

# KANSAS BOARD OF COSMETOLOGY

## Members of the Kansas Board of Cosmetology

Marie Plinsky, Topeka - Board Chair  
Rogene Handlon, Topeka  
Marian Brown, Lawrence  
Randy Rushing, Shawnee



Ron McKenzie, Olathe - Vice-Chair  
Tracey Stark, Pratt  
Allene Owen, Great Bend  
Robert Werne, Jr., Wichita

## Mission Statement

The mission of the Kansas Board of Cosmetology is to protect the health and safety of the consuming public by licensing qualified individuals and enforcing high standards of practice.

## Infection Control

Last year's newsletter included information on MRSA (Methicillin-Resistant Staphylococcus Aureus), commonly referred to as community MRSA. Since last summer the Board has received several consumer reports, which included medical statements, whereby the consumer was diagnosed with MRSA. In each report the consumer believes they contracted MRSA through recent cosmetology services or through body art services.

In any report whereby a consumer believes they contracted an infection, the Board promptly inspects the establishment in which the consumer received services and advises the establishment owner of the report. Infection control regulations and blood spill procedures are reviewed with the establishment owner and practitioners. Additionally the Board contacts the appropriate county health department and as that department deems necessary additional monitoring of the establishment may be warranted.

Other infections associated with establishments are:

**Cellulitis**, a common bacterial skin infection which initially appears as a swollen, red area of skin that feels hot and tender. It may spread rapidly and red small blisters may appear. This change in the skin may be accompanied by fever.

Cellulitis occurs when bacteria enters through a break in the skin. Insect bites and dry flaky skin may also be an entry point for bacteria.

**Mycobacterium fortuitum** was first associated with the cosmetology industry when national attention focused on pedi-spas in California.

Mycobacterium fortuitum may initially appear as small red bumps resembling mosquito bites. A consumer may disregard the bumps, assuming they will go away within a few days. Seven to 10 days later they may progress into boils that are tender to touch.

Mycobacterium fortuitum is not spread from person to person but through the environment. A series of tests revealed that in the case of the California pedi-spas, bacteria was present in the tap water and grew in the accumulated debris (hair, skin and nails) present in the foot-bath inlet screens. Furthermore the bacterium rapidly grew due to the warm environment. Had the inlet screens been cleaned and disinfected per the manufacturers' instructions and/or per state regulation the health implications for the 110 California consumers may have been averted.

Should you or a client have any of the above outlined symptoms, promptly contact a physician.

Recommendations to protect your client and you:

- Be responsible providers;
- Wash hands thoroughly with soap and water or use an alcohol based hand sanitizer. Handwashing requires at least 20 seconds of hand friction with lather from soap;
- Use proper disinfection procedures at all times;
- Do not provide a service for any client with any indication of infection;
- Advise any client seeking pedicure services to refrain from shaving their legs the night before or the day of a pedicure. Micro-tears may occur which may allow bacteria to enter the body.
- Continually practice universal precautions and should there be blood or body fluid contact follow the blood spill procedure. Both are outlined in K.A.R. 28-24-3.

## 2008 Legislative Revisions

Several revisions to the cosmetology industry law will become effective July 1, 2008.

Although KBOC licensees are currently prohibited from providing any service for "physical or medical purposes," there have been occurrences in which KBOC licensees provided ear-candling services, ear stapling services or "detox" services and other various services which indicate or infer the service is for medical purposes.

Additionally the Board of Cosmetology and the Board of Healing Arts have had concerns over the past several years regarding services in establishments commonly referred to as medical spas.

Therefore effective July 1, 2008, K.S.A. 65-1902 will prohibit a KBOC licensee from providing a service "by use of a medical device registered with the federal food and drug administration, or as defined in federal or state law which may be distributed only upon the order of a physician. This act does not prohibit a board of cosmetology licensee from providing services using a medical device upon the order and under the supervision of a physician and in a location maintained by a physician."

(Physician is defined as a "person licensed to practice medicine and surgery by the state board of healing arts.")

Before you invest in any type of product or equipment which may place you in violation of law, contact this office or the Kansas Board of Healing Arts.



### **Prohibited Razor-type Devices**

Despite warnings by the Board and Board inspectors, razor-type devices (credo blades), commonly used to remove calluses, are often found in establishments. The regulations specifically prohibit the use of this type of device.

Because of the continued use of these devices and the potential for injury, the Board has determined that disciplinary action will be taken should these devices be present in an establishment. Disciplinary action may involve action against the practitioner license, the establishment license and will include a monetary fine.

### **Address Change:**

Each month approximately 1,000 practitioner licensure renewal packets are sent to licensees. Each packet, which includes the law booklet, costs \$1.35 to mail. Approximately 10% of these renewal notices are returned as licensees failed to notify the Board of their address change.

