

AGENDA
SOUTH DAKOTA COSMETOLOGY COMMISSION
Department of Labor and Regulation Office Conference Room
123 W Missouri Ave, Pierre, SD
March, 2017, 8:30 a.m. CDT

- A. Call To Order Tammy Ugofsky
- B. Roll Call Crystal Carlson
- C. February 24, 2017 Meeting Minutes Crystal Carlson
- D. Treasurer's Report Kate Boyd
- E. Executive Director's Report Kate Boyd
- F. Disciplinary Actions Violations Committee
- G. Administrative Rules - Request Commission input on a variety of possible updates
- H. Legislation Discussion - Cosmetology Education Hours, Request for Hair Design License & Request for Early Testing- Stewart School
- I. Referral of Applications to the Commission
 - 1. Nancy Nguyen - Reciprocity Applicant
 - 2. Brooke Brugger - Out-of-State Applicant
- J. Other Business
- K. Upcoming Meeting Dates
 - April 18-19, 2017 - NIC Executive Directors Meeting - Minneapolis
 - April 29, 2017 - Cosmetology State Board Exams - Watertown
 - May 4-5, 2017 - School Visits & Commission Meeting - Watertown & Sioux Falls
 - July 14, 2017 - Commission Meeting am & NIC School Overview pm
 - July 15-16, 2017 - NIC Examiner Training/Certification (MANDATORY FOR PRACTICAL EXAMINERS)
 - July 17-18, 2017 State Board Exams - Pierre
 - August 3-7, 2017 - NIC Executive Directors Meeting (Aug 3-4) & NIC Conference (Aug 5-7) - Charleston WV
- L. **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.

DRAFT Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
123 W Missouri Ave, Pierre SD
February 24, 2017 8:30 am CST

A. Call to Order

President Tammy Ugofsky called the meeting to order at 8:30 am. The meeting was held via teleconference.

B. Roll Call

Executive Director Kate Boyd read the roll.

Members Present: President Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, Lori Little.

Members Absent: N/A

Staff Present: Attorney Graham Oey, Executive Director Kate Boyd, Program Assistant Kelsey Skoglund.

Others Present: Peggy Sproat and Catherine Rick, Headlines Academy, Inc. and Angela Taylor, Stewart School.

C. December 2, 2016 Meeting Minutes

Lori Berreth moved, seconded by Crystal Carlson, to approve the December 2, 2016 meeting minutes. **MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

D. Treasurer's Report

Executive Director Kate Boyd reported that as of January 31, 2017 the available budget was \$95,421.83 and the cash center balance was \$225,772.18.

Lori Brandner moved, seconded by Tammy Ugofsky, to approve the Treasurer's report.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

E. Executive Director's Report

Executive Director Kate Boyd's written report included:

1. **NIC Instructor Exam** - NIC has launched an updated Instructor Practical Exam effective 1/1/17. A copy of the updated Candidate Information Bulletin enclosed in the meeting packets for all Commission members. The Commission needs to make two decisions:
 - Do you want to continue to administer the Instructor Practical exam?
 - If yes, what date do you want to use the new NIC Instructor Practical Exam?

Tammy Ugofsky moved, seconded by Laurie Brandner, to discontinue administering the NIC Instructor Practical Examination. **MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

2. **Salon & Booth Licenses Not Transferable** - Added Statement to Salon and Booth licenses stating they are not transferable to another location or owner
3. **Home School Diplomas** - State of South Dakota does not verify home school education. What criteria should we use to accept home school diplomas.

Lori Berreth moved, seconded by Tammy Ugofsky, to not accept home school high school diplomas. **MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

4. **Exam Schedule Change** - We are cancelling the June 23-24, 2017 State Board exams scheduled for Sioux Falls. Instead, we will be administering State Board exams on July 17-18, following the NIC Examiner Training. This will provide newly trained examiners the opportunity to immediately implement what they have learned.
5. **Dermaplaning & Microblading**- We have had several inquiries regarding dermaplaning and microblading. These subjects will be discussed in-depth at a future meeting.
6. **Teeth Whitening in a Salon** - The Commission meeting packets include legal action taking by the South Dakota Board of Dentistry against a Tanning Bed business who offered teeth whitening.
7. **NIC Executive Directors Meeting - August 3-4, 2017 - Charleston WV**
NIC Conference - August 5-7, 2017 - Charleston WV - Commission members should be checking their calendars and decide if they would like to put in an out-of-state travel request to attend the August 5-7 Conference. The travel day for Commission members would be Friday, August 4, with a preconference reception that evening.
8. **Proposed Website & Database Updates** - Enclosed in the Commission meeting packets are a list of possible updates to the website and the database. We would need to enter into a new contract with Smart Software to complete these items as they do not fit into our annual maintenance contract.

Laurie Brandner moved, seconded by Tammy Ugofsky, to approve moving forward with a contract to do the necessary computer programming to allow the following Licensee Online Services: (1) Request and pay for license certifications, and (2) Allow students graduating from a South Dakota cosmetology school to apply and pay for their State Board Examinations. **MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

9. **Legislative Update**

- The South Dakota Legislature passed the bill exempting natural hair braiding from the practice of cosmetology.
- A bill has been introduced in the Iowa Legislature to deregulate barbering and massage therapy.

F. Disciplinary Actions

F.1. Review and take action on Consent Agreements signed by Licensees

Case R-2014

Tammy Ugofsky moved, seconded by Lori Berreth to approve the Consent Agreement for Case R-2014 with the following terms:

- a. The Commission shall dismiss the allegations against Rock Star Nails and the allegations regarding renewing individual licenses against Paris Nails;
- b. Paris Nails' license, Lic. #LS-06893, will be suspended for a period of 45 days with 38 days being held in abeyance. Paris Nails Salon license will actively be suspended for 7 days from February 25, 2017 **through** March 3, 2017;
- c. The remaining 38 days of suspension for the salon 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) Paris Nails 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) The manager of the salon, Ms. Mai K. Voong, will successfully pay for and successfully complete the online course "Infection Control Online Class", sponsored by Milady, found at www.miladypro.com. Ms. Voong must submit to the Commission the Certificate of Completion received after successful completion of the course by March 31, 2017.
 - 3) Paris Nails will be subject to additional inspections for a period of one year from the date of execution of this Agreement. The owners of the salon will make a onetime payment to the Commission for the additional expenses of the inspection in the amount of \$350.00 by March 31, 2017:
 - 4) The owners of Paris Nails agree not to sell or transfer in any way Paris Nails prior to May 1, 2017.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Crystal Carlson, and Lori Little voting Aye. Abstaining: Violations Committee Laurie Brandner.

