

Board Meeting Minutes March 14, 2016

The Kansas Board of Cosmetology held a Board meeting on Monday, March 14, 2016 at 9:30 a.m. at the Board office at 714 S.W. Jackson Street, Suite 100, Topeka, Kansas. Minutes were recorded by the Board Secretary.

Board Members Present:

David Yocum, Chair
Roger Holmes, Vice Chair
Matthew Goss, Member
Glenda Chappell, Member
Tina Burgardt, Member
Kathryn Skepnek, Member
Janey McCarthy, Member

Staff Present:

Chiquita Coggs, Executive Director
Ms. Gloeckner, Administrative Officer
Aubrie Pryer, Board Secretary

Board Legal Counsel Present:

Athena Andaya, General Counsel
Lisa Mendoza, Litigation Counsel

Call to Order

Mr. Yocum, Board Chair, called the meeting to order at 9:37 a.m.

Approval of Agenda (Additions/Deletions/Changes)

Motion to add three (3) executive sessions following the Budget Presentation (Goss/Burgardt). Motion carried unanimously.

Approval of the prior Board minutes

Motion to approve the January 11th and February 24th Board meeting minutes (Burgardt/Chappell). Motion carried unanimously.

Budget Presentation and Training

Justin Carroll, Principal Fiscal Analyst for the Legislative Research Department, and Konnie Leffler, Principal Analyst for the Division of Budget, gave a presentation on the current budget process. The overview included the agency budget submission versus the approved budget, adjustments such as the Governor's allotments (sweeping of fee funds) and the basic process to pass an appropriations bill.

Recess

Motion to recess until 10:30 a.m. (Burgardt/Chappell). Motion carried unanimously.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 10:30 a.m.

Adjourn for Public Comment

Motion to adjourn for public comment at 10:32 a.m. (Burgardt/Goss). Motion carried unanimously.

Public Comment

Kristine Kay, a licensed esthetician in Kansas and licensed tattoo artist in Missouri, spoke to the Board about microblading and how the instrument used for the procedure has changed over the years.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 10:38 a.m.

Executive Session to Discuss Personnel Matters

Ms. Burgardt made the following motion: "I move that the Board recess into executive session to discuss personnel matters of non-elected personnel in order to protect the privacy of the parties involved. We require Athena Andaya, Deputy Attorney General and our general counsel, Lisa Mendoza, Assistant Attorney General and our litigation counsel, Chiquita Coggs, Executive Director, Allison Conklin, Human Resource Manager, and Stephanie Nickoley, Human Resources Manager, be admitted to the executive session, when requested, to aid the Board in their discussions. The Board will reconvene the open meeting in this same location in 20 minutes at 11:00 a.m." The motion was seconded by Ms. McCarthy and the motion carried unanimously.

Mr. Yocum recessed the KOMA meeting at 10:40 a.m. No action was taken during the session.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 11:00 a.m.

Executive Session to Discuss an Attorney-Client Privileged Matter

Mr. Goss made the following motion: "I move that the Board recess into executive session for consultation with our legal counsel to seek legal advice on a disciplinary matter in order to protect the attorney-client privilege. We require Athena Andaya, Deputy Attorney General and our general counsel and Lisa Mendoza, Assistant Attorney and our litigation counsel, The Board will reconvene the open meeting in this same location in 15 minutes at 11:17 a.m." The motion was seconded by Ms. Chappell and the motion carried unanimously.

Mr. Yocum recessed the KOMA meeting at 11:02 a.m. No action was taken during the session.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 11:17 a.m.

Executive Session to Discuss an Attorney-Client Privileged Matter

Ms. Burgardt made the following motion: "I move that the Board recess into executive session for consultation with our legal counsel to seek legal advice on a disciplinary matter in order to protect the attorney-client privilege. We require Athena Andaya, Deputy Attorney General and our general counsel and Lisa Mendoza, Assistant Attorney General and our litigation counsel. The Board will reconvene the open meeting in this same location in 15 minutes at 11:35 a.m." The motion was seconded by Ms. Chappell and the motion carried unanimously.

Mr. Yocum recessed the KOMA meeting at 11:20 a.m. No action was taken during the session.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 11:35 a.m.