Once the Board is notified of the correct address, another packet is sent – at an additional cost of \$1.35. This cost relates to an unnecessary Board expense of at least \$3,000 per year. Therefore the Board asks you be diligent to timely inform this office of your change of address.

To maintain the most accurate information in your licensing file, please notify the Board office within 10 days of an address change. Address change notices must be submitted in writing with a copy of your government issued photo identification (driver's license) which lists the accurate address. Send this information to:



- The Board office at the mailing address 714 SW Jackson, Suite 100, Topeka KS 66603-3751; or
- The Board e-mail address at [kboc@kboc.ks.gov](mailto:kboc@kboc.ks.gov).

It is for security purposes that you must submit a copy of your current government issued photo identification with any address change. Once the information is received your file will be updated.

Please understand that notifying the post office does not automatically notify us of an address change. The forwarding address listed with the USPS may have expired.

Your attention to this detail may prevent you from failing to timely renew your license. Renewing your license after the expiration date requires the renewal fee plus an additional \$25 delinquent fee. Providing services with an expired license also subjects you to disciplinary action and a \$250 fine. These are expenses you want to avoid!

### **The Board's regulatory authority includes:**

- Issuing licenses for nineteen professions involving 31,000 individuals;
- Inspecting over 4,600 establishments to protect the health and welfare of the consuming public and enforcing high standards of practice;
- Conducting licensure examinations to ensure professional competency; and
- Responding to consumer complaints and conducting investigations as necessary.

To locate back issues of the newsletter visit our website at:  
<http://www.kansas.gov/kboc>

Please reproduce and distribute this newsletter as you wish. We encourage establishment owners to post the newsletter so other practitioners may review the information contained in this issue.

### **Know the Law**

It was brought to your attention in past newsletters about Board legal action when a KBOC practitioner provides a service for which they are not licensed. In most situations consumers and/or inspectors report that licensed manicurists are providing eyebrow waxing services although the law does not allow them to provide this service.



Additionally this violation often-times occurs in a KBOC licensed nail technology establishment. However in one most recent report a cosmetology establishment was permitting a manicurist to provide waxing services. Although the cosmetology establishment is licensed to provide hair, skin and nail services, the manicurist is not licensed to provide waxing services. The practitioner and establishment are subject to legal action.

In the 2005 and the 2007 newsletter information was included specific to cosmetic tattoo services (also referred to as permanent cosmetics, soft-tap and micropigmentation). Although some states permit cosmetologists or estheticians to provide this service, it is a violation of Kansas law unless an individual is licensed as a tattoo artist or cosmetic tattoo artist. The service must also be provided in an establishment licensed to provide tattoo or cosmetic tattoo services. Law governing the body art professions (tattooing, cosmetic tattooing and body piercing) was enacted in 1975.

Should an individual provide a service for which they are not licensed, they are subject to a maximum \$1,000 (cosmetology) or \$5,000 (body art) fine. Should these services be provided in an establishment not licensed for the specific service, the facility owner is subject to a maximum \$1,000 (cosmetology) or \$5,000 (body art) fine. In addition to assessment of a fine, current practitioner or establishment licensure may be revoked for violation of the law.

Please reference the cosmetology industry law in K.S.A. 65-1901 and review the definitions for those services that a cosmetologist, manicurist or esthetician may provide. The body art law, K.S.A. 65-1947, defines those practices a body art practitioner may provide.

Fines collected in 2007 exceeded \$87,000. All fines assessed and collected by the Board must be forwarded to the state general fund – fines may not be retained by the Board.

### **Vocational Education Scholarship**

Do you know an individual who is interested in attending cosmetology school? The Kansas Board of Regents administers the Vocational Education Scholarship Program which provides scholarship funds for students seeking a vocational education.



For information contact the Student Financial Aid office at the Kansas Board of Regents, 785/296-3518.

#### **Board Staff:**

Mary Lou Davis, Executive Director

Mary Lou Cheray	Clerical
Val Hawn*	Clerical
Lisa S. Florez	Board Secretary;
	Senior Administrative Specialist
Kitty Craver*	Initial Licensure and Renewal
Adele Finney*	Budgeting; Human Resources; IT
Lisa K. Miller	Accounting; Licensure & Exams
LeAnna Hickman	Licensure & Exams
Lucky Hoang	Initial Licensure & Renewal
Sheila Rice	Complaints/Disciplinary Action
Carrie Ellison	Law Clerk

#### **Inspectors**

Ava Fiene*	Sue Madl*
Cindy Fellows*	Diane Pottberg*

\*Licensed Cosmetologists