Case O-2016

Tammy Ugofsky moved, seconded by Lori Berreth to approve the Consent Agreement for Case O-2016 with the following terms:

- a. For the first offence on or about April 22, 2016; Regal Nails Salon. Lic. #NS-07199, will be suspended for a period of 45 days with 31 days being held in abeyance. Regal Nails Salon license will actively be suspended for 14 days from March 15, 2017 **through** March 28, 2017.
- b. The remaining 31 days of suspension for the Salon 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) Regal Nails Salon 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. Luc as owner of the salon will successfully pay for and successfully complete the online course "Infection Control Online Class", sponsored by Milady, found at www.miladypro.com. Mr. Luc must submit to the Commission the Certificate of Completion received after successful completion of the course by May 31, 2017.
- c. For the second offence dating on or about June 3, 2016: Regal Nails Salon license #NS-07199, shall be suspended for a period of 180 days with 135 days being held in abeyance. Regal Nails Salon license will actively be suspended for 45 days from March 29, 2017 **through** May 12, 2017. The remaining 135 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) Regal Nails Salon 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) Regal Nails Salon will be subject to additional inspections for a period of one year from the date of execution of this agreement. Mr. Luc, 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 May 31, 2017.

- d. Regal Nails Salon license will actively be suspended for 59 day for both the first and second offences consecutively from March 15, 2017 **through** May 12, 2017. With a total of 166 days held in abeyance for a period of 1 year, beginning on the effective date of this agreement.
- e. Me. Luc as owner of Regal Nails Salon agrees not to sell or transfer the salon in any way prior to one year from the date of execution of the agreement.
- f. Pursuant the SDCL 36-15-58.5 the Commission imposes a onetime fine of \$2,000.00 to be paid prior to May 10, 2017 as a condition for the reinstatement of Regal Nails Salon's suspended license.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Crystal Carlson, and Lori Little voting Aye. Abstaining: Violations Committee Laurie Brandner.

Case S-2016

- a. Lori Little moved, seconded by Crystal Carlson to approve the Consent Agreement for Case S-2016 with the following terms:
- b. Ms. Shape's license, Lic. #CO-09988, will be suspended for a period of 45 days with 31 days being held in abeyance. Ms. Shape's license will actively be suspended for 14 days from March 12, 2017 through March 25, 2017.
- c. The remaining 31 days of suspension for her license will be held in abeyance for a period of 1 year, beginning the effective date of this agreement, so long as the following conditions are met:
 - 1) Ms. Shape 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. Shape will successfully pay for and successfully complete the online course "Infection Control Online Class", sponsored by Milady, found at www.milady.pro.com. Mr. Luc must submit to the Commission the Certificate of Completion received after successful completion of the course by March 31, 2017.
- d. Due to the recent closure of Meltdown Day Spa Salon License, #Cs-07388 there will be no active days of suspension for the Salon license.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Crystal Carlson, and Lori Little voting Aye. Abstaining: Violations Committee Laurie Brandner.

Case U-2016

Lori Little moved, seconded by Tammy Ugofsky to approve Case U-2016 with the following terms:

- a. Ms. Beard's license, Lic. #CO-03691, will be suspended for a period of 45 days with 31 days being held in abeyance. Ms. Beard's license will actively be suspended for 14 days from March 12, 2017 through March 25, 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) Ms. Beard 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. Beard will successfully pay for and successfully complete the online course "Infection Control Online Class", sponsored by Milady, found at www.milady.pro.com. Ms. Beard must submit to the Commission the Certificate of Completion received after successful completion of the course by March 31, 2017.
- c. Carol's Styling Center Salon license #CS-01216, shall be suspended for a period of 45 days with 45 days 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) Carol's Styling Center Salon 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;

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Crystal Carlson, and Lori Little voting Aye. Abstaining: Violations Committee Laurie Brandner.

F.2. Disciplinary Action Process

Attorney Graham Oey discussed the disciplinary action process, including fines in lieu or in addition to license suspensions for Consent Agreement, Late Renewals, and Composition of the Violations Committee.

Tammy Ugofsky moved, seconded by Laurie Brandner, to request the staff to present recommendations for late renewals and the disciplinary action process at a future meeting.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

Composition of Violations Committee

The consensus of the Commission was to not make any changes to the composition of the Violations Committee that currently includes: Commission member Laurie Brandner and staff members Graham Oey, Kate Boyd and Kelsey Skoglund.

G. Administrative Rules - Deferred to the next meeting at the request of the staff

H. Cosmetology Education Hours, Request for Hair Design License and Request for Early Testing - Deferred to the next meeting at the request of the staff

I. School Requests

1. School License Renewal Application - Black Hills Beauty College-Rapid City

Lori Berreth moved, seconded by Laurie Brandner, to approve the school license renewal application of Black Hills Beauty College-Rapid City.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

2. School License Renewal Application - Black Hills Beauty College-Sioux Falls

Crystal Carlson moved, seconded by Tammy Ugofsky, to approve the school license renewal application of Black Hills Beauty College-Sioux Falls.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

3. School License Renewal Application - Desaree & Company School of Beauty - Sturgis

Lori Berreth moved, seconded by Tammy Ugofsky, to approve the school license renewal application of Desaree & Company School of Beauty - Sturgis.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

4. School License Renewal Application - Stewart School - Sioux Falls

Crystal Carlson moved, seconded by Lori Little, to approve the school license renewal application of Stewart School - Sioux Falls.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

