

STATE OF IOWA
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES

_____))
IN THE MATTER OF))
HENRY’S NAILS,) NO: CO 99-001; CO 00-002
License No. 002-002104))
RESPONDENT) **STATEMENT OF CHARGES**
_____))

Hanh Do Dinh
Owner of Henry’s Nails
1417 West Broadway
Council Bluffs, IA 51501

TO THE ABOVE NAMED RESPONDENT:

Pursuant to Iowa Code Chapters 17A, 157, and 272C (1999, 2001) the Iowa Board of Cosmetologist Arts and Sciences (Board) has jurisdiction of this matter.

Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board. The Board issued cosmetology salon license number 002-002104 to the Respondent on December 4, 1996. Respondent’s cosmetology salon license is active and current through December 31, 2002. Board records show that Hanh Do Dinh is the owner of Respondent Henry’s Nails. The Respondent’s last known address is 1417 West Broadway, Council Bluffs, Iowa 51501.

COUNT I

Respondent salon is charged with engaging in practices that are harmful or detrimental to the public by permitting the use of a recognized dangerous

substance (Methyl Methacrylate) on consumers receiving nail technology services. See Iowa Code § 157.9 (1999, 2001); 645 IAC 65.12(1)(c) [now 645 IAC 65.1(1)(c)].

CIRCUMSTANCES

1. During an inspection of the Respondent salon, the person conducting the inspection obtained samples of the liquid identified as the product used to seal and fill artificial nails in the Respondent salon.

2. The samples of the liquid were tested by the University of Iowa Hygienic Laboratory in Iowa City, Iowa. The U. of I. Hygienic Lab determined that the test sample contained a detectable level of Methyl Methacrylate (MMA).

3. The Food and Drug Administration (FDA) has determined that Methyl Methacrylate is a “poisonous and deleterious” ingredient when used in liquid monomer. It is widely known within the nail technology industry that the use of nail sealer or filler products containing Methyl Methacrylate possess a potential health and safety hazard to the consumers of nail technology services.

4. Licenses issued by the Board are subject to discipline if licensees engage in practices that are harmful or detrimental to the public. See Iowa Code §§ 147.55, 157.9, 272C.3(2) (1999, 2001); 645 IAC 65.12(1)(c) [now 645 IAC 65.1(1)(c)].

5. The Respondent has engaged in conduct that violates the laws and rules governing the practice of cosmetology arts and sciences in the State of Iowa and the Board has jurisdiction to initiate a disciplinary proceeding in this case.

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FINDING OF PROBABLE CAUSE

On August 7, 2001, the Iowa Board of Cosmetology Arts and Sciences found probable cause to file this Statement of Charges and to order a hearing set in this case.

This Settlement is approved by the Board on August 14, 2001.