

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 July 9, 2018

The Kansas Board of Cosmetology held a Board meeting on Monday, July 9, 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
David Tucker, Member
Katy Skepnek, Member
Kelly Robbins, Member

Members of the Public

Lily Villazan
P. Kelley
Monica Jones
Brandy Clinton
Sue Watkins
Leslie Rosi
Tracy Hein
Farah Ahmed
Nichole Hines
Tara VanderValk
Jessica Pluff
Rachel Naster
Jessica Shrum
Malinda McHenry

Staff Present:

Chiquita Coggs, Executive Director
Ms. Gloeckner, Assistant Director
Aubrie Pryer, Compliance Supervisor
Lindsey Bowes, Board Secretary
Michaela Ewing, Licensing
Vickie Rodriguez, Licensing
Ava Fiene, R1 Inspector
Janet Durham, R3 Inspector

Board Legal Counsel Present:

Athena Andaya, General Counsel

Public Comment

Brandy Clinton requested the Boards approval of her mobile establishment with the provided research of the holding tanks.

Jessica Pluff provided feedback for the proposed Kansas Department of Health & Environment Regulation survey the Board recently sent to the licensees.

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Monica Jones requested "braiding" be added under the definition of Cosmetology. Chiquita Coggs, Executive Director, requested the item be added to the next Board meeting agenda.

Tara VanderValk provided feedback for the proposed Kansas Department of Health & Environment Regulation survey the Board recently sent to the licensees.

Malinda McHenry provided feedback for the proposed Kansas Department of Health & Environment Regulation survey the Board recently sent to the licensees.

Call to Order

David Yocum, Chair, called the meeting to Order at 10:17 a.m.

Approval of Agenda (Additions/Deletions/Changes) (33:23:00)

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

KBOC Board Members & Office Staff Introductions

The Board members and office staff introduced themselves to the newest Body Art Board member representative, David Tucker.

Minutes of June 11, 2018 (47:50:00)

Motion and second to approve the minutes for June 11, 2018 made by Burgardt and Robbins, respectively. Motion carried.

Proposed KDHE Regulation Changes (48:45:00)

The Board discussed the proposed Kansas Department of Health & Environment regulation changes.

Lunch (1:51:22)

Motion and second to approve lunch break until 12:05 pm made by Skepnek and Burgardt, respectively. Motion carried.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 12:11 pm.

The Board continued discussing the proposed Kansas Department of Health & Environment regulation changes.

Board Definitions for Gross Negligence and Unprofessional Conduct (2:36:56)

Item was tabled for further review. Mr. Yocum and Ms. Gloeckner will draft outline defining Gross Negligence and Unprofessional conduct.

Classification for Medical Devices Follow-Up (03:03:00)

Mr. Yocum informed the Board he will continue reaching out to the Kansas Board of Healing Arts.

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Attorney Report (03:04:00)

Athena Andaya, Legal Counsel, informed the Board of the research results found regarding the use of Google Glasses.

Ms. Andaya also indicated she completed the letter for the Kansas Department of Labor and will forward the draft to Lindsey Bowes, Board Secretary.

Ms. Andaya requested the Boards approval to draft a regulation that will adhere to the new felony list statute.

Ms. Andaya will forward screenshots of her edits for the New Board Member power point to Ms. Bowes.

Letter to the Kansas Barbers (03:36:10)

Chiquita Coggs, Executive Director, informed the Board she will hold sending the letter.

Travel Reimbursement for Board Members (03:38:34)

Ms. Coggs informed the Board the heads of multiple small agencies are scheduled to meet with Shawn Sullivan July 19, 2018.

Mobile Establishment Licensure (03:54:20)

Aubrie Pryer, Compliance Supervisor, requested the Boards approval of Brandy Clintons mobile establishment without the visual verification of the holding tanks. The Board proposed Ms. Clinton obtain a portable reserve for the holding tank, to ensure she meets the regulation requirement.

Mr. Yocum indicated approval of Ms. Clinton's mobile establishment by the Board will not be needed as verification of the reserve tank will be completed at the time of the Compliance inspection.

Recess (4:06:55)

Motion and second to approve recess break until 2:26pm made by Burgardt and Robbins, respectively. Motion carried.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 2:38 pm.

Executive Session (4:08:24)

Tina Burgardt, Member, made the following motion, "In order to protect the privacy of the parties involved, I move that the Board recess into executive session to discuss matters relating to actions adversely affecting a student. The Board requires Chiquita Coggs, Executive Director, Laura Gloeckner, Assistant Director, Aubrie Pryer, Compliance Supervisor, 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 15 minutes at 3:00 pm." The motion was seconded by Katy Skepnek, Member, and was carried unanimously.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 3:00 pm.

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Executive Session (4:09:49)

Tina Burgardt, Member, made the following motion, "In order to protect the privacy of the parties involved, I move that the Board recess into executive session to discuss matters relating to actions adversely affecting a student. The Board requires Chiquita Coggs, Executive Director, Laura Gloeckner, Assistant Director, Aubrie Pryer, Compliance Supervisor, 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 3:12 pm." The motion was seconded by Kelly Robbins, Member, and was carried unanimously.