5. Electric File Provider Application - Desaree & Company School of Beauty - Sturgis

Lori Berreth moved, seconded by Lori Little, to approve the electric file provider application of Desaree & Company School of Beauty.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

6. Electric File Provider Application - Headlines Academy, Inc. - Rapid City

Lori Berreth moved, seconded by Tammy Ugofsky, to approve the electric file provider application of Headlines Academy, Inc.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

7. Microdermabrasion Provider Application - Headlines Academy, Inc. - Rapid City

Tammy Ugofsky moved, seconded by Lori Little, to approve the microdermabrasion provider application of Headlines Academy, Inc.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

8. Microdermabrasion Provider Application - Black Hills Beauty College-Rapid City

Lori Berreth moved, seconded by Crystal Carlson, to approve the electric file provider application of Black Hills Beauty College-Rapid City.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

J. Referral of Applications to the Commission

1. Toni Seales

Toni Seales is a cosmetology student from New Mexico who completed her education on December 8, 2016, is currently working in New Mexico under a temporary license awaiting receipt of her New Mexico cosmetology license. The New Mexico State Board of Cosmetology will only certify their required 1600 hours of education, leaving Ms. Seales 500 hours short to

meet South Dakota's 2100 hour requirement. Ms. Seales is requesting that the South Dakota Cosmetology Commission accept additional hours directly from her New Mexico school in a combination with work experience to meet our 2100 hour requirement.

Lori Berreth moved, seconded by Tammy Ugofsky, to accept Ms. Seales additional education hours directly from her New Mexico cosmetology school in combination with work experience to meet our 2100 hour requirement.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

2. Tuan Luc

Executive Director Kate Boy referred the reciprocity application of Tuan Luc to the Commission for their review and disposition, due to the fact that he was found to be working unlicensed in a salon in Rapid City on two separate occasions. His reciprocity application states that he attended school in California during the period of time that he was found to be working unlicensed in South Dakota.

Tammy Ugofsky moved, seconded by Lori Berreth, to not accept the reciprocity application of Tuan Luc.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

3. Julie Bosch

Julie Bosch's application was referred to the Commission for their review and action. Ms. Bosch attended cosmetology school in Colorado and completed 1800 hours. She requested that the Commission allow her to attend cosmetology school in South Dakota to complete the remaining 300 hours of education to meet South Dakota's 2100 hour requirement and to seek licensure in South Dakota. Ms. Bosch is currently under court supervision.

Tammy Ugofsky moved, seconded by Lori Berreth, to approve Julie Bosch to attend cosmetology school and seek licensure in South Dakota.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

K. Other Business

Executive Director suggested that the Commission schedule a meeting in March, 2017 to deal with Agenda Items G. Administrative Rules and H. Cosmetology Education Hours/Request for Hair Design License/Request for Early Testing. Other routine subjects may be considered as well at that meeting.

The Commission agreed to schedule a meeting for March 20, 2017 at 8:30 am at 123 E Missouri Avenue, Pierre, South Dakota CST.

L. Upcoming Meeting Dates

- April 18-19, 2017 - NIC Executive Directors Meeting - Minneapolis
- April 29, 2017 - Cosmetology State Board Exams - Watertown
- May 4-5, 2017 - School Visits & Commission Meeting - Watertown & Sioux Falls
- July 14, 2017 - Commission Meeting am & NIC School Overview pm
- July 15-16, 2017 - NIC Examiner Training/Certification (MANDATORY FOR PRACTICAL EXAMINERS)
- July 17-18, 2017 State Board Exams - Pierre
- August 3-7, 2017 - NIC Executive Directors Meeting (Aug 3-4) & NIC Conference (Aug 5-7) - Charleston WV

M. Executive Session - NIC Testing Contract

Laure Brandner moved, seconded by Lori Little to go into Executive Session to discuss the NIC Testing Contract and national testing protocol.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

N. Adjourn

Lori Berreth moved, seconded by Crystal Carlson to adjourn.

MOTION PASSED ON A ROLL CALL VOTE with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

Respectfully submitted,

Kate Boyd, Recording Secretary

Lori Berreth, Vice President

February 2017

BUDGET UNIT NAME	COSMETOLOGY COMMISSION	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	MONTHLY EXPENDITURES	YEAR-TO-DATE AVAILABLE APPROPRIATIONS	CASH BALANCE	PCT AVL
6503-I		313,991.00	0.00	0.00	19,554.60	220,722.94	73,713.46	221,702.76	
BUDGETED TOT		313,991.00	0.00	0.00	19,554.60	220,722.94	73,713.46		
ALL COMP TOT		313,991.00	0.00	0.00	19,554.60	220,722.94	73,713.46		
TOTAL BUDGETED:									

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES	YEAR-TO-DATE AVAILABLE	BUDGET AVAILABLE	PCT AVL
5101 EMPLOYEE SALARIES	142,104.00	0.00	0.00	13,134.34	106,097.08	36,006.92	25.3
5102 EMPLOYEE BENEFITS	49,558.00	0.00	0.00	3,796.80	28,645.77	20,912.23	42.2
5203 TRAVEL	40,074.00	0.00	0.00	2,601.78	28,099.99	11,974.01	29.9
5204 CONTRACTUAL SVCS	71,774.00	0.00	19,554.60	6,139.38	43,887.87	8,331.53	11.6
5205 SUPPLIES & MATERIALS	10,481.00	0.00	0.00	902.22	10,032.23	448.77	4.3
5207 CAPITAL OUTLAY	0.00	0.00	0.00	0.00	3,960.00	3,960.00-	0.0
TOTALS	313,991.00	0.00	19,554.60	26,574.52	220,722.94	73,713.46	23.5

BREAKOUT BY COMPANY:

