

Board Meeting Minutes October 9, 2017

The Kansas Board of Cosmetology held a Board meeting on Monday, October 9, 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
Christine Burgardt, Member
Kimberley Mancuso, Member
Kelly Robbins, Member
Katy Skepnek, Member

Staff Present:

Chiquita Coggs, Executive Director
Aubrie Pryer, Compliance Supervisor
Ms. Bowes, Board Secretary
Wendy Flowers, Inspector
Skye Reid, Inspector
Ava Fiene, Inspector
Janet Durham, Inspector
Michaela Ewing, Licensing

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 10:04 a.m.

Approval of Agenda (Additions/Deletions/Changes)

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

Minutes of July 10, 2017

Motion and second to approve the June 10, 2017 minutes made by Burgardt and Mancuso, respectively. Motion carried.

Matthew R. Goss Resignation

Chiquita Coggs, Executive Director, informed the Board of Vice Chair, Matthew R. Goss's resignation from the Board effective immediately. Ms. Coggs confirmed that the Governor's Office accepted Mr. Goss's written resignation.

KBOC Strategic Plan Review

The Board reviewed and discussed the Strategic Plan for the Board.

Charitable Event Permit

The Board continued discussion from the July 2017 agenda on Charitable Event Permits.

David Yocum, Chair, and Ms. Coggs will draft language for the development of Charitable Event Permits for Tattooing and Cosmetology and will present the draft at the next scheduled Board meeting.

Body Arts Trainer Accountability

The Board continued discussion from the July 2017 agenda on Body Arts Trainer Accountability. The discussion was about professionalism by trainers to their apprentice.

Athena Andaya, Legal Counsel, will research regulatory authority for professional conduct and/or code of ethics and will present the findings at the next scheduled Board meeting.

Board Policy: Field Study Requests

The Board continued discussion from the July 2017 agenda on Field Study Requests.

Mr. Yocum is still waiting on a response from the U.S. Department of Education but will continue research on adopting Field Study Requests conducted outside of the school and incorporating field studies into the curriculum.

Exam Administration in English Only Policy

Ms. Coggs requested the Board's approval of the Exam Administration in English Only policy.

Ms. Andaya recommended the following verbiage be adopted for the "Purpose" of the policy:

"The purpose of this policy shall be clarification for staff, Board members, licensees, exam candidates, Exam providers, Legislators, and the public that all Kansas Board of Cosmetology exams will be administered in English only and the Kansas Board of Cosmetology will only provide resources, forms or applications in English."

Ms. Andaya also recommended all 2016 notation be replaced with the current year, 2017.

Motion and second to approve Exam Administration in English Only Policy with the recommended verbiage for the "Purpose" and the update of the 2016 notations to the current year made by Burgardt and Mancuso, respectively. Motion carried.

BA CE List Update Request (Bloodborne Pathogens for Body Piercers Course)

Aubrie Pryer, Compliance Supervisor, informed the Board the Bloodborne Pathogens for Body Piercers course was previously offered for 4 hours of Continuing Education (CE) credit. However, the course is now only offered for 3 hours of CE credit and the CE list will be updated to reflect the change.

Separation Requirements

Ms. Pryer informed the Board that Farah Ahmed, Interim State Epidemiologist and Interim Director with the Bureau of Epidemiology and Public Health Informatics at the Kansas Department of Health & Environment (KDHE), has provided the agency with recommendations for separation requirements pursuant to K.A.R. 28-24-13(c).

The Board agreed to continue to consult with KDHE on any future questions relating to K.A.R. 28-24-13(c).

Ashley Givhan-Cosmetology Instructor Training Permit Application

Ms. Pryer requested the Board take action on Ms. Givhan's Cosmetology Instructor Training Permit application. The issue was whether to approve the 200 hours obtained without an instructor-in-training permit.

Motion and second to approve the Cosmetology Instructor Training Permit for Ms. Givhan's made by Robbins and Skepnek, respectively. Motion carried.

The Board continued discussion on late applications received in general with a proposal to make a statute change that implements a late fee. There also was discussion on whether there is current authority to require schools to put a paragraph on the enrollment form to notify students of the obligation to obtain a permit prior starting classes.

Mr. Yocum requested the discussion of the statute change with implementing a late fee be tabled for further review and be presented at the next scheduled Board meeting.

Recess

Motion and second to approve recess break until 11:05 a.m. made by Robbins and Skepnek, respectively. Motion carried.

Called to Order

Mr. Yocum called the meeting back to order at 11:10 a.m.

Executive Session

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 our legal counsel, Athena Andaya, Deputy Attorney General, to seek legal advice on a method of professional service. In addition, I move that Chiquita Coggs, Executive Director and Aubrie Pryer, Compliance Supervisor, 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 10 minutes at 11:22 a.m." The motion was seconded by Katy Skepnek, Member, and was carried unanimously.

Mr. Yocum recessed the KOMA meeting at 11:12 a.m.

Call to Order

Mr. Yocum called the meeting back to order at 11:22 a.m. There was no motion as a result of the executive session.

Late Applications (Bennett, Caballero, Figueroa, Rials & Vides)

Ms. Bowes, Board Secretary, requested the Board's action on five (5) late apprentice applications received. It was noted that all five of the late apprentice applications came from schools that did not attend the School Seminar presented by the Board.

Mr. Yocum recommended the Board send notice to schools who submit late applications and request they submit a document that outlines how they will adhere to K.S.A. 65-1912, which will be reviewed at the next scheduled Board meetings, and request in the same notice the schools attend the next scheduled School Seminar presented by the Board.

Motion and second to approve the five (5) late apprentice applications and notice that will be sent to the schools made by Skepnek and Robbins, respectively. Motion carried.

Board Retreat Follow-Up: New Subsections K.A.R. 69-15-6 (e) & (f)

Mr. Yocum requested the item be tabled for the next scheduled Board meeting.

Review of Kansas Regulations for Tattooing, Cosmetic Tattooing & Body Piercing (cont.)

Mr. Yocum requested the item be tabled for the next scheduled Board meeting.

Adjournment

Motion and second to adjourn the meeting at 11:32 p.m. made by Skepnek and Robbins, respectively. Motion carried.