Call to Order (04:11:51)

Mr. Yocum, Board Chair, called the meeting back to order at 3:15 pm.

Motion and second to approve the Board respond to Complaint 1 and 3 indicating insufficient information has been provided and the Board recommends Complainant 1 and 3 retake the test and for Complaint 2, the Board to extend gratitude of thanks for bringing her concerns to the Boards attention and congratulate Complaint 2 on passing her exams made by Robbins and Skepnek, respectively. Motion carried.

Exam Company Complaints (04:12:54)

The Board discussed the process of exam company complaints.

Motion and second to approve Mr. Yocum and Ms. Coggs to draft a letter to Ergometrics requesting they pursue an internal investigation of the discrimination complaint the Board received of a particular testing site and provide a report to the Board of their findings made by Burgardt and Robbins, respectively. Motion carried.

2017-2018 Past Tabled Items Follow-Up (04:20:50)

The Board discussed the following past tabled items:

Body Arts Trainer Accountability

First appeared during the July 10, 2017 meeting, discussed developing a standard that holds trainers to a professional standard of accountability. Tabled to be reviewed during the Body Art Retreat. Item reappeared on the October 9, 2017 agenda, Ms. Andaya volunteered to research regulatory authority for professional conduct and/or code of ethics; to be presented at the next scheduled Board meeting. Last appeared during the November 13, 2017, meeting where Ms. Andaya advised the Board a statute would be needed regarding unprofessional conduct and then a regulation defining unprofessional conduct.

Ms. Gloeckner, Michaela Ewing, Licensing, and Mr. Yocum to draft statute.

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Field Study Request Status (04:29:00)

First appeared on the July 10, 2017, agenda and last appeared on the November 13, 2017, agenda.

Ms. Dvak R. Corwin, Compliance Manager with the U.S. Department of Education, provided a response to Ms. Coggs, which will be summarized and sent to the schools.

Late Apprentice Application Statute Change (04:31:00)

Tabled during the February 12, 2018, meeting. The Board agreed to draft a statute change.

A draft is currently in production to change the statute making the submission of the apprentice application the schools' responsibility. The draft will be brought to the Board at a later meeting.

Mitsu Sato Status (04:35:09)

Tabled during the February 12, 2018, meeting. Reports of gross negligence and unprofessional conduct by the school. Laura was to draft a letter requesting a response from the school for the received complaints.

Guidance to fall under the general Gross Negligence and Unprofessional Conduct definition that Mr. Yocum and Ms. Gloeckner will be drafting.

KDADS Status (04:36:10)

During the January 8, 2018, meeting, Ms. Andaya notified the Board the MOU is drafted but had yet to receive a response from KDADS Chief Counsel, Kimberly Lynch.

Ms. Andaya to send drafted letter to Mr. Yocum to deliver to KDADS.

David Tucker Response Follow Up (04:37:00)

During the January 8, 2018, meeting, Ms. Gloeckner volunteered to draft an e-mail for Mr. Yocum to review, a follow up with Mr. Tucker's request for removal of certain CE courses for BA.

Ms. Gloeckner informed David Tucker, Member, the Board continues to look for more available CE courses as they pertain to the Board Art community.

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Instructor Permit Policy Update (04:41:30)

During the January 8, 2018, meeting, Ms. Gloeckner requested the policy be updated. Mr. Yocum volunteered to draft a regulation that would help support K.S.A.65-1903(k)(1) for Instructor-In-Training permits.

Policy has been created but the Statute needs to be developed.

K.S.A. 65-1903(j) Suggested Statute Change (04:42:26)

During the January 8, 2018, meeting, Mr. Yocum requested the Board considered a change to the statute.

Statute change to be presented to the Kansas Legislature in 2019.

Reimbursement for Hearing Follow-Up (04:43:12)

Item first appeared on the July 10, 2017, agenda and last appeared during the January 8, 2018 agenda.

Statute change to be presented to the Kansas Legislature in 2019.

MyLicense Verification Photo Upload (04:43:34)

First appeared on the March 13, 2017, agenda and last appeared on the May 8, 2017, agenda. Ms. Andaya to research the legalities of having photos.

Ms. Gloeckner notified the Board of the public photo survey. Ms. Andaya recommended making the photos in the system only available to the region inspectors, not the public. Ms. Gloeckner indicated she would research the cost of placing photos directly on the licenses, as well as test the capabilities of the system to only make the licensee photos available to internal staff.

Charitable Event Permit Reminder (04:48:33)

First appeared on the July 10, 2017, agenda and last action was during the November 13, 2017, meeting.

Statute change to be presented to the Kansas Legislature in 2019.

Newsletter Piece Re: Fine Responsibility (04:48:33)

The facility has a responsibility to develop their own guidelines and practices on who will be financially responsible for fines when found at specific work station. The law states the fine goes against the facility regardless.

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Licensing Report for May 2018

The item is for informational purposes only.

Ergometrics Monthly Report for May 2018

The item is for informational purposes only.

KBOC Cash Balance Report for May 2018

The item is for informational purposes only.

KBOC Strategic Plan

The item is for informational purposes only.

Adjournment (4:53:00)

Motion and second to adjourn the meeting at 3:56 p.m. made by Robbins and Skepnek, respectively. Motion carried.