

SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES

July 15, 2013

Call Meeting to Order

The regular meeting of the Cosmetology Commission was called to order by President Nora Slykhuis on Monday, July 15, 2013 at 4:50 p.m. at the Cosmetology Commission office, 111 E Capitol Avenue, Pierre, South Dakota.

1. Roll Call

Attendance was taken by Secretary-Treasurer Pat Clark, with the following members present: Lori Berreth, Pat Clark, Kim Maskell, Lois Porch, and Nora Slykhuis. Guests present: Jodi Hunter, Lori Ann Hunter, and Becky Brockman, NIC Representative. Staff present: Attorney Aaron Arnold and Executive Director Kate Boyd.

2. Minutes of the May 2 & 3, 2013 Meeting

There was one correction noted to the Minutes under item C, it should state Stewart School instead of LATI. IT WAS MOVED BY LORI BERRETH, SECONDED BY PAT CLARK, TO APPROVE THE MINUTES OF THE MAY 2 & 3, 2013 MEETING AS CORRECTED. THE MOTION PREVAILED ON A VOICE VOTE.

3. Treasurer's Report

Secretary-Treasurer Pat Clark reported that as of June 30, 2013, the available budget was \$29,100.73 and the cash center balance was \$357,890.20.

IT WAS MOVED BY LOIS PORCH, 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) Reminder of the July 25, 2013 public hearing that will be held to take public testimony regarding the proposed administrative rule change to increase allow field trip hours for cosmetology students from 16 hours to 32 hours; (2) Informed the Commission that we have received a request for approval of a nail technician apprenticeship. The mentor is already a senior instructor, so the next step will be for a Commission member to interview the instructor and apprentice applicant and make a recommendation to the Commission at the next meeting regarding approval; (3) There was only one response to the initial Request for Proposal (RFP) regarding the upgrades to our database and to allow on-line renewal of licenses. The proposal from the vendor was significantly more expensive than the projects estimates had been. The decision was made to reject this bid and re-solicit responses from other vendors. The new RFP became available to review July 1, 2013 and the deadline for submission of proposal is August 2, 1013.

5. Disciplinary Actions - We have scheduled a disciplinary action hearing for September 12, 2013 at 2:00 pm in Pierre. In a different case, a consent agreement has been proposed and may be available for Commission action later in July.

OLD BUSINESS

6. Special Events Permits

The Commission had given direction to the staff at the May 3, 2013 meeting to draft a legislative bill to allow for certain cosmetology services to be performed outside a salon setting for approved special events. The Commission review the draft legislation and opened the meeting to public testimony.

Public Testimony

Jodi Hunter appeared before the Commission and stated that her intent was to work as an esthetician outside a salon, but she did not want the service to be limited to only special events.

The Commission indicated their reluctance to allow services to be performed outside a salon except at special events. The Commission directed the staff to present an updated version of the draft bill to them at their next meeting.

NEW BUSINESS

7. Instructor Continuing Education

The Commission reviewed two requests for school-sponsored instructor continuing education and took action as shown below:

Black Hills Beauty College

IT WAS MOVED BY PAT CLARK, SECONDED BY LORI BERRETH TO APPROVE THE PROPOSED 2013 INSTRUCTOR CONTINUING EDUCATION PLAN SUBMITTED BY BLACK HILLS BEAUTY COLLEGE. THE MOTION PREVAILED ON A VOICE VOTE.

Stewart School

IT WAS MOVED BY LOIS PORCH, SECONDED BY KIM MASKELL TO APPROVE THE PROPOSED 2013 INSTRUCTOR CONTINUING EDUCATION PLAN SUBMITTED BY STEWART SCHOOL. THE MOTION PREVAILED ON A VOICE VOTE.

8. Election of Officers

President - IT WAS MOVED BY KIM MASKELL, SECONDED BY PAT CLARK TO ELECT LOIS PORCH AS PRESIDENT. THE MOTON PREVAILED ON A VOICE VOTE.

Vice President - IT WAS MOVED BY LOIS PORCH, SECONDED BY KIM MASKELL TO ELECT NORA SLYKHUIS AS VICE PRESIDENT. THE MOTION PREVAILED ON A VOICE VOTE.

Secretary-Treasurer - IT WAS MOVED BY LORI BERRETH, SECONDED BY LOIS PORCH TO ELECT PAT CLARK AS SECRETARY-TREASURER. THE MOTION PREVAILED ON A VOICE VOTE.

