AGENDA
South Dakota Cosmetology Commission
Department of Labor and Regulation Office, 123 W Missouri Ave, Pierre, SD

Friday, December 2, 2016 - 8:00 am

CALL TO ORDER, President Tammy Ugofsky

1. Roll Call ................................................................. Crystal Carlson
2. September 23 and October, 2016 Meeting Minutes ....................... Crystal Carlson
3. Treasurer’s Report .................................................... Kate Boyd
4. Executive Director’s Report ........................................ Kate Boyd
5. Disciplinary Actions ................................................. Violations Committee

Disciplinary Action Hearings
a. Case J-2015-Margene Walters
b. Case Y-2015-Darla Bierwagen

Proposed Consent Agreements
  c. Case F-2016-Envy Nails & Johnny Phung
  d. Case P-2016-Nails Art & Maxwell Nguyen

6. Initiated Measure 22 and Its Effect on State Employees - Attorney Graham Oey

7. Microdermabrasion Provider Application - Ramona Reicherts

8. Proposed Administrative Rules Changes

9. 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

September 23, 2016

Call Meeting to Order
A meeting of the Cosmetology Commission was called to order by President Tammy Ugofsky at 1:00 pm on Friday, September 23, 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 Crystal Carlson, with the following members present: Lori Berreth, Laurie Brandner, Crystal Carlson, Lori Little and Tammy Ugofsky. Staff present: Department of Labor and Regulation Deputy Secretary Tom Hart, Attorney Graham Oey, Executive Director Kate Boyd and Cosmetology office staff member Kelsey Skoglund. Others present included: School Representatives--Angela Taylor-Stewart School via teleconference; Cricket Rick-Headlines Academy; Shawn VenJohn-Lake Area Technical Institute Cosmetology Program; Fallon Helm-Revive Day Spa and TSPA School; Tom and Joy Polonic-Black Hills Beauty College. Members of the public who were present and addressed the Commission included: Ryan Howlett, Rachael Gorsuch, Priscilla and David Noble, Karen Brown, Amy Brech, Coleen Globke, Michalee Globke, Jennie and Cara Hohn.

2. Minutes of the July 12 and August 26, 2016 Meetings
IT WAS MOVED BY CRYSTAL CARLSON, SECONDED BY LORI BERRETH, TO APPROVE THE MINUTES OF THE JULY 12 AND AUGUST 26, 2016 MEETINGS. THE MOTION PREVAILED ON A VOICE VOTE.

3. Treasurer’s Report
Executive Director Kate Boyd reported that as of August 31, 2016 the available budget was $221,400.07 and the cash center balance was $237,925.22, with August revenue of $23,415.86.

IT WAS MOVED BY LORI BERRETH, SECONDED BY LORI LITTLE, TO APPROVE THE TREASURER’S REPORT. THE MOTION PREVAILED ON A VOICE VOTE.

It was agreed to delay agenda items 4 and 5 until later in the meeting so that the subject of hair braiding licensure could be discussed to accommodate the members of the public that had driven to Pierre for the meeting from various locations around the state.

6. Proposed Hair Braiding Legislation
At the recent request of members of the public, the subject of professional hair braiding was put on the agenda. Several individuals had written letters to the Commission asking for a change in current cosmetology that requires 2100 hours of education and a full cosmetology license to perform ethnic hair braiding services. Draft legislation to create a professional hair braiding license was reviewed by the Commission. The details of the legislation include: (1) Eight-hour safety and infection control course, (2) $20 per year license, and (3) professional hair braiders must work in a licensed salon or booth. Several members of the public, including adoptive
parents who have children with ethnic hair, as well as individuals who have the skill to care for and braid ethnic hair, were present to urge the Commission to proceed with legislation to lessen the burden for individuals who would like to work as professional hair braiders.

There was discussion about whether or not individuals who want to work as a hair braider should be required to attend educational classes in the art of ethnic hair braiding and care and take some kind of exam prior to licensure. Throughout the discussion, the Commission made changes to the draft bill to remove the option to sew or use adhesives when performing hair braiding services.

IT WAS MOVED BY LORI BERRETH, SECONDED BY CRYSTAL CARLSON, TO MOVE FORWARD WITH THE AMENDED DRAFT BILL FOR INTRODUCTION IN THE 2017 LEGISLATIVE SESSION. THE MOTION PREVAILED ON A VOICE VOTE.

At this time the meeting adjourned for a short break at 2:15 pm and the meeting reconvened at 2:30 pm.

