

Board Retreat Meeting Minutes August 29, 2017

The Kansas Board of Cosmetology held a Board Retreat meeting on Tuesday, August 29, 2017 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
Matthew Goss, Vice Chair
Kimberley Mancuso, Member
Kelly Robbins, Member
Katy Skepnek, Member

Members of the Public:

Deidra Evans
Erik Grover
Janis Bishop
Samantha Chumney

Staff Present:

Chiquita Coggs, Executive Director
Aubrie Pryer, Compliance Supervisor
Ms. Bowes, Board Secretary
Michaela Ewing, Licensing
Ava Fiene, Inspector
Janet Durheim, Inspector
Skye Reid, Inspector
Brian Tice, Inspector

Board Legal Counsel Present:

Athena Andaya, General Counsel

Public Comment

Samantha Chumney requested the Board make the public aware of the microblading laws & regulations for Kansas.

Deidra Evans will be developing a news article on microblading for the Board to place in the agency newsletter.

Call to Order

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

Review of Kansas Regulations for Tattooing, Cosmetic Tattooing & Body Piercing

The Board discussed K.A.R. 69-15-6

Mr. Yocum requested review of K.A.R. 69-15-6 be tabled for later review.

The Board discussed K.A.R. 69-15-7

Mr. Yocum requested review of K.A.R. 69-15-7 be tabled for later review.

Recess

Motion and second to approve recess break until 10:40 a.m. made by Mancuso and Goss, respectively. Motion carried.

Called to Order

Mr. Yocum called the meeting back to order at 10:40 a.m.

The Board revisited discussion on K.A.R. 69-15-6

Mr. Yocum requested to table K.A.R. 69-15-6 so language can be drafted for the amendment to subsection (e) and addition of subsection (f) and presented at the next scheduled board meeting.

Lunch

Motion and second to approve lunch break until 12:15 p.m. made by Mancuso and Robbins, respectively. Motion carried.

Called to Order

Mr. Yocum called the meeting back to order at 12:30 p.m.

The Board discussed K.A.R. 69-15-8 (1:31:14)

Chiquita Coggs, Executive Director, recommended an amendment to K.A.R. 69-15-8(a) to also prohibit electronic devices.

Motion and second to amend K.A.R. 69-15-8(a) made by Mancuso and Robbins, respectively, to read as follows: *“Taking notes, textbooks, notebooks, or electronic devices into the examination room shall be prohibited.”* Motion carried.

Ms. Coggs recommended amending K.A.R. 69-15-8(c) to remove language that is no longer relevant to the process or is no longer the practice.

Motion and second to amend K.A.R. 69-15-8(c) made by Goss and Robbins, respectively, to read as follows: *“Disqualification shall invalidate the examination and result in forfeiture of the examination and fee. The applicant shall be required to submit an additional examination fee, and schedule another examination.”* Motion carried.

The Board Discussed K.A.R. 69-15-9 (1:39:26)

Mr. Yocum recommended amending K.A.R. 69-15-9(a)(b)(c)(d) in accordance with other policies and practices for other KBOC regulated professions.

Motion and second to amend K.A.R. 69-15-9(a)(b)(c)(d) made by Mancuso and Robbins, respectively, to read as follows: *“(a) Expire at the month end two years from the date of issuance. (b) A notice of renewal shall be sent to the applicant at least 6 weeks prior to the expiration date of the license using the most current contact information provided to the Board by the licensee. (c) The applicant shall apply for renewal in advance of the license expiration date of the prior license. (d) Renewal applications received (postmarked) after expiration of license shall be assessed a late fee in addition to the renewal fee.”*

Motion carried.

The Board discussed K.A.R. 69-15-10

Motion and second to amend K.A.R. 69-15-10(a) made by Mancuso and Goss, respectively, to read as follows: *“The facility license and most recent inspection report shall be posted in public view in the lobby or waiting area of the place of business. The current practitioner license shall be posted in public view in the work area.”*

Motion carried.

Recess

Motion and second to recess until 1:30 p.m. made by Robbins and Goss, respectively. Motion carried.

Called to Order

Mr. Yocum called the meeting back to order at 1:48 p.m.

The Board discussed K.A.R. 69-15-11

In the discussion Athena Andaya, Legal Counsel, reminded the board that the Body Arts statutes do not currently include provisions for placing legal actions, including disciplinary actions, under the Kansas Administrative Procedure Act (K.A.P.A.).

Mr. Yocum recommended the Board add the language of K.A.P.A. to the Body Art statutes as necessary.

Motion and second to add the language of K.A.P.A. to the Body Art statutes as necessary made by Mancuso and Robbins, respectively. Motion carried.

