

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 October 8, 2018

The Kansas Board of Cosmetology held a Board meeting on Monday, October 8, 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
Kelly Robbins, Member

Staff Present:

Ms. Gloeckner, Assistant Director
Aubrie Pryer, Compliance Supervisor
Lindsey Bowes, Board Secretary
Michaela Ewing, Licensing
Janet Durham, R3 Inspector
Eric Lynch, R2 Inspector

Members of the Public

Kim McIntosh
Stacey Peters
Melissa Gutierrez
Luis Gutierrez
Angel Raigosa
Cristina Ramirez
Liley Villazan
Danh Tran
Thi Thut Huy Huynh
Thi Thuy Linh Nguyen
Lisa Nguyen
Khanh Nguyen
Khoa Ta
Pauline Kelley
Thai Tran
Tia Alegos
Tuong Dang
Thuy Le
Vy Nguyen
Trinh Tran

Board Legal Counsel Present:

Athena Andaya, General Counsel

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Public Comment

Cristina Romero requested the Board consider removing high school diploma and G.E.D as required documents from licensure.

Melissa & Luis Gutierrez requested the Board establish Body Art trainer accountability to protect apprentices in the State of Kansas.

Angel Raigosa requested the Board establish Body Art trainer accountability to protect apprentices in the State of Kansas. Mr. Raigosa also provided testimony to the Board of his own personal apprentice experience and requested the Board allow him to test without the required apprentice hours on file.

Call to Order

David Yocum, Board Chair, called the meeting to Order at 10:04 a.m.

Approval of Agenda (Additions/Deletions/Changes)

Request to add Dermaplaning, Lancets and Sharps to the agenda made by Ashley Rangel, Member.

Request to move agenda item #13 Office Staff Update to appear after agenda item #4 Minutes of September 10, 2018, made by Aubrie Pryer, Compliance Supervisor.

Motion and second to approve the addition of Dermaplaning, Lancets and Sharps to the agenda and to move agenda item #13 Office Staff Update to appear after agenda item #4 Minutes of September 10, 2018, made by Robbins and Burgardt, respectively. Motion carried.

Minutes of September 10, 2018

Motion and second to approve the minutes for September 10, 2018 made by Burgardt and Robbins, respectively. Motion carried.

Office Staff Update

Ms. Pryer introduced Eric Lynch as the new region two (2) inspector. The Board members and office staff introduced themselves to Mr. Lynch and the public attendees.

KDHE Regulation Finalization & Tanning Infection Control

Ms. Pryer informed the Board the updated regulations are ready to be sent to the Kansas Department of Health & Environment (KDHE) for review.

Athena Andaya, Legal Counsel, recommended the following changes be made to the updated KDHE regulations:

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K.A.R. 28-24-3(a)(1), which originally states:

No practitioner shall:

- (1) proceed with any service to a consumer having pediculosis, open sores, or inflamed tissue suggesting a communicable disease or condition, fungus, lice (head, body or pubic) or ringworm, until such consumer furnishes a statement signed by a licensed physician stating that the disease or condition is not in an infectious, contagious or communicable stage;

Should be updated and amended as follows:

No practitioner shall:

- (1) proceed with any service to a consumer having pediculosis, open sores, or inflamed tissue suggesting a communicable disease or condition, fungus, lice (head, body or pubic) or ringworm, until such consumer furnishes to the practitioner a statement to the recipient signed by a licensed physician stating that the disease or condition is not in an infectious, contagious or communicable stage;

K.A.R. 28-24-3(a)(2), which originally states:

No practitioner shall:

- (2) provide any service while having pediculosis, or open sores, inflamed tissue suggesting a communicable disease or condition, fungus, lice (head, body or pubic) or ringworm, until such practitioner or registrant obtains a statement signed by a licensed physician stating that the disease or condition is not in an infectious, contagious, or communicable stage.

To be updated and amended as follows:

No practitioner shall:

- (2) provide any service while having pediculosis, or open sores, inflamed tissue suggesting a communicable disease or condition, fungus, lice (head, body or pubic) or ringworm, until such practitioner ~~or registrant~~ obtains a statement signed by a licensed physician stating that the disease or condition is not in an infectious, contagious, or communicable stage.

K.A.R. 28-24-4, which originally states:

- (a) After a towel, robe, or linen has been used once, the licensee or apprentice shall deposit the item in a closed and labeled receptacle and shall not use the towel, robe, or linen again until the item has been properly laundered and sanitized. Used linens, including towels, robes, sheets and capes, shall be placed in a closed and labeled container and shall not be used again until the item has been properly laundered as follows:
- (b) Each licensee or apprentice shall launder used towels, robes, and linens using either regular commercial laundering or a noncommercial laundering temperature of at least 140 degrees Fahrenheit for at least 15 minutes during the washing or rinsing operation

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(c) Each licensee or apprentice shall store all clean towels, robes, and linens in a clean, closed, and labeled cabinet. All clean linens shall be stored in a closed and labeled container or cabinet.

