

STATE OF KANSAS

KANSAS BOARD OF COSMETOLOGY
714 SW JACKSON STREET, SUITE 100
TOPEKA, KS 66603



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GOVERNOR JEFF COLYER, M.D.
CHIQUITA C. COGGS, EXECUTIVE DIRECTOR

Board Meeting Minutes May 14, 2018

The Kansas Board of Cosmetology held a Board meeting on Monday, May 14, 2018 at 9:30 a.m. at the Board office at 714 S.W. Jackson Street, Suite 100, Topeka, Kansas. The Board Secretary recorded the minutes.

Board Members Present:

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

Staff Present:

Chiquita Coggs, Executive Director
Ms. Gloeckner, Assistant Director
Aubrie Pryer, Compliance Supervisor
Lindsey Bowes, Board Secretary
Michaela Ewing, Licensing
Janet Durheim, Region 3 Inspector
Robert Ingraham, Region 4 Inspector
Wendy Flowers, Region 2 Inspector

Board Legal Counsel Present:

Athena Andaya, General Counsel

Public Comment

No public Comment.

Call to Order

David Yocum, Chair, called the meeting to Order at 9:40 a.m.

Approval of Agenda (Additions/Deletions/Changes)

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

Minutes of April 9, 2018

Motion and second to approve the minutes for April 9, 2018 made by Burgardt and Mancuso, respectively. Motion carried.

New KBOC Inspector

Aubrie Pryer, Compliance Supervisor, introduced Roberta Ingraham, new Board inspector for Region 4, to the Board.

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Research Assistant Position Update

Chiquita Coggs, Executive Director, informed the Board the Research Assistant position is open for the public to apply.

Office Security Issues

Ms. Coggs informed the Board the office will remain locked during business hours for security reasons and a doorbell has been installed for walk-ins.

Board Packet, Tabled Agenda Items & Homework Assignments

Lindsey Bowes, Board Secretary, informed the Board the Board packet will be available a week prior to the scheduled Board meeting and the packet will now include a list of previously tabled agenda items. Ms. Bowes also noted Board "homework" assignments will be sent shortly after the Board meetings to ensure the assignments are allotted enough time for completion.

Esthetics Consultation Contact Update

Ms. Coggs informed the Board due to unforeseen circumstances Gary Begley, IMAj Institute of Arizona, will not be able to assist as a consultant for esthetics. Ms. Coggs indicated Shawn Conder, advanced esthetician from Utah and an exam trainer for The National-Interstate Council of State Boards of Cosmetology (N.I.C.), has volunteered as a replacement. Video conference with Mr. Conder is tentatively scheduled for the July Board meeting.

Ride Along Feedback

The Board shared and discussed their ride along inspection experiences. The Board raised concerns regarding the safety of the region inspectors. Athena Andaya, Legal Counsel, volunteered to further review the use of Google glasses for the region inspectors.

Curriculum Sub-Committee Update

David Yocum, Chair, updated the Board of the recent meeting held on April 23, 2018 by the Curriculum Sub-Committee. The Committee discussed implementing advanced and mater esthetician licenses, revision of the definition for "Cosmetology" to include non-chemical, basic services, anything other would require an esthetics license; the Committee also discussed increasing infection control requirements and required hours for nail technology.

Anonymous Complaints

Mr. Yocum informed the Board anonymous complaints will be reviewed on a case-by-case basis and office staff may consult with Ms. Andaya to determine if redaction of information is needed.

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Recess

Motion and second to approve recess break until 11:03 am were made by Burgardt and Robbins, respectively. Motion carried.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 11:04 am.

Election of Officers

Ms. Coggs reminded the Board election of officers is due at the end of the fiscal year, June 30th. Mr. Yocum informed the Board the positions of Board Chair and Vice Chair are up for election.

The Board nominated David Yocum for Board Chair and Tina Burgardt for Vice Chair.

Motion and second to approve David Yocum for Board Chair and Tina Burgardt for Vice Chair made by Robbins and Rangel, respectively. Motion carried.

Enforcement & Licensing Reports

The item is for informational purposes only.

KDHE Regs

Ms. Pryer provided the Board with proposed changes for the KDHE Regs. The Board requested time to further review the proposed changes.

Motion and second to table KDHE Regs for the next scheduled Board meeting made by Burgardt and Rangel, respectively. Motion carried.

Advanced Esthetics-License/Certification

Ms. Coggs requested the Board consider developing an Advanced Esthetics license or Advanced Certification. Mr. Yocum informed the Board the request will be further reviewed by the Curriculum Sub-Committee.

Lunch

Motion and second to approve lunch break until 12:02 pm made by Robbins and Mancuso, respectively. Motion carried.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 12:03 pm.

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Barber/Cosmetology Relationship

Ms. Coggs informed the Board of her recent visit with Lori Ferguson, Administrator for the Kansas Board of Barbering, regarding building a relationship with the Kansas Board of Barbering and its licensees.

