AGENDA
South Dakota Cosmetology Commission
Ramkota Hotel, Lake Sharpe Room, 920 W Sioux Ave, Pierre, SD

Friday, September 23, 2016 - 1:00 pm

CALL TO ORDER, President Tammy Ugofsky

1. Roll Call .......................................................... Crystal Carlson
2. July 12, 2016 and August 26, 2016 Meeting Minutes ............... Crystal Carlson
3. Treasurer’s Report ................................................ Kate Boyd
4. Executive Director’s Report ...................................... Kate Boyd
5. Disciplinary Actions .............................................. Violations Committee
   a. Case A-2015

6. Proposed Hair Braiding Legislation

7. Licensee Continuing Education - Laurie Brandner & Crystal Carlson

8. Proposed Administrative Rules Changes

9. Commission Review of License Applications & Requests
   • Applicant # NR-12861
   • Applicant # NR-13185

10. 2017 Calendar Exam & Commission Meetings

11. Other Business

ADJOURN

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Cosmetology Commission (605/773-6193) at least 48-hours before convening to make any necessary arrangements.
SOUTH DAKOTA COSMETOLOGY COMMISSION
DRAFT MEETING MINUTES

July 12, 2016

Call Meeting to Order
A meeting of the Cosmetology Commission was called to order by President Tammy Ugofsky at
8:30 am on Tuesday, July 12, 2016. The meeting was held at the Ramkota Hotel located at 920
West Sioux Avenue, Pierre, South Dakota.

Roll Call
Attendance was taken by Secretary-Treasurer Laurie Brandner, with the following members
present: Lori Berreth, Laurie Brandner, Crystal Carlson, Lori Little and Tammy Ugofsky. Staff
present: Attorney Aaron Arnold, Executive Director Kate Boyd. Others present included:
Angela Taylor from Stewart School; Cricket Rick from Headlines Academy and Fallon Helm,
Revive Day Spa and TSPA School.

2. Minutes of the May 24 and June 19, 2016 Meeting

IT WAS MOVED by Lori Brandner, seconded by Lori Berreth to approve the Minutes of the May
24 and June 19, 2016 meeting as written. The motion prevailed on a voice vote.

3. Treasurer’s Report

Executive Director Kate Boyd reported that as of June 30, 2016 the available budget was
negative -$77,955.62 and the cash center balance was $252,891.57. The negative balance is
due mainly to the Commission now paying a prorated share of Attorney Arnold’s salary, new
computer purchases for the staff and the maintenance contractor with Smart Software
Solutions. These items had not originally been budgeted for FY 16 that ended June 30, 2016.
The Commission was also provided a copy of the monthly and annual revenue by income
category.

IT WAS MOVED by Lori Berreth, seconded by Crystal Carlson to approve the Treasurer’s
Report as presented. The motion prevailed on a voice vote.

4. Executive Director’s Report

Executive Director Kate Boyd reported on five subjects, including:

(1) New Staff Member - A candidate has been selected for the Program Assistant 1 position.
There were several well-qualified candidates.

(2) Public Comment - A member of the public had contacted the office to express her opinion
that salons who fail their inspection should be required to post a failed notice. She was informed
that we do post failed inspections on the website.
(3) Failed Inspections on Website - The staff is in the process of updating the website so that salons and booths that fail their inspections will receive a new posting showing that they passed their recheck inspection.

(4) Continuing Education for Licensees - Executive Director Kate Boyd asked for guidance from the Commission on the subject of continuing education for licensees. The consensus of the Commission was that the Continuing Education Task Force should meet again and have a firm proposal for the Commission's consideration at the next meeting. It was suggested that an invitation be extended to the leaders of the South Dakota Cosmetology Club to attend the meeting.

(5) Practical Examinations - Following the May Commission meeting, the search has begun to come up with a total of 12 individuals, including the three cosmetologist members of the Commission, to be trained to administer the practical examinations. The goal would be to have six trained examiners in eastern South Dakota and six in western South Dakota. It was agreed that we should not continue to train our inspectors as examiners so that we can keep them in the field performing inspections and investigating complaints. Those present were asked to contact the office with names of potential cosmetologists who would be interested in entering into a contract with the Commission to administer practical exams.

5. Disciplinary Actions

Proposed Consent Agreement - Case E-2016

IT WAS MOVED BY Crystal Carlson, seconded by Lori Little, to approve the Consent Agreement for Case E-2016 with the following terms:

a. Mr. Romero's license, Lic. #CO-11588, will be suspended for a period of 45 days with 31 days being held in abeyance. Mr. Romero's license will actively be suspended for 14 days from July 31, 2016, through August 13, 2016;

b. The remaining 31 days of suspension for his license will be held in abeyance for a period of 1 year, beginning on the effective date of this agreement, so long as the following conditions are met:

1) Mr. Romero will comply with all laws and regulations relating to their profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the effective date of this Agreement;

2) Mr. Romero will successfully pay for and successfully complete the online course entitled "Infection Control Online Class", sponsored by Milady, found at www.miladypro.com. Mr. Romero must submit to the Commission the Certificate of Completion received after successful completion of the course by July 31, 2016; and
3) Mr. Romero agrees not to sell or transfer in any way Estetica Unisex Mia LLC prior to January 1, 2017.

c. Estetica Unisex Mia LLC’s license, #CS-06020, will be suspended for a period of 45 days with 31 days being held in abeyance. Estetica Unisex Mia LLC’s license will actively be suspended for 14 days from July 31, 2016, through August 13, 2016;

d. The remaining 31 days of suspension for the salon’s license will be held in abeyance for a period of 1 year, beginning on the effective date of this agreement, so long as the following conditions are met:

1) Estetica Unisex Mia LLC will comply with all laws and regulations relating to its profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the effective date of this Agreement; and

2) Estetica Unisex Mia LLC will be subject to additional inspections for a period of one year from the date of execution of this Agreement. Mr. Romero, as owner of the salon, will make a onetime payment to the Commission for the additional expenses of the inspections in the amount of $350.00 by July 31, 2016.

The motion prevailed on a roll call vote with Lori Berreth, Crystal Carlson, Lori Little and Tammy Ugofsky voting Aye and Violations Committee Laurie Brandner abstaining.

