

Board Meeting Minutes November 14, 2016

The Kansas Board of Cosmetology held a Board meeting on Monday, November 14, 2016 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
Roger, Holmes, Member
Kimberley Holm, Member
Tina Burgardt, Member
Kathryn Skepnek, Member
Janey McCarthy, Member
Matthew Goss, Member

Staff Present:

Chiquita Coggs, Executive Director
Ms. Gloeckner, Assistant Director
Aubrie Pryer, Compliance Supervisor
Ms. Bowes, Board Secretary
Skye Reid, Facility Inspector
Ava Fiene, Facility Inspector

Board Legal Counsel Present:

Athena Andaya, General Counsel (phone-in)

Call to Order

Mr. Yocum, Board Chair, called the meeting to order at 9:36 a.m.

Approval of Agenda (Additions/Deletions/Changes)

Motion and second to remove agenda items BBP/CPR Certification and Barber Cross-Over Hours made by Holm and Burgardt, respectively. Motion carried.

Period of Forgiveness in Facility Fine Assessments

Chiquita Coggs, Executive Director, discussed the recent request from licensees on forgiving history of previous disciplinary actions. Athena Andaya, General Counsel, advised that statutes that allow the Board to fine are discretionary.

Motion and second to have the Board agree to limit prior violations to five years and delegate general counsel to modify the current guidance document made by Holm and Burgardt, respectively. Motion carried.

K.A.R. 69-12-18 – Tanning Regulation – Fine Assessment for Violations

Chiquita Coggs, Executive Director, requested the Board set a fine for tanning facilities in violation of K.A.R. 69-12-18. The Board discussed the issue with enforcing the new regulation. Andaya, General Counsel, suggested the Board add the violation to the fine schedule guidance document, and the fine imposed does not exceed \$250.

K.A.R. 69-11-1 – Cosmetology Fees

Board staff commented that there were no comments at the Public Hearing in regards to K.A.R. 69-11-1. The Board conducted a roll call vote to adopt the new regulations.

Motion and second to adopt the new fee regulations made by Skepnek and Burgardt, respectively. Motion carried.

Cosmetology Separations – Dental Hygiene

Board staff received an email from Flint Hills Technical College Dental Hygiene Director seeking clarification on cosmetology and dental hygiene occupying the same area. The Board discussed the issues with conducting the two professions simultaneously and a letter the agency received from KDHE provides clarification. Athena Andaya, General Counsel, will draft a letter to Flint Hills instructing not to provide services at the same time.

Motion and second to notify Flint Hills that we received a letter from Kansas Department of Health & Environment (KDHE) and will send them a copy of the letter received for them to make arrangements to do services as long as they are not simultaneous made by Burgardt and Holm, respectively. Motion carried.

Body Art Client Records and Corrective Procedures Maintenance

Ms. Gloeckner, Assistant Director, received concerns from two licensees that they cannot keep corrective procedure photographs separately or on electronic devices. The Board discussed issues behind proving the photograph taken is verifiable with the client record.

Motion and second to allow digital media as acceptable documentation of corrective procedure photographs for clients with the understanding that the file must be saved under the name of the client and date of service made by Holm and Goss, respectively. Motion carried.

Electronic Board Verification vs. Paper

Board staff requesting Electronic Board Verification due to fraudulent documentation to obtain licensure in the state of Kansas is on the rise.

Motion and second to approve the Board sending and receiving electronic Board verifications only made by Holmes and McCarthy, respectively. Motion carried.

Licensing Report

Board staff presented licensing report to the Board for review.

La Baron School

Chiquita Coggs, Executive Director, reported to the Board that La Baron School is closing as of December 31, 2016. Board staff will be taking steps to ensure all students have the necessary information to make sure hours are released and ease the process of transferring and taking exams.

Discussion of Disciplinary Actions Against Schools in Student-Related Issues Surrounding School Closures

David Yocum, Chair, discussed with the Board whether the Board should accept students' hours once a school closes even if the student still owes funds to the school. Athena Andaya, General Counsel, indicated the importance of the Board verifying the student has attended the hours and the concern whether the student has paid for their hours is a contractual issue between the student and the school.

Motion and second to accept student hours by the Board office for student transcripts and licensing made by Burgardt and Holm, respectively. Motion carried.

Fine Schedule

The Board tabled this agenda item. Office staff will draft an amended fine schedule Guidance Document for the next Board meeting.

Adjournment

Motion and second to adjourn the meeting at 10:26 a.m. made by Holm and Burgardt, respectively. Motion carried.