IOWA BOARD OF COSMETOLOGY ARTS & SCIENCES
April 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 10:29 a.m. by Kimberly Page, Chairperson.

Roll Call:

MEMBERS PRESENT:
Mary Clausen, Licensed Cosmetologist
Kim Page, Licensed Cosmetologist
Rick Mosley, Licensed Cosmetologist
Richard Sheriff, Licensed Cosmetologist
Jerry Talbott, Public Member
Dana Atkins, Licensed Cosmetologist and Electrologist - available by conference call
Nichole Schultz, Public Member

STAFF PRESENT:
Susan Reynolds, Board Executive
Barb Huey, Bureau Chief
Barb Christiansen, Administrative Assistant
Rosemary Bonanno, Licensure Specialist
Marvin Firch, Outreach and Compliance Educator
Scott Galenbeck, Assistant Attorney General - arrived at 10:55 a.m.

PUBLIC PRESENT:
Lois Leytem, Capri College, Dubuque
Linda Ring, EQ School of Hair Design, Council Bluffs
Julie Mead, EQ School of Hair Design, Council Bluffs
Kelli Paschke, CBI Lobbyist
Cindy Hummel, La'James International College, Johnston
Deb Hurtig, Aveda, West Des Moines

Review Agenda:

Approval of Minutes:
A motion was made by Atkins to approve the meeting minutes from January 10, 2012. A second was received from Sheriff. All ayes, opposed none, motion carried.

A motion was made by Mosley to approve the meeting minutes from February 20, 2012. A second was received from Talbott. All ayes, opposed none, motion carried.

Public Comment: None

Reports:
Board Chair: Kimberly Page discussed school inspections with members. Final inspection reports will be sent to the schools by e-mail.

Board Executive: Susan Reynolds distributed information on renewal statistics. Jerry Talbott was presented with a certificate of appreciation for nine years of service on the board.

Bureau Chief: Barb Huey thanked Jerry Talbott for his service to Iowa.

SF 2220 passed through the legislature amending Section 157.8 requiring school licenses to include language they are postsecondary providers.

Huey reported they are actively testing the board meeting and discipline folders in the AMANDA system. The testing will continue over the next few months. The four professions being tested at this time are Mortuary Science, PT/OT, Cosmetology, and Speech Pathology/Audiology.

New Business:
Webinar Classes - The Board discussed accepting webinars classes for continuing education. BehindTheChair.com offers several webinars but does not meet criteria under the current administrative rules. Atkins suggested the board table the issue and do more research on webinars. Board discussed the quality of continuing education credits offered by cosmetology shows.

Incorporation of Salons - Discussion about salons changing ownership through incorporation. Salons submitting applications with change of ownership are not disclosing the name of the officers. Full disclosure is necessary because the board has denied applications based on a licensee's previous discipline. AAG Galenbeck suggested revising the salon application to focus on ownership of the corporation and promulgating rules to incorporate changes to the salon application. The board has the authority to deny a transfer of a salon license based on pending discipline or current probation, of an incorporated salon. Legally the transfer is not prohibited but the discipline sanctions that are already in place could carry over to the new ownership. Another issue are applicants list more than one address but exclude the physical address of the salon. AAG Galenbeck stated if board staff feel an application is incomplete, they have the authority to request additional information.

Old Business:
ASM Beauty World – Board discussed whether they meet Iowa continuing education requirement. Board concluded it does not meet requirements.

Page appointed Nicole Schultz to the discipline committee.

Applications:
Lee Nails – application for change in ownership: The new owner wants to hire a licensee with prior discipline as the salon manager. The licensee was previously sanctioned from owning a salon in Iowa. Board executive asked for legal guidance establishing the difference between owner and manager. The new owner has not been disciplined by the Board. AAG Galenbeck will review the statute and rules to determine if the Board has the authority to deny the application based on the salon manager's previous discipline.

Secret Nails – application for change in ownership: Both applicant and owner have current discipline pending against them. A motion was made to deny application and change of ownership by Mosley. A second was received from Talbott. All ayes, opposed none, motion carried.

Fashion Nails – Will be discussed in closed session.

Kimberly Sutter – cosmetology license: Applicant is currently on probation until 2015. A motion was made by Page to license applicant by consent order with probation to run concurrently with criminal probation. A second received from Atkins. All ayes, opposed none, motion carried.

