

# **SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES**

**January 8, 2013**

## **Call Meeting to Order**

The regular meeting of the Cosmetology Commission was called to order by President Nora Slykhuis on Tuesday, January 8, 2013 at 4:40 p.m. at the Cosmetology Commission office, 111 E Capitol Avenue, Pierre, South Dakota.

## **1. Roll Call**

Attendance was taken by Secretary-Treasurer Kory McKay, with the following members present: Lori Berreth, Pat Clark, Kory McKay, Lois Porch, and Nora Slykhuis. Staff present: Attorney Aaron Arnold and Executive Director Kate Boyd.

## **2. Minutes of the October 25 & 26, 2012 Meeting**

IT WAS MOVED BY LOIS PORCH, SECONDED BY LORI BERRETH, TO APPROVE THE MINUTES OF THE OCTOBER 25 & 26, 2012 MEETING AS WRITTEN. THE MOTION PREVAILED ON A VOICE VOTE.

## **3. Treasurer's Report**

Secretary-Treasurer Kory McKay reported that as of December 31, 2012, the available budget was \$117,708.11 and the cash center balance was \$319,272.16.

IT WAS MOVED BY PAT CLARK, SECONDED BY LORI BERRETH, TO APPROVE THE TREASURER'S REPORT AS PRESENTED. THE MOTION PREVAILED ON A VOICE VOTE.

## **4. Executive Director's Report**

The Executive Director's Report had previously been mailed to Commission members and is attached to these Minutes as Attachment 1. The report included: (1) copy of a news Report from Aberdeen American News stating that Southeast Technical Institute in Sioux Falls has been approved by the State Board of Education to develop a cosmetology program. The Commission does not have any involvement until such time as a school license application is received. (2) Enclosed with the meeting packets was a copy of the 2013 newsletter. During the meeting a few minor changes were suggested, including using the space currently listing the 2013 exam schedule and commission meetings to show the numbers of personal and salon/booth licenses for the fiscal year ending June 30, 2012. (3) Executive Director Kate Boyd gave an update on her health status.

## **5. Disciplinary Actions - N/A**

## **OLD BUSINESS**

## **6. Administrative Rules Changes Adoption Update**

Executive Director Kate Boyd and Vice President Lois Porch attended the December 19, 2013 meeting of the Interim Rules Committee Meeting. At that time, our proposed administrative rules change were approved by the Rules Committee as presented. Attorney Aaron Arnold filed the rules with the Secretary of State's office and the rules changes will become tentatively effective January 28, with final approval July 1, 2013.

## **7. 2013 Calendar**

### **● State Board Exam Dates/Locations, Commission Meetings and School Visits**

The Commission reviewed the 2013 calendar that was previously adopted at the October 25, 2012 meeting. There was discussion about whether or not the Commission should visit every school every year. It was noted that if we eliminate visits to schools in a particular area of the state, we will likely need to schedule a conference call meeting. Otherwise, the Commission would only be meeting three times during 2013. IT WAS MOVED BY KORY MCKAY, SECONDED BY PAT CLARK, TO VISIT THE SCHOOLS IN EASTERN SOUTH DAKOTA IN 2013 AND THE SCHOOLS IN WESTERN SOUTH DAKOTA IN 2014 AND CONTINUE THE EVERY-OTHER-YEAR SCHEDULE AND TO HOLD CONFERENCE CALL MEETINGS AS NEEDED THROUGHOUT THE YEAR. THE MOTION PREVAILED ON A VOICE VOTE.

### **● Long-Range Planning Meeting**

In reviewing the exam calendar, it was agreed to hold a long-range planning meeting on Wednesday, July 17, 2013 in Pierre. If we need to, we will schedule nail technicians to test on Sunday, July 13, 2013. We will contact a facilitator to work with the Commission on the long-range plan.

### **● Annual Inspectors Meeting**

It was noted that President Nora Slykhuis, together with the office staff will meet with the inspectors sometime in the first half of 2013.

## **8. Computer-based Testing**

There was discussion about the implementation of computer-based testing. Currently a handful of retake theory examinations have been taken in the Cosmetology Commission office. Executive Director Kate Boyd suggested that implementation of computer-based testing be completed in two phases, with the first being the theory and state laws exams and after successful implementation of the written exams, then we pursue purchasing the appropriate computer hardware for use by the examiners to score the practical examination. In order to implement computer-based testing, the State technical schools where the examinations are administered will need to have a signed contract with Iso-Quality Testing (IQT). There will be an increase in cost both with IQT and for the use of the computer labs at the various locations where the exams are held. The benefit of computer-based testing include the elimination of paper/pencil examinations and the security that is required to keep the examination booklets secure and the fact that we will have immediate results instead of mailing the answer sheets and waiting two-three weeks for exam results. Additionally, it will mean that candidates who need to retake only the theory or state laws exam(s) could take the exam in Sioux Falls, Rapid City or Watertown instead of driving to Pierre to take the exam.

