

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 September 10, 2018

The Kansas Board of Cosmetology held a Board meeting on Monday, September 10, 2018 at 9:30 a.m. at the Jayhawk Tower 700 S.W. Jackson Street, Senate Room, Topeka, Kansas and later continued the meeting 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
Kimberley Mancuso, Member

Staff Present:

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

Members of the Public

Brennan Fletchall
Misti Garffie
Melanie Hite
Amy Gilliland
Lea Marcum
Trisha Griggs
Trina Price
Amber Burkey
Amber Schlekter
Sara Kiarie
Michele Denham
Lana B. Embleton
James Specker

Board Legal Counsel Present:

Athena Andaya, General Counsel
Jane Weiler, Litigation Counsel

Public Comment

No Public Comment

Call to Order

David Yocum, Board Chair, called the meeting to Order at 9:41 a.m.

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Approval of Agenda (Additions/Deletions/Changes)

Motion and second to approve the removal of agenda item *Bellus Academy Cosmetology/Barber Program Addition* and to be replaced with K.A.R. 69-1-10 felony attachment, also request to remove agenda item *Unlicensed Body Art-Barber Shops*, with both items being tabled for the next scheduled Board meeting made by Mancuso and Rangel, respectively. Motion carried.

KBOC Board Members & Office Staff Introductions

The Board members and office staff introduced themselves to public attendees.

Minutes of July 9, 2018

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

Jennifer Montgomery

Jennifer Montgomery, Public Information Officer/Director, Human Trafficking Education and Outreach for the Kansas Attorney General's office provided a presentation on Human Trafficking to the Board.

Massage Therapy Regulation

Chiquita Coggs, Executive Director, requested the Board consider pursuing legislation, regulation and licensing of massage therapy.

Motion and second to approve the Board's pursuit in legislation, regulation and licensing massage therapy made by Burgardt and Rangle, respectively. Motion carried.

Recess

Motion and second to approve recess break until 11:00 am made by Mancuso and Burgardt, respectively. Motion carried.

Call to Order

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

The Board continued discussing regulating Massage Therapy.

Motion and second to approve the appointment of David Yocum, Board Chair, Tina Burgardt, Vice Chair, Kelly Robbins, Member, Ashley Rangel, Member, and David Tucker, Member, to the Massage Therapy sub-committee made by Burgardt and Mancuso, respectively. Motion carried.

Oscar Morales-Gutierrez

Ms. Gloeckner, Assistant Director, requested the Boards review and action on the fourth body art temporary permit application received for Oscar Morales-Gutierrez.

Motion and second to deny the fourth body art temporary permit application for Oscar Morales-Gutierrez made by Mancuso and Burgardt, respectively. Motion carried.

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Ms. Gloeckner requested the Boards approval for herself and Aubrie Pryer, Compliance Supervisor, to draft a guidance document for K.A.R. 69-15-6 and consider amending the following procedural changes to the current body art temporary licensure process:

- Body art temporary permit expires in six (6) weeks rather than six (6) months.
- A licensee may only operate in Kansas under supervision by temporary permit for six (6) weeks total. Extenuating circumstances must be reviewed and approved by the Board on a case by case basis.
- A licensee that fails examination while under supervision by temporary permit must be reviewed by the Board for possible action.
- Draft body art temporary permit guidance document for current body art temporary permit licensure.
- Draft regulations to address above recommendation that should appropriately be in regulation.

Motion and second to approve a guidance document be drafted that states the body art temporary permit will be issued for twelve (12) weeks made by Robbins and Mancuso, respectively. Motion carried.

Athena Andaya, Legal Counsel, informed the Board K.S.A. 65-1943(c) states the exam date is the expiration date for the body art temporary permit.

Robbins and Mancuso rescinded their approval of issuing a body art temporary permit for twelve (12) weeks, respectively.

Motion and second to approve a guidance document be drafted to follow K.S.A. 65-1943(c) and presented to the Board at the next scheduled Board meeting made by Mancuso and Rangel, respectively. Motion carried.

K.A.R. 69-1-10

Ms. Andaya informed the Board K.A.R. 69-1-10 has been drafted to comply with House Bill 2386.

K.A.R. 69-1-10 would require pre-approvals of felony convictions that have occurred within the last five (5) years. The felony pre-approval would have a fee associate with it.

Motion and second to approve K.A.R. 69-1-10 as written made by Burgardt and Rangel, respectively. Motion carried.

Washburn Tech 600 Hour Instructor Program Addition

Ms. Gloeckner requested the Boards approval of the new program for Washburn Tech.

Motion and second to approve Washburn Tech 600 Hour Instructor program addition made by Mancuso and Skepnek, respectively. Motion carried.

ICC-HS Program Amendment

Ms. Glockner requested the Boards assistance in clarifying clock hours to clock credit hours.

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Motion and second to approve Mr. Yocum and Ms. Gloeckner to assist ICC-HS Program Amendment made by Skepnek and Robbins, respectively.

