

IOWA BOARD OF COSMETOLOGY ARTS & SCIENCES

July 9, 2012, 10:30 a.m.

**Lucas State Office Building, 5th Floor Conference Rooms, #517 & 518
Des Moines, Iowa**

Open Session Meeting Minutes

Call to Order:

The meeting was called to order at 10:36 a.m. by Kimberly Page, Chairperson.

Roll Call:

MEMBERS PRESENT:

Richard Sheriff, Licensed Cosmetologist

Mary Clausen, Licensed Cosmetologist

Kimberly Page, Licensed Cosmetologist

Dana Atkins, Licensed Cosmetologist and Electrologist

Nicole Schultz, Public Member

Rick Mosley, Licensed Cosmetologist

Don Nguyen, Public Member

STAFF PRESENT:

Susan Reynolds, Board Executive

Marvin Firch, Outreach & Compliance Educator

Barb Christiansen, Administrative Assistant

Rosemary Bonanno, Licensure Specialist

PUBLIC PRESENT:

Vernon McClain, HM Nail Academy

Linda Ring, EQ School of Hair Design, Council Bluffs

Julie Mead, EQ School of Hair Design, Council Bluffs

Lois Lytem, Capri College, Dubuque

Deb Hurtig, Aveda, West Des Moines

Cindy Hummel, La' James International College, Johnston

Kent Hartwig, ICSA Lobbyist

Introductions:**Review Agenda:**

Public Comment: None

Election of Officers:

Chair: Motion made by Sheriff to nominate Kimberly Page as Chair. A second was received from Clausen. All ayes, opposed none, motion carried.

Vice Chair: Motion made by Page to nominate Dana Atkins as Vice Chair. A second was received from Mosley. All ayes, opposed none, motion carried.

Approval of Minutes: None

Reports:

Board Chair: Kimberly Page reviewed the process for voting on motions and decision making. Encouraged members to ask questions and discuss issues thoroughly so that everyone understands the issues involved.

Board Executive: Susan Reynolds asked members to review the roster for accuracy.

Salon Inspections – Susan Reynolds reported to the board the response prepared by the Bureau for the state auditor on salon inspections. According to Iowa Code 157.11 sanitary inspection are to be conducted biennially. The board has been prohibited from complying with the code because of the cost involved with inspections. The cost estimates for inspections were compiled by the Department of Inspections and Appeals and indicate that it would cost Professional Licensure \$105,000 for new salon inspections, \$235,000 for random three year inspections and \$140,000 for random 5 year inspections. Other options discussed by members were to use non-state employees for inspections. This suggestion has been discussed in the past with the AAG who at that time informed the board that this would not be an option for the board to use non-state employees to enforce state law. Board members indicated they wanted to continue to do salon inspections. Reynolds stated the code needs to be updated to facilitate the inspections. Kimberly Page suggested an interviewing process to hire individuals to do inspections. Board executive will research the number of salon applications per year. The issue has been referred to the rules committee to begin discussion and revisions to

the code. Reynolds suggested sending a checklist to salons to make sure the owners and employees know what is expected and required of them to be in compliance with the law.

Discipline Guidelines: Discipline guidelines were written in 2010 and need to be forwarded to the discipline committee for review. A code change would be required to increase the dollar amount of civil penalties. These guidelines will be reviewed at the next committee meeting. Page asked members to review the guidelines, make priorities and send her an e-mail with any questions by August 9, 2012.

Committee Appointments:

Rules: **Dana Atkins, Chair**, Kimberly Page and Mary Clausen

Discipline: **Kimberly Page, Chair**, Richard Sheriff and Nicole Schultz

Education: **Rick Mosley, Chair**, Don Nguyen and Dana Atkins

New Business:

Reynolds reported on three schools in Florida where there are concerns about the validity of their transcripts. The Louisiana State Board initially contacted Rosemary Bonanno to verify licensure of Iowa applicants who were seeking reciprocity with Louisiana. Applicants were graduates of three Florida schools: Academy of Health and Beauty, QH Beauty School, and Pro Nail and Skin Care Academy. During the verification process it was discovered the applicants falsified they were graduates of an Iowa cosmetology schools to obtain licensure in Louisiana. Louisiana does not recognize transcripts from schools in Florida.

Within the same time frame, the board office received a phone call from an individual alleging transcripts are being sold and bought by individuals from the schools in Florida.

Bonanno reported she has at least 18 applications from these Florida schools. The Florida Department of Education licenses cosmetology (beauty) schools but their statute does not require them to be accredited through a national accrediting agency. Iowa administrative rules require only hours from an accredited or board-approved program will be accepted. The Board members agreed that any school that is not accredited must be board approved.

A motion was made by Page that all out-of-state applications from a non-accredited school or school not approved by the Department of Education must be approved by the Board. A second was received from Atkins. All ayes, opposed none, motion carries.

PSI Incident Report: Reynolds reported a breach at the West Des Moines test site. The proctor allowed applicants to have paper and pencil during the test. The applicant copied the questions and answers and attempted to leave the testing facility with the information. The applicant has been denied the privilege of retesting for one year. The contract with PSI prohibits applicants from pens and scratch paper in the examination room. The contract with PSI ends in December and will be reviewed for changes to supplement security protocol. Atkins stated she feels the testing procedure should be done by the state not another contracted agency. Board members would like to research the state administering the test with additional security measures in place.

