

SOUTH DAKOTA COSMETOLOGY COMMISSION

Minutes May 9, 2007

The regular meeting of the Cosmetology Commission was called to order by President Jacquelyn Dahlquist on Monday, May 9, 2007, at 8:02 a.m. in the Cosmetology office, Pierre, South Dakota.

Roll call was taken by Secretary/Treasurer Lois Poch, with the following members present: Jacquelyn Dahlquist, Ila Davis, Dorothy Johnson, Lois Poch, and Nora Slykhuis. Staff present: Susan Monge, Executive Director. Others present: Todd Kolden, Department of Labor; Joy and Tom Poloncic, Black Hills Beauty College, Rapid City; and Matt Fiegen, Jean Ann Hentges and Angela Hansen, Stewart School, Sioux Falls.

Minutes

Monge requested a correction to the minutes on page two under disciplinary actions for Case T-2006. It should read "regarding the filing of a fictitious business name with the Minnehaha County Registrar."

A MOTION WAS MADE by Dorothy Johnson, seconded by Lois Poch, to accept the minutes of March 26, 2007 with the correction as stated by Monge. The motion passed.

Treasurer's Report

Lois Poch reported that as of 4/30/2007 the available budget was \$44,858.77, and the cash center balance of \$54,988.89.

A MOTION WAS MADE by Nora Slykhuis, seconded by Dorothy Johnson, 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 hold a study meeting on Sunday, July 8, 2007, starting at 9:00 a.m. at the Commission office in Pierre. This will be an open meeting, and the public will be invited to attend. Specific issues will be scheduled for discussion.

Disciplinary Actions

Monge stated that she needed clarification on the nail technician license that was approved for Sang Tran last January 24, 2007. Mr. Tran also asked for a payment plan in order to pay his hearing costs.

Monge stated that the Commission approved Mr. Tran's nail technician license and suspended it until July 24, 2007. The Commission approved Mr. Tran to pay his hearing costs in two installments on March 1 and April 1, 2007. Mr. Tran has not paid any of the hearing costs at this time, and Monge has been unable to locate Mr. Tran. He has not been in contact with the office.

Monge asks that clarification be made. Did the Commission intend to attach the payments with the issuance of the nail technician license? A motion would need to be made to clarify this.

A MOTION WAS MADE by Ila Davis, seconded by Lois Porch, to issue Sang Tran's nail technician license only after full payment of hearing costs are received and after the suspension ends in July. The motion passed.

Old Business

NIC Region III Meeting

Dahlquist and Davis attended the regional meeting in Missoula, Montana. Ten states were present. Both gave a verbal report. The meeting covered pandemic flu, infection control, spas vs salons, pedicure cleaning, One-minute manager, instructor education, fraud in documentation, and Regis' active actions against schools that are calling themselves spas or salons instead of schools.

NIC National Meeting – August 26-28

Dahlquist and Monge updated the Commission on the preparations for the conference in Rapid City.

ICO – International Cosmetology Licensing Organization request

ICO was tabled for a future meeting.

Litigation Fund and GOAC

Kolden reported on the latest meeting of the Legislator's Government Operations and Audit Committee. The committee discussed setting up a litigation fund for all boards and commissions to use. However, the feedback from the boards and commission was all negative toward this fund. The committee is still looking at the larger cash fund balances that some boards are holding.

Stewart Branch school update

Jean Ann Hentges spoke for Stewart School. She gave a short presentation and distributed a letter to the Commission. See attachment #2.

Monge distributed a list of questions that she needed answered. See attachment #3.

Recess

A recess was called at 8:55 a.m. until after the public hearing at 10:00 a.m.

See attached public hearing minutes.

2007 Proposed Rules

The Commission discussed the various comments heard from public testimony and from the one written letter received. Questions were asked from those present in order to clarify their testimony. Questions were also answered by the Commission.

A MOTION WAS MADE by Ila Davis, seconded by Dorothy Johnson, to accept all form and style changes and clarification recommendations by the Legislative Research Council staff. The motion passed.

A MOTION WAS MADE by Ila Davis, seconded by Lois Porch, to correct 20:42:03:03(16) on page 5 from \$15 to \$10. The motion passed.

A MOTION WAS MADE by Nora Slykhuis, seconded by Dorothy Johnson, to drop the new proposed paragraph in 20:42:03:06.01 regarding a waiver for examination for reciprocity. The motion passed.

A MOTION WAS MADE by Nora Slykhuis, seconded by Lois Porch, to drop in 20:42:06:06 the proposed sentence "The student and school may submit signed documentation to request commission approval for more than eight hours earned in a day due to an emergency situation." The motion passed.

A MOTION WAS MADE by Nora Slykhuis, seconded by Dorothy Johnson, to change 20:42:06:06(6) to read "A student may not be required to do, or allowed to earn credit for, cleaning unrelated to normal salon duties or maintenance such as washing walls, washing windows, or shoveling snow". The motion passed.

A MOTION WAS MADE by Lois Porch, seconded by Dorothy Johnson, to delete from 20:42:08:01 "if the course or courses cannot be completed due to emergency circumstances, the applicant may request an extension from the commission." The motion passed.

A MOTION WAS MADE by Ila Davis, seconded by Lois Porch, that 20:42:08:01.01 to approve the corrections by the Legislative Research Council staff and to drop "The commission may grant a waiver or extension depending on the reasons for the discontinuance." The motion passed.

A MOTION WAS MADE by Dorothy Johnson, seconded by Lois Porch, that 20:42:08:03 to accept the addition by the Legislative Research Council staff and to add "If a senior instructor is not available to work in a school, the commission may approve an initial senior instructor license to an applicant conditionally dependent on the applicant completing the required hours of education within six months of receiving the initial license. If the education is not completed successfully before the end of the six months, the initial license is invalid." The motion passed.

