IOWA BOARD OF COSMETOLOGY ARTS & SCIENCES
April 8, 2013
Lucas State Office Building, Conference Rooms 517 & 518
Des Moines, Iowa

Open Session Meeting Minutes

Call to Order:
The meeting was called to order by Chairperson Kimberly Page at 10:35 a.m.

Roll Call:

MEMBERS PRESENT:
Kimberly Page, Licensed Cosmetologist
Richard Sheriff, Licensed Cosmetologist
Nicole Schultz, Public Member
Mary Clausen, Licensed Cosmetologist
Dana Atkins, Licensed Electrologist and Cosmetologist
Richard Mosley, Licensed Cosmetologist
Don Nguyen, Public Member

STAFF PRESENT:
Susan Reynolds, Board Executive
David VanCompernolle, AAG
Barb Huey, Bureau Chief
Barb Christiansen, Administrative Assistant
Rosemary Bonanno, Licensure Specialist

PUBLIC PRESENT:
Kent Hartwig, ICSA Lobbyist
Linda Ring, EQ School of Hair Design, Council Bluffs
Julie Mead, EQ School of Hair Design, Council Bluffs
Lois Leytem, Capri College, Dubuque
Kellie Paschke
Cynthia Hummel, La’James International College, Johnston
Deb Erickson, Aveda Institute, West Des Moines
Justin Latham, Faust Institute of Cosmetology
Bonnie Renda, CBI
Jae Ella Godden, CBI
Becky Brockman, CBI
Michi Rees, CBI

Review Agenda:
The minutes of the March 11th board meeting should be corrected to indicate it was an in-person meeting instead of a conference call.

Approval of Minutes:
Dana Atkins voted against approving a permanent waiver for HM Nail Academy. A motion was made by Atkins to approve the change to the minutes of the March 11, 2013, meeting. A second was received from Mosley. All ayes, opposed none, motion carried.

Public Comment:
Speaking on behalf of the Iowa Cosmetology School Association, Justin Latham requested the Board to withdraw ARC 0437C in its entirety since HM Nails was granted a permanent waiver. (Attached as Addendum 1)

Reports:
Board Chair: No report.

Board Executive: No report.

Bureau Chief: No report.

Hearing: Cancelled

Applications:
Ashley Castellano, esthetic application - Rosemary Bonanno reported she has received several applications from out of state schools. The applicant attended the ABC School of Cosmetology located in Lake In the Hills, Illinois. Rosemary requested guidance from the Board on how to handle applications from out of state schools who do not meet Iowa curriculum requirements. Board members Dana Atkins and Kim Page have reviewed and provided assistance by phone in determining if a school meets Iowa requirements. They both felt the transcripts met requirements.
A motion was made by Page to approve this application for licensure. A second was made by Atkins. All ayes, opposed none, motion carried.

Olivia Sabina Bryant, cosmetology application - Applicant attended the Rocky Mountain Academy in Casper, Wyoming and the Aveda Institute in West Des Moines. Applicant took an additional 165 hours from Aveda to fulfill Iowa requirements for licensure.

A motion was made by Atkins to approve the application for licensure. A second was received from Sheriff. All ayes, opposed none, motion carried.

Hannah Marie Bundy, cosmetology application - Applicant attended the Avalon School of Cosmetology in Worthington, Minnesota. Applicant completed 2,100 hours to meet Iowa requirements.

A motion was made by Page to approve the application for licensure. A second was received from Nguyen. All ayes, opposed none, motion carried.

Don Nguyen asked why these applications need to be presented to the board. Rosemary Bonanno stated these particular schools are out of the norm. Rosemary and Dana Atkins review most of the applications that are questionable but some schools need more oversight than others. Lois Leytem stated that Minnesota, Illinois, and Wisconsin do not require the same amount of hours as Iowa and could become a problem in approving an application where the individual did not complete the required amount of hours required by Iowa even though they have passed the national exam. Lois Leytem stated the additional hours should be completed when working in Iowa or have one year of experience on the floor. The Board decided that the applications should be dealt with on a case by case basis.

Jennifer Kelchner, cosmetology reactivation - applicant was found guilty of conspiracy to manufacture methamphetamine and possession of anhydrous ammonia. Applicant is currently on probation until July 2015.

A motion was made by Atkins to approve the license by consent with probation that will run concurrently with her criminal probation. A second was received from Nguyen. All ayes, opposed none, motion carried.
Lori Kayvan, cosmetology renewal - applicant was found guilty of theft in the second degree, credit card fraud, and ongoing criminal conduct. Applicant is currently on probation until June 22, 2017.