6. School Requests

a. Fallon Helm - TSPA

Fallon Helm was present with the blueprints for the cosmetology school she proposes to open in Aberdeen. She discussed their progress to date.

b. School License Renewal Application - Headlines Academy, Rapid City

IT WAS MOVED BY Lori Berreth, seconded by Crystal Carlson to approve the school license renewal application of Headlines Academy. The motion prevailed on a voice vote.

c. School License Renewal Application - Lake Area Technical Institute Cosmetology Program, Watertown

IT WAS MOVED BY Lori Berreth, seconded by Laurie Brandner to approve the school license renewal application of Lake Area Technical Institute Cosmetology Program. The motion prevailed on a voice vote.

d. Electric File Provider Application - Black Hills Beauty College, Rapid City &

e. Electric File Provider Application - Black Hails Beauty College, Sioux Falls
IT WAS MOVED BY Crystal Carlson, seconded by Lori Little, to approve the electric nail provider applications for Black Hills Beauty College, Rapid City and Sioux Falls. The motion prevailed on a voice vote.

7. Commission Review of License Applications and Requests

- **An Thien Le** - Sent a letter to the Commission requesting to take the nail technician theory examination for the eighth time.

IT WAS MOVED BY Lori Little, seconded by Crystal Carlson, to approve An Thien Le’s request to retake the nail technician theory examination one more time. The motion prevailed on a voice vote.

- **Stephanie Waletich** - Ms. Waltich has completed her independent study previously approved by the Commission and will need to take the Instructor State Board examination in the near future. Laurie Brandner offered to administer the practical examination and Crystal Carlson expressed a desire to sit in on the exam.

- **Jayde Keller - Alternative Senior Instructor License Proposal** - Ms. Keller had submitted a written request for the Commission to accept her alternative education for a Senior Instructor license.

IT WAS MOVED BY Crystal Carlson, seconded by Lori Berreth, to approve Jayde Keller’s alternative senior instructor education proposal. The motion prevailed on a voice vote.

8. Election of Officers

**President** - IT WAS MOVED BY Lori Little, seconded by Lori Berreth, to elect Tammy Ugofsky as President. The motion prevailed on a voice vote.

**Vice President** - IT WAS MOVED BY Lori Little, seconded by Crystal Carlson, to elect Lori Berreth as Vice President. The motion prevailed on a voice vote.

**Secretary-Treasurer** - IT WAS MOVED BY Laurie Brandner, seconded by Tammy Ugofsky, to elect Crystal Carlson as Secretary-Treasurer. The motion prevailed on a voice vote.

9. Review and Revise Exam and Meeting Calendar for Remainder of 2016

In an effort to separate Commission Meetings from State Board examinations, the following dates were agreed upon for Commission meetings and State Board examinations for the remainder of 2016:

September 23, 1:00 pm - Commission Meeting - Pierre
October 21-22 - State Board Exams - Sioux Falls
November 19 - State Board Exams - Watertown
December 2, 9:00 am - Commission Meeting - Pierre

10. Other Business

Smocks for State Board Exam Administration - Crystal Carlson stated that she is still interested in those who administer State Board examinations to wear matching smocks.

Adjourn

There being no further business, IT WAS MOVED by Lori Berreth, seconded by Lori Little, to adjourn. The motion prevailed on a voice vote.

The meeting was adjourned at 11:40 am.

Respectfully submitted,

_________________________________________  _________________________________________
Kate Boyd, Recording Secretary               Laurie Brandner, Secretary-Treasurer
EXECUTIVE DIRECTOR’S REPORT

July 12, 2016

1. **New Staff Member** - An update on the selection/hiring of a new staff member will be given at the July meeting.

2. **Public Comment** - Linda Dietrich contacted the office to express her opinion that salons or booths with failed inspections should be required to post a Failed Inspection notice in their salon. I informed her that the Commission is now posting failed inspections on the website and she stated that she was aware of that but thought that salons who fail their inspections should be required to post something notifying the public that the salon failed its most recent inspection. (Note: Currently salons are issued a “Passed Inspection” card to post in the salon.)

3. **Failed Inspections on Website** - The staff is in the process of updating the website so that salons and booths that have failed inspections on the website will receive a new posting when they have been rechecked and pass the follow-up inspection.

4. **Continuing Education** - The staff would like to some guidance from the Commission on the subject of continuing education.

5. **Practical Examinations** - The search for licensed cosmetologists who may be interested in being trained/certified to administer the practical exams. This would reduce the burden to Commission members who already devote so much of their time to Commission activities and to keep our cosmetology inspectors in the field inspecting salons and booths. If you know of cosmetologists who may be interested, please contact the office.
SOUTH DAKOTA COSMETOLOGY COMMISSION
DRAFT MEETING MINUTES

August 26, 2016

Call Meeting to Order

A meeting of the Cosmetology Commission was called to order by President Tammy Ugofsky on Friday, August 26, 2016 at 9:05 am. The meeting was held via conference call.

1. Roll Call

Attendance was taken by Secretary-Treasurer Crystal Carlson, with the following members present: Laurie Brandner, Crystal Carlson, Lori Little, and Tammy Ugofsky. Members absent: Lori Berreth. Staff present: Department of Labor & Regulation Deputy Secretary Tom Hart, Executive Director Kate Boyd and Kelsey Skoglund. Others present: Fallon Helm, Sabreena Schmitz.

2. TSPA (The Salon Professional Academy) School License Application

The Commission reviewed a new school license application for The Salon Professional Academy in Aberdeen, South Dakota. School owner, Fallon Helm was present and stated that she anticipated opening the school in the Spring of 2017.

IT WAS MOVED BY Crystal Carlson, seconded by Laurie Brandner, to approve the cosmetology school license application of The Salon Professional Academy, Aberdeen, South Dakota, based on the blueprints and other documents submitted by the school owner Fallon Helm. The motion prevailed on a roll call vote with Laurie Brandner, Crystal Carlson, Lori Little and Tammy Ugofsky voting aye. Absent and not voting: Lori Berreth.

3. Request to Approve Reciprocity Application

The Commission reviewed a reciprocity application from Sabreena Schmitz who is licensed as a cosmetologist in Minnesota. Ms. Schmitz was present her cosmetology education and work experience.