COMPANY	6503-I	PROFESSIONAL & LICENSING BOARDS	TOT
5101000 EMPLOYEE SALARIES	142,104.00	0.00	142,104.00
5102000 EMPLOYEE BENEFITS	49,558.00	0.00	49,558.00
5203000 TRAVEL	40,074.00	0.00	40,074.00
5204000 CONTRACTUAL SVCS	71,774.00	0.00	71,774.00
5205000 SUPPLIES & MATERIALS	10,481.00	0.00	10,481.00
5207000 CAPITAL OUTLAY	0.00	0.00	0.00
PS SUBTOTALS	191,662.00	0.00	191,662.00
OE SUBTOTALS	122,329.00	0.00	122,329.00
COMPANY 6503-I	313,991.00	0.00	313,991.00
			73,713.46

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STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 02/28/2017

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AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1033 COSMETOLOGY COMMISSION

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	103300061806	1140000	221,702.76	DR	COSMETOLOGY COMMISSION
COMPANY/SOURCE TOTAL 6503 618			221,702.76	DR *	
COMP/BUDG UNIT TOTAL 6503 1033			221,702.76	DR **	
BUDGET UNIT TOTAL 1033			221,702.76	DR ***	

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STATE OF SOUTH DAKOTA
REVENUE SUMMARY BY BUDGET UNIT
FOR PERIOD ENDING: 02/28/2017

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AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1033 COSMETOLOGY COMMISSION

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
COMPANY NO	6503				
COMPANY NAME	PROFESSIONAL & LICENSING BOARDS				
103300061806	6503	4293901	COS-OPERATOR/MANAGER	9,130.00	87,336.00
103300061806	6503	4293969	COS-SALONS LICENSE	5,495.00	40,440.00
103300061806	6503	4293970	COS-INSTRUCTORS LIC	.00	795.00
103300061806	6503	4293971	COS-STUDENTS/APPRENTICES	174.00	1,224.00
103300061806	6503	4293972	COS-PERMITS	1,728.00	17,652.00
103300061806	6503	4293973	COS-SCHOOL LICENSE	1,200.00	2,100.00
103300061806	6503	4293984	COS-RECIPROCIITY/CERTIF	940.00	8,980.00
ACCT: 4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	18,667.00	158,527.00
ACCT: 42			LICENSES, PERMITS & FEES	18,667.00	158,527.00
103300061806	6503	4393903	COS-PENALTY'S	2,760.00	21,060.00
ACCT: 4393			PENALTIES (NON-GOVERNMENTAL)	2,760.00	21,060.00
ACCT: 43			FINES, FORFEITS & PENALTIES	2,760.00	21,060.00
103300061806	6503	4896004	COS-EDUCATION COURSE COST	500.00	1,085.00
103300061806	6503	4896007	COS-NATL EXAM TEST COST	1,615.00	11,455.00
103300061806	6503	4896020	MISCELLANEOUS INCOME	2.00	429.00
ACCT: 4896				2,117.00	12,969.00
ACCT: 48			OTHER REVENUE	2,117.00	12,969.00
103300061806	6503	4920045	NONOPERATING REVENUES	.00	3,767.86
ACCT: 4920			NONOPERATING REVENUE	.00	3,767.86
ACCT: 49			OTHER REVENUE	.00	3,767.86
CNTR: 103300061806				23,544.00	196,323.86
COMP: 6503				23,544.00	196,323.86
B UNIT: 1033				23,544.00	196,323.86

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STATE OF SOUTH DAKOTA
MONTHLY REVENUE AND JOURNAL VOUCHER REPORT
FOR PERIOD ENDING: 02/28/2017

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AGENCY 10 LABOR & REGULATION
BUD UNIT 1033 COSMETOLOGY COMMISSION

COMP	CENTER	ACCOUNT	DOCUMENT ID	POST DATE	APPROVAL, VENDOR, OR PO #	EFFECT DATE	AMOUNT	DR CR
6503	1033000061806	52053100	CD701038	03/01/2017		02/01/2017	153.40	DR
6503	1033000061806	52044800	DP701103	03/01/2017		02/13/2017	380.25	DR
6503	1033000061806	52049600	D107CC007	02/10/2017	MC2918	02/10/2017	195.38	DR
6503	1033000061806	52049600	D107CC007	02/10/2017	MC2918	02/10/2017	195.38	DR
6503	1033000061806	52049600	D107CC007	02/10/2017	MC2918	02/10/2017	195.38	DR
6503	1033000061806	52030100	MP701054	03/01/2017		02/21/2017	127.10	DR
6503	1033000061806	52053500	MS701049	03/01/2017		02/13/2017	685.82	DR
6503	1033000061806	52042000	PL701061	03/01/2017		02/08/2017	345.49	DR
6503	1033000061806	52045300	TL701053	03/01/2017		02/28/2017	152.57	DR
6503	1033000061806	52288000	TI07-071	02/17/2017		02/16/2017	885.83	DR
TOTAL ACCOUNT GROUP NET CHANGE								
							2,925.84	DR *
6503	1033000061806	82044900	REALEB/COSRNT17	03/01/2017	022527	02/28/2017	1,041.75	CR
6503	1033000061806	82041900	17SCI00011 222	02/15/2017	17SCI00011	02/13/2017	2,234.40	CR
6503	1033000061806	82049600	17SCI00013 867	02/15/2017	17SCI00013	02/15/2017	1,590.00	CR
TOTAL ACCOUNT GROUP NET CHANGE								
							4,866.15	CR *
TOTAL COMPANY--NET CHANGE								
							25,484.31	CR **