IT WAS MOVED BY PAT CLARK, SECONDED BY LORI BERRETH, TO MOVE FORWARD WITH THE IMPLEMENTATION OF COMPUTER-BASED TESTING FOR THE WRITTEN EXAMINATIONS. THE MOTION PREVAILED ON A VOICE VOTE.

## **NEW BUSINESS**

## **9. Legislative Update**

Attorney Aaron Arnold briefed the Commission that a bill has been introduced to require licensing boards to annually report numbers of graduates and successful passage of licensing examinations for students who attend a post-secondary technical institute.

## **10. Requests Directed to the Commission**

### **● Student Enrollment Form**

There was discussion about the Student Enrollment Form and whether or not we should ask if the applicant has (1) a felony drug conviction or (2) an infectious or contagious disease. SDCL 36-15-56. Grounds for disciplinary action - indicates both of these items as grounds for denial, revocation, or suspension of a license. Executive Director Kate Boyd informed the Commission that in recent weeks the office has received phone calls about both of these scenarios. The consensus of the Commission was to include a question about felony drug convictions on the student enrollment form and to investigate how health-related licensing boards deal with infectious/contagious diseases.

### **● Temporary License**

There was brief discussion about whether or not a temporary license should be issued to individuals who wait a year or more to pursue taking State Board examinations after completing their education. Attorney Aaron Arnold stated the laws/rules of the Commission do not allow the Commission to set a policy in this regard. If the individual has not previously been issued a temporary license, they are eligible to be issued a temporary license even if a substantial amount of time has passed since they completed their education.

### **● No Show for State Board Exams**

Executive Director Kate Boyd informed the Commission that when an application has been received for State Board examinations, the candidate is mailed a notice of their examination date/city. This notice has been changed to include a statement that if the individual does not receive their Admission Notice one week before the exam date, they must contact the office. It was noted that the Admission Notices are mailed at least two weeks before the exam date.

### **● Esthetician Licensed by Reciprocity**

The Commission reviewed a request from an individual attending cosmetology school who was previously issued an esthetician license through reciprocity from Nebraska. She was requesting waiver of some of the esthetics hours of education. The Commission has a worksheet that states the maximum number of hours that an individual can receive from previous education. The transcript from the Nebraska school was reviewed to calculate the appropriate numbers of hours of credit that could be allowed. IT WAS MOVED BY KORY MCKAY, SECONDED BY LOIS PORCH, TO ALLOW 336 HOURS OF THIS STUDENT'S ESTHETICS EDUCATION FROM NEBRASKA. THE MOTION PREVAILED ON A VOICE VOTE.

### **● Rachael Maag request for waiver of completion of Junior Instructor Education Hours**

Rachael Maag is currently a junior instructor at Lake Area Technical Institute cosmetology program in Watertown. She sent in a request for the Commission to waive the remaining hours of the required 1000 hours of junior instructor education based on the fact that she has a South Dakota teachers certificate. *Rule 20:42:08:01.01. Junior instruction education program, states*

“...The Commission may grant a waiver of the junior instructor education program if the applicant has a teaching certificate from the South Dakota Department of Education.” It was noted that Ms. Maag was granted a two-year South Dakota teaching certificate based on her cosmetology education and years of experience as a cosmetologist. She has not had any formal teaching education at this point in time. These requirements are similar to the Commission’s requirement for a junior instructor license.

The Commission has not received a request from LATI cosmetology program requesting the conditional approval of a senior instructor license based on an emergency staffing problem in their program.

IT WAS MOVED BY PAT CLARK, SECONDED BY LORI BERRETH, TO DENY RACHAEL MAAG’S REQUEST FOR WAIVER OF THE REMAINDER OF HER 1000 JUNIOR INSTRUCTOR EDUCATION. THE MOTION PREVAILED ON A VOICE VOTE.

#### **11. Cosmetology School License Renewal Applications**

The Commission reviewed two applications for renewal of school licenses as shown below.

- **Black Hills Beauty College - Rapid City**

IT WAS MOVED BY LORI BERRETH, SECONDED BY PAT CLARK, TO APPROVE THE SCHOOL LICENSE RENEWAL APPLICATION OF BLACK HILLS BEAUTY COLLEGE-RAPID CITY. THE MOTION PREVAILED ON A VOICE VOTE.