IT WAS MOVED BY Laurie Brandner, seconded by Crystal Carlson, to approve the reciprocity application for Sabreena Schmitz. The motion prevailed on a roll call vote with Laurie Brandner, Crystal Carlson, Lori Little and Tammy Ugofsky voting aye. Absent and not voting: Lori Berreth.

4. Proposed Consent Agreement

Case K-2016

IT WAS MOVED BY Laurie Brandner, seconded by Lori Little to approve the Consent Agreement for Case K-2015, with the following terms:
Cosmetology Commission Minutes  
August 26, 2016  
Page 2

a. Ms. Luong’s license, Lic. #NT-11157, will be suspended for a period of 45 days with 31 days being held in abeyance. Ms. Luong’s license will actively be suspended for 14 days from October 1, 2016 through October 14, 2016;

b. The remaining 31 days of suspension for her license will be held in abeyance for a period of 1 year, beginning on the effective date of this agreement, so long as the following conditions are met:

1) Ms. Luong will comply with all laws and regulations relating to their profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the effective date of this Agreement;

2) Ms. Luong will successfully pay for and successfully complete the online course entitled "Infection Control Online Class", sponsored by Milady, found at www.miladypro.com. Ms. Luong must submit to the Commission the Certificate of Completion received after successful completion of the course by October 31, 2016;

c. Pretty Nails Salon license, #NS-06363, will be suspended for a period of 45 days with 31 days being held in abeyance. Pretty Nails Salon license will actively be suspended for 14 days from October 1, 2016 through October 14, 2016;

d. The remaining 31 days of suspension for the salon’s license will be held in abeyance for a period of 1 year, beginning on the effective date of this agreement, so long as the following conditions are met:

1) Pretty Nails Salon will comply with all laws and regulations relating to its profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the effective date of this Agreement; and

2) Pretty Nails Salon will be subject to additional inspections for a period of one year from the date of execution of this Agreement. Ms. Luong, as owner of the salon, will make a onetime payment to the Commission for the additional expenses of the inspections in the amount of $350.00 by October 31, 2016.

The motion prevailed on a roll call vote with Laurie Brandner, Crystal Carlson, Lori Little and Tammy Ugofsky voting aye. Absent and not voting: Lori Berreth.

Case N-2016

IT WAS MOVED BY Laurie Brandner, seconded by Lori Little to approve the Consent Agreement for Case N-2016 with the following terms:
Cosmetology Commission Minutes  
August 26, 2016  
Page 3

a. Ms. Deats' license, Lic. #CO-05823, will be suspended for a period of 90 days with 90 days being held in abeyance;

b. The 90 days of suspension for her license will be held in abeyance for a period of 1 year, beginning on the effective date of this agreement, so long as the following conditions are met:

1. Ms. Deats will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the effective date of this Agreement;

2. Ms. Deats will successfully pay for and successfully complete the online course entitled "Infection Control Online Class", sponsored by Milady, found at www.miladypro.com. Ms. Deats must submit to the Commission the Certificate of Completion received after successful completion of the course by July 31, 2016.

c. Classic Design Salon's license, #CS-03763, shall be denied due to the fact that Ms. Deats has recently sold the salon to another individual and Ms. Deats may not apply for a new salon or booth license in South Dakota for a period of one year.

The motion prevailed on a roll call vote with Laurie Brandner, Crystal Carlson, Lori Little and Tammy Ugofsky voting aye. Absent and not voting: Lori Berreth.

5. Other Business

Executive Director Kate Boyd informed the Commission that we have been asked by members of the public to place the topic of hair braiding on the September 23, 2016 meeting agenda. The interested citizens are seeking a change in South Dakota cosmetology law to allow for hair braiding without a full cosmetologist license that requires 2100 hours.

Adjournment

IT WAS MOVED BY Lori Little, seconded by Crystal Carlson to adjourn. The motion prevailed on a roll call vote with Laurie Brandner, Crystal Carlson, Lori Little and Tammy Ugofsky voting aye. Absent and not voting: Lori Berreth.

The meeting adjourned at 9:55 am.

Respectfully submitted,


Kate Boyd, Recording Secretary       Crystal Carlson, Secretary-Treasurer
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**Renewal Submitted by Budget Unit 1033**

**State of South Dakota**

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For Period Ending: 08/31/2016

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**FOR PERIOD ENDING: 07/31/2016**

**STATE OF SOUTH DAKOTA**

**BUDGET UNIT:** 1033  **COMMISSIONER OF LABOR & REGULATION**

**AGENCY:** 1033  **COMMISSIONER OF LABOR & REGULATION**

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**Notes:**
- Accounts Receivable includes all outstanding invoices and balances.
- Cash represents the total amount in the checking and savings accounts.
- Bank Accruals are the amounts recorded for bank transactions that have not yet been processed.
- General Ledger is the overall accounting system.
- Sales Returns are refunds given to customers.
- Sales Discounts are reductions in price for specific sales.
- Wages, Salaries, & Benefits include all payroll-related expenses.

**Date Range:** 07/16/2015 to 07/31/2015
1. **New Staff Member** - Kelsey Skoglund was offered and accepted the Program Assistant I position. Kelsey is a licensed cosmetologist with recent experience in the banking industry. Kelsey will be present at the September 23 meeting to meet the Commission.

2. **Instructor Licensing**

   - In August three cosmetologists took the Instructor State Board exams. All three passed the practical exam and the State Laws, but one of the candidates failed the theory exam. She will be coming to Pierre in the near future to retake the theory exam.

   - I was recently contacted by an individual who was a nail technician instructor at a South Dakota cosmetology school back in 1983-84. This individual is a licensed cosmetologist, new owner of a limited salon (nails and esthetics) and would like to entertain the thought of mentoring two nail technician apprentices after her salon becomes firmly established. The Commission will need to decide what steps she would need to take to become licensed as a Senior Instructor. Since it has been over thirty years since she was a licensed instructor, the Commission may choose to have her take the full Instructor State Board Exams, including NIC written theory, NIC practical exam that includes development of lesson plans and doing a 20 minute lecture and a 20 minute demonstration on subjects assigned by the Commission member administering the exam, and the South Dakota Cosmetology Laws/Rules exam.