9. Requests From Applicants

- **Ha Nguyen** - The Commission reviewed a request from Ha Nguyen to retake the Nail Technician Theory examination for the eighth time. IT WAS MOVED BY PAT CLARK, SECONDED BY LOIS PORCH TO ALLOW HA NGUYEN TO RETAKE THE NAIL TECHNICAL THEORY EXAMINATION FOR THE EIGHTH TIME. THE MOTION PREVAILED ON A VOICE VOTE.

● **Request to accept on-line high school diploma from James Madison High School** - The Commission office had received a request from an individual who wants to enroll in cosmetology school for acceptance of their on-line high school diploma. The Commission asked the staff to request that this individual send a copy of their high school transcript for review by the Commission.

10. Set Date/Time for Fall Commission Meeting

The Commission set their next meeting for Thursday, September 12, 2013 at 10:00 am at the Commission office in Pierre.

11. Other Business

Military Spouses - The Commission was informed that a new law went into effect July 1, 2013 requiring state professional licensing boards to expedite the processing of licensing applications from individuals whose military spouse was transferred to South Dakota. The staff believes that the Commission office processes reciprocity applications in a timely manner and we already issue temporary licenses to those individuals who qualify, so no additional measure are necessary at this time.

Body Art at Sturgis Rally - The Commission office received an inquiry from an individual performs body art services. The individual wanted to know if her services required any special kind of licensing or permit from the Cosmetology Commission. The consensus of the Commission was that this does not fall under the jurisdiction of the Commission.

Manicures & Pedicures at Sturgis Rally - The Commission staff received an inquiry from a company who represents Victory Motorcycles and they would like to have licensed cosmetologists and nail technicians perform mini manicures and pedicures in their booth in the parking lot of Lynn's Dakotamart in Sturgis during the rally. This company had been advised that cosmetology and related services cannot be performed outside a licensed salon, except as allowed by South Dakota law -- imprisonment, disabling sickness, resident of a nursing home. The company had next emailed a proposal to provide the services in a motorhome, but that would be a mobile salon which is not legal in South Dakota.

Examiners for Practical Exam - The Commission, recognizing that there may be times when a sufficient number of Commission members and inspectors will be unavailable to administer the practical exam, requested that the staff inquiry if former Commission member Kory McKay would be willing to be certified as an examiner for the practical exam portion of the State Board examinations. Cindy Lou Heemeyer, for former director of LATI cosmetology program was also suggested as an individual who may be willing to be a practical examiner.

12. Upcoming Meeting Dates

- August 23-26, 2013 NIC Conference - Denver, Colorado
- September 12, 2013 - Commission Meeting in the am and Violations Hearing in the pm - Pierre
- September 13-14, 2013 - State Board Examinations - Sioux Falls
- **OCTOBER 6, 2013 - NIC EXAMINER TRAINING - PIERRE (Attendance Mandatory)**
- October 25-26, 2013 - State Board Examinations - Rapid City
- November 15-16, 2013 - State Board Examinations - Sioux Falls

Adjournment

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

The meeting adjourned at 7:15 p.m.

Respectfully submitted by:

Kate Boyd, Recording Secretary

and

Pat Clark, Secretary-Treasurer

Executive Director's Report

July 15, 2013

1. WELCOME NEW COMMISSION MEMBER

We welcome Kim Maskell from Spearfish as a new cosmetologist member of the commission. Kim replaced Commission member Kory McKay effective April 15, 2013.

2. COMMISSION POLICIES

Enclosed in the meeting packets is a copy of the Commission policies. I would like to request that the Commission establish policies on:

- (1) On-line High School Diplomas
- (2) Length of time following education for State Board Exams. We currently have an individual with out-of-state education from seven years ago who did not pursue licensure at that time, but would now like to take South Dakota State Board examinations.
- (3) Registering candidates for State Board examinations who are graduating after Admission Notices are sent, but prior to exam date

3. DATABASE UPGRADE AND ON-LINE LICENSE RENEWALS

An RFP (Request for Proposals) is being prepared to outsource to a private sector company the computer programming necessary to upgrade our database and to allow the acceptance of on-line license renewals through the use of credit or debit cards.

4. ELECTION OF OFFICERS

Our annual election of Commission officers will be held at July 15, 2013 Commission meeting.

5. SCHOOL CONTACTED REGARDING BUYING HOURS

A cosmetology school in South Dakota has been contacted by individuals who want to buy hours for nail technician licensure or for the 8-hour electric file certification

6. MAY 31, 2013 WATERTOWN STATE BOARD EXAMS CANCELLED

The decision was made to cancel the May 31, 2013 Watertown Cosmetology State Board examinations due to the fact that we could sufficiently handle the anticipated graduates from eastern South Dakota schools in March and April at the May 4, 2013 Sioux Falls exams.