Executive Session to Discuss an Attorney-Client Privileged Matter

Ms. Burgardt made the following motion: "I move that the Board recess into executive session for consultation with our legal counsel to seek legal advice on a disciplinary matter in order to protect the attorney-client privilege. We require Athena Andaya, Deputy Attorney General and our general counsel and Lisa Mendoza, Assistant Attorney General and our litigation counsel. The Board will reconvene the open meeting in this same location in 15 minutes at 11:50 a.m." The motion was seconded by Ms. McCarthy and the motion carried unanimously.

Mr. Yocum recessed the KOMA meeting at 11:35 a.m. No action was taken during the session.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 11:50 a.m.

Executive Session to Discuss an Attorney-Client Privileged Matter

Ms. Burgardt made the following motion: "I move that the Board recess into executive session for consultation with our legal counsel to seek legal advice on a disciplinary matter in order to protect the attorney-client privilege. We require Athena Andaya, Deputy Attorney General and our general counsel and Lisa Mendoza, Assistant Attorney General and our litigation counsel. The Board will reconvene the open meeting in this same location in 5 minutes at 11:55 a.m." The motion was seconded by Ms. Skepnek and the motion carried unanimously.

Mr. Yocum recessed the KOMA meeting at 11:50 a.m. No action was taken during the session.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 11:55 a.m.

Executive Session to Discuss an Attorney-Client Privileged Matter

Ms. Burgardt made the following motion: “I move that the Board recess into executive session for consultation with our legal counsel to seek legal advice on a disciplinary matter in order to protect the attorney-client privilege. We require Athena Andaya, Deputy Attorney General and our general counsel and Lisa Mendoza, Assistant Attorney General and our litigation counsel. The Board will reconvene the open meeting in this same location in 5 minutes at 12:02 p.m.” The motion was seconded by Ms. Skepnek and the motion carried unanimously.

Mr. Yocum recessed the KOMA meeting at 11:57 a.m.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 12:02 p.m.

Motion to delegate Chiquita Coggs, Executive Director, to take action on a specific personnel matter (Goss/Chappell). Motion carried unanimously.

Lunch

Motion to recess for 30 minutes at 12:02 p.m. (Goss/Chappell). Motion carried unanimously.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 12:32 p.m.

Z Hair Academy – Program Approval

Motion to approve Z Hair Academy part-time program (Burgardt/McCarthy). Motion carried unanimously.

Kathy Larsen – BA CE Approval Request

Motion to approve body art CE request (Goss/Chappell). Motion carried unanimously.

Board School Seminar (CE Hours)

Ms. Gloeckner advised the Board of the upcoming school seminar and requested that the Board award up to six hours of continuing education for instructors.

Ms. Burgardt commented on possibly having the Board meeting in front of the seminar attendees to allow licensees the opportunity to see how the Board functions.

Motion to approve up to six hours of continuing education for attendance at the Board school seminar (Skepnek/Burgardt). Motion carried unanimously.

Transfer Students

Board staff presented an amended transfer of hours form for tracking training hours for all transfer students, both in-state and out-of-state.

Motion to approve the amended form (Chappell/McCarthy). Motion carried unanimously.

Revision of Board Forms

Board staff requested permission to amend all Board forms for consistency without any policy or content changes.

Motion to allow Board staff to reformat all Board forms (Burgardt/Chappell). Motion carried unanimously.

Body Art Release Form (Amendments)

Ms. Gloeckner presented amendments to the current release form to add parental consent and to remove all health related information since the Board's licensed facilities are not healthcare facilities. Ms. Gloeckner also requested that the name of the form be changed to "Client Record." Ms. Andaya commented that Section 3 regarding medical conditions was not necessary to include on the form.

Motion to approve amendments (Goss/McCarthy). Motion carried unanimously.

Discussion of the form being called a "release form" versus a "client record" and the desire for consistency regarding the name of the form on the website.

Motion to remove section on medical conditions, to put wording on form that it isn't a release form and for the website to reflect the same (Burgardt/Goss). Motion carried unanimously.

Body Art Consumer Awareness

Ms. Gloeckner presented the consumer brochure for body art. Ms. Gloeckner also requested approval to allow Mr. Goss to serve as a representative of the Board for public awareness and education on the risks associated with unlicensed tattooing.