3. **Tablets for Practical Exams** - Due to the unreliability of the tablets that we initially purchased for administration of the practical exams, we have recently purchased a higher quality of tablet for practical exam administration. This should reduce the problem of screens freezing or tablets that won’t charge properly or turn on.

4. **NIC Exam Changes** - On September 14, we received notification from Schroeder Measurement Technologies and NIC that they will be implementing some changes some of the practical exams. These changes will be reviewed during the September 24 NIC School Overview and the September 25 Examiner Training.
Reason for proposed legislation: Allow hair braiding as a profession with compensation without a cosmetology license or 2100 hours of education.

Summary of Requirements:
(1) One-time 8-hour course on safety, health, infection control and cosmetology laws/rules
(2) Register annually with the Cosmetology Commission with a fee of $20.00
(3) Hair braiding services must be done in a salon or booth licensed with the Commission

Registration. Any person engaged in hair braiding solely for compensation as a profession, except persons licensed as cosmetologists, shall register with the South Dakota Cosmetology Commission in a form determined by the commission. The cost of registration shall be $20.00 per year.

Salon or booth requirement: Hair braiding services must be performed in a licensed cosmetology salon or booth by a professional hair braider registered with the Cosmetology Commission or a licensed cosmetologist.

Definition. "Hair braiding" means a natural form of hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving, or wrapping human hair, natural fibers, synthetic fibers, and hair extensions into a variety of shapes, patterns, and textures predominantly by hand and by only using simple braiding devices, and maintenance thereof. Hair braiding includes what is commonly known as "African-style hair braiding" or "natural hair care" but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles. Hair braiding includes the making of customized wigs from natural hair, natural fibers, synthetic fibers, and hair extensions. Hair braiding includes the use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos. Hair braiding does not involve the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents applied to growing human hair. For purposes of this section, "simple hair braiding devices" means clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair binders including adhesives, if necessary, that are required solely for hair braiding.

Requirements. In order to qualify for initial registration, any person engaged in hair braiding solely for compensation as a profession, except persons licensed as cosmetologists, shall satisfactorily complete 8 hours of instruction at either an accredited school, professional association, or by an individual approved by the commission. Instruction includes coursework covering the topics of health, safety, infection control, and state laws related to cosmetology.

Curriculum. An accredited school, professional association, or an individual approved by the commission desiring to provide the required coursework shall have curriculum in place by January 1, 2018.
September 2, 2016

South Dakota Cosmetology Commission
500 East Capitol, Suite 101
Pierre, SD 57501

Dear Commissioners:

Thank you for the opportunity to address the board regarding the braiding of ethnic hair. We are happy that you will be discussing this issue on your September 23rd meeting. South Dakota’s cosmetology statues for the braiding of ethnic hair need to be addressed to help our state’s minority citizens.

Currently, South Dakota statue requires that a stylist who wishes to braid hair must pursue a full cosmetology license from the State of South Dakota. As a family with a young child of African American descent, we feel that this regulation is inordinately onerous for the provider and causes an undue hardship on families who have children of color. We highly encourage the Board to relax the standard for stylists who seek to assist with the natural care of ethnic hair.

Our daughter, Malin, is a beautiful four year old that we were honored to be asked to be her Mom and Dad. Malin has thick, beautiful hair that requires special braiding and treatment to maintain. After nearly four years of searching and multiple attempts at various salons, our family was unable to find a licensed cosmetologist who could meet our family’s needs. Then we were introduced to Rachael Gorsuch. Here was an extremely talented stylist, well versed on the care of natural ethnic hair, who was willing to help us simply because Malin needed it. So, every three weeks, Rachael offers her talents to help us protect Malin’s hair yet, we can unfortunately not pay her (or any other of these potential providers) for her services as they have not achieved the requisite license.

The logical question that the board will ask is, "Where do other African Americans or persons of color have their children’s hair needs met?" The answer is that most families have someone designated within the family or within the family’s network who provide braiding services. As a white family with a child of color we are outside of this peer-to-peer network. My family simply isn’t part of the black/ethnic culture, yet we have to provide for a black child and ensure her physical needs are met.

Howlett  
Pg 1 of 2
According to the 2010 census, the population of the greater Sioux Falls metro area is 250,000 with over 10,000 people of African-American descent. Imagine if you cannot purchase this service in Sioux Falls how difficult it would be to procure this service if your family lived in Artas, Pierre, Beresford, Spearfish or Yankton.

If the South Dakota Board of Cosmetology were to allow hair braiding providers the opportunity to seek an affiliate license or operate under a lesser standard for braiding, the options for my family, as well as other families who require natural ethnic hair care in South Dakota, would be dramatically enhanced.

South Dakota’s minority community is growing. We are incredibly proud that our family plays a small role in that growing diversity. In order for that positive growth to continue, South Dakota needs to adjust our laws, regulations and rules. Adjusting our current statutes to meet the current needs of our state’s citizens is imperative for progress to continue. My family and I strongly encourage the South Dakota Board of Cosmetology to adopt new standards for the braiding of ethnic hair.

Thank you for your kind consideration of our request.

Ryan and Stacy Howlett
Malin’s Dad and Mom

CC: Senator Jason Frerichs
    Senator Scott Parsley
    Senator Deb Soholt
From: Jennie Hohn  
3109 W. Ralph Rogers RD  
Sioux Falls, SD 57108  

Re: requirements for hair braiding

Hello, I am contacting you in regards to the SD Law concerning the licensing requirements for people to work as a hair braider. The law currently requires a stylist who wishes to see hair braiding as a profession to obtain a full cosmetologists license. I feel requiring persons wishing to simply offer hair braiding services should not have to acquire a full license to practice.

The reason I have chosen to contact the board is that this law affect MY family and a lot of other families that I know. It affects us because we are unable to find legitimate stylist in the state of SD who are qualified to braid our children’s hair.

My husband and I adopted two African American children, one of which is a girl. Her hair requires protective styles that braiding provides. But there are very few stylists in our town that work on girl/long/African American hair. We have found African American Barber shops that will cater to our son and his needs (lining, buzzing, and cutting) but are not able to help our daughter or who is qualified (in accordance to SD Cosmetology standards) to take care of her hair. Even though there is HUNDREDS of licensed cosmetologist in our town, very few are able to help our child. I know I am not the only parent with this issue because I work for an adoption agency that has families adopting African American children on a regular basis that have these issues.