Executive Sessions: School Testing Complaint 1 and 2

Kelly Robbins, Member, made the following motion, "In order to protect a matter protected by the attorney-client privilege and the public interest, I move that the Board recess into executive session for consultation with out legal counsel, Athena Andaya, Deputy Attorney General, to seek legal advice on a method of professional services. In addition, I move that Chiquita Coggs, Executive Director, and Laura Gloeckner, Assistant Director, who are part of the client circle, be present in the executive session to aid the Board in their discussions. The Board will reconvene the open meeting in this same location in 15 minutes at 12:28 p.m." The motion was seconded by Kimberley Mancuso, Member, and was carried unanimously.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 12:28 p.m.

Lunch

Motion and second to approve lunch break until 1:00 pm made by Mancuso and Robbins, respectively. Motion carried.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 1:06 pm.

Executive Session: Student School Complaint: Complaint 3

Kimberley Mancuso, Member, made the following motion, "In order to protect the privacy of a student, I move that the Board recess into executive session to discuss matters relating to actions adversely or favorable affecting a person as a student. I move that Chiquita Coggs, Executive Director, and Laura Gloeckner, Assistant Director, to be present in the executive session to aid the Board in their discussions. The Board will reconvene the open meeting in this same location in 10 minutes at 1:17 p.m." The motion was seconded by Kelly Robbins, Member, and was carried unanimously.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 1:19 p.m.

Motion and second to approve the Board request and review the video of the test administration in Complaint 1 and report findings to the Board made by Rangel and Burgardt, respectively. Motion carried.

Motion and second to approve random inspections of the testing sites and to provide feedback to the Board regarding Complaint 2. In addition, region inspectors are to begin reviewing mock boards/practical exam boards that schools are creating and provide the schools informational feedback related to the Boards material made by Burgardt and Robbins, respectively. Motion carried.

Motion and second to approve the Board to post schools statistical pass/fail rates and locations on the agency website for public viewing made by Robbins and Rangel, respectively. Motion carried.

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Motion and second to approve Ms. Gloeckner to carry out the recommendations discussed during the Executive Session on Complaint 3, particularly the tips received, made by Robbins and Burgardt, respectively. Motion carried.

School-Portable Shampoo Bowl

Ms. Gloeckner requested the Boards review and action on Christina Ramirez's school to have two (2) fixed shampoo bowls and four (4) portable bowls, due to the size of the school.

Mr. Yocum recommends Ms. Ramirez check with local city building code requirements to ensure her request is within compliance.

Ms. Gloeckner will request Ms. Ramirez attend the next scheduled in-house Board meeting.

Clorox Disinfecting Wipes

Ms. Gloeckner informed the Board a response directly from Clorox was received indicating the wipes do not adhere to the fungicidal disinfecting requirements and Ms. Gloeckner is requesting the use of the Clorox wipes be removed from schools and testing sites all together.

Motion and second to approve the removal of Clorox Disinfecting wipes from all testing made by Mancuso and Rangel, respectively. Motion carried.

KDHE Regulation Finalization

Ms. Pryer informed the Board of the updated provisions made for the proposed Kansas Department of Health & Environment regulations.

Shawn Conder

The Board held a video conference with Master Esthetician, Shawn Conder, where they discussed general esthetic procedures and advanced esthetic procedures.

Board Hearings

Jane Weiler, Litigation Counsel, informed the Board they have the capability to act as the 'Presiding Officer' during a Formal Hearing pursuant to the Kansas Administrative Procedure Act, rather than having the Office of Administrative Hearing act as the presiding officer.

Motion and second to delegate the Executive Director for the Kansas Board of Cosmetology the authority to designate the 'Presiding Officer(s)' for Hearings on a case by case basis made by Robbins and Burgardt, respectively. Motion carried.

Proposal from AGs Office Regarding Fees

Chiquita Coggs, Executive Director, informed the Board the Kansas Attorney Generals office will be charging the agency for services provided.

Motion and second to grant authority to the Executive Director to negotiate and reduce the Kansas Attorney Generals fees down to \$40,000.00 per year on behalf of the Board made by Burgardt and Robbins, respectively. Motion carried.

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Body Arts Continuing Education

Ms. Gloeckner and David Tucker, Member, to provide further information at the next scheduled Board meeting.

Body Art Regulations Revisit

Ms. Gloeckner and Mr. Tucker to provide further information at the next scheduled Board meeting.

Gainful Employment

For Informational Purposes Only

Enforcement Report for May-August 2018

For Informational Purposes Only

Ergo 2nd Quarter Report

For Informational Purposes Only

Ergo Monthly Report for June 2018

For Informational Purposes Only

Ergo Monthly Report for July 2018

For Informational Purposes Only

KBOC Cash Balance Report for June 2018

For Informational Purposes Only

KBOC Cash Balance Report for July 2018

For Informational Purposes Only

KBOC Strategic Plan

For Informational Purposes Only.

Adjournment

Motion and second to adjourn the meeting at 4:08 p.m. made by Skepnek and Rangel, respectively. Motion carried.