Motion to approve brochure and Mr. Goss serving as a representative of the Board for consumer awareness (Burgardt/McCarthy). Motion carried unanimously.

Complaint Policy

Ms. Coggs discussed the at-risk population of minors who are receiving tattoos from unlicensed practitioners. Ms. Coggs asked the Board to consider accepting anonymous complaints from these individuals. Ms. Andaya commented that it is a misdemeanor to tattoo a minor without a license and parental consent, but it is also in the Board's discretion whether to notify law enforcement. Ms. Coggs addressed the importance of having a strong relationship with law enforcement to make sure they know tattooing minors is a crime. Ms. Coggs stated she is willing to put together an updated complaint policy regarding accepting these types of complaints anonymously.

Executive Session to Discuss Personnel Matter

Mr. Holmes made the following motion: “I move that the Board recess into executive session to discuss personnel matters of non-elected personnel in order to protect the privacy of the parties involved. We require Athena Andaya, Deputy Attorney General and our general counsel, Lisa Mendoza, Assistant Attorney General and our litigation counsel, Chiquita Coggs, Executive Director, Allison Conklin, Human Resource Manager, and Stephanie Nickoley, Human Resources Manager, be admitted to the executive session, when requested, to aid the Board in their discussions. The Board will reconvene the open meeting in this same location in 10 minutes at 1:28 p.m.” The motion was seconded by Ms. Skepnek and the motion carried unanimously.

Mr. Yocum recessed the KOMA meeting at 1:18 p.m. No action was taken during the session.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 1:28 p.m.

Executive Session Discuss an Attorney-Client Privileged Matter

Ms. Chappell made the following motion: “I move that the Board recess into executive session for consultation with our legal counsel to seek legal advice in order to protect the attorney-client privilege. We require Athena Andaya, Deputy Attorney General and our general counsel and Lisa Mendoza, Assistant Attorney General and our litigation counsel. The Board will reconvene the open meeting in this same location in 5 minutes at 1:36 p.m.” The motion was seconded by Ms. Burgardt and the motion carried unanimously.

Mr. Yocum recessed the KOMA meeting at 1:31 p.m.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 1:36 p.m.

Motion that the Board takes the position that the application of make-up constitutes the practice of cosmetology (Burgardt/Skepnek). Motion carried unanimously.

Budget Report

Ms. Gloeckner presented the budget report.

Department Reports

Licensing and Enforcement reports for January and February were presented.

Subcommittee Reports

Mr. Goss gave a presentation on dermal piercings. A handout was provided on the different types of dermal piercings. A discussion was brought up about what kind of training is required for piercers. Ms. Gloeckner stated that there are no training hours currently defined in the curriculum for dermal piercings.

Mr. Yocum, Board Chair, requested Athena Andaya to look at the definition of dermal piercing and how it related to the current definition of “body piercing” in the statutes and regulations.

Mr. Yocum, Board Chair, also recommended having the subcommittee meet to research what other states are doing in terms of training for piercers.

Mr. Yocum, Board Chair, directed Board staff to invite the Board of Healing Arts to the next in person Board meeting to discuss their stance on dermal piercings.

Director’s Report

Ms. Coggs gave a legislative update to the Board regarding bills for barbering, cosmetology reciprocity and tanning. Proponent testimony for the tanning device temperature bill was given by the Kansas Department of Health in Environment (KDHE). KDHE concurred with the Board that the temperature restriction on tanning devices should be removed. The Board discussed issues that might arise with the tanning bill prohibiting minors from tanning and how to enforce the legislation.

Ms. Coggs presented an update regarding the Marinello Schools of Beauty closings and student transfers. Ms. Coggs reported that the transition had gone well. She also reported that Washburn Tech could possibly open a school of cosmetology in Topeka.

Ms. Coggs also brought up the intent to have instructors partake in the blood spill procedure as part of the school seminar in May.

2016 Disciplinary Panel Selection

Motion to table agenda item to the next meeting (Goss/Skepnek). Motion carried unanimously.

Fine Schedule – Cosmetology

Motion to table agenda item to the next meeting (Goss/Chappell). Motion carried unanimously.

Adjournment

Motion to adjourn the meeting at 3:00 p.m. (Holmes/Goss). Motion carried unanimously.