4. Executive Director’s Report
Executive Director Kate Boyd brought the Commission up-to-date on several items. (1) New Staff Member - Kelsey Skoglund was introduced as the new Program Assistant I. Kelsey will be dealing with formal complaints and disciplinary action, coordinate IT projects, assist with State Board exam administration, and various other duties around the office. (2) Instructor Licensing - Three cosmetologists took the Instructor State Board examinations to become licensed Senior Instructors. Also, an individual who was a nail technology instructor in 1983-84 has moved back to the state and is opening a salon. This individual has expressed an interest in becoming licensed as a senior instructor in the future to mentor nail technician apprentices. The commission does not need to take any action at this time, but in the future may possibly be asked to make a decision about reinstatement of an instructor license that has been expired for more than thirty years. (3) Tablets for Practical Exams - Due to the unreliability of the tablets that have been used in the past for administration of the practical exams, including screens freezing, tablets that won’t turn on or charge properly, we recently purchased a higher quality of tablet for practical exam administration. (4) NIC Exam Changes - New changes to the NIC exams will be presented during the next day’s NIC School Overview and the September 25 NIC Examiner Training.

5. Disciplinary Actions

The Commission reviewed and took action on the following proposed Consent Agreements that have been signed by the licensee:

Case A-2015
IT WAS MOVED BY LORI BERRETH, SECONDED BY CRYSTAL CARLSON, TO APPROVE THE CONSENT AGREEMENT FOR CASE A-2015 WITH THE FOLLOWING TERMS.
   a. Scent-sational Massage and Spa’s application for licensure shall be permanently denied;
b. Spa Utopia Salon’s application for licensure, received in the Commission office on October 28, 2015, shall be permanently denied;

c. Ms. Nedved’s license, Lic. # EO-08827, shall be suspended for a period of 180 days with 135 days being held in abeyance. Ms. Nedved’s license will be actively suspended for 45 days beginning October 1, 2016 through November 15, 2016;

d. The remaining 135 days of suspension for Ms. Nedved’s personal 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. Nedved 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. Nedved will successfully pay for and successfully complete the online course entitled “Infection Control Online Class”, sponsored by Milady, found at www.miladypro.com. Ms. Nedved must submit to the Commission the Certificate of Completion received after successful completion of the course by October 31, 2016.

3) Ms. Nedved’s current workspace will be subject to additional inspections for a period of 1 year from the date of execution of this agreement. Ms. Nedved 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; and

4) Ms. Nedved will attend a meeting with Commission staff at the Commission’s office located in Pierre, SD, to discuss licensure law requirements. At the conclusion of the meeting, Ms. Nedved will successfully pay for and successfully complete the Commission’s State Laws course by successfully passing the post-course exam by October 31, 016. The cost of the course and exam is $50.00;

THE MOTION PREVAILED ON A VOICE VOTE WITH LORI BERRETH, CRYSTAL CALSON, LORI LITTLE AND TAMMY UGOFSKY VOTING AYE AND VIOLATIONS COMMITTEE LAURIE BRANDNER ABSTAINING.
Case G-2015
IT WAS MOVED BY CRYSTAL CARLSON, SECONDED BY LAURIE BRANDNER, TO APPROVE THE CONSENT AGREEMENT FOR CASE G-2015 WITH THE FOLLOWING TERMS.

a. Ms. Rutz license, Lic. #NT-12541, will be suspended for a period of 180 days with 135 days being held in abeyance; Ms. Rutz’s license will be actively suspended for 45 days beginning October 3, 2016 through November 16, 2016.

b. The remaining 135 days of suspension for Ms. Rutz’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) Ms. Rutz will comply with all the 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. Rutz will successfully pay for and successfully complete the online course entitled “Infection Control Online Class”, sponsored by Milady, found at www.miladypro.com. Ms. Rutz must submit to the Commission the Certificate of Completion received after successful completion of the course by October 31, 2016.

3) Ms. Rutz will contact the commission inspector in Rapid Ctyt, SD. Ms. Rutz will pay for and successfully complete the Commission’s State Laws course, Ms. Rutz must successfully pass the post-course and exam by October 31, 2016. The cost of the course and exam is $50.00

4) Ms. Rutz will pay $60.00 to the Commission for the booth permit that was not received for the time she worked at Heartland Hair Salon.

c. Theresa Rutz Booth’s license, #NB-07565, shall be suspended for a period of 180 days with 135 days held in abeyance. Theresa Rutz Booth license will be actively suspended for 45 days beginning October 3, 2016 through November 16, 2016.

d. The remaining 135 days of suspension for the booth’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 condition is met;

1) Theresa Rutz Booth will comply with all the 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;

THE MOTION PREVAILED ON A VOICE VOTE WITH LORI BERRETH, CRYSTAL CALSON, LORI LITTLE AND TAMMY UGOFSKY VOTING AYE AND VIOLATIONS COMMITTEE LAURIE BRANDNER ABSTAINING.

Case L-2015 - Kevin Lee
IT WAS MOVED BY LAURIE BRANDNER, SECONDED BY CRYSTAL CARLSON, TO APPROVE THE CONSENT AGREEMENT FOR CASE L-2015 WITH THE FOLLOWING TERMS.

a. Mr. Lee’s license, Lic. #NT-12451 will be suspended for a period of 45 days with 31 days being held in abeyance; Mr. Lee’s license will actively be suspended for 14 days from January 2, 2017 through January 15, 2017.