Expanding PSI test sites to include bordering states: Susan Reynolds asked the Board their opinion of enabling additional exam sites outside Iowa. There are six test sites in Iowa: Council Bluffs, Sioux City, Dubuque, Cedar Rapids, West Des Moines, and Ankeny. Page asked if another site could be opened in northern Iowa. Board members tabled the expansion of test sites until the next board meeting. Additional costs associated with expansion needs to be considered. Board executive will schedule a conference call with PSI for the October board meeting.

A school representative voiced concerns with the West Des Moines and Ankeny test sites and their lack of accommodations for individuals with learning disabilities. The test sites seem unable to comply even when the appropriate paperwork has been submitted within a reasonable timeframe. Board executive will contact PSI about the process.

Failed Audits: Of the 53 failed audits, 45 have settled. The board discussed the number of statement of charges that are currently pending. During a bureau staff meeting, AAG Julie Bussanmas suggested taking the 100 failed audits off the table. The board has approximately 132 statement of charges pending, 100 are failed audits. Board agreed to go forward with the failed audits and other pending discipline cases.

Old Business:

Webinar Classes tabled from April 9, 2012, board meeting: Research and development of rules for webinar classes will be referred to both the Education and Rules committees. Board executive will forward to committee members language drafted by another licensing board on webinar trainings.

Alex Borisenko tabled from June 18, 2012, board meeting: Board requested additional information on the "peel" procedure. With the information provided by Borisenko, Dana Atkins researched the procedure and found it is a body scrub product used during a body wrap. Atkins felt the process would be part of the training a massage therapist receives. She did not feel it would be considered outside an esthetician's scope of practice.

Applications:

Lee Nails tabled from June 18, 2012, meeting: Salon wanted to hire a manager who had previous disciplinary action. In an e-mail from former AAG Galenbeck, there are no rules in existence that would allow denial of an application on the basis that the person in charge is irresponsible. AAG Galenbeck recommended the Board promulgating rules that would require disclosure of all prior discipline of an intended salon manager. Approved application.

Anh Nu Hoang Truong - cosmetology endorsement: Applicant had previous disciplinary sanctions against her nail technology license. Applicant can still provide pedicure and manicures with a cosmetology license. Applicant is the former owner of Angela Nails and has been named as a defendant in a civil suit involving a reported case of MRSA.

A motion was made to deny the cosmetology endorsement by Page. A second was received from Mosley. All ayes, opposed none, motion carried.

Tran Phuong - nail technology renewal: No change in the status of the applicant's detention by immigration. Application will remain pending.

HM Nail Academy - petition for waiver: Petitioner requested the Board to waive the 3,000 square foot requirements for a cosmetology school. This is the fourth time the petitioner has requested the Board to waive the physical requirements of a cosmetology school. New rules have been drafted reducing the square footage to 1,000 square feet

for single discipline school. Kimberly Page asked for a motion to accept or deny the waiver.

Rick Mosley made a motion to deny the waiver. A second was received from Atkins. Don Nguyen explained that three years for a waiver is long enough to make other arrangements to meet the requirements. Roll call taken on the motion.

Atkins - aye

Sheriff - aye

Clausen - aye

Mosley - aye

Nguyen - aye

Schultz - aye

Page - aye

Motion carried.

Board members took a break at 12:50 p.m. and resumed at 1:26 p.m.

A motion was made by Page to enter into closed session at 1:27 p.m. to discuss confidential material related to applications and complaints according to Iowa Code Chapter 21.5(1) (a) and (d). A second was received from Atkins. Roll call taken.

Atkins - aye

Sheriff - aye

Clausen, aye

Mosley - aye

Nguyen - aye

Schultz - aye

Page - aye

Motion carried.

Board returned to open session at 3:03 p.m. and Page made the following announcements:

August 6, 2012 - Rules Committee to meet at 8:00 a.m.

August 6, 2012 - Education Committee to meet at 12:30 p.m.

October 1, 2012 - Discipline Committee will meet at 8 a.m. Full board to meet at 10:30 a.m.

October 2, 2012 - Hearing at 9:00 a.m.

Board took the following action on closed session discussion:

A motion was made by Page to file statement of charges against License #067152. A second was received from Atkins. All ayes, opposed none, motion carried.

A motion was made by Page to file statement of charges on the following complaints. A second was received from Atkins. All ayes, opposed none, motion carried.

10-019	10-063	11-026
10-028	11-088	11-191
10-042	11-122	

A motion was made by Page to close the following complaints: 10-042 and 10-063. A second was received from Sheriff. All ayes, opposed none, motion carried.

A motion was made by Page to send a Cease and Desist letter to 10-208. A second was received from Atkins. All ayes, opposed none, motion carried.

A motion was made by Page to close case 12-001. A second was received from Atkins. All ayes, opposed none, motion carried.

A motion was made by Page to accept the stipulation and consent order for case 10-089. A second was received from Atkins. All ayes, opposed none, motion carried.

A motion was made by Page to adjourn the meeting at 3:20 p.m. A second was received from Atkins. All ayes, opposed none, motion carried.