

IOWA BOARD OF BARBERING

Minutes

April 26 & 27, 2010 – 2:00 PM

Call to Order

The meeting of the Iowa Board of Barbering was held at the Lucas State Office Building, 5th Floor Board Room, in Des Moines. The meeting was called to order at 3:00 p.m. by chair, Sam Kauffman.

Roll Call

Board members present: Sam Kauffman, Chuck Wubbena and Tammy Ortiz.

Absent: Rhonda Reif and Bob VanVooren.

Staff in attendance: Ella Mae Baird, Board Executive and Scott Galenbeck, AAG and Tammy Hidlebaugh, clerk specialist.

Hearings:

In accordance with Iowa Code 272C.6, a disciplinary hearing is open to the public at the discretion of the licensee.

3:00 p.m. Two contested case hearings were scheduled at 3:00 p.m. for Imperial Kuttz, owner Samora Clay, and employee Richard Daniels: Samora Clay requested a continuance and board approved his request. Mr. Clay was informed the hearing would be scheduled for July 26, 2010. Richard Daniels preferred to move forward with his hearing as scheduled.

Contested case hearing for Richard Daniels began at 3:20 p.m. and was open to the public. Following the hearing, the board moved into closed session for deliberation.

Motion: Move to go into closed session for deliberation by unanimous roll-call vote at 3:45 p.m. pursuant to Iowa Code 21.5(f).

Board returned to open session at 3:58 p.m.

Motion: Move ALJ draft decision and order based on the deliberation (MSC: Wubbena/Ortiz).

Meeting recessed at 4:00 p.m. (MSC: Wubbena/Ortiz)

April 27, 2010

Board meeting reconvened in open session on April 27, at 9:00 a.m.

Roll Call

Board members present: Sam Kauffman, Chuck Wubbena, Tammy Ortiz, and Rhonda Reif. Absent: Bob VanVooren.

Staff in attendance: Ella Mae Baird, Board Executive; Eileen Gloor, Bureau Chief; Marvin Firch, Outreach Compliance Educator; and Tammy Hidlebaugh, Clerk Specialist

Public in attendance: Terry Millis and Jim Looker, American College of Hairstyling and Shannon Jackson.

Approval of Minutes

Motion: Approve minutes for January 26, 2010 as drafted. (MSC: Wubbena/Ortiz)

Reports

Chair: Sam Kauffman reported 10 candidates participated in the practical examination held on April 26, 2010, and it went very smoothly.

Board Executive: A copy of the full report is attached as an addendum to these minutes.

Bureau Chief: A copy of the full report is attached as an addendum to these minutes.

AAG: Scott Galenbeck provided a brief history of board policies and administrative rules. Historically, policies and procedures were not written down and covered issues not identified in rules. Adoption of policies and procedures allowed for little or no public comment; however, a process is in place to review rules and to replace or delete outdated rules. The rulemaking process allows for public comment and is subject to review by the Legislative Rules Committee. The legislature enacts laws; and rules further define the laws and are intended to be flexible and changed as needed.

Public Comment:

- Instructor Training Continuing Education: Terry Millis, American College of Hairstyling requested the board's review of a four-hour continuing education course for instructors. The board, by consensus, considered the proposed four-hour instructor teaching class appropriate for instructor continuing education.
- Practical Exam: Terry Millis and Jim Looker, American College of Hairstyling, requested the board require candidates complete a full shave, with blade, as part of the practical examination. The board members voiced their concern about the use of blades during the practical examination. Board member comments: (1) from a safety standpoint, it is better to not require a blade, and (2) it is no different from using simulated solutions rather than the actual products. The board stressed the examination evaluates shaving technique which can be accomplished without the use of a blade. After the board has worked through more practical exams, the board will re-evaluate this issue; but at this time the board holds to its original decision that the shave will be completed without the use of a blade.

School Inspections:

No inspections completed. Ella Mae Baird reminded board members that they should make plans to at least do one inspection during this next quarter. Sam Kauffman suggested that all schools be inspected during this quarter.

Old Business:

Reciprocity with Nebraska: Following the January board meeting, the board reviewed Nebraska's theory and practical examination content and considered Nebraska's examination requirements to meet Iowa's examination requirements.

Motion: Move to continue the reciprocity agreement with Nebraska. (MSC: Wubbena/Ortiz)

New Business

Guidelines reported by applicants and licensees: Ella Mae Baird requested the board consider revising the administrative guidelines that had been in effect since 2005 when considering prior felonies and misdemeanors of applicants. Revised guidelines are attached as an addendum to these minutes.

Motion: Move to approve the new guidelines as published. (MSC: Wubbena/Ortiz)

Iowa Code and Administrative Rules

1. Ella Mae Baird reported the revision to Iowa Code section 158.4 covering temporary permits was part of Public Health's 2010 technical bill. The technical bill passed both the house and senate and if the Governor signs the bill will be effective July 1, 2010. Current administrative rules allow the issuance of a temporary permit only for initial licensure. The revision to statute will allow the board to establish criteria for temporary permits by rule. The board received a copy of the cosmetology rules covering temporary permit, and will consider the advisability of expanding the reasons for issuing a barber temporary permit.
2. Ella Mae Baird submitted a draft of an amendment to bureau chapter 4 covering audit administrative procedures. The amendments clarify that audit information must be submitted within 30 days after the audit letter is sent to the licensee, and the amendments reduce the timeframe for obtaining make-up credit from 120 days to 90 days. The board approved noticing the rules by consensus.