A motion was made by Nguyen that the licensee be placed on probation to run concurrent with criminal probation. If the criminal probation is terminated early the board will release her from probation with the understanding that renewal will not be automatic. A second was received from Schultz. All ayes, opposed none, motion carried.

Phuong Thi Kim Tran, nail technology renewal - applicant stole a customer’s credit card where she was employed as a nail technologist and was convicted of forgery. Applicant is currently on probation until September 2016.

A motion was made by Atkins to deny renewal of licensure to this individual. A second was received from Mosley. 5 ayes, 2 opposed (Nguyen/Schultz), motion carried.

Applicants Kim Thu Thi Pham and Tham Thi Mai graduated from Pro Nails and Beauty School in Florida. The other two schools, QH, Inc. closed in December and Academy of Health and Beauty remains on provisional status through May. Pro Nails does not have any active complaints against them at this time according to the Florida Department of Education. The board needs to move cautiously with these applications. It was noted that most of the applicants have not taken the NIC exam. Don Nguyen felt there were issues the board should consider before making a motion. The schools should be thoroughly looked at on an individual basis. More information is needed before going forward. The Board tabled the applications until after the discussion under old business.

Ruby Sisk, Waiver Exemption of 645 IAC 4.14(272C) Continuing education exemption for disability or illness – AAG VanCompernolle caution the board members against discussing any personal medical information. The licensee was granted an extension to obtain her continuing education for 2009-2011 biennium and failed to comply with the conditions of the waiver. The applicant submitted a second waiver requesting an extension of time to obtain continuing education for the 2011-2013 biennium. The applicant admitted she had been working periodically with an expired license. She refused an offer to place her license on voluntary inactivation. A motion was made by Mosley to deny the waiver. A second was received from Atkins. All ayes, opposed none, motion carried.
Petition for Waiver of 645-60.4 (1) Microdermabrasion, submitted by Bliss Warren – petitioner requested a waiver to perform microdermabrasion. The applicant has been licensed as cosmetology since April 2011 which makes her ineligible by rule. Statute imposes the same criteria that prevent the board from waiving the rule requirement.

A motion was made by Page to deny the waiver. A second was received from Atkins. All ayes, opposed none, motion carried.

New Business:
Aveda Institute of Des Moines submitted a change in their cosmetology program. Starting in August 2013, the school will be offering a 5-day, 40 hour week program lasting 12 months. All current student contracts will be honored. The 2,100 hour curriculum will stay the same.

A motion was made by Mosley to accept the changes to the cosmetology schedule at Aveda Institute. A second was received from Clausen. All ayes, opposed none, motion carried.

Susan Reynolds asked the board to clarify the practice of using a razor edged instrument in a salon. The board discussed and concluded that razors are allowed to cut hair in a salon but cannot be used to remove skin.

Susan Reynolds asked for clarification on appropriately storing electrical instruments and equipment that cannot be submerged in disinfectant. Board concluded the rules do not require they need to be stored in a dry covered container.

General discussion on 2013 school inspections: Rick Mosley and Kim Page found during their inspections, some schools did not keep disinfectant at their workstations. Mosley suggested the rule on disinfectant should be clarified. Mosley also reported that cleanliness in general needs to be a priority at schools. This is not addressed in the rules but the schools need to remember that the “little things” need attention too. Page suggested posting sanitation rules in several different places throughout the school so that they are always available to the students for review.

Request for revised floor plan from Total Look School of Cosmetology and Massage Therapy: Kim Page reported during the inspection of the school, she found the current
floor plan did not coincide with the plan currently on file. Page suggested the board request a new floor plan.

A motion was made by Page requesting a current floor plan be submitted to the board to have on file. A second was received from Nguyen. All ayes, opposed none, motion carried.

Page reported that Northeast Iowa Community College in Calmar is remodeling and has been asked to send a revised floor plan to the board when it is completed.

DSM Register articles: AAG VanCompernolle was asked how the board should handle the recent articles in the Des Moines Register. He responded if the board wanted to respond, it should be done collectively. A draft would be written and the board would vote collectively before it was sent to the Register. No member should respond individually to these articles. Don Nguyen stated the articles and comments are no longer posted to the website. He does not recommend that the board respond in any way to these articles. The board agrees to remain silent at this point.