STATE OF SOUTH DAKOTA
MONTHLY EXPENDITURE REPORT
FOR PERIOD ENDING: 02/28/2017

AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1033 COSMETOLOGY COMMISSION
CENTER-5 10330 COSMETOLOGY COMMISSION

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPL # OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/CR
OBSUB: 5203020 AUTO PRIV (IN-ST.) L/RFE										
6503	103300061806	52030300	CGEX170206	02/08/2017	158429				78.66	DR *
6503	103300061806	52030300	CGEX170206	02/08/2017	164489				267.54	DR
6503	103300061806	52030300	CGEX170206	02/08/2017	164478				47.88	DR
6503	103300061806	52030300	CGEX170206	02/08/2017	164480				38.64	DR
6503	103300061806	52030300	CGEX170209	02/10/2017	169829				32.76	DR
6503	103300061806	52030300	CGEX170209	02/10/2017	170876				148.68	DR
6503	103300061806	52030300	CGEX170209	02/10/2017	169830				454.02	DR
6503	103300061806	52030300	CGEX170221	02/22/2017	173254				370.86	DR
6503	103300061806	52030300	CGEX170221	02/22/2017	173253				75.60	DR
OBSUB: 5203030 AUTO-PRIV (IN-ST.) H/RFE										
6503	103300061806	52031000	CGEX170221	02/22/2017	173257				1,472.10	DR *
6503	103300061806	52031000	CGEX170221	02/22/2017	173256				61.96	DR
6503	103300061806	52031000	33966054	02/10/2017	00383544	ECONLODGE	12427863		342.00	DR
OBSUB: 5203100 LODGING/IN-STATE										
6503	103300061806	52031400	CGEX170206	02/08/2017	158429				465.92	DR *
6503	103300061806	52031400	CGEX170206	02/08/2017	164478				48.00	DR
6503	103300061806	52031400	CGEX170209	02/10/2017	170876				11.00	DR
6503	103300061806	52031400	CGEX170209	02/10/2017	169830				55.00	DR
6503	103300061806	52031400	CGEX170221	02/22/2017	173254				48.00	DR
6503	103300061806	52031400	CGEX170221	02/22/2017	173253				33.00	DR
OBSUB: 5203140 TAXABLE MEALS/IN-STATE										
6503	103300061806	52031500	CGEX170206	02/08/2017	164479				206.00	DR
6503	103300061806	52031500	CGEX170206	02/08/2017	164489				47.00	DR
6503	103300061806	52031500	CGEX170206	02/08/2017	164480				32.00	DR
6503	103300061806	52031500	CGEX170209	02/10/2017	169829				32.00	DR
6503	103300061806	52031500	CGEX170221	02/22/2017	173257				47.00	DR
6503	103300061806	52031500	CGEX170221	02/22/2017	173256				47.00	DR
OBSUB: 5203150 NON-TAXABLE MEALS/IN-ST										
OBJECT: 5203 TRAVEL										
6503	103300061806	52041800	DP701103	03/01/2017					252.00	DR *
OBSUB: 5204180 COMPUTER SERVICES-STATE										
6503	103300061806	52041900	17SC100011 222	02/17/2017	02194534	SMARTSOFTW	12221150		380.25	DR *
OBSUB: 5204190 COMPUTER SERVICES-PRIVATE										
6503	103300061806	52042000	PL701061	03/01/2017					2,234.40	DR *
OBSUB: 5204200 CENTRAL SERVICES										
6503	103300061806	52042300	1046663	02/17/2017	00385516	ENVITROTECH	12189816		345.49	DR *
6503	103300061806	52042300	2547118	02/23/2017	02194954	SERVALLUMI	12049672		8.33	DR
OBSUB: 5204230 JANITORIAL & MAINT SERV										
6503	103300061806	52044900	REALS/COSRNT17	03/01/2017	02195152	HYDEHOLDIN	12028880		5.61	DR
OBJECT: 52044900 REALS/COSRNT17										
TOTAL										
									13.94	DR *
									1,041.75	DR *

STATE OF SOUTH DAKOTA
MONTHLY EXPENDITURE REPORT
FOR PERIOD ENDING: 02/28/2017

AGENCY BUDGET CENTER	UNIT	LABOR & REGULATION COSMETOLOGY COMMISSION	DOCUMENT NUMBER	POSTING DATE	JV OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/CR
103300061806	10330	RENTS-PRIVATE OWNED PROP.	415031401 0117	02/10/2017	02193467	MUNICIPALTY	12054968	01	216.75	DR *
103300061806	10330	TELECOMMUNICATIONS SVCS	415031401 0117	02/10/2017	02193467	MUNICIPALTY	12054968	01	103.42	DR *
103300061806	10330	ELECTRICITY	D107CC007	02/10/2017	MC2918				103.42	DR *
103300061806	10330	D107CC007	D107CC007	02/10/2017	MC2918				195.38	DR *
103300061806	10330	D107CC007	D107CC007	02/10/2017	MC2918				195.38	DR *
103300061806	10330	17SC100013 867	17SC100013 867	02/11/2017	00385594	ISQUALITY	12358629		1,590.00	DR *
103300061806	10330	5609	5609	02/10/2017	00383389	NATLINTERS	12114840	02	18.00	DR *
5204960	5204	OTHER CONTRACTUAL SERVICE							1,803.38	DR *
5204	5204	CONTRACTUAL SERVICES	IN1472069	02/23/2017	02195115	INNOVATIVE	12550348		6,139.38	DR **
5205020	5205	OFFICE SUPPLIES	18382 FEB17	02/17/2017	00385218	INMANSWATE	12037639		28.45	DR *
5205028	5205	OFFICE SUPPLIES	CD701038	03/01/2017					9.70	DR *
5205310	5205	PRINTING-STATE	MS701049	03/01/2017					153.40	DR *
5205350	5205	POSTAGE	68870010003JAN17	02/17/2017	00385042	MONTANADAK	12020954	12	685.82	DR *
5205518	5205	HEATING & COOKING FUELS	T107-071	02/17/2017					24.85	DR *
5228000	5228	OPER TRANS OUT -NON BUDGT							24.85	DR *
5228	5228	NONOP EXP/NONBUD OP TR							885.83	DR **
52	52	OPERATING EXPENSES							902.22	DR **
6503	6503								885.83	DR **
5228000	5228	OPER TRANS OUT -NON BUDGT							865.83	DR *
5228	5228	NONOP EXP/NONBUD OP TR							885.83	DR **
6503	6503								10,529.21	DR **
103300061806	10330	OPERATING EXPENSES							27,460.35	DR ****
103300061806	10330								27,460.35	DR ****
103300061806	10330								27,460.35	DR ****

