated guidance document for review and approval.

Ms. Andaya recommended the following edit to the following:

- c. In order to qualify for Board review, the candidate must file within thirty days of examination; and one of the following:
- i. Must have failed more than one time or failed with a score of 20% or below
 - ii. Complaints are regarding poor exam site conditions and/or proctor behavior

Motion and second to approve the guidance document with the recommended edit made by Mancuso and Burgardt, respectively. Motion carried.

Separation in Nursing Homes

Ms. Pryer informed the Board a nursing home has requested the Boards approval to use a portion of the cosmetology room be used by a dental hygienist for services as well.

Motion and second to notify the nursing home that we received a letter from Kansas Department of Health & Environment (KDHE) and will send them a copy of the letter received for them to make arrangements to do services as long as they are not simultaneous made by Burgardt and Tucker, respectively. Motion carried.

ICC-HS Program Approval

Ms. Gloeckner requested the Boards approval of ICC-HS program.

Motion and second to approve the ICC-HS program made by Kimberley and Tucker, respectively. Motion carried.

KDADS-Salon Licensing

Ms. Gloeckner informed the Board a nursing home association sent a recent FAQ newsletter to their facilities informing them licensure for cosmetology facilities within their establishments is not required and KDADS is also providing the same information.

Ms. Andaya informed the Board K.S.A. 65-1902(b) and K.S.A. 65-1904(a) states licensure is required and the regulations on health & sanitation are not that of the Kansas Board of Cosmetology but of the Kansas Department of Health & Environment; therefore, not making entities licensed with KDADS exempt from licensure.

Ms. Andaya to draft and send a letter to KDADS advising the information they are providing their facilities is incorrect and the law needs to be adhered to.

Motion and second to approve Ms. Andaya to draft and send a letter to KDADS made by Mancuso and Burgardt, respectively. Motion carried.

Recess

Motion and second to approve recess break until 11:02 a.m. made by Robbins and Mancuso, respectively. Motion carried.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 11:05 a.m.

Subcommittee Meetings September 2, 2019 and November 11, 2019

Ms. Gloeckner informed the Board September 2, 2019, and November 11, 2019, are holidays and subcommittee meetings are scheduled for the dates. Ms. Gloeckner recommended cancelling the meetings for both dates.

Motion and second to approve cancellation of the subcommittee meetings for September 2, 2019, and November 11, 2019, made by Tucker and Hines, respectively. Motion carried.

Diana Cheatham Facility Suite Licensure

Ms. Pryer informed the Board a Sola Salon suite was previously approved licensure for a facility within the

Salon without a suite number. The facility consists of two (2) suites with a common area in between, which is currently being used for Cosmetology and Pedicure services. Being the services are not being conducted within either suite, they're technically not allowed in the common area; however, were grandfathered in when licensure was originally granted.

Ms. Pryer is requesting the Boards approval to require licensure for both suites should ownership change on the facility and/or licensure.

Motion and second to approve licensure requirements for both suites should ownership change on the facility and/or licensure change made by Mancuso and Burgardt, respectively. Motion carried.

HB2200 Exemption for Threading

Ms. Pryer informed the Board HB2200 was introduced on February 7, 2019, for threading to be exempt from licensure requirements under the Kansas Board of Cosmetology.

Mr. Yocum and Ms. Andaya will draft and present testimony on behalf of the Board opposing HB2200.

Motion and second to approve Mr. Yocum and Ms. Andaya to draft and present testimony on behalf of the Board opposing HB2200 made by Burgardt and Mancuso, respectively. Motion carried.

Law Enforcement Contact

Ms. Gloeckner informed the Board Dave Tucker, Member, would like the Boards approval to act on illegal Body Art activity in his area by having the authority to contact the local law enforcement agency on behalf of the Board.

The Board recommended the current complaint process should be adhered to and should office staff need assistance then Mr. Tucker will be contacted.

Kansas Written Exam Proposal

Agenda item tabled for next scheduled meeting.

Motion and second to approve agenda item be tabled until next scheduled meeting made by Robbins and Mancuso, respectively. Motion carried.

Mitsu Sato Hair Academy

Mr. Yocum advised the Board the agenda item cannot be discussed due to a new pending open investigation. However, Ms. Pryer informed the Board of previous actions taken against the school on past investigations.

Sub-Committee Reports (Standing Review)

Ms. Pryer informed the Board the Body Art sub-committee met in January 2019 to continue their review of the Body Art regulations.