**Old Business:**
Update on the Quad Cities PSI Test Site: Tabled for lack of information from PSI.

HM Nail Academy Permanent Waiver – The Board granted a permanent waiver to HM Nail Academy at the March 11th board meeting. Members had questions about the permanent waiver if a change in location or ownership occurred. AAG VanCompernolle gave no opinion on the questions stating the AAG’s office would address any problems when and if they occurred.

Applications Pending From the Florida Beauty Schools - The bureau office has approximately 60 applications pending from the three schools in Florida which the board feels are questionable. Susan Reynolds suggested returning the applications from the Academy of Health and Beauty and QH, Inc., with a cover letter stating the board will withhold approval until the review by the Florida Department of Education is complete. Applicants can reapply after the review has been completed.

A motion was made by Page to send back applications to QH Beauty School and Academy of Health and Beauty. No second was received. Motion rescinded.
A motion made by Atkins that no applications are accepted from Pro Nails Academy d/b/a Academy of Health & Beauty until the school can be further investigated. A second was received from Mosley. All ayes, opposed none, motion carried.

A motion was made by Atkins to not accept any applications from Pro Nails Academy until further investigation is done. A second was received from Mosley. All ayes, opposed none, motion carried.

A motion was made by Page to not accept any applications from QH Beauty School and to return any pending applications to the individuals. A second was received from Clausen. All ayes, opposed none, motion carried.

Barb Huey stated that a letter needs to be drafted to accompany the application form and fees.

**Administrative Rules:**
A position statement was received from the Iowa Cosmetology Schools Association asking the Board to withdraw administrative rules on single discipline schools ARC 0437C in its entirety.

A motion was made by Page to withdraw the current rules requiring 1,500 square footage. A second was received from Mosley. All ayes, opposed none, motion carried.

Bliss Day Spa: AAG VanCompemainelle reported the owner is not a licensee and the salon is no longer in business. He recommended dismissing the charges against the salon.

A motion was made by Page to dismiss this case. A second was received from Atkins. All ayes, opposed none, motion carried.

The board took a twenty minute break.

**Closed Session:**
A motion was made by Page at 12:46 a.m. to go into closed session 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.

Page - aye
Atkins - aye
Sheriff - aye  
Clausen - aye  
Schultz - aye  
Nguyen - aye  
Mosley - aye  
Motion carried.

The board returned to open session at 2:11 p.m.

**Follow-up From Closed Session:**  
A motion was made by Page to close the following cases: #11-180, #11-011, and #13-007. A second was received from Mosley. All ayes, opposed none. Motion carried.

A motion was made by Page to file Statement of Charges against the following cases #10-031, #10-043, #10-054, #11-007, #11-010, and #11-118. A second was received from Mosley. All ayes, opposed none, motion carried.

A motion was made by Page to consolidate cases #10-031, #10-043, #10-054, #11-007, #11-010, and #11-118 from La’James into one Statement of Charges. A second was received from Mosley. All ayes, opposed none, motion carried.

A motion was made by Page to dismiss the charges for the following cases: #11-153, #11-155 and #11-174. A second was received from Atkins. All ayes, opposed none, motion carried.

A motion was made by Page to dismiss the charges in lieu of the voluntary inactivation against the following cases #11-085, #11-128, #11-131, #11-133, #11-147, #11-152, #11-156, #11-166 and #12-044. A second was received from Atkins. All ayes, opposed none, motion carried.

A motion was made by Page to rescind the Statement of Charges against Cases #T86 and #T112. A second was received from Atkins. All ayes, opposed none, motion carried.

A motion was made by Page to approve the following Stipulation and Consent orders for the following cases:
A second was received from Atkins. All ayes, opposed none, motion carried.

A motion was made by Page to hold an informal conference with case #12-028 regarding licensure issues – date to be determined. A second was received from Sheriff. All ayes, opposed none, motion carried.

Remaining Board Meetings for 2013:
July 8, 2013
October 14, 2013
A conference call will be scheduled prior to the July board meeting.

Atkins had questions about nursing home salons. This subject falls under the statute of exception to practice. Individuals working as an employee in a nursing home and performing cosmetology services do not need to be licensed as a cosmetologist or have a salon license. After a discussion regarding those who are collecting the fees at a nursing home from the patients it was decided that AAG VanCompernolle will check into this issue and get back to the board.

No rules committee after the meeting today. Susan Reynolds and Kim Page are working on a new date.