As an alternative to actual salons to care for my daughter’s hair, I have had to research and learn from YOUTUBE video and friends because none of the stylist I know, know how to help me or they have damaged my daughters hair and have made an experience to a salon very traumatic. I have even had to reach out my children’s birth parents for advice.

My friends who have helped me along the way in learning how to care for my children’s hair, have taken countless hours from their job and their families to help. Unfortunately I cannot pay my friends for her time and knowledge because she hasn’t received a cosmetologist license. I have honed in on my talents of taking care of my daughter’s hair but still need help with braiding services as a regular salon is to traumatic for my daughter.

SEP 02 2016  
Hohn   Ph 1052
Also, as I have learned over the past 6 years how to take care of my daughters hair, I have spent countless hours of my time and hours away from my family to help families of our agency learn how to take care of hair. IF there were people out there allowed to braid without a full cosmetologist degree we could devote more time to our families. And the people with the passion for braiding could focus on what is important to them in their career.

As I have talked to many African American women over the years, braiding and protective styles is something that generation of ethnic woman have passed down to their daughters and sons; as well as anyone who wants to learn how to care for ethnic hair properly. Hair braiding is essential to protecting ethnic hair from breaking off and helping it grow healthy and for RESPECT in the African American community. If an African American child’s hair is not “neat” it reflect back on the parents and that child’s community.

As an option, I do feel that people wishing to braid hair should be monitored and license through the state, but without a full cosmetologist’s license. Hair braider should be required to pay taxes on their services, just as any business is required to do so. Currently, there are many individuals who are doing hair braiding “under the table” and the revenue South Dakota is missing out on is likely very extensive.

I hope the board will consider changing this requirement and allow hair braiders to offer hair braiding and other services essential to ethnic SD citizens without having to obtain a full cosmetologist’s license to do so. In today’s society our African American children’s ethnic and diversity needs should not be suppressed because of a law. I also believe that current cosmetologist degrees cater to the WHITE client (I am white myself). Our children need protective styles, a change in this rule would benefit not only my diverse family but also would help the state of South Dakota earn addition income from taxation.

Jennie Hohn

SEP 02 2016

Hohn

Pg 2 of 2
From: Rachael gorsuch <rachaelamj@icloud.com>
Sent: Thursday, August 25, 2016 5:14 PM
To: Boyd, Kate
Subject: Hair braiding

Dear board of commission,

I am reaching out to the board of Cosmetology in order to address the laws concerning the profession of hair braiding in the state of SD. I would like to see the law amended and remove the requirement for people who want to have a profession in hair braiding to obtain a full cosmetologist’s license.

To give you some background on myself, I have been braiding hair since “learning” how to do so at the age of 14. I did not go to school or a salon to learn these skills, I learned from practicing on my best friend who had ethnic hair. She and her mother did not know how to take care of her curly locks (Biana is both black and white; her mother did not know how to care for ethnic hair), there were no salons in Sioux Falls that knew how to help her so I gave it a try. After a while I just “figured it out”. I was able to provide her with beautiful styles as well as self-confidence. Braiding is like a work of art to me. It is a way to create beautiful styles and provide self-confidence for men, women and children with ethnic hair or those who simply want unique braids.

Last year I even attempted to obtain a full license so that I could make hair braiding my full time profession. I enrolled at Black Hills Beauty School in Sioux Falls. Currently SD requires me to obtain 2100 hours of time logged performing services to become a braider; I made it to 700 hours before I realized that the school I was attending had nothing to teach me about hair braiding or ethnic hair. I became very discouraged that I was going to be spending all of this time and money to get a license that wasn’t even related to the trade I wanted to perform. I was busy doing hair all day; braiding and helping customers with their dreadlocks; but I was teaching the staff and students how to do this skill. This even hindered me from learning the other services I was required to learn in order to graduate. Eventually I was forced to quit school, due to personal reasons. But, it was obvious that the school had nothing to offer anyone wishing to braid hair professionally.

During my time at school I was busy from open to closing braiding and maintaining dreadlocks for customers; because people had gotten word that there was a stylist who actually knew how to take care of their hair! Currently Sioux Falls does not have a (legitimate) salon that offers these services. People needing these services are travelling to Minnesota and Iowa, because there are hair braiders available to help. Both Minnesota and Iowa do not require their hair braiders to obtain a full cosmetologist’s license. But, both of these states still monitor these stylists to ensure they are meeting all sanitary requirements. South Dakota needs to follow this example!

Currently there are hair braiders that are doing braids and dreadlocks in Sioux Falls; but they are doing so “under the table”. Therefore, changing this law would also benefit our state by being able to collect the taxes on these services as well as monitor hair braiders to ensure they are practicing proper sanitary requirements.

Updating this law will help so many people gain access to services as well as provide opportunities for new businesses to come to South Dakota.

I appreciate your consideration.

Thank You,

Rachel Gorsuch
Sent from my iPhone

Gorsuth  Pg 1 of 1
8-18-2016

To: State of SD Board of Cosmetology

From: Amy Brech
207 Tiger St.
Mitchell, SD 57301
(605)-929-8127

Re: Requirements for hair braiding

Hello!
I am contacting you in regards to the South Dakota laws concerning the licensing requirements for people to work as a hair braider. The law currently requires a stylist who wishes to seek hair braiding as a profession to obtain a full cosmetologist license. I feel requiring persons wishing to simply offer hair braiding services should not have to acquire a full license to practice.

The reason I have chosen to contact the board is that this law affects my family and a lot of other families that I know. It affects us because we are unable to find legitimate stylists in the state of SD who are qualified to braid our children’s hair or even our own hair (if applicable).

My husband and I have adopted an African American child. She has hair that requires protective styles that braiding provides; but there is not one stylist in our town or nearby who is qualified (in accordance to SD cosmetology standards) to take care of her hair. Even though all of there are hundreds of stylists who have their cosmetology licenses; none of them know how or were even taught properly how to take care of my child’s hair. I know I am not the only parent with this issue. There are hundreds of families of ethnicity which need these services; but not one facility in our town or surrounding towns which offers it.

