Open Session Meeting Minutes

Call to Order:
The meeting was called to order at 11:05 a.m. by Lois Leytem, Chairperson.

Roll Call:

MEMBERS PRESENT:
Nicole Russell, Public Member
Richard Sheriff, Licensed Cosmetologist
Mary Clausen, Licensed Cosmetologist
Lois Leytem, Licensed Cosmetologist
Don Nguyen, Public Member
Jacquelyn Hein, Licensed Esthetician and Electrologist

MEMBERS ABSENT:
Jeffrey Porter, Licensed Cosmetology

STAFF PRESENT:
Susan Reynolds, Board Executive
Barb Huey, Bureau Chief
David VanCompernolle, AAG
Marcia Spangler, Division Director, APL
Barb Christiansen, Administrative Assistant

PUBLIC PRESENT:
Madelyn Cunningham
April King, Aveda Institute, West Des Moines
Cynthia Hummel, La'James International College, Johnston
Linda Ring, EQ School of Hair Design, Council Bluffs
Vernon McClain, HM Nail Academy, Des Moines
Kent Hartwig, ICSA Lobbyist, Advocacy Strategies
Introductions:

Approval of Open Session Meeting Minutes:
A motion was made by Sheriff to approve the open session meeting minutes from July 7, 2014. A second was received from Nguyen. All ayes, opposed none, motion carried.

Review of Agenda:
Correction under applications should read endorsement from South Carolina for the application submitted by Dong Phuong Nguyen.

Public Comment:
Mary Lokken, PCI Academy, Ames: Owner Mary Lokken spoke of a dual licensure program for esthetics and nail technology called a Full Specialist. Students who enroll in a nail technology curriculum do not qualify for financial aid. Lokken requested the board to consider teaching both curriculums in a combined course that would enhance the student’s job placement and make them eligible for student financial aid. Leytem stated the rules would need to be reviewed by the board to determine if changes were warranted. No action was taken by the board. Leytem did agree that the schools in Iowa would welcome a dual program. Leytem would like to put this issue on the rules committee agenda for further review. Lokken will look into what other states are offering for this type of licensure and report back to the board.

Reports:
Chair: Leytem reported on her attendance at the NIC conference held in Charleston, South Carolina, August 23-25. Leytem has a power point and notes from the presentation that she can make available to board members who are interested. Deregulation was discussed along with encouragement that all states be unified in their program hours, administrative rules, continuing education, and governmental issues regarding the industry. Barbers were also in attendance and would like to participate in the unification of the industry. It was suggested that states review their rules and cut anything that does not pertain to the welfare of public health. Administrative rule language and definitions need to be updated. Definitions and rule making assistance is being offered by NIC. Inspections should be completed consistently, training provided
across states so all inspectors operate in the same manner. Completion of program hours were discussed from the following information: The national average of curriculum hours to complete a cosmetology program is 1,588. The lowest amount of hours required is 1,000 and the highest number is 2,100. Most states require between 1,500 to 1,600 hours.

Leytem also reported that she and Jacquelyn Hein attended the New Board Member Orientation in October. This orientation was presented by the Governor’s Office. Leytem felt this meeting was well worth attending and both she and Jacquelyn came away with a better understanding of the function of the boards.

AAG:
No report.

Board Executive: NIC is exploring the possibility of developing a National Licensing Database. NIC reported they have encountered difficulty in capturing basic information because of the differences in state-to-state requirements for licensure.

Bureau Chief: Barb Huey reported that she is retiring at the end of the year. She has appreciated working with each board and its members.

Applications:
Margaret Hoy: Applicant is applying for endorsement but has not met all the requirements. The applicant finished her hours while incarcerated in Florida and has met all qualifications for licensure in Iowa. The board must decide if they are comfortable approving the additional hours that Hoy submitted. The board office will contact the assigned probation officer for a current report.

A motion was made by Nguyen to approve licensure with the condition the probation officer confirms there have been no violations in the terms of her parole. A second was received from Russell. 5 – Ayes, 1 – Nay (Clausen), motion carried.

Endorsements:
Siranh Andrew Thach: Applicant is applying for endorsement from Florida. The applicant attended one of the schools in Florida that the board no longer approves. Endorsement rules do not require the applicant provide their educational history. Board members agree that Thach, Ha Thi Thuy Nguyen, and Thao Thi Thanh Vu have
met all requirements to endorse into Iowa for licensure. No complaints according to verifications that were received.

A motion was made by Nguyen to approve the three applicants for endorsement. A second was made by Clausen. All ayes, opposed none, motion carried.

Board member asked the bureau continue to track these applications for endorsement for the time being.

Dong Thuong Nguyen: Applicant currently holds an active license in South Carolina and has taken the national exam. Verification of licensure from Missouri and South Carolina has been received, but Illinois remains pending. Illinois maintains they have never licensed the applicant. The applicant has made a good faith effort to become licensed in Iowa and licensure should not be withheld because of the issue pending with Illinois.

A motion was made by Nguyen to license this individual. A second was made by Russell. All ayes, opposed none, motion carried.

New Business:
Revising consent agreement and order: The massage therapy board is using a version of the consent order that places the individual on probation but does not require quarterly reports. The order requires the licensee to self-report if they incur a violation. The board was asked if they would prefer using this version. It is standard procedure to contact the applicants’ probation officer to make them aware that contact must be made with the board if a violation occurs. Don Nguyen cautioned that it is not the charge of the board to handle the terms of the probation. The board only needs to know if the terms have been violated. Also, the board needs to be notified when the probation has ended. If a violation does occur then charges would need to be considered against the individual. Clausen would like to see a yearly report made by the probation officer. Members agree to remove the quarterly reporting requirement. This decision would only apply to criminal probation.

