

**SOUTH DAKOTA COSMETOLOGY COMMISSION**  
**Minutes**  
**January 14, 2008**

The regular meeting of the Cosmetology Commission was called to order by President Jacquelyn Dahlquist on Monday, January 14, 2008 at 4:35 p.m. in the Cosmetology office, Pierre, South Dakota.

**Roll call** was taken by Secretary/Treasurer Lois Porch, with the following members present: Jacquelyn Dahlquist, Ila Davis, Dorothy Johnson, Lois Porch, and Nora Slykhuis. Staff present: Susan Monge, Executive Director. Others present: Steve Blair, Attorney General's office, and Penny Thompson, Stewart School, Sioux Falls.

**Minutes**

**A MOTION WAS MADE** by Dorothy Johnson, seconded by Lois Porch, to accept the minutes of November 14, 2007. The motion passed.

**Treasurer's Report**

Lois Porch reported that as of 12/31/07 the available budget was \$117,241.84, and the cash center balance of \$34,062.45.

**A MOTION WAS MADE** by Ila Davis, seconded by Nora Slykhuis, to approve the Treasurer's report. The motion passed.

**Executive Director's Report**

Susan Monge reported on numerous issues (attachment #1.)

The Commission decided to recognize an inactive license from another state as a current license for reciprocity upon the advice of the director and Attorney Blair.

Dahlquist stated that we would adjust the agenda in order to discuss school license renewals at this time.

**New Business**

**School License Renewals**

Monge stated that three schools had submitted renewal forms. Black Hills Beauty College – Rapid City, Headlines Academy, and Stewart Southeastern Branch school. Monge approved the Black Hills Beauty College and Headlines Academy. There is a question from the past commission meeting regarding SDCL 36-15-29 and the Stewart Southeastern Branch school.

**Executive Session**

**A MOTION WAS MADE** by Lois Porch, seconded by Ila Davis, to go into executive session at 5:05 p.m. with Attorney Steve Blair. The motion passed.

**A MOTION WAS MADE** by Ila Davis, seconded by Dorothy Johnson, to come out of executive session at 5:25 p.m.

**A MOTION WAS MADE** by Lois Porch, seconded by Ila Davis, to send a notice of intent to not renew the Stewart Southeastern Branch school license. A voice vote was taken: Davis – yes, Johnson – yes, Slykhuis – yes, Dahlquist – yes, and Porch – yes. The motion passed.

Dahlquist stated that the Commission regrets this decision to not renew, but that SDCL 36-15-29 requires a full-program for a school. The Stewart Branch school has a cosmetology program which is less than the 2100 hours required by 36-15-29. This decision does not mean that Stewart School did anything wrong or committed any violation. After carefully reviewing the statute the Commission realized that the statute did not support historical precedence. The Commission needs to follow the law. Both the Commission and Stewart School had good intentions with the branch school. The Commission will look into changing the statute, but does not guarantee it will be changed.

### **Old Business**

#### **Junior Instructor License Requirements**

##### **Education Committee Reports**

Final recommendation from the Committee was made. They stated that each school had a good program, and each program is slightly different. The schools should be allowed to set the breakdown or curriculum categories of the 1,000 instructor hours as they see fit, not the Commission. However, the schools should provide the Commission with a monthly timesheet listing the categories, and the hours earned that month in each category. Each junior instructor should get a well-rounded education in teaching methods, but can specialize in areas such as basic teaching or esthetics teaching. A textbook does not have to be the only teaching source. The use of other teaching materials is encouraged and should be listed on the monthly timesheets.

The Commission accepted these recommendations and directed Monge to send a notice to the schools.

#### **Protection Course**

Monge presented a draft of the PowerPoint Protection Course that is being developed. The Commission had some suggestions, but overall approved of the course.

#### **Branch or Satellite Schools – School Study Committee**

Monge reported that she sent the Commission information on definitions on main schools, branch schools, and satellite schools.

Dahlquist announced that the school committee would hold the first meeting on January 23 though the DDN. Any recommended changes from the Committee will have to be presented to the Commission.

#### **Disciplinary Actions**

**N-2007.** Monge presented a Consent Order N-2007 regarding an infection that was contracted by a client at a nail salon due to improper disinfection of pedicure stations. Investigation showed that the salon was using improper disinfection procedures.