As an alternative to actual salons to care for my child’s hair (since there are no legitimate salons offering services), I have had to turn to friends for help.

For example, I was introduced to Rachel Gorsuch. Rachel has a natural talent for hair braiding; a talent in which she was self-taught. Fortunately for me and my daughter, Rachel has helped me with my daughter’s hair by braiding it and teaching me how to care for her properly. Unfortunately I cannot pay Rachel for her time and services because she hasn’t received a cosmetologist’s license. I have met several people like Rachel who are extremely talented and who would love to offer braiding as a service, for a career; but don’t wish to obtain a complete cosmetology degree.

Rachel’s skills far exceed what anyone could ever offer in the state of SD. She had even attempted to obtain a cosmetologists license; but due to unforeseen circumstances was not able to complete the schooling. What she encountered at her school was very disheartening. Not one of her instructors knew how to duplicate the skills she had. Skills that the state of SD requires a license to use; but yet none of the teachers can even teach their students these skills.

This example alone is conclusive to why this law should be changed. The state is requiring that anyone who wishes to braid hair as a career must have a cosmetology license; but the cosmetology school
instructors in the state of SD don’t know how to teach hair braiding of ethnic hair. So, please tell me what the point is of obtaining a license to braid hair?

Secondly, braiding is not something that should be controlled by a license. It is something that generations of ethnic women have passed down to their daughters and sons; as well as anyone else who wants to learn how to care for ethnic hair properly. Hair braiding is essential to protecting ethnic hair from breaking off and helping it grow healthy. Caucasian hair does not require to be cut by a stylist, colored by a stylist or shaved for a stylist in order to remain healthy. Whereas braiding is truly essential to daily care for ethnic hair. Again, acquiring a license to complete services which will protect a person’s hair and ensure their health should be eliminated.

As an alternative, I do feel that person’s wishing to braid hair should be monitored and licensed through the state; but without the full cosmetologist’s licenses. Hair braiders should be required to pay taxes on their services, just as any business is required to do so. Currently, there are many individuals who are doing hair braiding “under the table”. The revenue our state is missing out on is likely very extensive. For example some of these services can range from 50.00 to 250.00; depending on what the person is having done. Hair braiders can likely complete up to 4-5 services per day; this can total in the area of 500.00-1000.00 per day. This is all income paid to these people in the form of cash and it is not being taxed.

I hope the board will consider changing this requirement and allow hair braiders like Rachel to offer hair braiding and other services essential to ethnic SD citizens without having to obtain a full cosmetologist’s license to do so. In today’s society and ethnic diversity, SD needs to recognize this change is needed. In addition to having these services more readily available to people like myself and my child; the state would also earn additional income from taxation.

Thank You

Amy Brech
Tessa’s mom
South Dakota Cosmetology Commission  
Continuing Education Task Force  

August 19, 2016

The Continuing Education Task Force of the South Dakota Cosmetology Commission met on August 19, 2016 in Sioux Falls, South Dakota. Present were the following:

Laurie Brandner, Cosmetology Commission Member  
Crystal Carlson, Cosmetology Commission Member  
Kate Boyd, Executive Director, Cosmetology Commission  
Stephanie Mortimore, Sioux Falls Salon Owner/Cosmetologist  
Angela Taylor, Stewart School Director  
Shawn VenJohn, Lake Area Technical Institute Cosmetology Program Director  
Stephanie Holscher, TSPA School  
Tara Mortland, TSPA School

The meeting began with a review of the notes from the April 22, 2016 Task Force meeting. The group was informed that a report had been given to the Cosmetology Commission at their July 12, 2016 meeting. The consensus of the Commission was that the Continuing Education Task Force should meet again and have a firm proposal for the Commission's consideration at the next meeting.

The task force considered a variety of options and developed the following recommendations for the Commission's consideration for the adoption of an administrative rule to implement licensee continuing education.

**LICENSEE CONTINUING EDUCATION RECOMMENDATION**

1. Eight hours of continuing education will be required every two years in order to renew a cosmetologist, esthetics or nail technician license in South Dakota.

   a. Individuals whose date of birth falls in an even-numbered year must complete the continuing education prior to the expiration date in even-numbered years.

   b. Individuals whose date of birth falls in an odd-numbered year must complete the continuing education prior to the expiration date in odd-numbered years.

2. The content of the continuing education shall include:

   a. Four (4) hours of health, safety, infection control and South Dakota Laws/Rules

   b. Four (4) hours on technical practice of cosmetology, nail technician or esthetics, to include health, safety and infection control

3. The continuing education must be done by a Commission preapproved provider.

   a. Schools or education companies that wish to be providers of licensee continuing education must apply for preapproval that will be valid for a two-year period of time.

   b. The cost of the provider application is $100.

Note: The task force recommended there not be an exemption for any licensees based on age or years of licensure. The task force felt that it is important for all licensees to keep abreast of health, safety and infection control procedures.
PROPOSED ADMINISTRATIVE RULES CHANGES

September 23, 2016

Attached are several proposed administrative rules changes for the Commission’s consideration. These changes, updates and updates have all been discussed at various times in the past year by Commission members and/or staff.

Please note that deletions are shown by a strikethrough and additions are shown by an underscore.

I suggest that the Commission review the attached rules changes during the September 23, 2016 meeting and that final decisions be made at the December 2, 2016 meeting. A copy of the complete rules will be provided to you to take back home to review. There may be other rules that you would like to suggest be revised. After the Commission votes on wording and administrative rules to change, we will begin the formal rules adoption process in early 2017. This process takes about 90 days to complete.

Some other administrative rules you may want to considering changing include:

(1) **Chapter 20:42:08 - Instructor Education And License Specific Education Requirements** - The current rules on instructor licensing are somewhat ambiguous and the schools have requested that the Commission revise the rules regarding instructor licensing.

(2) **Pedicure Tools** - It would be helpful if the Commission would be specific in naming the kinds of tools that are disallowed for pedicures. The current rule, shown below, only refers to blades and knives.

