

Board Meeting Minutes December 20, 2018

The Kansas Board of Cosmetology held a Board meeting on Monday, December 20, 2018 at 10:15 a.m. at the Board office at 714 S.W. Jackson Street, Suite 100, Topeka, Kansas. The Board members appeared by teleconference. The Board Secretary recorded the minutes.

Board Members Present:

David Yocum, Chair
Ashley Rangel, Member
David Tucker, Member
Kelly Robbins, Member
Kimberley Mancuso, Member

Staff Present:

Ms. Gloeckner, Assistant Director
Aubrie Pryer, Compliance Supervisor
Lindsey Bowes, Enforcement / Board Secretary
Michaela Ewing, Licensing
Brian Tice, Region Inspector
Janet Durham, Region Inspector

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 10:30 a.m.

Approval of Agenda (Additions/Deletions/Changes)

Request to add Out of State Application to end of agenda.

Motion and second to approve the additions, deletions and changes of the agenda made by Mancuso and Rangel, respectively. Motion carried.

Instructor CE Provider List Update

Ms. Gloeckner, Assistant Director, requested the Boards approval to add Ergometrics Seminar to Instructor Continued Education provider list.

Motion and second to approve the addition of Ergometrics Seminar to Instructor Continued Education provider list made by Mancuso and Robbins, respectively. Motion carried.

KDHE Regulations Delay

Ms. Gloeckner and Aubrie Pryer, Compliance Supervisor, informed the Members of the status of the Kansas Department of Health & Sanitation regulations.

Ms. Gloeckner requested approval to draft and send letter requesting priority for regulation changes to the Kansas Department of Health & Environment.

Motion and second to approve letter be drafted and sent to the Kansas Department of Health & Environment requesting priority for the regulation changes made by Mancuso and Rangel, respectively. Motion carried.

Ms. Pryer informed the Board a mobile establishment application has been received and is requesting the Boards approval to approve the application with the purchase of an additional reserve water tank attached, so the establishment can meet the current regulation requirements.

Motion and second to approve the application with the purchase of an additional reserve water tank to meet the current regulation made by Robbins and Mancuso, respectively. Motion carried.

Ms. Gloeckner requested the Boards approval to allow office staff to approve future mobile establishment applications where an additional water reserve tank will be purchased to meet the current regulation.

Motion and second to approve office staff authority to approve future mobile establishment applications where an additional water reserve tank will be purchased to meet the current regulation made by Rangel and Mancuso, respectively. Motion carried.

Mitsu Sato Complaints Follow-Up

Ms. Gloeckner informed the Board of the recent complaints against Mitsu Sato Hair Academy and recommends review and action be made by the Disciplinary Panel. Ms. Gloeckner also informed the Board of an additional complaint received and recommends investigation and review by the Panel.

Ms. Pryer will send the review on December 31, 2018.

Ms. Gloeckner informed the Board future school complaints will still be brought to the Boards attention but will be handled by the Disciplinary Panel.

Testing Company Complaint Follow-Up

Ms. Gloeckner informed the Board of recent complaints received and review has been completed on the testing site company.

Mr. Yocum volunteered to draft and send a letter to the testing company regarding the complaints received and requesting review with follow-up.

Motion and second to approve Mr. Yocum to draft and send a letter to the testing company regarding the complaints received made by Mancuso and Tucker, respectively. Motion carried.

Ms. Gloeckner requested assistance from Athena Andaya, Legal Counsel, to draft a guidance document for a complaint process for testing companies. Ms. Pryer to assist as well.

Testing Site Inspections

Ms. Gloeckner requested the Boards approval of the new inspection form for the testing site inspections.

Motion and second to approve the new form for the testing site inspections made by Mancuso and Robbins, respectively. Motion carried.

ICC HS Credit/Clock Hour Program

Ms. Gloeckner requested the Board reverse the previously approved ICC HS Credit/Clock Hour program for high school program. Mr. Yocum and Ms. Gloeckner to talk to ICC to seek a resolution.