To be updated and amended as follows:

~~(a) After a towel, robe, or linen has been used once, the licensee or apprentice shall deposit the item in a closed and labeled receptacle and shall not use the towel, robe, or linen again until the item has been properly laundered and sanitized. Used linens, including towels, robes, sheets and capes, shall be placed in a closed and labeled container and shall not be used again until the item has been properly laundered as follows:~~

~~Each licensee or apprentice shall launder used towels, robes, and linens using either regular commercial laundering or a noncommercial laundering process in which the towels, robes, and linens are immersed in water with a temperature of at least 140 degrees Fahrenheit for at least 15 minutes during the washing or rinsing operation.~~

~~Used linens shall be cleaned in a washing machine with detergent and hot water. After being cleaned, linens shall be dried until no moisture remains in the fabric.~~

~~(b) Except as stated in subsection (a), capes shall be disinfected after each service when using a clean towel or neck strip under the cape.~~

~~(c) Each licensee or apprentice shall store all clean towels, robes, and linens in a clean, closed, and labeled cabinet. All clean linens shall be stored in a closed and labeled container or cabinet.~~

K.A.R. 28-24-9(f), which originally states:

Pedicure liners are single-use items and must be disposed of immediately after each service. When liners are used, pedicure equipment must remain in a clean and disinfected condition.

To be updated and amended as follows:

Pedicure liners are single-use items and must be disposed of immediately after each service. When liners are used, ~~pedicure equipment must remain in a clean and disinfected condition.~~ the above cleaning and disinfecting requirements do not apply and pedicure equipment must remain in a clean and disinfected condition.

K.A.R. 28-24-14(a)(9), which has been added to existing K.A.R. 28-24-14 states:

(a) The following shall be prohibited in ~~any area of an~~ each establishment or school ~~in which consumers are provided service:~~

(9) any product banned or restricted by the FDA for use in cosmetology, nail technology, esthetics, or electrology.

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To be amended and added as follows:

(a) The following shall be prohibited in ~~any area of an~~ each establishment or school ~~in which consumers are provided service:~~

(9) any product ~~banned or~~ restricted by the ~~FDA~~ board pursuant to regulation for use in cosmetology, nail technology, esthetics, or electrology.

Tanning K.A.R. 28-24a-1(f), which originally states:

“Tanning device operator” means an individual who controls operation of a tanning device and instructs and assists the consumer in the proper operation of the tanning device.

To be updated and amended as follows:

“Tanning device operator” means an individual who controls the operation of a tanning device and instructs and assists the consumer in the proper operation of the tanning device.”

Motion and second to approve the recommended changes to K.A.R. 28-24-3(a)(1), K.A.R. 28-24-3(a)(2), K.A.R. 28-24-4(a), K.A.R. 28-24-9(f), K.A.R. 28-24-14(a)(9), K.A.R. 28-24a-1(f) made by Robbins and Burgardt, respectively. Motion carried.

BA CE Update

Ms. Gloeckner, Assistant Director, informed the Board the class is no longer available on-line.

K.A.R. 69-1-10

Ms. Pryer updated the Board the regulation is ready for public hearing on December 11, 2018.

Portable Shampoo Bowls Revisit

During the September 10, 2018, board meeting, Tina Burgardt, Member, requested Ms. Ramirez provide the Board a visual layout of the school.

Ms. Ramirez presented the floorplan of her school and description on where the two (2) fixed shampoo bowls and four (4) portable bowls will be located and requested the Boards approval for the use of the portable bowls.

Motion and second to approve the use of the four (4) portable bowls in the school made by Robbins and Rangel, respectively. Motion carried.

Motion to discuss removing prohibition of portable sinks with KDHE and not to restrict licensure for facilities made by Burgardt and Robbins, respectively. Motion carried.

Bellus Academy Cosmetology/Barber Program Addition

Mr. Yocum requested the Boards approval to combine Cosmetology and Barbering programs to develop one curriculum; the combined programs would still meet the required 1500-hours for licensure, with 500-hours being taught under the Barbering curriculum.

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Motion and second to approve the combining of Cosmetology and Barbering into one program for Bellus Academy made by Burgardt and Robbins, respectively. Motion carried.

Recess

Motion and second to approve recess break until 11:15 a.m. made by Burgardt and Robbins, respectively. Motion carried.

Call to Order

Mr. Yocum, Board Chair, called the meeting back to order at 11:13 a.m.

Unlicensed Body Art in Barber Shops

The Board tabled the agenda for the next scheduled Board meeting.

Motion and second to approve the item be tabled until the next scheduled Board meeting made by Robbins and Burgardt, respectively. Motion carried.

Body Arts Regulations Revisit

Dave Tucker, Member, requested the Board revisit the Body Art regulations.

Ms. Pryer volunteered to work with Mr. Tucker and the regulations will be brought back to the Board at the beginning of 2019.

Disciplinary Panel Volunteer (2-month term)

Dave Tucker, Member, will act as interim member of the Disciplinary Panel until January 2019.

Motion and second to approve Dave Tucker to act as an interim member of the Disciplinary Panel until January 2019 made by Robbins and Burgardt, respectively. Motion carried.

Proposed Legislation 2018 (For Review Only)

The Board tabled the agenda item for the next scheduled Board meeting.

Dermaplaning, Lancets & Sharps

Ashley Rangel, Member, informed the Board of the Dermaplaning services with using lancets & sharps and requested the Board considering allowing the use of lancets & sharps for esthetic services.

Ms. Andaya will research the definition of Class 1/Grade A medical devices.

Ms. Gloeckner, Ms. Pryer, and Mr. Yocum will research the boards policy relating to Class 1/Grade A medical devices.

The Board tabled the agenda item for the next scheduled Board meeting.

Ergo Monthly Report for August 2018

For Informational Purposes Only

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KBOC Cash Balance Report for August 2018

For Informational Purposes Only

KBOC Strategic Plan

For Informational Purposes Only.

Adjournment

Motion and second to adjourn the meeting at 11:54 a.m. made by Burgardt and Robbins, respectively. Motion carried.