

# IOWA BOARD OF BARBERING

## Minutes

January 26, 2010 – 9:00 AM

### **Call to Order**

The meeting of the Iowa Board of Barbering was held at the Lucas State Office Building, 5<sup>th</sup> Floor Board Room, in Des Moines. The meeting was called to order at 9:03 a.m. by chair, Sam Kauffman.

### **Roll Call**

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

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: None

### **Approval of Minutes**

Motion: Approve minutes for October 27, November 9, and December 14, 2009 as drafted. (MSC: Wubbena/VanVooren)

**Public Comment:** None

### **Reports**

Chair: Sam Kauffman reported the first NIC practical examination worked well at the American College of Hairstyling. There were only three applicants and he expects a large number of applicants for the April practical exam. It was helpful to have the NIC training coordinator assist with the first exam. It is important for applicants to bring all of their supplies with them to the examination.

#### Board Executive

1. Kirby Morris resigned his contracted duties as NIC Marketer and Examiner Trainer. Michael Hill and Brenda Mather are providing consultation and services for the NIC Examiner Training Program.
2. The amendments to the barber administrative rule chapters were effective January 6, 2010 and a new packet of laws and rules was provided to board members.
3. The proposed revisions to Iowa Code 157 covering cosmetology related professions add “threading” to the scope of practice of cosmetology and esthetics and revise the requirements for cosmetology school instructors.

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

AAG: Scott Galenbeck introduced himself and gave an overview of his background and his current assignments within state government. He provided a report to the board on the distinction between statutes and administrative rules. Iowa Code requires legislative action

and administrative rules are established by the departments. It is difficult and time consuming to revise statute. Administrative rules cannot go beyond the scope of statute or go in a different direction from statute.

**School Inspections:** No inspections completed

**Old Business:**

Ella Mae Baird reported that the board of cosmetology decided at the January meeting to not pursue salon inspections at this time based on the current economy. Because there are only 625 barbershops, increasing random inspections of barbershops would be very costly to licensees.

**New Business**

1. Iowa became the 29<sup>th</sup> state to use the NIC barber or barber styling examination. Applicants could have started scheduling the examination December 15<sup>th</sup> and began taking the examination on January 2; but most applicants chose to wait until the last minute to take the examination and found it impossible to schedule the theory examination. PSI plans to add additional test slots to the West Des Moines test site to accommodate the applicants. It is extremely important that applicants schedule the computerized theory exam as soon as they are eligible. Board members completed the NIC practical examination training on Sunday, January 24<sup>th</sup> and are now certified as NIC examiners.
2. Reciprocity with Nebraska: Scott Galenbeck, AAG, reviewed the reciprocity guidelines. In his opinion, Nebraska and Iowa are not required to use the same exam; however, the subject matter and rigor of the exam must be substantially equivalent. He suggested the board request an update of the theory and practical examination to see if the exams are compatible.
3. Complaint process overview: Marvin Firch outlined the complaint process:
  - a. The Discipline committee reviews all documents and reports to the board members.
  - b. The full board reviews discipline committee recommendations and determines if the licensee should be sanctioned.
  - c. The full board comes to a consensus decision in closed session. Based on the preponderance of the evidence, the board decides whether or not to issue a formal sanction upon the licensee. Formal sanctions becomes public information.
4. Annual Report of disciplinary cases in 2009: Ella Mae Baird reported there are 1,323 licensed barbers in Iowa, 26 barber instructors, 625 barbershops and 3 schools for a total of 1,977 licensees. In 2009, the board received 20 discipline cases. Four cases rose to the level of formal discipline; two of which were suspended due to failure to pay child support. The number of cases closed with informal action and the number of cases closed without any action were less than 10; thus the actual number of cases cannot be disclosed to preserve the confidentiality of licensees and the intent of the informal action category.

### **Iowa Code and Administrative Rules**

1. Ella Mae Baird reported the revision to Iowa Code section 158.4 covering temporary permits will be part of Public Health's 2010 technical bill. The proposed language is "The department may issue a temporary permit which allows the applicant to practice barbering for purposes determined by rule." This will allow the board to set the criteria for temporary permits by rule.
2. The proposed amendments published as Notice of Intended Action, ARC 8334B were presented to the board for adoption. The proposed amendments incorporate into Chapter 4 the adoption by reference of Department of Public Health's administrative rules relating to child support noncompliance, noncompliance of loan repayment, and nonpayment of state dept.

**Motion:** Move to adopt amendments published as ARC 8334B. (MSC: Wubbena/VanVooren)

### **Closed Session**

In accordance with Iowa Code 21.5(1)a & d, the board went into closed session at 10:47 a.m. by unanimous roll call vote to discuss complaints (MS: Reif/VanVooren). The board returned to open session at approximately 11:01 a.m. and took the following actions:

**Motion:** Close cases 09-005, 09-006, 09-008, 09-013, 09-014, 09-015, 09-019, 09-020 (MSC: Ortiz/Reif)

**Motion:** File statement of charges and schedule hearing for 09-007 & 09-018, (MSC: Ortiz/Wubbena)

**Motion:** Release Keith Luter from probation. (MSC: Ortiz/Wubbena)

### **Future Board Meeting**

The next regularly scheduled board meeting will be April 27, 2010, at 9:00 a.m. Hearings will be scheduled the afternoon of April 26.