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. Lee will comply with all the will comply with all laws and regulations relating to his 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. Lee will successfully pay for and successfully complete the online course entitled "Infection Control Online Class", sponsored by Milady, found at www.miladypro.com. Mr. Lee must submit to the Commission the Certificate of Completion received after successful completion of the course by January 31, 2017.

THE MOTION PREVAILED ON A VOICE VOTE WITH LORI BERRETH, CRYSTAL CALSON, LORI LITTLE AND TAMMY UGOFSKY VOTING AYE AND VIOLATIONS COMMITTEE LAURIE BRANDNER ABSTAINING.

Case L-2015 - Kathy Lee
IT WAS MOVED BY LORI LITTLE, SECONDED BY LAURIE BRANDNER, TO APPROVE THE CONSENT AGREEMENT FOR CASE L-2015 WITH THE FOLLOWING TERMS.

a. Ms. Lee’s license, Lic. #CO-12410 will be suspended for a period of 45 days with 31 days being held in abeyance; Ms. Lee’s license will actively be suspended for 14 days from January 2, 2017 through January 15, 2017.

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;
Ms. Lee 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;

Ms. Lee will successfully pay for and successfully complete the online course entitled “Infection Control Online Class”, sponsored by Milady, found at www.miladypro.com. Ms. Lee must submit to the Commission the Certificate of Completion received after successful completion of the course by January 31, 2017.

THE MOTION PREVAILED ON A VOICE VOTE WITH LORI BERRETH, CRYSTAL CALSON, LORI LITTLE AND TAMMY UGOFSKY VOTING AYE AND VIOLATIONS COMMITTEE LAURIE BRANDNER ABSTAINING.

Case L-2015 - Kevin Lee
IT WAS MOVED BY CRYSTAL CARLSON, SECONDED BY LAURIE LITTLE, TO APPROVE THE CONSENT AGREEMENT FOR CASE L-2015 WITH THE FOLLOWING TERMS.

a. Mr. Nguyen’s license, Lic. #NT-12450 will be suspended for a period of 45 days with 31 days being held in abeyance; Mr. Nguyen’s license will actively be suspended for 14 days from January 2, 2017 through January 15, 2017.

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) Mr. Nguyen will comply with all laws and regulations relating to his 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. Nguyen will successfully pay for and successfully complete the online course entitled “Infection Control Online Class”, sponsored by Milady, found at www.miladypro.com. Ms. Lee must submit to the Commission the Certificate of Completion received after successful completion of the course by January 31, 2017.

THE MOTION PREVAILED ON A VOICE VOTE WITH LORI BERRETH, CRYSTAL CALSON, LORI LITTLE AND TAMMY UGOFSKY VOTING AYE AND VIOLATIONS COMMITTEE LAURIE BRANDNER ABSTAINING.

Case K-2016
IT WAS MOVED BY LORI LITTLE, SECONDED BY LAURIE BRANDNER, TO APPROVE THE CONSENT AGREEMENT FOR CASE K-2015 WITH THE FOLLOWING TERMS.
a. Ms. Nguyen’s license, Lic. #NT-11950, will be suspended for a period of 45 days with 31 days being held in abeyance; Ms. Nguyen’s license will actively be suspended for 14 days from October 16, 2016 through October 29, 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. Nguyen will comply with all the 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. Nguyen will successfully pay for and successfully complete the online course entitled “Infection Control Online Class”, sponsored by Milady, found at www.miladypro.com. Ms. Lee must submit to the Commission the Certificate of Completion received after successful completion of the course by November 1, 2016.

c. Best Nails Salon’s license, #NS-07990, will be suspended for a period of 45 days with 31 days being held in abeyance. Best Nails Salon’s license will actively be suspended for 14 days from October 16, 2016 through October 29, 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) Best Nails Salon will comply with all the 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;

Best Nails Salon will be subject to additional inspections for a period of 1 year from the date of execution of this agreement. Ms. Nguyen, 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 November 1, 2016.

THE MOTION PREVAILED ON A VOICE VOTE WITH LORI BERRETH, CRYSTAL CALSON, LORI LITTLE AND TAMMY UGOFSKY VOTING AYE AND VIOLATIONS COMMITTEE LAURIE BRANDNER ABSTAINING.
7. Licensee Continuing Education
Commission members Laurie Brandner and Crystal Carlson reviewed the August 19, 2016 Licensee Continuing Education Task Force meeting. In addition to two Commission members, the task force included licensees and instructors from cosmetology schools. The purpose of the August 19 meeting had been to develop details for a proposed administrative rules change to require licensee continuing education. The Commission was presented with the following outline of the Continuing Education Task Force recommendation.