Ms. Coggs indicated Ms. Ferguson is in agreement and supports the idea of building a positive relationship between the two Boards and supports the idea of sending a letter to the Kansas Barbers. Ms. Coggs requested the Boards input for the development of the letter and approval to mail the letter to all licensed Barbers in the State of Kansas.

Motion and second to grant Chiquita Coggs authority to draft and send a letter to the Kansas Barbers made by Burgardt and Robbins, respectively. Motion carried.

New Pay Plan (by Legislative action)

Ms. Coggs informed the Board Senate Bill 109 passed. The item is for informational purposes only.

Executive Session

Kelly Robbins, 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 requires Athena Andaya, Legal Counsel to be present in the executive session to aid in their discussion. The Board will reconvene the open meeting in this same location in 10 minutes at 12:34 pm." The motion was seconded by Ashley Rangel, Member, and was carried unanimously.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 12:38 pm.

Kelly Robbins, Member, made the following motion, "I authorize David Yocum, Chair, to gather information from the applicable agencies related to the evaluation and salary of the executive director including the effect of Senate Bill 109 on her position." The motion was seconded by Ashley Rangel, Member, and was carried unanimously.

ICC New High School Program

Ms. Gloeckner informed the Board that the Independence Community College is requesting approval to offer Cosmetology courses to high school juniors and seniors for college credit.

Motion to approve the new program for Independence Community College made by Robbins and Mancuso, respectively. Motion carried.

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CoolSculpting

Ms. Gloeckner informed the Board of recent request for assistance from the Kansas Attorney Generals office regarding the procedure known as CoolSculpting.

Ashley Rangel, Member, informed the Board of the requirements set forth by the manufacturer to purchase the CoolSculpting machine.

The Board discussed the procedure and questioned if the procedure falls under the regulation of the Kansas Board of Healing Arts.

Motion and second to grant authority to David Yocum, Chair, to contact the Kansas Board of Healing Arts to receive clarification on CoolSculpting and medical devices and their classifications in general made by Rangel and Robbins, respectively. Motion carried.

Unlicensed Individuals

Ms. Bowes requested the Boards approval for the Kansas Board of Cosmetology to begin notifying the Kansas Department of Labor of employers who may be within violation of K.S.A 75-5743; which states, "*all employers are required to submit their new hire reports within 20 days after the employee is hired or rehired.*" The information shall include the newly hired employee's name, address, social security, and the date services for remuneration were first performed by the newly hired employee and the employer's name, address, federal tax identification number and any other information as may be required by section 453A of the social security act.

Employee information is needed during routine inspections to verify licensure and needed when a violation of Kansas law is found and warrants a fine; primarily for unlicensed individuals found during inspections.

Inspection results are showing when unlicensed individuals are found the individual, and/or their employer are refusing to provide employee information, or they do not have employee information on file. Thus, the Board is unable to issue and/or collect on the fine.

If facilities are refusing to provide or do not have an employee record on file, more than likely they are not reporting their employees to the Kansas Department of Labor and are within violation of K.S.A. 75-5743.

Motion and second to approve a letter be sent by Chiquita Coggs, Executive Director, and David Yocum, Chair, to the Kansas Department of Labor regarding employers who may be within violation of K.S.A. 75-5743 made by Mancuso and Rangel, respectively. Motion carried.

Ms. Andaya volunteered to draft the letter and will send to Ms. Coggs when available.

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Senate Substitute for Senate Substitute for House Bill 2386 (fka Senate Bill 421)

Ms. Coggs informed the Board House Bill 2386 requires licensing agencies, except those excluded, to revise their regulations that may reject an applicant from obtaining a license due to a felony conviction.

Ms. Andaya volunteered to provide a list of all felonies to the Board Members and office staff prior to the next scheduled Board meeting. Discussion of House Bill 2386 will continue at the June 11, 2018 Board meeting.

Job Analysis/Request from NIC for Distribution

Ms. Coggs informed the Board NIC is requesting all state boards provide a job analysis survey to their licensed Cosmetologists and Estheticians. The survey will be sent via e-mail to all licensees.

Motion and second to approve the NIC survey be sent to all licensees made by Burgardt and Mancuso, respectively. Motion carried.

New Member Power Point Revision

Ms. Andaya informed the Board she will have the power point revisions available at the next scheduled Board meeting. Ms. Pryer volunteered to assist Ms. Andaya with the power point.

House Bill 2280

Ms. Andaya informed the Board House Bill 2280 is the new approval process for regulation changes.

Ergometrics Monthly Report for March 2018

The item is for informational purposes only.

Ergometrics 1st Quarter Report for 2018

The item is for informational purposes only.

KBOC Strategic Plan

The item is for informational purposes only.

Adjournment

Motion and second to adjourn the meeting at 1:29 p.m. made by Robbins and Rangel, respectively. Motion carried.