### **Adjournment**

Motion to adjourn meeting at 11:08 a.m. (MSC: Wubbena/Ortiz)

Respectfully submitted,

Tammy Ortiz

**Bureau of Professional Licensure  
Bureau Chief Report  
1/01/10 – 3/31/10**

- 1. Legislation and rulemaking** The 2010 legislative session will begin January 11. The funnel dates that allow bills to progress are February 12 and March 5. The 80<sup>th</sup> day of the session will be March 31. Primary issues to be addressed by the legislature include health care health care reform and the state budget. The Bureau of Professional Licensure submitted four requests for legislative changes in the Department's 2010 Technical Bill. These were for the Boards of Barbering, Cosmetology, Respiratory Care and Optometry. As we receive requests to make statutory changes or administer new licensure boards, I submit legislative assessments and fiscal notes with the input of the board executives, and we attend legislative subcommittee meetings upon request. When proposed legislation impacts with other boards such as medicine or nursing, the boards work together to provide consistent information regarding the impact of a proposed bill on public protection. When administrative rule changes are reviewed by the year round Administrative Rules Review Committee, the Board Executives provide information about the content of the changes, outcome of the public hearing, and public comment 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. Budget** The Department will continue to evaluate and respond to the impact of the overall state budget on public health services and workforce in SFY10. To date, IDPH has not experienced a substantive reduction in force. Our professional licensure staff is taking either 5 or 7 mandated unpaid days through June 30, depending on whether they are contract or non-contract employees. Thus far, all requests for the boards' professional memberships have been approved. No travel request for board members or staff may be submitted. PL staff members have been diligent in selecting furlough days that are spread over the coming months to assure the person who serves as their backup is informed about priority issues, allowing our work to progress as seamlessly as possible. Although the absence of any staff member is felt in an environment as busy as ours, we do not anticipate the boards will be significantly disadvantaged by the budget restrictions and we do not anticipate changes in our staff through the remainder of this fiscal year.
- 3. Activities of the Bureau Outreach and Compliance Educator** Marvin Firch has met with the 19 boards to describe the purpose of this new position and offer his services to improve compliance with Iowa's licensure statutes and rules. Marvin is currently accepting invitations to present information about the work of the licensure boards. He is developing educational materials that will be accessible to the public to better explain the complaint and disciplinary processes, and reinforce the link between licensure and public protection. Several boards have identified projects that target Marvin's availability to travel within the state and meet with licensees, professional organizations, employers, students, and consumers. I encourage you to tap into his expertise and his focus on the positive aspects of licensure.
- 4. New Look on the Boards' Public Web Pages** The Bureau has changed the look of two public web pages to make information more accessible and easier for users to navigate. Since 2001 the boards have posted, on their individual Discipline and Public Actions page, those documents related to board actions that are public by law. Until now, the only way users could access information was by calendar year. This often made it difficult to link items that extended into another year. Under the new Channels system, users may select a board and sort disciplinary and public actions by licensee name, date, or location. The system does not provide a search option. However, users may use the Ctrl F function to insert a name that will be highlighted on the list. This option allows our Discipline Office staff to manage web postings, eliminating the need to submit requests to our IM Bureau. As in the past, public actions taken before October 2001 are available in hard copy and via CD. Additionally, the Bureau is using the Channels system to post meeting agendas, minutes, and related documents together under the date of the board meeting. Under the new system, which is

also managed by our own staff, information will be available for the current year, the upcoming year, and the past year. Users who seek minutes from meetings two or more years in the past will be directed to contact the board office.

- 5. Internship Opportunity Posted** The Bureau has posted an internship opportunity for a graduate student to develop a program designed to educate salon owners, managers, and employees on matters related to Cosmetology licensure rules. In this case, the Bureau is interested in an individual who is familiar with Asian languages and customs. If such an intern is found, he/she will formulate a written plan to integrate a special populations component into other licensure boards' educational materials, and will recommend enhancements to board websites that increase their usefulness to diverse populations.
- 6. Measures of Success** Twice each year the Bureaus are required to report how well they have met performance measures. Our 19 boards have met or exceeded projected their targets for both licensure and discipline. The Bureau prints renewal notices and licenses in house, and licensure fees are processed and reconciled every business day. During SFY2009, the Bureau printed and mailed 22,177 licenses and wallet cards. In almost 100% of cases, printing and mailing is conducted within three business days when all required items are on file in the board office. In SFY09, the 19 boards in total received 415 complaints. The boards respond to 100% of signed complaints. Throughout the year, total of 213 cases were referred to the Department of Inspections and Appeals for investigation and 202 investigations were completed. Our ability to work efficiently is largely the result of experienced staff and the commitment of board members to assuring public protection through licensure, rulemaking, and discipline of incompetent or unethical practitioners. On behalf of our Bureau I would like to thank you for the work you do and encourage you to help us identify areas for improvement.