Adjournment:
A motion was made by Page to adjourn the meeting at 2:25 p.m. A second was received by Atkins. All ayes, opposed none, motion carried.
March 25, 2013

Iowa Board of Cosmetology Arts and Sciences
Bureau of Professional Licensure
Iowa Department of Public Health
Lucas State Office Bldg., 5th Floor
321 East 12th Street
Des Moines, IA 50319-0075
FAX (515) 281-3121

Dear Ms. Reynolds,

On behalf of the Iowa Cosmetology Schools Association (ICSA), I am writing the Iowa Cosmetology Arts and Sciences Board on the issue of noticed administrative rule ARC 0437C.

As you are aware, the Iowa Cosmetology Schools Association has been opposed to the concept of single discipline schools of instruction since the initial conversation in January of 2010. A letter dated August 10, 2011 (enclosed) highlights our longstanding position on this issue. Additionally, verbal comments by ICSA member schools at numerous public meetings over the last three years and the public comment session specifically on these rules on November 20, 2012 should clearly identify our opposition.

The hope of ICSA is that the State Board withdraws ARC 0437C in its entirety. Given the events of the State Board meeting on Monday, March 11, 2013, ICSA believes the State Board is in a position to no longer proceed with these rules since the single discipline school in question has been granted a permanent waiver to the 3,000 square footage requirement.

However, if it is the position of the State Board to continue the effort to establish single discipline schools in Iowa, ICSA strongly recommends the State Board revisit these noticed rules in a pragmatic, thoughtful manner that is no longer predicated on a single entity or school. The Iowa Cosmetology Schools Association would suggest beginning from scratch and having an open dialog between the rules subcommittee and ICSA to ensure any change in the educational approach to individual cosmetology disciplines is in the best interest of the students, public, profession and the State of Iowa.

The Iowa Cosmetology Schools Association is encouraged by the excellent relationship we have with the Iowa Cosmetology Arts and Sciences Board and are very much supportive of the Board's efforts to ensure the safety of the public. Thank you for your attention to this matter and for your ongoing support of the Iowa Cosmetology Schools Association.

Respectfully,

Justin Latham, President
Iowa Cosmetology Schools Association

Enclosed: August 2011 Letter to Board
August 10, 2011

Iowa Board of Cosmetology Arts and Sciences
Bureau of Professional Licensure
Iowa Department of Public Health
Lucas State Office Bldg., 5th Floor
321 East 12th Street
Des Moines, IA 50319-0075
FAX (515) 281-3121

Susan Reynolds,

On behalf of the Iowa Cosmetology Schools Association we would like to provide the following discussion points regarding the proposal of further allowing waivers to schools of cosmetology to educate students in smaller than required space. This is the position of the ICSA members drafted by the ICSA Board.

Chapter 61.12 identifies rules that outline a minimum for cosmetology arts and sciences schools. Further the subsection outlines the minimum requirement for space needed. 61.12(1) The school premises shall have a minimum floor space of 3000 square feet and, when the enrollment in a school exceeds 30 students, additional floor space of 30 square feet shall be required for each additional student enrolled in the school. Furthermore, 61.12 goes on to outline many additional requirements meant to meet or exceed Public Health’s wish to protect the public.

1) What is the State Board’s current position and/or rationale on reducing or eliminating these requirements as outlined in 61.12(1) through 61.12(9)? And if requirements are eliminated will schools meeting the current requirements be able to follow suit?

2) Is it the intent of the State Board to continue issuing waivers for less square footage for smaller schools? And how many waivers does the State Board feel is reasonable for one school to be issued?

3) The Iowa Cosmetology Schools Association suggests that no more waivers be granted, but rather the rules be carefully and thoughtfully rewritten. The
Association is suggesting that a minimum of 1,500 square feet be maintained with 15 students and the rest of the requirements outlined in 61.12(1) through 61.12(9) be enforced. Any additional increase in students should require the additional space needed as stated in 61.12(1).

4) These "minimum" requirements will ensure any school opened will have the investment and commitment required for a professional educational facility. The Board itself has commented on the many issues involving nail salons in the state of Iowa. To go forward with additional waivers or significant square footage reduction opens the door for sub-par schools to open and operate "on the fringe".

5) With the current issue of illegal and unsanitary issues plaguing our industry and the state of Iowa, this square footage reduction from the present requirements outlined in 61.12 would open the door for additional problems and isn't in the best interest of the public or the student.

Justin Latham
CSA President
Iowa Cosmetology Schools Association
3305 70th Street
Des Moines, IA 50322