<table>
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<tr>
<th>LICENSEE CONTINUING EDUCATION RECOMMENDATION</th>
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<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<td>2. The content of the continuing education shall include:</td>
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<tr>
<td>a. Four (4) hours of health, safety, infection control and South Dakota Laws/Rules</td>
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<tr>
<td>b. Four (4) hours on technical practice of cosmetology, nail technician or esthetics, to include health, safety and infection control</td>
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<tr>
<td>3. The continuing education must be done by a Commission preapproved provider.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>b. The cost of the provider application is $100.</td>
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</tbody>
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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.

Discussion was held about the breakdown of hours for safety, infection control and South Dakota cosmetology laws and rules versus technical practice of cosmetology, nail technology or esthetics.

IT WAS MOVED BY LORI LITTLE, SECONDED BY LORI BERRETH, TO PROCEED WITH FINALIZING ADMINISTRATIVE RULES CHANGES FOR CONSIDERATION BY THE COMMISSION AT THE DECEMBER 2, 2016 MEETING, AS OUTLINED ABOVE, WITH THE FOLLOWING CHANGES: (1) TWO HOURS OF HEALTH, SAFETY, INFECTION CONTROL AND SOUTH DAKOTA COSMETOLOGY LAWS AND RULES AND SIX HOURS ON
TECHNICAL PRACTICE OF COSMETOLOGY, NAIL TECHNOLOGY OR ESTHETICS, TO INCLUDE HEALTH, SAFETY AND INFECTION CONTROL; (2) EXEMPT FROM CONTINUING EDUCATION ANY LICENSEE WITH 30 OR MORE YEARS OF COSMETOLOGY LICENSURE OR OVER THE AGE OF 70. THE MOTION PREVAILED ON A VOICE VOTE.

8. Proposed Administrative Rules Changes
The Commission meeting packets included a packet of proposed administrative rules changes, including the subject of licensee continuing education. Executive Director suggested that Commission members take the packets home with them to review and contact her with any changes to the proposed changes, deletions or additions. The December 2, 2016 meeting will include a review of all proposed administrative rules changes for the Commission to take action on to begin the formal rules adoption process.

9. Commission Review of License Applications and Requests

- **Application # NR-12861** - This applicant had initially submitted a high school diploma for verification to AEQUO International that AEQUO determined was a fraudulent document. Based on that information, the decision was made by the Executive Director to cancel this reciprocity application since the individual did not qualify for a license in South Dakota with no high school diploma.

  The individual obtained a GED certificate and reapplied for reciprocity. The GED certificate was received in the Cosmetology Commission office directly from a Community College.

  IT WAS MOVED BY LAURIE BRANDNER, SECONDED BY CRYSTAL CARLSON, TO APPROVE APPLICATION #NR-12861. THE MOTION PREVAILED ON A VOICE VOTE.

- **Application # NR-13185** - The Commission originally denied this individual’s license at the May, 2016 meeting due to the fact that the individual had submitted two separate applications with inconsistencies in terms of where the individual had previously been licensed and when the nail technology education had been obtained. In action taken at the May meeting, the Commission voted that the individual must wait 90 days to reapply and would need to appear before the Commission. The Commission office received a written note from the individual that he was currently working in Georgia and would not be able to attend the meeting. He did provide a telephone number in case the Commission would want to call him.

  IT WAS MOVED BY LORI LITTLE, SECONDED BY LAURIE BRANDNER, TO APPROVE APPLICATION NR-13185. THE MOTION PREVAILED ON A VOICE VOTE.

10. 2017 Calendar Exam and Commission Meetings
Copies of the proposed 2017 calendar for State Board Exams and Commission meeting was handed out for the Commission’s information and review.

11. Other Business

N/A
Adjourn

There being no further business, IT WAS MOVED BY CRYSTAL CARLSON, SECONDED BY LORI LITTLE, TO ADJOURN. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting was adjourned at 4:30 pm.

Respectfully submitted,

______________________________
Kate Boyd, Recording Secretary

______________________________
Crystal Carlson, Secretary-Treasurer
EXECUTIVE DIRECTOR'S REPORT

September 23, 2016

1. **New Staff Member** - Kelsey Skoglund was offered and accepted the Program Assistant 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 in some of the practical exams. These changes will be reviewed during the September 24 NIC School Overview and the September 25 Examiner Training.
Call Meeting to Order

A meeting of the Cosmetology Commission was called to order by President Tammy Ugofsky on Thursday, October 20, 2016 at 10:05 am. The meeting was held via conference call.

1. Roll Call

Attendance was taken by Vice President Lori Berreth with the following members present: Lori Berreth, Laurie Brandner, Lori Little, and Tammy Ugofsky. Member absent: Crystal Carlson. Staff present: Assistant Attorney General Graham Oey, Executive Director Kate Boyd and Kelsey Skoglund.