- **Desaree and Company School of Beauty - Sturgis**

IT WAS MOVED BY PAT CLARK, SECONDED BY KORY MCKAY, TO APPROVE THE SCHOOL LICENSE RENEWAL APPLICATION OF DESAREE AND COMPANY SCHOOL OF BEAUTY-STURGIS. THE MOTION PREVAILED ON A VOICE VOTE.

#### **12. Provider Applications for Electric File & Microdermabrasion Education**

The Commission reviewed two provider applications for 8-hour electric file education and one provider application for 16-hour microdermabrasion education. In each case, the providers were approved in 2012 and have submitted complete applications and documentation showing no changes in their class.

- **Desaree & Company School of Beauty - Electric File**

IT WAS MOVED BY KORY MCKAY, SECONDED BY LORI BERRETH, TO APPROVE THE 8-HOUR ELECTRIC FILE PROVIDER APPLICATION OF DESAREE AND COMPANY SCHOOL OF BEAUTY. THE MOTION PREVAILED ON A VOICE VOTE.

- **Headlines Academy, Inc. - Electric File**

IT WAS MOVED BY KORY MCKAY, SECONDED BY PAT CLARK, TO APPROVE THE 8-HOUR ELECTRIC FILE PROVIDER APPLICATION OF HEADLINES ACADEMY, INC. THE MOTION PREVAILED ON A VOICE VOTE.

● **Headlines Academy, Inc. - Microdermabrasion**

IT WAS MOVED BY LORI BERRETH, SECONDED BY KORY MCKAY, TO APPROVE THE 16-HOUR MICRODERMABRASION PROVIDER APPLICATION OF HEADLINES ACADEMY, INC. THE MOTION PREVALED ON A VOICE VOTE.

**13. Stewart School - Request for 4 additional school field trip hours for charity work**

Stewart School had submitted a letter requesting that their students be allowed an additional 4 hours for school field trips to perform charity haircuts at a homeless shelter in Sioux Falls. While the proposed field trip/charity work was worthwhile, the administrative rules state that each student may participate in a maximum of 16 hours of field trips.

IT WAS MOVED BY LOIS PORCH, SECONDED BY KORY MCKAY, TO APPROVE THE PROPOSED FIELD TRIP AS ANOTHER OPTION FOR STEWART SCHOOL STUDENTS, WITH A MAXIMUM OF 16-HOURS OF FIELD TRIPS PER STUDENT AS STATED IN THE ADMINISTRATIVE RULES. THE MOTION PREVAILED ON A VOICE VOTE.

**14. Other Business - N/A**

**15. Upcoming Meeting Dates**

- February 1, 2013 - State Board Examinations - Watertown (Kory McKay, Karen Dossett and the office staff will administer exams)
- March 8 & 9, 2013 - State Board Exams - Sioux Falls (Nora Slykhuis, Karen Dossett and the office staff will administer exams)
- April 20 & 21, 2013 - NIC Region Meeting - North Carolina - There was discussion about who we should request out-of-state travel approval for to attend this meeting. Nora Slykhuis, Lois Porch, and Lori Berreth all expressed interest in attending this meeting, together with Executive Director Kate Boyd. It was agreed to submit all four names for consideration. There was further discussion about the fact that the NIC Conference later in the year will be held in Denver, Colorado and the possibility of driving to the conference and taking the entire Commission. This would require approval by the Secretary of Labor and Regulation. Pat Clark stated that she believes she has a conflict and would not likely be able to attend.

**Adjournment**

IT WAS MOVED BY LORI BERRETH, SECONDED BY PAT CLARK, TO ADJOURN. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting adjourned at 7:00 p.m.

Respectfully submitted by:

---

Kate Boyd, Recording Secretary

and

---

Kory McKay, Secretary-Treasurer

## **ATTACHMENT 1**

### **Executive Director's Report - January 8, 2013**

#### **1. SOUTHEAST TECHNICAL SCHOOL**

Enclosed with the Commission meeting packets is a news report from the Aberdeen American News stating that Southeast Technical Institute in Sioux Falls has been approved by the State Board of Education to develop a cosmetology program. It appears that they will not be requesting approval of their school license until 2015.

#### **2. 2013 RENEWAL NEWSLETTER**

Enclosed in the meeting packets is a copy of the 2013 newsletter that is being mailed with licenses as they are being renewed. If Commission members have any additional changes, please come to the January 8, 2013 meeting with your proposed changes.

#### **3. HEALTH UPDATE**

I have completed my chemo treatments as of December 7, 2012. I am scheduled for another Pet scan on January 11, and if everything looks good, will routinely see the doctor in April and then have another Pet scan mid-summer. Hopefully we are at the point of routine screenings in the future. Thank you all for your support, encouragement and understanding these past five months.