Barbara Hulsebus – cosmetology renewal: Applicant is currently under criminal probation. Motion made by Page to issue license by consent order to run concurrently with criminal probation. A second received from Mosley. All ayes, opposed none, motion carried.

Skin Transformations – salon application: one of the applicants was previously sanctioned by the Board for operating outside the-scope of practice as an esthetician. AAG Galenbeck suggested the Board send a letter requesting more information about the oxygen and LED treatments. Board requested the Department of Inspections and Appeals to find out if the salon is currently open to the public.

A motion was made by Mosley to go into closed session at 11:59 a.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 Talbott. Roll call taken.
Sheriff - aye
Clausen - aye
Mosley - aye
Schultz - aye
Talbott - aye
Atkins – aye
Page - aye
Motion carried.

Board returned to open session at 2:56 p.m. and took the following action on closed session discussion:

Amanda Ryan – cosmetology reactivation: Applicant has incurred a 4th DUI offense. She is considered in inmate status and will serve a probation period until June 2013. Applicant has been under a consent order with the board in the past. Applicant has completed her continuing education and has paid the reactivation fee. Atkins recommended reactivating her license and then placing her on probation. A motion was made by Talbott to issue applicant a license under consent order to run

concurrently with her probation. A second was received from Clausen. All ayes, opposed none, motion carried.

Motion made by Page to deny the application for Fashion Nails. A second was received from Atkins. All ayes, opposed none, motion carried.

Motion made by Page to issue a consent order on Case CO 12-007. A second was received from Sheriff. All ayes, opposed none, motion carried.

Motion made by Page to release Case CO 09-079 from probation. A second was received from Sheriff. All ayes, opposed none, motion carried.

Motion made by Page to close the following cases: CO 11-164, CO 11-165, CO 11-185, CO 11-192. A second was received from Mosley. All ayes, opposed none, motion carried.

Motion made by Page to request the AAG to draft an order for the unlicensed practice of case CO 11-193 and CO 12-009. A second was received from Mosley. All ayes, opposed none, motion carried.

Motion made by Page to issue a Cease and Desist letter on cases CO 11-180 and CO 11-206. A second was received from Talbott. All ayes, opposed none, motion carried.

Motion made by Page to file statement of charges against the following cases: CO 08-082, CO 09-074 and salon owners personal license, CO 11-158, CO 11-159, CO 11-163, CO 11-190 and the salon owners personal license, CO 11-195 and the salon owners personal license, CO 11-196, CO 12-002, CO 11-205 and the salon owners personal license, CO 11-206 and the salon owners personal license. A second was received from Mosley. All ayes, opposed none, motion carried.

Motion made by Page to file Statement of Charges against the following failed audit cases. A second was received from Mosley. All ayes, opposed none, motion carried.

CO 11-039	CO 11-140	CO 11-141	CO 11-142
CO 11-143	CO 11-144	CO 11-145	CO 11-146
CO 11-147	CO 11-148	CO 11-149	CO 11-150
CO 11-151	CO 11-152	CO 11-153	CO 11-154

CO 11-155	CO 11-156	CO 11-157	CO 11-160
CO 11-161	CO 11-166	CO 11-167	CO 11-168
CO 11-169	CO 11-170	CO 11-171	CO 11-172
CO 11-173	CO 11-174	CO 11-175	CO 11-176
CO 11-177	CO 11-178	CO 11-179	CO 11-188
CO 11-198			

Stipulation and Consent Orders of Failed Audits:
A motion was made by Page to accept the following Stipulation and Consent Orders of the following failed audits. A second was received from Mosley. All ayes, opposed none, motion carried.

CO 11-031	CO 11-033	CO 11-034	CO 11-037
CO 11-038	CO 11-039	CO 11-040	CO 11-041
CO 11-042	CO 11-045	CO 11-046	CO 11-047
CO 11-048	CO 11-049	CO 11-050	CO 11-051
CI 11-052	CO 11-054	CO 11-056	CO 11-057
CO 11-058	CO 11-065	CO 11-067	CO 11-068
CO 11-070	CO 11-072	CO 11-075	CO 11-076
CO 11-078			

Next board meeting is July 9, 2012.

Adjournment:
A motion was made by Page to adjourn the meeting at 3:16 p.m. A second was received from Sheriff. All ayes, opposed none, motion carried.