IT WAS MOVED BY LORI BERRETH, SECONDED BY LORI LITTLE, TO APPROVE CONSENT AGREEMENT CASE G-2015, WITH THE FOLLOWING TERMS:

a. Ms. Fletchers’s license, Lic. #CO-05799, will be suspended for a period of 45 days with 31 days being held in abeyance. Ms. Fletcher’s license will actively be suspended for 14 days from November 1, 2016 through November 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. Fletcher 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. Fletcher 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 November 31, 2016.

c. The Best Little Hair House Salon license, #CS-03295, shall be suspended for a period of 45 days with 45 days held in abeyance. The 45 days of suspension for the salon’s license shall 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) The Best Little Hair House Salon 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;

THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BERRETH, LORI LITTLE AND TAMMY UGOFSKY VOTING AYE. ABSTAINING: VIOLATIONS COMMITTEE LAURIE BRANDNER. ABSENT AND NOT VOTING: CRYSTAL CARLSON.


IT WAS MOVED BY LORI LITTLE, SECONDED BY LORI BERRETH, TO APPROVE CONSENT AGREEMENT CASE H-2015, WITH THE FOLLOWING TERMS:

a. Ms. Person’s license, Lic. #CO-09343, will be suspended for a period of 45 days with 31 days being held in abeyance. Ms. Fletcher’s license will actively be suspended for 14 days from November 1, 2016 through November 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. Person 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. Person 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 November 31, 2016.

c. Urban Edge Salon’s license, #CS-07584, will be suspended for a period of 45 days with 31 days held in abeyance. Urban Edge Salon’s license will actively be suspended for 14 days from November 1, 2016 through November 14, 2016.

d. The remaining 31 days of suspension for 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) Urban Edge Salon 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) Urban Edge Salon will be subject to additional inspections for a period of 1 year from the date of execution of this agreement. Ms. Person, 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 November 31, 2016.

THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BERRETH, LORI LITTLE AND TAMMY UGOFSKY VOTING AYE. ABSTAINING: VIOLATIONS COMMITTEE LAURIE BRANDNER. ABSENT AND NOT VOTING: CRYSTAL CARLSON.

4. Other Business

Executive Director Kate Boyd reminded Commission members to review the proposed Administrative Rules changes and provide her feedback so the Commission can take action at the December 2, 2016 meeting to proceed with the formal rules adoption process.

Adjournment

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

The meeting adjourned at 10:20 am.

Respectfully submitted,

__________________________________________________________________________
Kate Boyd, Recording Secretary

__________________________________________________________________________
Lori Berreth, Vice President
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<th>Date</th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>16/02/2016</td>
<td>Pay Day Remaining: 66.7% (4.47)</td>
<td>28.632</td>
</tr>
<tr>
<td>16/02/2016</td>
<td>P2 Pay Day Remaining: 16</td>
<td>0.00</td>
</tr>
<tr>
<td>16/02/2016</td>
<td>Available Balance</td>
<td>28.632</td>
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<tr>
<td>16/02/2016</td>
<td>EXPENDITURES Year-To-Date</td>
<td>0.00</td>
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<tr>
<td>16/02/2016</td>
<td>EXPENDITURES Monthly</td>
<td>0.00</td>
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<tr>
<td>16/02/2016</td>
<td>EXPENDITURES Year-To-Date</td>
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<td>16/02/2016</td>
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<td>APPROPRIATIONS Year-To-Date</td>
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- AMOUNT: 900,000

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- Post Approval
- Date: 2015/12/31

**Vendor Code**

- Vendor ID: 789012
- Vendor Name: ABC Corporation

**Note**

For Period Ending: 10/31/2015

Montly Voucher and Correction Report

State of South Dakota

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**Center:** 103900061806

**Program:** 0493

**State:** SOUTH DAKOTA
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SOUTH DAKOTA COSMETOLOGY COMMISSION

EXECUTIVE DIRECTOR’S REPORT

December 2, 2016

1. **Office Update** - Kelsey Skoglund has settled very well into her new position with the Commission office. She has quickly become an asset to the overall operation of the office. Kelsey, Bradi and I have developed a mutual respect for each other and function efficiently as a staff of three.

2. **Proposed Hair Braiding Legislation** - The Department of Labor and Regulation will be introducing a bill in the 2017 Legislative Session to exempt hair braiding from the scope of practice of a cosmetologist. This will replace the hair braiding licensure bill originally proposed by the Commission in September, 2016.

3. **Cosmetology Education Hours** - Additional information has become available about cosmetology education hours nationwide. I would like to suggest that the Commission direct the 2016 Cosmetology Education Hour Task Force to begin meeting again to continue work on possible legislation for the lowering of cosmetology education hours. If we are going to request a bill be introduced in the 2018 Legislative Session, the Commission would need to approve the concept by the May 5, 2017 Commission meeting and direct the staff to draft legislation for the Commission’s approval at the July 14, 2017 meeting. After that the bill would need to go thru review by the Department of Labor and Regulation and the Governor’s Legislative Task Force.

4. **AEQUO International Updates** - Attached to this report is communication received from Brentni Henderson of AEQUO International regarding changes in verification procedures for candidates with Vietnamese high school education.
Good Morning, Everyone -

I hope this email finds you well. Many boards have inquired recently about our verification process for Vietnamese candidates and associated turn-around time for completion of education evaluations. I would like to take this time to inform all boards of our new processes which are being implemented. All new processes and procedures will be in place by November 30th. Below you will find a brief historical overview of the educational system in Vietnam and processes for verification of educational documents and credentials (cosmetology education).