A motion was made by Clausen that the requirement for quarterly reports be eliminated and change to an annual report. Also include notification of the probation officer. A second was received from Sheriff. Discussion followed: This would require
a report from the applicant if the probation is terminated and would only apply to criminal probation. Ayes – none, opposed – all, motion does not carry.

A motion was made by Nguyen that under limited cases in which probation is served concurrently with criminal probation, federal or state, the board would notified the probation officer and require a report only if the terms are violated or terminated. No quarterly reports are required. A second was received from Russell. All ayes, opposed none, motion carried.

Nail Technology Curriculum submitted by Aveda Institute, Des Moines: Members reviewed the nail technology curriculum that was submitted by Aveda.

A motion was made by Sheriff to accept the curriculum as submitted. A second was received from Nguyen. All ayes, opposed none, motion carried.

Request to initiate a Full Specialist program combing nail tech and esthetics, submitted by PCI Academy, Ames: This issue was addressed and discussed during public comment on the agenda. Mary Lokken will submit the curriculum for the board to review. The rules will be reviewed for board’s ability to accommodate changes that would be required to initiate the program.

**Administrative Rules:**
Home Base Iowa Act: The rules have been noticed and will become part of the common rules for the Professional Licensing boards. The rules need to be adopted by each board before January 1, 2015. There may be minor changes made by the Legislative Service Agency to the adoptive version. Boards can move forward with the adoption process after November 19th. This will be done through a conference call.

**Old Business:**
School Inspections: The board executive suggested the board get out of the business of conducting inspections. Leytem stated that because of conflict of interest rules that inspections need to be completed by an outside entity such as DIA and maybe a board member who would serve in an advisory capacity only during the inspections. Sheriff does not feel that the board should eliminate the requirement of inspections being a board member responsibility. More training could be given to board members if needed. Sheriff will not support the authority of inspections being taken away from the board members. The board needs to have a plan of action for inspections and how they
are going to be conducted. Leytem suggested the board take some time to think about this issue and asked that it be placed on the conference call agenda. Marcia Spangler reported that in order for the board to look outside of the Department of Inspections and Appeals (DIA), they would need to refuse the assignment. DIA did refuse the assignment when asked in January of 2014. DIA reported they did not have the staff available to complete the school inspections. After the DIA refusal the board could go elsewhere to find individuals to inspect. Hein suggested the inspections should be done unannounced. Spangler voiced options: Inspections would need to be put out on a bid process for an outside entity to complete inspections, or hire emergency personnel who would be on payroll and allowed to work up to 750 hours to complete the inspections for 2015 that would then come before the board to report on the inspection findings. Service Agreements would probably not work because of the dollar amounts the agreements would need to be. Marcia Spangler, Barb Huey and AAG VanComperno agree the board should be totally out of the inspection process. The inspections need to happen but the board members do not need to be part of them. The bureau will provide a report at the next meeting.

CO 12-031 - Open session: Jeremy Woods met with the board regarding his licensure by consent agreement. Woods did not complete his quarterly reports as directed in his agreement. He provided the members confirmation that his probation is now over. Woods reported he has worked consistently since his release. The board will discuss the termination of his probation during closed session.

The board took a break at 1:18 p.m.

Closed Session:
Leytem motioned the board go into closed session at 1:37 a.m. to discuss whether to initiate licensee disciplinary investigations or proceedings as allowed under Iowa Code section 21.5(1)(d) and to discuss records that are required to be kept confidential as allowed under Iowa Code section 21.5 (1)(a). A second was received from Sheriff.

Roll Call:
Russell – Aye
Sheriff - Aye
Leytem - Aye
Clausen - Aye
Hein - Aye
Nguyen - Aye
Motion carried

**Open Session:**
The board returned to open session at 2:23 p.m.

A motion was made by Sheriff to approve the closed session meeting minutes from July 7, 2014. A second was received from Clausen. All ayes, opposed none, motion carried.

A motion was made by Nguyen to close the following cases: 12-027, 14-0089, 14-0160, 14-0152, 14-0172, 14-0173, 14-0178, 14-0189, 14-0199, 14-0201, 14-0202, 14-0206, 14-0208, 14-0218, 14-0222, 14-0279, 14-0275, 14-0280, 14-0288, and 14-0242. A second was received from Leytem. All ayes, opposed none, motion carried.

A motion was made by Sheriff to adopt a Statement of Charges for cases: 12-032 and 13-002. A second was received from Russell. All ayes, opposed none, motion carried.

A motion was made by Nguyen to close case: 12-031. A second was received from Leytem. All ayes, opposed none, motion carried.

A motion was made by Nguyen to accept the Combined Settlement Agreement and Final Order for the following cases: 10-079, 10-071, 13-035, and 13-046. A second was received from Clausen. All ayes, opposed none, motion carried.

**Future Board Meetings:**
January 12, 2015
April 6, 2015
July 6, 2014
October 12, 2015

**Adjournment:**
A motion was made by Clausen to adjourn the meeting at 2:35 p.m. A second was received from Nguyen. All ayes, opposed none, motion carried.