STATE OF SOUTH DAKOTA
MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
FOR PERIOD ENDING: 02/28/2017

AGENCY BUDGET UNIT CENTER	10 10330 10330	LABOR & REGULATION COSMETOLOGY COMMISSION	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
COMPANY NO	6503	PROFESSIONAL & LICENSING BOARDS					
COMPANY NAME	6503						
ACCT: 5101	5101	EMPLOYEE SALARIES					
103300061806	6503	51010100			F-T EMP SAL & WAGES	7,606.60	55,624.48
103300061806	6503	51010200			P-T/TEMP EMP SAL & WAGES	5,407.74	46,392.60
103300061806	6503	51010300			BOARD & COMM MERS FEES	120.00	4,080.00
ACCT: 5102	5102	EMPLOYEE BENEFITS					
ACCT: 51	51	PERSONAL SERVICES					
103300061806	6503	52030100			AUTO-STATE OWNED-IN STATE	127.10	363.76
103300061806	6503	52030200			AUTO PRIV (IN-ST.) I/RTE	78.66	261.28
103300061806	6503	52030300			AUTO-PRIV (IN-ST.) H/RTE	1,472.10	16,429.56
103300061806	6503	52031000			LODGING/IN-STATE	465.92	3,007.97
103300061806	6503	52031400			TAXABLE MEALS/IN-STATE	206.00	2,046.00
103300061806	6503	52031500			NON-TAXABLE MEALS/IN-ST	252.00	1,731.00
103300061806	6503	52032200			AUTO-PRIV. (OUT-STATE) I/R	.00	103.96
103300061806	6503	52032300			AIR-COMM-OUT-OF-STATE	.00	68.04
103300061806	6503	52032600			LODGING/OUT-OF-STATE	.00	1,121.10
103300061806	6503	52033000			INCIDENTALS-OUT-OF-STATE	.00	2,336.32
103300061806	6503	52033200			NON-TAXABLE MEALS/OUT-ST	.00	202.00
103300061806	6503	52033500				.00	429.00
ACCT: 5203	5203	TRAVEL					
103300061806	6503	52040200			DUES & MEMBERSHIP FEES	2,601.78	28,099.99
103300061806	6503	52040600			ED & TRAINING CONSULTANT	.00	310.00
103300061806	6503	52041600			WORKSHOP REGISTRATION FEE	.00	2,500.00
103300061806	6503	52041800			COMPUTER SERVICES-STATE	.00	1,445.00
103300061806	6503	52041900			COMPUTER SERVICES--PRIVATE	380.25	3,249.00
103300061806	6503	52042000			CENTRAL SERVICES	2,234.40	6,088.20
103300061806	6503	52042300			JANITORIAL & MAINT SERV	345.49	6,615.29
103300061806	6503	52044900			RENTS-PRIVATE OWNED PROP.	13.94	116.10
103300061806	6503	52045100			RENTS-OTHER	1,041.75	8,334.00
103300061806	6503	52045300			TELECOMMUNICATIONS SRVCS	.00	1,050.00
103300061806	6503	52045400			ELECTRICITY	216.75	1,933.65
103300061806	6503	52049600			OTHER CONTRACTUAL SERVICE	103.42	876.46
103300061806	6503	52050200			OFFICE SUPPLIES	1,803.38	11,370.17
103300061806	6503	52050280			OFFICE SUPPLIES	28.45	840.32
103300061806	6503	52053100			PRINTING-STATE	9.70	281.80
103300061806	6503	52053200			PRINTING-COMMERCIAL	153.40	4,005.57
103300061806	6503	52053500			POSTAGE	.00	6.90
ACCT: 5304	5304	CONTRACTUAL SERVICES					
103300061806	6503	52050200			OFFICE SUPPLIES	6,139.38	43,887.87
103300061806	6503	52050280			OFFICE SUPPLIES	28.45	840.32
103300061806	6503	52053100			PRINTING-STATE	9.70	281.80
103300061806	6503	52053200			PRINTING-COMMERCIAL	153.40	4,005.57
103300061806	6503	52053500			POSTAGE	.00	6.90

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STATE OF SOUTH DAKOTA
 MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
 FOR PERIOD ENDING: 02/28/2017

AGENCY BUDGET CENTER	UNIT	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
103300061806	1033	6503	52055180	HEATING & COOKING FUELS	24.85	102.13	
103300061806	10330	6503	52055400	FINISHED SIGNS & DECALS	.00	208.00	
103300061806	10330	6503	52059800	PROC CARD PURCH-APPROVED	.00	52.11	
ACCT: 5205		6503	52079010	SUPPLIES & MATERIALS	902.22	10,032.23	*
103300061806	10330	6503	5228000	COMPUTER HARDWARE	.00	3,960.00	
ACCT: 5207		6503	5228000	CAPITAL OUTLAY	.00	3,960.00	*
103300061806	10330	6503		OPER TRNS OUT -NON BUDGT	885.83	6,789.73	
ACCT: 5228				NONOP EXP/NONBUD OP TR	885.83	6,789.73	*
ACCT: 52				OPERATING EXPENSES	10,529.21	92,769.82	**
COMP: 6503				PROFESSIONAL & LICENSING BOARDS	27,460.35	227,512.67	***
CENTER: 103300061806					27,460.35	227,512.67	****
B UNIT: 1033					27,460.35	227,512.67	*****

SOUTH DAKOTA COSMETOLOGY COMMISSION

EXECUTIVE DIRECTOR'S REPORT

March 20, 2017

1. **Practical Examiner Position** - One of our practical examiners from the Rapid City Area has indicated that she will be unable to continue as an examiner. I would like to replace any of the examiners who choose to not move forward with individuals from the Pierre area, for two reasons:
 - Examiners from Pierre would be able to travel with staff to both sides of the state for exam administration. This would reduce mileage travel expense.
 - If the Commission decides to move the exams all back to Pierre in the future, our travel expenses would be reduced if we were using examiners who live in the Pierre area.