In Vietnam, high schools issue diplomas upon successful completion of coursework and requirements for graduation. High schools also issue transcripts for diploma programs not completed. Student records are shared with provincial Departments of Education and Training across the country. High schools are mandated to keep records but not all of them are available in a digital format which allows for expedited communication in and outside of the country. The provincial departments are responsible for overall administrative control of the schools in addition to the following: syllabi development and standardization, supervision of examinations and compilation of results, maintaining physical and/or digital records of students, and sharing information to requestors (i.e. third parties such as Aequo International). The Ministry of Education and Training (MOET) is the central organization which oversees the various provincial departments. The MOET does not maintain a database of all diplomas issued. They are responsible for reaching out to provincial departments for verification details.

In the past, Aequo has utilized resources at the MOET for verification. We have relied on the MOET to reach out to provincial departments and request graduation details, students records, etc. Moving forward as of November 30th, Aequo will have a dedicated resource team at the main department of education and training in Ho Chi Minh City. This department and our representatives have agreed to a standard verification process and check with local resources and multiple connections within the country. Our team is fully dedicated to the verification of documents submitted for evaluation purposes. In addition, this team will begin working with the Department of Labor, Social Affairs and War Invalids in Vietnam to implement the same verification process for cosmetology education and certificates. The Department of Labor is responsible for overseeing cosmetology education, certificates, etc. in the country.

Beginning December 2016, boards who typically have a high volume of Vietnamese applicants will begin to see a decrease in turn-around time for completion of education evaluations. This should in turn lead to a decrease in candidate calls and inquiries submitted to boards regarding their verification status with Aequo.

As always, we welcome your feedback on our services and appreciate any information you can provide. If you have any questions or concerns, please let me know.
Best,
Brentni

Brentni Henderson
Associate Director, Business Development & Research

150 Fourth Ave North, Suite 850
Nashville, TN 37219-2417
P/ (615)312-3801
E/ bhenderson@aequointernational.com
CONTINUING EDUCATION COURSE PROVIDER'S APPLICATION

Section A – General Provider Information

1. Provider’s Name: Ramona Reicherts

2. Provider’s Address: 86690 130 th Glenville, MN 56036

3. Provider’s Contact Name: Ramona Reicherts

4. Phone Number: 641-590-1505 Fax Number: ______ Email: microdremmona@gmail.com

5. Check one: □ Individual Provider □ Company Provider

Section B – Course Information (A detailed outline or agenda of the course must be attached to application)

Check ONLY ONE category □ Microdermabrasion □ Electric Nail File

1. Name of Course: 16 Hour Microdermabrasion certification and sanitation
   (All continuing education in South Dakota must emphasize safety and sanitation)

2. Number of Continuing Education Credit Hours: 16 (Do not include time for breaks and meals)

   2. Initial Date and Time of Course Offering: to be determined

4. Location of Course: On Site or Bombshell Hair and Skin Care Studio 108 E Main Albert Lea, MN 56007
   (Business Name, Street Address, City, State, Zip)

   IF you are planning to give this course more than the initial date listed above, ATTACH a list of dates, times, and locations (always include business name, street address, city, state, zip to identify the location). The Commission must have at least twenty-four (24) hours written notice of any changes in the date, location or instructor of your course. Resumes are required for a new course instructor. This information must be faxed to the number above (All correspondence MUST include the Commission assigned Course Certification number, course name and number of credit hours).

4. Instructor Name: Ramona Reicherts

5. Qualifications and licensure. Attach instructor’s resume. List state(s) of licensure and current license number. (An instructor does not have to be licensed in SD, but must be licensed from another state)

   Licensed in Iowa Instructor# 59444

Provider application: 1/2011

NOV 14 2016
6. List any relevant information you feel is necessary to assist the Commission in determining approval of this course. I have been teaching and certifying for South Dakota for some time now. I enjoy teaching. I am glad to have the opportunity to educate.

Section C - Method of Course Attendance Verification

1. Briefly explain the method of monitoring for course attendance. Sign in sheet upon arrival (date, time, Location & name), Forms of id: driver's license or identification card or social security card and Esthetician or Cosmetology License number. Copies are taken of both. sign out at breaks and back in and at end of day for each day.

2. Attach a sample of the sign-in sheet. After the course, a copy of the sign-in sheet must be submitted to the Commission.

3. Attach a sample copy of the certificate of attendance the provider issues to the licensee as proof of attendance of the course. The certificate must show name of course, name of attendee, dates of attendance, and number of hours earned.