Regulation Review (Standing Review)

Ms. Pryer provided the following regulations to the Board for review:

K.A.R. 69-15-6 Application completion and deadlines. (a) Applications for examination shall be received at least 30 calendar days before the next scheduled examination.

(b) Any application submitted during the 30-day period immediately prior to the examination shall be reviewed, and if the applicant satisfies the requirements, that person shall be scheduled for the subsequent examination.

(c) Applicants who fail to submit sufficient fees, complete documentation, and verification of training or experience, or both, shall be considered disqualified, and their application shall be closed. Examination fees may be carried forward one time to the next scheduled examination.

(d) Any candidate for examination who fails to complete the examination process within the following time limits shall be required to submit a new application, documentation, and fees, according to this schedule:

(1) One year from receipt of application, if the applicant does not meet the qualifications for examinations; or

(2) one year from the date that the last section of the examination was attempted.

~~(e) Any candidate who meets the requirements of the examination and is scheduled for the next examination may work in a licensed facility under the direct supervision of a licensed permanent cosmetic technician, tattoo artist, or body piercing technician until the candidate successfully passes the examination. If the applicant fails written or demonstration and oral examination, the temporary permit previously issued to the applicant shall expire and shall not be renewed.~~

Authorized by and implementing L. 1996, Ch. 138, Sec. 4; effective Aug. 22, 1997.

Motion and second to leave K.A.R. 69-15-6 as is with the following edit to subsection (e) made by Tucker and Mancuso, respectively. Motion carried.

K.A.R. 69-15-9. Issuance and renewal of licenses. (a) Each individual license shall expire ~~on the last day of the licensee's birth month. License fees shall be prorated at the rate of 1/12th of the license fee for each month of the original license two years from the date of issuance.~~

(b) A notice of renewal shall be mailed by the board to the last known address of the license holder.

(c) The applicant shall apply for renewal in advance of the license expiration date of the prior license.

~~(d) Renewal payments received in the board office or postmarked after the expiration date but within one year of expiration of the license shall be assessed a late fee in addition to the annual-renewal fee.~~

~~(e) A license that has been expired for more than one year but less than three shall be deemed suspended and may be reactivated by payment of the following:~~

~~(1) A suspended renewal fee for each year expired; (2) a reactivation fee; and~~

~~(3) a renewal fee.~~

~~(f) Any individual who fails to renew or reactivate a license within three years from the date of expiration shall reapply to take the exams, submit the examination fee and one-year licensee fee, and successfully pass all sections of the examination before a license is reissued.~~

Authorized by and implementing L. 1996, ~~Ch. 138, Sec. 6~~; K.S.A. 65-1943; effective Aug. 22, 1997.

Motion and second to approve K.A.R. 69-15-9 as presented made by Tucker and Burgardt, respectively. Motion carried.

K.A.R. 69-3-7 Student records. (a) Each school shall maintain a daily student record which verifies attendance and practice services completed, and a final student record which verifies curriculum requirements and hours successfully completed by the student.

(b) ~~The school shall maintain the student's record in the school, on a form approved by the board for a reasonable period of time—minimum of ten years.~~

(c) Subject to any contract between the school and the student, a licensed school shall provide a copy of the student's record to:

- (1) the board upon application by a student for a license or as part of an investigation;
- (2) another school upon the student's transfer; or
- (3) the student upon request.

Authorized by and implementing K.S.A. 65-1903, as amended by L. 1995, Ch. 119, Sec. 3; effective Jan. 1, 1966; amended May 1, 1981; amended March 22, 1996.

Motion and second to approve K.A.R. 69-3-7 as presented made by Burgardt and Tucker, respectively. Motion carried.

Direct Supervision

Ms. Gloeckner informed the Board of previous meeting with Todd Godfrey where K.S.A. 65-1943 was discussed concerning the definition of "Direct Supervision".

The Board agreed the intent of "direct supervision" in K.S.A. 65-1943 is to mean physically present. Ms. Andaya recommended using common definition as provided by Webster Dictionary since "direct supervision" is not currently defined.

Motion and second to approve "direct supervision" to be defined as physical presence on-site made by Mancuso and Burgardt, respectively. Motion carried.

Ergo 4th Quarter Report

For Informational Purposes Only

Ergo Monthly Report for December 2018

For Informational Purposes Only

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Laura Kelly, Governor

KBOC Cash Balance Report for December 2018

For Informational Purposes Only

KBOC Strategic Plan

For Informational Purposes Only.

Adjournment

Motion and second to approve adjournment the meeting at 12:12 p.m. made by Mancuso and Tucker, respectively. Motion carried.