2. **Headlines Academy, Inc.** - One of the owners, Sandy Birmeier is selling her stock in Headlines to the other owner, Peggy Sproat. Sandy will continue on at the school on a part-time basis for the next few months as new personnel are trained.

PROPOSED ADMINISTRATIVE RULES CHANGES

March 20, 2017

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 ~~striketrough~~ and additions are shown by an underscore.

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: ...

(6) "Disinfect," "disinfected," or "disinfecting," a chemical process using designated disinfectants, that destroys organisms (bacteria, virus, fungus) specified on the manufacturers label when performed in accordance with label instructions. Disinfection is exclusive to non-porous surfaces (glass, metal or plastic) and to be effective, items/surface must be cleaned prior to disinfection and contact time (as listed on label) must be strictly adhered to; ...

(16) "Eyelash extension application," applying individual artificial eyelashes with adhesive to the upper or lower eyelids.

(17) "Blood Exposure," the state of being exposed to blood.

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, RENEWAL DATES & CONTINUING EDUCATION

20:42:03:12. Renewal requirements, renewal dates of licenses and continuing education requirement. A license renewal application must include the appropriate renewal fee and proof of completion of continuing education under § 20:42:08. All renewal applications must 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

(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 the 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.

REQUIREMENTS FOR RENEWAL OF A LAPSED LICENSE

20:42:03:13. Requirements for renewal of a lapsed license -- Overrun period. 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.

Any licensee continuing to perform or offering to perform services licensed under SDCL 36-15 sixty days or more after license expiration may be subject to disciplinary proceedings for practicing without a license.

20:42:03:13. Requirements for renewal of a lapsed license -- Overrun period. 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.

Any licensee continuing to perform or offering to perform services licensed under SDCL 36-15 sixty days or more after license expiration may be subject to disciplinary proceedings for practicing without a license.

PROHIBITED EQUIPMENT AND PROCEDURES

20:42:04:03. Prohibited equipment and procedures. The following equipment and procedures are prohibited:

(1) Any tools that invade the skin or living cells; dermaplane procedures, dermabrasion procedures, ultrasound equipment, skin cutting equipment, including blades, knives, razor-type callus shavers, credo blades, rasps, or graters and other implements which are used to remove corns or calluses by cutting below the skin surface and cannot be present in a salon; 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) UV Sterilizers or light boxes are prohibited and are not an acceptable infection control device.

(4) Autoclaves and autoclave packaging of tools are prohibited unless regular (at least once per month but not more than 30 days between tests) spore tests are performed by a contracted laboratory. If a positive spore test is received, the autoclave may not be used until a negative spore result is received. The salon or booth must maintain a log of each autoclave use, all testing samples and results, and maintenance log of all maintenance performed according to the manufacturer's directions. The salon must retain the most recent twelve months of the log at the salon for review by the commission.

(5) Licensees must not use tools or implements provided by customers unless the licensee first cleans and disinfects the tool or implement. Prohibited tools must not be used even if supplied by the customer.

(6) Salons must not store tools or implements in boxes for customers.

INFECTION CONTROL AND SAFETY PROCEDURES

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

(1) All fluids, semifluids, creams, and powders must be kept in clean, closed, and properly labeled containers and dispensed with a disinfected spatula, shaker, pump, or spray dispenser. It is not acceptable to stick fingers in a multi-use container;

(2) Electrical equipment must be cleaned and disinfected before each client; disinfecting wipes or sprays may be used, but must be EPA registered and contact time must be observed;

(3) Clean and disinfected electrical equipment must be stored in a separate, clean container; place such as a hook or stand. When a "bucket" is used, it must be disinfected with a wipe or spray daily.

(4) Clean and disinfected nonelectrical implements must be stored in a separate, clean, closed container;

(5) Disinfectants must be available in the working area for immediate use at all times;

(6) Single-use articles, such as emery boards, cosmetic sponges, and orangewood sticks, must be disposed of immediately after use in a closed waste container;

(7) Multi-use articles must be thoroughly washed in soap and hot water, rinsed with clean warm water, and completely immersed in a commission-approved disinfectant of proper strength and for the necessary time period according to manufacturer instructions. Contact points of all non-immersable equipment and metal implements must be disinfected by wiping or spraying with a commission-approved disinfectant. After being disinfected the multi-use articles must be stored in clean, closed containers between use. Any multi-use article, tool, or product which cannot be cleaned and disinfected is prohibited;

(8) If a blood spill exposure 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;~~

(a) Client is bleeding: Stop service; put gloves on; if 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) 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;~~

(9) All waste must be removed from the salon or booth at least daily or as needed so a container is not overflowing;

(10) The floors in a work area must be made free of hair and other debris after each client;

(11) For esthetics the headrest of chairs and treatment tables must be covered with a clean sheet of examination paper or linen for each client;

(12) Only commercially-available products for the exfoliation of skin for the purpose of beautification may be used. Mixing or combining skin removal products is prohibited except as it is required by manufacturer;

(13) Sanding bands used on electric file mandrels are for single use purposes and must be discarded after each use. Metal bits for electric files shall be properly disinfected after each client and stored in a clean, closed container until use;

(a) All nail files are single use items unless made of metal, glass, or crystal. Ceramic nail files are single use items unless completely sealed by a glaze.

(b) For the purposes of scoring the edges of sharp single use files, one file may be repeatedly used to file down the edge of a supply of new files, providing that the practitioner wears gloves while preparing the new files, and the file used by the practitioner is kept in the dispensary in a disinfected container, and is labeled "score file." Each salon may have only one score file.

(14) When using any microdermabrasion machine:

(a) Any crystals used in a microdermabrasion machine may not be recycled or reused. Crystals or approved corundum are for single use purposes and must be discarded after each use;

(b) Tips must be disinfected after each client and disposed of if any wear is shown; and

(c) The exterior must be kept clean of crystal dust, and the filters changed as necessary;

(15) Pedicure foot-spa stations must be cleaned and disinfected; ~~before each client;~~

(a) At the end of each client service:

(1) Drain all water and remove all debris from the spa basin;

(2) Clean the spa basin with soap or detergent and water;

(3) Disinfect the spa basin with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal and virucidal activity. Use for 10 minutes or according to the manufacturer's instructions;

(4) Wipe the spa basin with a clean towel until dry.