**A MOTION WAS MADE** by Nora Slykhuis, seconded by Lois Porch, to approve the Consent Order for case N-2007. A voice vote was taken: Dahlquist – yes, Davis – abstain, Johnson – yes, Porch – yes, and Slykhuis – yes. The motion passed with a majority.

**K-2007.** Monge presented a Consent Order K-2007 regarding a nail salon that was allowing an unlicensed person to provide nail services on clients, no disinfectant available on-site, and unclean tools.

**A MOTION WAS MADE** by Lois Porch, seconded by Nora Slykhuis, to approve the Consent Order for case K-2007. A voice vote was taken: Dahlquist – yes, Davis – abstain, Johnson – yes, Porch – yes, and Slykhuis – yes. The motion passed with a majority.

### **New Business**

#### **Inspector Territory for 2008**

The Commission approved the reorganization of the inspector territory for 2008.

#### **Reciprocity – high school requirement**

Monge informed an applicant for reciprocity that a personal certified statement would not be accepted in place of a copy of high school diploma, transcript, ACT scores, or GED as required by ARSD 20:42:03:04(2). The applicant is asking the Commission to accept the statement since the applicant cannot get her high school diploma due to unusual circumstances.

Monge stated she discussed the matter with our attorney and ARSD 20:42:03:04(2) is clear in what it requires and what is acceptable. The regulation does not allow the Commission to accept any other proof of high school graduation. It was suggested that the Commission change the rule, but that can only be done by going through the rules process and not at a Commission meeting.

The Commission accepted the attorney's opinion on ARSD 20:42:03:04(2) and cannot accept the statement from the reciprocity applicant. At this time the Commission will not be changing the rule. The Commission strongly encourages the applicant to get a GED if she cannot find the required proof of high school.

#### **Scope of License Handout with Massage Therapy Board**

The Commission reviewed the handout developed by the Executive Secretary of the Massage Therapy board and Monge.

The Commission hopes to meet with the MT board and/or have lunch with the board in March so the handout can be discussed.

#### **Instructors 2008 Seminar Planning**

Monge discussed various education courses for the seminar in September. She suggested that we not use Milady training this year. Dahlquist and Monge will discuss further courses and chose a variety for the seminar.

#### **Continuing Education Provider Application**

Monge reported that Stewart School has applied to be a provider for electric files and microdermabrasion.

**Next Meeting and State Boards**

The next meeting is scheduled for March 17-18, 2008

**Adjournment**

**A MOTION WAS MADE** by Dorothy Johnson, seconded by Ila Davis, to adjourn. The motion passed. The meeting adjourned at 7:15 p.m.

Respectfully submitted by:

\_\_\_\_\_  
Susan Monge, Recording Secretary      and      \_\_\_\_\_  
Lois Porch, Secretary/Treasurer

Attest:

\_\_\_\_\_  
Jackie Dahlquist, President

\_\_\_\_\_  
Ila Davis, Vice-President

\_\_\_\_\_  
Dorothy Johnson, Member

\_\_\_\_\_  
Nora Slykhuis, Member

EXECUTIVE DIRECTOR'S REPORT – JANUARY 14, 2008

1. I suggested having lunch with the Massage Therapy board at the March meeting. A draft information handout to our licensees has been developed.
2. The end-of-the year meeting was held with the inspectors on December 5. Jackie and Ila attended. The next inspector meeting is January 27-28, 2008 in Pierre.
3. We hired Nancy LaBrie from Pierre to replace Jan Kilber and Cathy Steen from Rapid City to replace Vicki Shull.
4. A memo was sent to the schools stating that no outside food will be allowed and requesting that the participants remember that this is a professional seminar.
5. Our Commission and staff that travel need to be reminded that the state will only reimburse mileage for the shortest distance from one area to another. A mileage map is available.
6. We had to replace one of our computers. It was over four years old, off-warranty, and not cost effective to have it repaired when new computers are less expensive in the long run. Cost was \$1,130. We were able to get a surplus laptop computer from the state free. We will use the laptop to present the PowerPoint on Infection Protection.
7. NIC Region 3 and 4 meeting will be held in Salt Lake City on April 26-27, 2008.
8. Larry Walthers, the chairman of NIC's examination committee (NEC) will be observing our examination procedures. NEC is examining all states that use the NIC examinations. A date for his observation has not yet been set.
9. We need to discuss active and inactive licenses for reciprocity applicants.
10. We need to review the requirements for an instructor that teaches an apprentice.