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20:42:04:04.03. **Prohibited equipment and procedures.** The following equipment and procedures are prohibited:

(1) Dermaplane procedures, dermabrasion procedures, ultrasound equipment, blades, knives, and any tools, except for lancets used specifically for extraction of impurities, that invade the skin or living cells; and

(2) Any procedure in which human tissue is cut or altered by any FDA Class 3 or above mechanical or energy devices.
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(3) **First aid kits** - Currently the Commission requires every salon and every booth renter to have their own first aid kit. One of the common reasons a booth fails its inspection is that the booth renter is not present and the inspector cannot find the booth’s first aid kit and others in the salon do not know where it is at since they don’t have access to another booth renter’s space. The following is offered for your consideration:

Allow the salon and booth renters to share a first aid kit. A salon with commissioned employees instead of booth renters is only required to have a single first aid kit regardless of how many licensees are performing services in the salon. In a salon with booth renters, even if the number of booth renters is 1 or 2, the salon and all booth renters each are required to have separate first aid kits.
DEFINITIONS

20:42:01:01. Definitions. Terms defined in SDCL 36-15-1 have the same meaning when used in this article. In addition, terms used in this article mean: …

(16) “Eyelash extension and enhancement application,” applying individual artificial eyelashes with adhesive to the upper or lower eyelids.
20:42:03:03. Fees. The fees for licenses, permits, and renewals are as follows:

(1) Examination fee which includes the initial license, $80;
(2) Examination retake fee, one test, $40; two tests, $50; three tests, $60;
(3) Cosmetologist, nail technician, or esthetician license renewal fee, $20;
(4) Temporary cosmetologist, nail technician, or esthetician license fee, $6;
(5) Instructor initial license fee and renewal fee, $25;
(6) Reciprocity, initial license, and waiver of examination fee, $100;
(7) For certification of a license issued pursuant to SDCL chapter 36-15 for a South Dakota licensee to obtain licensure in another state, or furnishing of other papers to another state or school, $20;
(8) Apprentice license fee, $25;
(9) Apprentice salon initial license and renewal fee, $250;
(10) School initial license fee and renewal fee, $300;
(11) Student license fee, $6;
(12) Salon or booth initial permit license fee, $60;
(13) Salon or booth license renewal fee, $35;
(14) Reinspection fee for failed salon, $50 for each reinspection;
(15) License duplicate or replacement fee, $5; and
(16) Lapsed license penalty, $20 for each year lapsed.

All fees submitted to the Commission are nonrefundable.
PROPOSED ADMINISTRATIVE RULES CHANGES

September 23, 2016

INDIVIDUAL LICENSURE APPLICANT REQUIREMENTS

20:42:03:04. Requirements for individual licensure applicants. All applicants for initial individual licensure shall submit the following in English:

(1) A certified copy of the person’s birth certificate, United States certificate of naturalization, current United States Permanent Resident Card, current United States passport, or a current driver license issued by a state or provincial government of the United States or Canada;

(2) A high school diploma, high school transcript, ACT test scores, or official GED (general education development) certificate showing passage;

(3) A personal photograph of the applicant taken within the last year; and

(4) Proof in writing, on forms furnished by the commission, that the person possesses the necessary qualifications for the license sought.
RENEWAL REQUIREMENTS, DATES AND CONTINUING EDUCATION

20:42:03:12. Renewal requirements, and renewal dates of licenses and continuing education requirement. A license renewal application, along with the appropriate renewal fee, shall be submitted to the commission or postmarked by the annual license renewal date for all licenses and permits issued pursuant to SDCL chapter 36-15.

The annual license renewal dates are as follows:

(1) Cosmetologist, nail technician, esthetician, junior instructor, and senior instructor: application for renewals shall be submitted on or before the licensee's birth date as shown as the expiration date on the face of the current license; and

(a) A licensee seeking to renew a cosmetologist, nail technician or esthetician license must complete the required continuing education requirement under § 20:42:08:10.

(b) In addition, a licensee seeking to renew an instructor license shall submit proof of completing the requirements under chapter 20:42:08. A license renewing a senior instructor license with the intent to teach no more than 80 hours per calendar year shall submit a statement requesting a waiver of the requirements of § 20:42:08:04.

(2) All salons and booths: application for renewals shall be submitted on or before the anniversary date of the initial license as shown as the expiration date on the face of the current license.

In addition, a license seeking to renew an instructor license shall submit proof of completing the requirements under chapter 20:42:08. A license renewing a senior instructor license with the intent to teach no more than 80 hours per calendar year shall submit a statement requesting a waiver of the requirements of § 20:42:08:04.

A name change request must be accompanied by a legal document showing the previous name and new legal name.

If a licensee has met the requirements of this section, the licensee may continue to practice pending issuance of the renewed license. Any license that is not renewed pursuant to the requirements of this section shall lapse.
RENEWAL OF LAPSED LICENSES

20:42:03:13. Requirements for renewal of a lapsed license. An individual who wishes to renew a lapsed license shall meet the requirements of § 20:42:03:12 and pay the license renewal fee and lapsed license penalty fee required in § 20:42:03:03 for each lapsed year. In addition, an individual whose license has lapsed for more than five continuous years shall complete one of the following:

(1) Pass the current licensing examinations; or
(2) Attend at least a two-hour review course on South Dakota cosmetology laws, rules, and safety procedures. The review course must be pre-approved by the commission. After completing the course, the applicant must pass an examination given by the commission on safety and infection control procedures.
PROPOSED ADMINISTRATIVE RULES CHANGES

September 23, 2016

BLOOD EXPOSURE PROCEDURES

20:42:04:05.01. Infection control and safety procedures. The following procedures must be used for infection control and safety: .......

(8) If a blood spill should occur to a client or licensee, the following steps must be followed:

(a) Stop service immediately; clean injured area as necessary with an antiseptic solution and cover the wound with sterile bandage as required to prevent further blood exposure. As appropriate, cover the wound with a finger guard or disposable latex or hypo-allergenic glove, or cover both hands with gloves if the wound is on the client;

(b) Client is bleeding: Stop service; put gloves on; avoid contact with blood; pat dry with a new, clean, disposable towel; apply antiseptic and adhesive bandage; place all single use items in a bag and place in a trash receptacle; remove all implements from station and properly clean and disinfect; clean and disinfect work area; remove and dispose of gloves; wash hands; return to service.