Section D - Signature

1. Name of person completing this application (Please print)
   Ramona Reicherts

NOTE: Please submit your application within sixty days prior to the course date to receive prior approval and a course number. A $100 non-refundable fee must accompany the application. This fee is good for one year only no matter how many courses are taught and is not pro-rated. When SD licensees attend an approved provider course, the licensee does not have to pay the $35 verification fee to the Commission. REMEMBER to attach: (1) Course agenda or outline; (2) Instructor resume; (3) Sample of sign-in sheet; (4) sample of certificate of attendance.

As of 1/1/2005 the Commission only requires a one-time only continuing education course for electric nail files and microdermabrasion.

After the Commission has granted its written approval of the application, the provider is entitled to state upon its publications: “This program is approved for ___ (number) South Dakota Continuing Education Hours.”

Section E - Commission Office Use Only

____ Approved _____ Hours Course Approval Number:

Providerapplication. 1/2011
Ramona Reicherts

Objective
Microdermabrasion with micro current certification license

Summary of Qualifications

Cosmetologist
• Esthetician and Educator in Microdermabrasion and microcurrent

• Licensed Educator in Minnesota and Iowa Cosmo since 2010

• Educator for Kaaral (Color expert and product knowledge company from Italy

• Educator for Aesthetics Medical, Sales Rep company from Dallas, Texas

Education

Cosmetology
• Salon owner for 16 years, Salon Manager for 20 years, salon worker Cosmetologist / esthetician for 29 years

• Educator: for 11 years esthetician assistant educator, full educator for 8 years

Professional
2002 Aesthetics Medical Dallas, TX, 2006 Aquage, Academy, Miami Fl
Trained micro-teaching (Cosmetology Instructor) T Spa Ames, IA
Trained Master Instructor course MN Beauty with Carolyn Kraus in St Paul MN

Experience

salon owner certification
• Trained and certified on Microdermabrasion, and led light therapy, Laser and acid peels, certified in Advanced hair cuts and styles advanced coloring techniques, Education is so important. I have continuing education as often as I can. Managers license, Cosmetologist, Cosmetologist Instructor in Iowa and Minnesota.
• Work for myself and my workers, and a couple times a month times a year teaching

• Coned hours

**Professional**
South Dakota board of cosmetology Educator A certified trainer for the State of South Dakota on Microdermabrasion 16 hr course

**Memberships**
mnsspa, Pba association, Cosmetology and Barbers of Iowa

Cosmetology group MN,

**Languages**
English speaking

**References**
Nancy Buckingham - owner Ctc Mankato MN

1701 Adams St, Mankato MN 56001

507-345-4033

**Little about me.**
I love the outdoors and to make people happy, the key goal in life is to live life simple and make everybody beautiful, and happy. I love to educate and help others learn to better their lives and career, I love to ride Harley with my husband play with grandkids and our kids, family is the key.
TABLE OF CONTENTS

1. Understanding Your Machine
2. Microdermabrasion Procedure
3. General Working Information
4. The Treatment of Aging Skin
5. SkinBorn Medical Skin Enhancement Product
6. Cancer and Pre-Cancer
7. Documentation/ Forms
8. Preparation/ Troubleshooting
9. Marketing
10. Miscellaneous
    a. Order Form/ Price List
    b. Crystal Pricing
    c. Diagrams
    d. Other information
Microdermabrasion
Class Outline

DAY ONE
8 Hours
1. Introduction to Microdermabrasion
2. Treatment of Aging Skin
3. Cancer & Pre-Cancerous
4. Documentation-
   What to included in clients chart
   What not to include in chart
   Facial diagrams for documentation purposes
   Importance of a disclaimer
   Filing and releasing client records
   Client confidentiality
4. Forms
   Client Information
   Post Care Instructions
   Informed Consent
   Package and Payment Arrangements
   Treatment Log
5. General Working Information
6. Preparation & Microderm Procedure
7. Understanding Your Machine & Troubleshooting
8. Safety & Sanitation
9. Marketing & Promotional Ideas
10. Miscellaneous
    Home care procedures for clients

DAY TWO
8 Hours
1. Maintenance on your Microdermabrasion Machine
2. Using the Coscam Imaging System
   Best places for taking before and after pictures
   Capturing pictures
   Storing pictures in computer
3. Using the Micro Current with LED Machine
4. Using the Ultra Sound
5. Preparation prior to Microdermabrasion treatment
6. Technique for doing Microdermabrasion
7. Hands on demonstration using Microdermabrasion, Micro Current with LED, and Ultra Sound
8. Hands on with students using Microdermabrasion, Micro Current with LED, and Ultra Sound
9. Marketing and Promotional Ideas
10. Building repeat business
11. Recap on all that was discussed
<table>
<thead>
<tr>
<th>E-mail</th>
<th>Address</th>
<th>Phone Number</th>
<th>Name</th>
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Sign in Sheet
16 Hour Certification Class for South Dakota

Microdermabrasion

Educator: Ramona Rechets

Place: ________________________________

Date: ________________________________

Time: ________________________________
May 13, 2015

South Dakota Cosmetology Commission
500 E. Capitol Ave
Pierre, SD 57501

To whom it may concern:

This letter is to confirm that on Month X and X of 2016, (Students Name) completed a 16 hour instructional and hands on training course, which consisted of 16 hour on Microdermabrasion.

