

IOWA BOARD OF COSMETOLOGY ARTS & SCIENCES

Conference Call

August 15, 2013

Lucas State Office Building, Conference Room 526

Des Moines, Iowa

Open Session Meeting Minutes

Call to Order:

The meeting was called to order by Chairperson Kimberly Page at 9:03 a.m.

Roll Call:

MEMBERS PRESENT:

Kimberly Page, Licensed Cosmetologist

Richard Sheriff, Licensed Cosmetologist

Mary Clausen, Licensed Cosmetologist

Dana Atkins, Licensed Electrologist and Cosmetologist

STAFF PRESENT:

Susan Reynolds, Board Executive

David Van Compernelle, AAG

Barb Huey, Bureau Chief

Barb Christiansen, Administrative Assistant

Marcia Spangler, APL, Division Director

Rosemary Bonanno, Licensure Specialist

PUBLIC PRESENT:

Cynthia Hummel, La'James International College, Johnston

Phuong Nguyen, Nail Technologist

My Linh Tran, Interpreter

Michael Burdette, Attorney

Approval of Minutes:

Dana Atkins motioned to approve the June 13, 2013, Education & Rule Committee minutes with no changes. Richard Sheriff seconded. All ayes, none opposed, motion carried.

Applications:

Thanh Nhat Le, nail technology applicant – Applicant originally applied for licensure in February 2012 and was denied by the board. He was the former owner of Nail Envy that was sanctioned and placed on probation until April 2013. This salon is now closed.

The board discussed issuing a license with a Consent Order and provisions. Licensee will be placed on probation for two years. Mr. Le cannot own, manage or supervise a salon in Iowa.

Sheriff motioned to grant the nail tech license by Consent Order with the provisions. Page seconded. All ayes, none opposed, motion carried.

Phuong Van Nguyen, reinstatement of nail technology license – Mr. Nguyen was the former owner of Top Nails. His salon and nail tech licenses were revoked by the board for violations. Attorney Mike Burdette representing Mr. Nguyen expressed that most of the violations were due to previous management. He suggested reinstating his license with some type of probation or conditions.

Dana Atkins questioned Mr. Nguyen on his knowledge of the sanitary process for utensils and whirlpools. Sheriff questioned the position he holds currently at the salon. Mr. Nguyen stated he is working as a receptionist.

Page made a motion to reactive his license by a Consent Order with provisions. He cannot own, manage or supervise a salon for 3 years. He is also required to take an additional two hours of continuing education in Iowa law and sanitation rules in addition to the 2 hours currently required for the next two renewal periods.

A motion was made by Page to reactivate the license by a Consent Order with provisions. A second was made by Richard. All ayes, opposed none, motion carried.

AAG Dave Van Compernelle stated the board does not need to move into closed session if they felt there were no problems in finalizing the complaints listed on the agenda and no further discussion was required. Board members expressed that the orders could be approved without further discussion.

Page moved to approve the following orders:

CO 09-070 - Findings of Fact, Conclusions of Law, Decision of Order

CO 10-070 - Finding of Fact, Conclusions of Law, Decision of Order

CO 10-071 - Finding of Fact, Conclusions of Law, Decision of Order

Atkins seconded. All ayes, opposed none, motion carried.

CO 09-055 and 11-163 - Stipulation and Consent Order

Page motioned to approve CO 09-055, Clausen seconded. All ayes, opposed none, motion carried.

CO 11-163 - Stipulation and Consent Order

Page motioned to approve, Atkins seconded. All ayes, opposed none, motion carried.

Old Business:

Barb Huey reported on two cost options provided by the Department of Inspections and Appeals (DIA) to do salon inspections. Total cost of Option 1 for biennial salon inspections and annual school inspections are under \$700,000. The total cost of Option 2 for biennial salon inspections, annual school inspections and new salon inspections are estimated under \$900,000. Additional costs would be added to supplement the cost of additional staff and the AAG's time to handle the overload of complaints and discipline. Page stressed the importance of changing "shall" to "may" in the rules for inspection. The board needs to look at the big picture which is deregulation and to pick its battles. The language change will keep inspections in code so if funding changes, they could still be done. It's a move in a positive direction for the board. Marcia Spangler stated that other boards have made changes to code to be in compliance. Page asked the members if they any questions for Huey. Barb Huey stated if the language is not changed, the board will continual be in noncompliance. The issue will not go away unless the board takes action to change the language.

Page made a motion to accept the proposed changes to Iowa Code 157.11 from “shall” to “may.” Atkins seconded. All ayes, opposed none, motion carried.

Next Board Meetings:

September 9, 2013

October 7, 2013

October 14, 2013

November 25, 2013

Adjournment:

A motion was made by Page to adjourn the meeting at 10:06 a.m. Sheriff seconded. All ayes, opposed none, motion carried.