Closed Session

In accordance with Iowa Code 21.5(1)“a”&“d,” the board went into closed session at 10:50 a.m. by unanimous roll call vote to discuss complaints (MSC: Reif/Wubbena). The board returned to open session at approximately 12:03 p.m. and took the following actions:

Motion: Close cases: 09-012, 10-003, and T11. (MSC: Wubbena/Ortiz)

Motion: File statement of charges and schedule hearing for 08-010 and 08-013.
(MSC: Wubbena/Ortiz)

Motion: Issue license by consent order for 09-011.
Board authorized board chair to give final approval of the consent order.

Motion: Issue intent to deny reactivation of license for Applicant 1.

Future Board Meeting

The next regularly scheduled board meeting will be July 27, 2010 at 9:00 a.m.

Adjournment

Motion to adjourn meeting at 12:11 p.m. (MSC: Reif/Wubbena)

Respectfully submitted,

Tammy Ortiz

**Bureau of Professional Licensure
Bureau Chief Report
4/01/10 – 6/30/10**

- 1. Legislation and rulemaking** The 2010 legislative session adjourned March 30. Both the IDPH Omnibus Bill and the Technical Bill passed successfully. No new boards were created within the Bureau of Professional Licensure. Rulemaking will continue throughout the year to better define statutory changes and in response to new board actions. When administrative rule changes are reviewed by the Administrative Rules Review Committee, the Board Executives provide information about the content of each change, outcome of every public hearing, and summary of public comments received. In some instances, Board members participate in the meetings to provide a professional perspective and articulate how rule changes proposed by the board benefit public protection.
- 2. Board appointments** Within the Bureau of Professional Licensure, Governor Culver appointed 19 new board members. All have been confirmed by the Senate and will begin serving their first terms on May 1, or earlier if they are filling a vacancy. Additionally, 23 board members were reappointed to second or third terms. Almost an equal number of board members have completed one or more terms of service, including 10 who served the maximum 9 years on a single board.
The Department has published a press release and new board member names will be posted on the individual boards' websites on May 1.
- 3. AAG reports** At the first meeting of each board following May 1 the board's AAG will present and discuss a handout entitled *Guidelines for Board Members*. This is an opportunity to reinforce the information provided to new board members in their orientation binders and face-to-face orientation with the Bureau Chief. It also gives current board members an opportunity to discuss new information and ask their AAG questions that may have arisen about their role during the previous year. The seven AAGs who provide legal guidance to our boards will also present a brief educational session at each quarterly public meeting on a topic selected with the input of the board executives. The topic this quarter, *Policy Statements by Professional Licensing Boards*, is based on a Memorandum prepared by Julie Pottorff, Deputy Attorney General.
- 4. Budget** The Department continues to evaluate and respond to the impact of the overall state budget on public health services and workforce. Bureau staff members are completing either 5 or 7 mandated unpaid days before the end of FY10 on June 30, 2010. The staff is staggering their furlough time as creatively as possible to minimize the impact on productivity. Travel restrictions remain in effect for Board members and staff. Memberships in professional organizations continue to be approved based on justification of their necessity to assure access to national licensure examinations and maintain licensure functions. Director Newton and the IDPH Executive Team continue to evaluate and respond to budget mandates.
- 5. State early retirement incentive** The Bureau will be impacted by the State's early retirement program which is designed to reduce personnel and replacement costs. The departments will be permitted to replace no more than 50% of positions vacated through the program, and must demonstrate a 50% cost saving when doing so. Employees who leave employment under the program must do so by June 24, 2010 and agree not to be employed by the State of Iowa in any capacity other than appointment to a board or commission. Eligible employees must submit their application by April 15, 2010. Immediately after that time, the Department will formulate a plan for replacing employees who leave. The plan must be approved by the Department of Public Health, Department of Administrative Services, and Department of Management. Employees who have been approved to leave our Bureau under this plan include two board executives, each of whom administer four boards, our

discipline office coordinator, and the Bureau Chief. Those individuals are working diligently together and with other staff to make this significant transition as seamless as possible for the boards.

- 6. Outreach and compliance** Bureau staff member Marvin Firch is now actively working with the boards to increase compliance through outreach and education. He has prepared and presented information throughout the state on the complaint process, participated in in-state meetings of professional organizations upon request, assisted to develop and implement a pilot project to survey licensed cosmetology schools, published an article in the Des Moines Register about the purpose of the boards, and assisted the Department to issue press releases. He is currently completing a project is to create CDs with PowerPoint slides and a voice-over option for inclusion in new board member orientation binders, and for use by board members and board chairs regarding the role, processes, and informational resources of the 19 professional licensure boards.
- 7. Semi-annual meeting with DIA investigators** On April 22, 2010, the Bureau will host an educational meeting with the four investigators who are employed by the Department of Inspections and Appeals, and supported by licensee fees, to conduct an average of 21 investigations each month for the licensure boards. These semi-annual meeting are valuable to the Bureau and DIA as an opportunity to identify the best methods to conduct investigations and provide inclusive and timely reports to the boards so they make fully informed decisions.
- 8. Guidelines for meal receipts** Board members are requested to adhere to the guidelines for submitting meal receipts fully in order to receive reimbursements. The guidelines identify the seven items that must be included with every meal receipt. Because credit card receipts are not acceptable, board members must be diligent in requesting and reviewing receipts at the time of service. The guidelines will be available at meetings and upon request at any time.
- 9. Bureau relocation** The Bureau is scheduled for relocation to the building that was previously Mercy Capitol on the Capitol Complex within the coming months. Professional Licensure will share physical space with the Plumbing Board and Emergency Medical Services. More information will be provided when available.