Should you have any questions please do not hesitate to contact me at 641-590-1505.

Sincerely

Ramona Reicherts

Ramona Reicherts - Instructor
Provider # MCE-0004-2014

Address
86690 130th st
Glenville, MN 56036
reichertsmona@gmail.com
Dated this 8th day of 2016.

Presents this Certificate of Merit.

Therefore Ramona Reichert's

requirements of a property qualified microdermabrasion technician.

techniques with excellent precision, thereby better qualifying said person to fulfill the

usage of microdermabrasion and has demonstrated proficiency in the microdermabrasion

has successfully completed the sixteen hour course of study and instruction in the principles and

This is to certify that

Certificate of Merit
Microdermabrasion Technician
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. 11/18/16: Suggestions received from schools are attached to the back of this packet as pages 15-18.

(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.

| 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.

(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
PROPOSED ADMINISTRATIVE RULES CHANGES

September 23, 2016

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.
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.
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 hypodermic glove, or cover both hands with gloves if the wound is on the client;

(b) Client is bleeding: Stop service; put gloves on; is appropriate, assist client to sink and rinse the injured area under running water; pat dry with a new, clean, disposable towel; offer/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) 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.
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

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

EDUCATION SPECIFIC CERTIFICATION COURSES FOR LICENSEEES

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. Two hours of health, safety, infection control and South Dakota cosmetology laws and administrative rules.
   b. Six 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 be completed under the instruction of a commission preapproved provider in order to qualify for license renewal.
Hi Kate ~

We really want to keep the Instructor license simple. Our recommendation is:

1000 of Salon work and 12 hours of teach training to qualify for a temporary Instructor license. This temporary would be good and allow them to train in the school until the person would take the written instructor NIC exam. If they pass they get an instructor license if they fail they lose the temporary and try again at a later date if they wish.

As we discussed on the phone, the schools are going to do what is needed to have a qualified Instructor teaching in their schools.

~ Angela
Black Hills Beauty College’s Proposal:

20:42:08:01. Junior instructor education for initial licensure. To receive a junior instructor license, the applicant shall satisfactorily complete at least twelve hours of commission-approved education courses for instructors or, in lieu thereof, such applicant may receive such license conditionally, dependent on securing such twelve hours within six months of receiving the same.

20:42:08:01.01. Remove this section completely.

20:42:08:01.02. The Commission would have the authority to waive 36-15-26 (5) and conditionally issue a Junior instructor license.

20:42:08:02. Remove this section completely.

20:42:08:03. Senior instructor education for initial licensure. To receive a senior instructor license, the applicant shall have at least two years of experience as a licensed operator or has had six months experience as a junior instructor.

REMOVE ALL OTHER LANGUAGE IN THIS SECTION.

20:42:08:03.01. Senior instructor education exception. If and applicant intends to teach no more than 80 hours ............... the individual shall apply as a junior instructor. Credit may be given towards the requirements of 20:42:08:03.
Proposed Administrative Rules Changes to Address Continuing Education for Licensed Cosmetologist, Nail Technician or Esthetician Licensee.

**Black Hills Beauty College’s first preference:**

Leave 20:42:03:12 as it currently reads.

- There is a concern that this added regulation would prompt some current licensee to not renew their license and go "underground" with their work.
- If the concern is realized the state would lose sales tax income and the Commission would lose oversight in the areas of safety and infectious control.
- There would be no need for 20:42:08:10
- Undue cost burden to the licensee.

**Black Hills Beauty College’s second preference:**

We would not recommend any changes to 20:42:03:12 as proposed in the administrative rules changes dated September 23, 2016.

We would suggest the following changes to the proposed language in 20:42:08:10.

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

1. Submit a license renewal application as required under 20:42:03:12.
2. Submit a completed test. The test is an unsupervised open book test made available to the applicant via the Commission website.
3. The applicant must achieve a minimum of 75% correct answers to pass.
4. Failure of the test will require retakes until passed.
5. License will not be granted until the test is passed.
6. Content of the test will be limited to health, safety, infection control and South Dakota cosmetology laws and administrative rules.

**Rational:**

- Based on the outcome of some recent salon inspections continuing education with this content seems to be needed.
- 75% pass score is in line with current test standards of the Commission
- This limited requirement will cover the essential needs of continuing education and not place an undue burden on the licensee.
- Minimal oversight by the Commission.
PROPOSED ADMINISTRATIVE RULES CHANGES

September 23, 2016

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 15-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.

Black Hills Beauty College’s Proposal:

20:42:08:09. Education requirement to perform eyelash extensions or enhancements. A licensee must successfully complete at least a 16-hour course on the proper ..................

Note: We suggest striking the words “or enhancements” because this can be interpreted as including mascara application, curling, and other such procedures.