A MOTION WAS MADE by Lois Porch, seconded by Nora Slykhuis, to approve the remaining rules as proposed. The motion passed.

Recess called for five minutes

Old Business

Stewart Branch School Update

Hentges, Fiegen, and Hansen answered various questions from the Commission regarding the branch school. Hentges explained that transfer to the branch school was voluntary, and school officials planned that the students would return to the main school for their theory advanced classes, and then do the clinic floor services and business course at the branch school. The students requested of the school to stay with their original class for all their theory classes even though they volunteered to move to the branch. The original school proposal was to transfer

students who had 1500 hours or more, but requests from students with less hours were approved. Monge stated she had noticed that some of the transferred students had just over 1000 hours.

A MOTION WAS MADE by Lois Porch, seconded by Nora Slykhuis, to require the students who transfer to the branch school to remain at the branch school for all classes and not to return to the main school for classes. The motion passed.

A MOTION WAS MADE by Nora Slykhuis, seconded by Ila Davis, to require that students have to have earned 1500 or more hours before transferring to the branch school. The motion passed.

New Business

Possible junior license education information

Monge stated that we currently have ten instructors who have been issued their initial licenses conditionally with the approval that they will complete the required 12 hours of education by completing the instructor seminar in September.

A MOTION WAS MADE by Ila Davis, seconded by Dorothy Johnson, to allow the currently licensed initial instructor licensees to complete their 12 hours of required education at the seminar. The motion passed.

Monge reported that all schools have reported to her that they each have current instructor training programs. Monge does not know the details of the programs, nor will the schools share that information at this time due to what they say are proprietary rights. In order to start the transition to the new laws and rules for a commission-approved instructor education program, Monge recommended that the Commission pre-approve the programs site unseen, and then conduct an interview with each school to determine exactly what their instructor program consists of and whether it will meet any guidelines and rules. The scheduled interview should be conducted by the education committee. The schools should be sent a list of possible expectations before the interview stating what the committee will be looking for in an instructor education program. The committee would then report back to the full Commission for approval or not.

A MOTION WAS MADE by Nora Slykhuis, seconded by Lois Porch, to pre-approve the Junior Instructor Education programs for up to 1,000 hours that each school has stated they currently have, and then direct the education committee to visit each school to review the program and make recommendations for approval. The motion passed.

Filing the Rules

Monge explained the remaining procedure for filing the rules to the group. After all formal paperwork is signed and a final copy of the proposed rules is completed, the rules will be filed with Legislative Research Council and mailed to the Interim Rules Committee. The Interim Rules Committee will review the rules at their June meeting. Monge will be there to testify and answer questions. Anyone with an interest in the rules may testify. If the rules are approved by the committee, Monge will then file the rules with the Secretary of State's office. After a certain number of days the rules will be in effect. If the committee feels there are problems with the rules and does not approve them, the rules would be referred back to the commission to start the procedure again with a notice and public hearing.

Instructor Seminar Planning

Two topics have been chosen for the seminar. The topics are “Student Retention for Schools” and “Survival Strategies for a Winning Career” and will be presented by Milady. The seminar will be held September 23-24 in Pierre.

Notice to salons and licensees regarding changes

A notice has been prepared and will be sent out in June to inform the licensees and salon owners of the new law and rule changes particularly regarding the manager license and the fee changes.

Electric file education provider applications

Provider applications have been received and approved from Headlines Academy and American Beauty Skills. An application has just been received from Black Hills Beauty College – Sioux Falls. The application will be reviewed by the education committee. In addition, a company called 360 Online Education is developing an online course for electric files which may be something the Commission wishes to look into.

Next Meeting and State Boards

The next meeting is scheduled for July 9-10, 2007.

Adjournment

A MOTION WAS MADE by Ila Davis, seconded by Dorothy Johnson, to adjourn. The motion passed. The meeting adjourned at 12:30 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

ATTACHMENT #1 EXECUTIVE DIRECTOR'S REPORT – May 9, 2007

1. Dahlquist has been reappointed to the commission until 2010.
2. A question was raised regarding online high school diplomas or GED testing. The Department of Education and the Board of Regents office recommends that this type of education only be accepted if ACCREDITED by either a state department of education or the US Department of Education.
3. A meeting was held over the DDN with the inspectors, Dahlquist, Davis, and Monge. We reviewed the new inspection form and procedures. Everything is going fine. Suggestion were made for some changes to the form. We will meet again sometime this fall.
4. A meeting was held over the DDN with representatives from the schools and Monge. Dahlquist and Davis were present since they were there for the inspector meeting which was held the hour before. This was a chance for the schools to voice their questions and concerns regarding the changes to the junior instructor license. Monge earlier sent the schools a draft list of guidelines for a commission-approved instructor program.
5. Dahlquist and Monge meet with the Massage Therapy board on April 30 in Pierre. We distributed copies of our scope of practice and briefly discussed writing up an information sheet that could be sent to all our licensees explaining the scope of practice for both groups. Dahlquist suggested the executive directors draft something. Dahlquist also invited the Massage Therapist board president to meet with our board.
6. Monge is drafting a school renewal form that the schools would complete and submit when they renew their licenses. It needs to be reviewed by our attorney. This renewal form would be started in 2008.
7. Angela Hansen has informed Monge that they are looking to convert from clock hours to credit hours. Our law allows us to recognize credit hours, but we will need to write rules regarding credit hours.
8. The National Coalition of Esthetician Association (NCEA) has requested that the Commission review their certification program for a two-tier esthetician license. They will be mailing packets out in June. They would be available to do a presentation via teleconference or in person at our board meeting.
9. It is advised to set a long-range planning meeting or a study meeting to discuss specific issues that are too long to cover at a regular meeting.