(b) Double bag and dispose of all contaminated tissue, cotton, or other materials;

(b) Licensee is bleeding: Stop service; explain the situation and excuse yourself from the service; if appropriate, rinse injured area under running water; pat dry with a new, clean, disposable towel; apply antiseptic and adhesive bandage; put gloves on; place all single use items in a bag and place in a trash receptacle; remove all implements from the work area and properly clean and disinfect; clean and disinfect work area; remove and dispose of gloves; wash hands; if necessary cover injured area with a protective finger cot or new glove; return to service.

(c) Before continuing service disinfect all equipment, tools, and implements that have come in contact with blood; clean station with a disinfectant as necessary; and clean hands with antimicrobial cleanser; and

(d) Do not allow containers, brushes, nozzles, or liquid-styptic to touch the skin or contact the wound;
PROPOSED ADMINISTRATIVE RULES CHANGES

September 23, 2016

DISPLAY OF EDUCATIONAL CERTIFICATION

20:42:04:09.01. Display of educational certification. Each licensee practicing services that use microdermabrasion machines, perform eyelash extensions or enhancements, or electric files shall display the certification of approved education provided by the commission in public view of the salon or booth.
PROPOSED ADMINISTRATIVE RULES CHANGES

September 23, 2016

SALON POSTING OF BLOOD EXPOSURE RULES

20:42:04:10.01. Display of blood spill exposure rules. The blood spill exposure rules shall be posted in or near the first aid kit in the salon.
PROPOSED ADMINISTRATIVE RULES CHANGES

September 23, 2016

APPROVED TEXTBOOKS

20:42:06:05. Approved textbooks for basic course of study. The school shall use one or more of the following textbooks for a basic course of study:


Other materials and books may be used to supplement these textbooks.
PROPOSED ADMINISTRATIVE RULES CHANGES

September 23, 2016

POSTING BLOOD EXPOSURE RULES IN SCHOOL DISPENSARY

PROPOSED ADMINISTRATIVE RULES CHANGES

September 23, 2016

EDUCATION SPECIFIC CERTIFICATION COURSES FOR LICENSEES

20:42:08:05. Verification fee for individual licensee. The individual licensee shall pay the commission a fee of $35 to verify any required educational course not sponsored or pre-approved verified by the commission.

20:42:08:05.01. Verification Pre-qualification fee for course provider. A course provider shall pay the commission a fee of $100 to pre-qualify verify each education course provided by the provider. The fee shall be accompanied by an application form provided by the commission. The pre-qualification verification fee and application are valid for one year after commission approval. A course provider shall immediately notify the commission of any significant course material changes. A course provider shall seek new pre-qualification verification if there is a significant change in the course material.
EDUCATION REQUIREMENT TO PERFORM EYELASH EXTENSIONS

20:42:08:09. Education requirement to perform eyelash extensions or enhancements. A licensee must successfully complete at least a ___-hour course on the proper techniques to perform eyelash extensions or enhancements. The hours shall include the technique of applying eyelashes using adhesive, and infection control and safety procedures that protect the client and licensee. Evidence of this education must be submitted to and approved by the commission before any services are performed. After approval, the commission shall provide certification of education approval. The commission-issued certification shall be posted in a public place in the salon while the licensee is working.
PROPOSED ADMINISTRATIVE RULES CHANGES

September 23, 2016

LICENSEE CONTINUING EDUCATION

20:42:08:10. Licensee continuing education requirements. A licensee must complete the following continuing education in order to renew a cosmetologist, esthetician or nail technician license.

1. Eight hours of continuing education every two years.
   a. Individuals whose birthday falls in an even-numbered year must complete the continuing education prior to the expiration date in even-numbered years.
   b. Individuals whose birthday date falls in an odd-numbered year must complete the continuing education prior to the expiration date in odd-numbered years.

2. The content of the continuing education must include:
   a. Four hours of health, safety, infection control and South Dakota cosmetology laws and administrative rules.
   b. Four hours on the cosmetology, nail technician or esthetics techniques within the scope of practice of the licensee to include health, safety and infection control.

3. Continuing education must been completed under the instruction of a commission preapproved provider in order to qualify for license renewal.
Referral of License Applications to the Commission
September 23, 2016

**Applicant # NR-12861** - This application is being referred to the Commission for your review and action.

This applicant applied for reciprocity in 2015 and her high school diploma was from another country, so required translation/verification from AEQUO International. The AEQUO report stated that this individual’s education is fraudulent.

Based on the AEQUO report, the staff contacted the applicant that the reciprocity application was being cancelled due to (1) the AEQUO report that her diploma was fraudulent and (2) she did not meet the qualifications of possessing a high school diploma equivalent to a United Stated diploma from an accredited high school.

The office recently received a new reciprocity application from this individual as well as GED certificate from a community college in Arkansas stating that she passed and was issued a GED on 4/11/16.

The applicant now meets the qualifications to be issued a South Dakota nail technician license but is being referred to the Commission since the original high school diploma was fraudulent.

**Applicant # NR-13175** - The Commission reviewed this application at the May 24, 2016 meeting and voted to deny the application. The excerpt from the May 24 meeting minutes is shown below in italics.

```
8 (b) Applicant #13185 - NT - The Commission reviewed information about a reciprocity applicant who omitted information on his first reciprocity application, was asked to fill out a second application to clarify, and there were discrepancies between the two applications.

May 24, 2016 Commission Meeting Minutes Excerpt:

IT WAS MOVED by Lori Little, seconded by Laurie Brandner, to deny Application #13185 and inform the applicant that he can reapply after 90 days and will need to appear before the Commission to seek approval of his license application. The motion prevailed on a voice vote.
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A letter had been sent to the applicant following the May 24 meeting informing him that he would need to wait 90 days before reapplying and would need to appear before the Commission to seek approval of his application.

This individual contacted the office on September 12 to inquire about reapplying. We then received a third application from him and the information contained is consistent with his second application.

He did mention that he may not be able to come to Pierre for the September 23 meeting. He was asked to call the office the previous day to confirm whether or not he could attend. In lieu of appearing in person, we may need to have him join the meeting via teleconference.
### 2017 CALENDAR

**COSMETOLOGY COMMISSION**

State Board Examinations and Regular Commission Meetings

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*C = Cosmetology Exams  •  E = Esthetics Exams  •  N = Nail Technician Exams*

Note: Calendar is subject to change throughout the year