Mr. Yocum requested K.A.R. 69-15-11 be tabled for further review.

The Board discussed K.A.R. 69-15-15. No action was taken.

The Board discussed K.A.R. 69-15-16.

Mr. Yocum recommended amending K.A.R. 69-15-16(f) to remove an element of what cannot be enforced and, though discretionary, replace it with an element that can be enforced.

Motion and second to amend K.A.R. 69-15-16(f) made by Goss and Robbins, respectively to read as follows: *“The facility shall be equipped with adequate and sufficient artificial or natural lighting, used at all times during which business is being conducted.”* Motion carried.

The Board discussed K.A.R. 69-15-17 (2:52:07). No action was taken.

Recess

Motion and second to approve recess break until 2:53 p.m. made by Robbins and Skepnek, respectively. Motion carried.

Called to Order

Mr. Yocum called the meeting back to order at 2:57 p.m.

The Board discussed K.A.R. 69-15-15.

Based on input from SMEs regarding initial jewelry grade standards, Mr. Yocum suggested adopting the Oregon Act, with the exception of the section referring to plastic, as a new Kansas regulation to be applied to the Body Art regulations.

Motion and second to adopt the Oregon Act, with the exception of the section referring to plastic, as a new Kansas regulation made by Robbins and Skepnek, respectively. Motion carried.

Such rule would be stated as:

“69-15-15(j)

(1) All standard body piercers must meet the following jewelry grade standards for initial piercings:

(a) Surgical steel that is American Society for Testing and Materials International (ASTM) ASTM F-138 compliant or International Organization for Standardization (ISO) ISO 5832-1 compliant, ISO 10993-(6,10 or 11) compliant, or European Economic Community (EEC) Nickel Directive compliant;

(b) Implant certified titanium (Ti6Al4V ELI) that is ASTM F-136 compliant or ISO 5832-3 compliant, or commercially pure titanium that is ASTM F-67 compliant;

(c) Niobium;

(d) White or yellow gold that is 14k or higher, nickel-free, and solid (no gold plated, gold-filled, or gold overlay/vermeil);

(e) Platinum;

(f) Glass — Fused quartz glass, lead-free borosilicate, or lead-free soda-lime glass;

(g) Any other material that the APP determines to be appropriate for use in an initial piercing; or

(h) Threaded jewelry must be internally threaded and all surfaces and ends must be free of nicks, scratches, burrs and polishing compounds.

(2) A licensee must have on the facility premises a “Mill Test Certificate” for all jewelry used for initial piercings which provides evidence of a specific grade of metal with a code designation

from the ASTM or ISO or other documentation approved by the agency which meets one of the requirements listed in subsection (1) of this rule.” (Added post meeting)

The Board discussed K.A.R. 69-15-12. No action was taken.

The Board discussed K.A.R. 69-15-13. No action was taken.

The Board discussed K.A.R. 69-15-14. No action was taken.

The Board revisited discussion of K.A.R. 69-15-15.

Mr. Yocum recommended amending K.A.R. 69-15-5(b) to read as follows: *“Each licensee shall keep an individual record of each client for at least five years. Each record shall include the name and address of the client, the date, the type of identification presented, and the type of services provided.”*

Motion and second to approve the amendment to K.A.R. 69-15-5(b) as recommended by Mr. Yocum made by Goss and Robbins, respectively. Motion carried.

The Board revisited discussion of K.A.R. 69-15-16.

Mr. Yocum suggested removing K.A.R. 69-15-16(h) all together.

Motion and second to remove K.A.R. 69-15-6(h) made by Skepnek and Robbins, respectively. Motion carried.

The Board revisited discussion of K.A.R. 69-15-17.

Mr. Yocum requested to table discussion of K.A.R. 69-15-17 for further review.

The Board discussed K.A.R. 69-15-18. No action was taken.

The Board discussed K.A.R. 69-15-19.

Mr. Yocum recommended amending K.A.R. 69-15-19(a) to insert *“or other sterile receptacle.”*

Motion and second to amend K.A.R. 69-15-9(a) made by Goss and Robbins, respectively, to read as follows: *“The practitioner shall place cleaned instruments used in the practice of tattooing or piercing in sterile bags, with color strip indicators, or other sterile receptacle, and shall sterilize the instruments by exposure to one cycle of an approved sterilizer, in accordance with K.A.R. 69-15-20.”*

Motion carried.

The Board discussed K.A.R. 69-15-20. No action was taken.

The Board discussed K.A.R. 69-15-21.

Mr. Yocum requested to table discussion of K.A.R. 69-15-21 for further review.



Adjournment

Motion and second to adjourn the meeting at 3:58 p.m. made by Skepnek and Robbins, respectively. Motion carried.