Dermaplaning, Lancets & Sharps Revisit

Agenda item tabled and to be reviewed by sub-committee by Ms. Rangel, Athena Andaya, Legal Counsel, Ms. Gloeckner, Ms. Pryer, and Mr. Yocum. Meeting is scheduled for March 4, 2019, at 11:00 am.

Notice to Consumers

Ms. Gloeckner requested the Boards approval of the new Consumer Complaint sign.

Motion and second to approve the new Consumer Complaint sign made by Tucker and Mancuso, respectively. Motion Carried.

Guidance Documents

Ms. Gloeckner and Ms. Pryer requested the Boards approval of the newly proposed & updated guidance documents:

Monthly Reporting of Student Hours with amendment to the Cosmetology School Fine Schedule.

Motion and second to approve the Reporting of Student Hours with amendment to the Cosmetology School Fine Schedule made by Mancuso and Robbins, respectively. Motion carried.

Maintenance of Student Records: The Board discussed removing the guidance document and making the maintenance of student records a regulation.

Amendment of Late Apprentice Application guidance document.

Motion and second to approve amendment to the current Late Apprentice Application guidance document made by Mancuso and Rangel, respectively. Motion carried.

Amendment of the Felony Application guidance document: To issue a conditioned license upon approval of their pending felony application.

Motion and second to approve the amendment to the felony application guidance document made by Mancuso and Rangel, respectively. Motion carried.

Body Art Temporary Permit: Temporary permits are authorized by K.S.A. 65-1943(c). K.A.R. 69-15-6(e) provides that "Any candidate who meets the requirements of the examination and is scheduled for the next examination may work in a licensed facility under the direct supervision of a licensed permanent cosmetic technician, tattoo artist, or body piercing technician until the candidate successfully passes the examination."

The Board does not wish to extend the temporary permit indefinitely, particularly for a candidate who is not able to successfully pass the examination. Therefore, the Board changes policy to issue a temporary permit once a scheduled exam is made with the expiration date of the permit being the date of their exam. If they fail the exam, the license is null and void.

Motion and second to approve the Body Art Temporary Permit made by Tucker and Rangel, respectively. Motion carried.

Motion and second to delete K.A.R. 69-15-6(e) made by Mancuso and Rangel, respectively. Motion carried. The staff will make the amendments to the regulation and will comply with the requirements of the rules and regulations filing act to enact the amendments.

Ms. Gloeckner requested the Boards approval to update the fine schedule for schools as follows:

Monthly Reporting of Student Hours: 1st offense a Warning Letter and 2nd offense be \$500.00 fine.
Late Apprentice Application: \$25.00 fine to be issued with license.

Motion and second to approve the update to the Cosmetology School fine scheduled made by Mancuso and Rangel, respectively. Motion carried.

Proposed Legislation 2018

Agenda item tabled.

Motion and second to table Proposed Legislation 2018 made by Mancuso and Rangel, respectively. Motion carried.

JCARR Letter Re: KAR 69-1-10

Ms. Gloeckner requested the Boards approval to send a response letter to JCARR.

Motion and second to approve Ms. Andaya to draft response letter with assistance from office staff made by Mancuso and Tucker, respectively. Motion carried.

Infection Control Violations on FB

Dave Tucker, Member, informed the Board of infection control violations he's finding on social media pages of the Body Art community.

Licensing Report for November 2018

For Informational Purposes Only

Ergo Monthly Report for September & October 2018

For Informational Purposes Only

Ergo 3rd Quarter Report

For Informational Purposes Only

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Laura Kelly, Governor

KBOC Cash Balance Report for September & October 2018

For Informational Purposes Only

KBOC Strategic Plan

For Informational Purposes Only

Adjournment

Motion and second to adjourn the meeting at 12:47 p.m. made by Mancuso and Robbins, respectively. Motion carried.