(b) At the end of each day, clean and disinfect each whirlpool foot spa basin in the following manner:

(1) Remove the screen, and clean all debris trapped behind the screen;

(2) Wash the screen with soap or detergent and water;

(3) Immerse the screen completely in an EPA-registered disinfectant with demonstrated bactericidal, fungicidal and virucidal activity. Use according to the manufacturer's instructions.

(4) Flush the spa system with low sudsing soap and warm water for 10 minutes or more;

(5) Rinse and drain the spa.

(c) At least once a week after being cleaned and disinfected, each whirlpool foot spa must be cleaned and disinfected in the following manner:

(1) Fill the spa basin completely with water and add one teaspoon of 5.25 percent bleach (or recommended whirlpool disinfectant) for each gallon of water. Use according to the manufacturer's instructions.

(2) Flush the spa or bath system with bleach (or recommended whirlpool disinfectant) and water solution for five to 10 minutes.

(3) Soak for 6 to 10 hours;

(4) Drain and flush the spa with water before use for a client.

(16) Waxing services: Equipment used for waxing hair removal services must be kept clean and disinfected at all times; and a

(a) A clean spatula must be used each time any wax is distributed to the client; and

(b) Wax pots must be kept covered and the exterior cleaned daily;

(c) If debris is found in the wax pot, or if the wax has been contaminated by contact with skin, unclean applicators, or double-dipping, the wax pot must be emptied, the wax discarded, and the pot must be disinfected;

(d) Disposable spatulas and wooden sticks may be dipped in the wax only once and then discarded, without using the other end;

(e) Applicators may be dipped only once into the wax unless the wax is a single-service item and unused wax is discarded after each service;

(f) Any surface touched by a used wax stick must be disinfected immediately after the service;

(g) Paraffin warmers must be kept covered, the exterior cleaned daily, and the wax must be debris free;

(h) Paraffin wax removed from a client's skin must not be reused and must be discarded. The client's hands and feet must be washed in soap and water before being immersed in a paraffin wax warmer unit.

PROHIBITED PRODUCTS

20:42:04:08.01. Prohibited products. A salon or booth may not use the following products:

- (1) Liquid monomer nail products containing methyl methacrylate monomers (MMA);
and
- (2) Chemicals containing bichloroacetic acid (BCA) or any acid in any concentration level that requires a prescription or acts on living tissue-;
- (3) Fumigants, formalin tablets or formalin liquids-; and
- (4) Roll on wax.

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.

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.

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:

- (1) ~~Milady's Standard Cosmetology, Milady Publishing Corporation, 2012~~ Milady Standard Cosmetology, 13th Edition, Milady Publishing Corporation, Copyright 2016;
- (2) ~~Milady's Standard Nail Technology, 6th edition, Milady Publishing Corporation, 2011~~ Milady Standard Nail Technology, 7th edition, Milady Publishing Corporation, Copyright 2015;
- (3) ~~Salon Fundamentals: Cosmetology, Pivot Point International, Inc., 2009-2010;~~ Salon Fundamentals Cosmetology: 3rd Edition, 3rd Printing February 2016, copyright 2000, 2010, 2014 Pivot Point International;

(4) ~~Milady's Standard Esthetics Fundamentals 10th or 11th edition~~, Milady Publishing Corporation, 2009 or 2012 Milady Standard Esthetics, 11th edition, Milady Publishing Corporation, Copyright 2013;

(5) ~~Salon Fundamentals: Esthetics~~, Pivot Point International, Inc., 2004 Salon Fundamentals Esthetics: 2nd Edition, 15th Printing, August 2016, copyright 2004, 2007 Pivot Point International;

(6) ~~Salon Fundamentals: Nails~~, Pivot Point International, Inc., 2010; Salon Fundamentals Nails: 1st Edition, 15th Printing, August 2016, copyright 2007 Pivot Point International; or

(7) ~~Cosmetology Fundamentals~~, Pivot Point International, Inc., 2010 Cosmetology Fundamentals, A Designer's Approach: 3rd Edition, 7th Printing, June 2016, copyright 2009, 2010, 2013 Pivot Point International.

Other materials and books may be used to supplement these textbooks.

POSTING BLOOD EXPOSURE RULES IN SCHOOL DISPENSARY

20:42:06:32. Display of blood spill exposure rules. The blood spill exposure rules shall be posted in the dispensary of the school.

SENIOR INSTRUCTION EDUCATION FOR INITIAL LICENSURE

20:42:08:03. Senior instructor education for initial licensure. To receive a senior instructor license, the applicant shall complete one of the following options:

(1) Successfully complete a program of 1,000 clock hours of commission-approved junior instructor education; or

(2) Complete 1000 hours of salon experience and pass the instructor written theory and instructor state laws and rules examinations.

~~If a licensed senior instructor is not available to work in a school, the commission may conditionally approve a senior instructor license to an applicant dependent upon the applicant completing the required hours of education within six months of receiving the license. If the education is not completed successfully before the end of the six months, the license immediately becomes invalid.~~

SENIOR INSTRUCTOR EDUCATION EXCEPTION

~~20:42:08:03.01. Senior instructor education exception.~~ If an applicant intends to teach no more than 80 hours per calendar year as a senior instructor, the commission may waive the requirements of § 20:42:08:03. A statement attesting to this fact shall be signed by the applicant and the applicable school and filed with the commission. If the status changes, the commission shall be immediately informed of the change by the school and the senior instructor license shall immediately become invalid. If an individual who obtains a license under this section then chooses to teach more than 80 hours per calendar year, the individual shall apply as a junior instructor. Credit may be given toward the education requirement of § 20:42:08:01.01 for hours earned teaching as a senior instructor.

SENIOR INSTRUCTOR EXCEPTION FOR A SUBSTITUTE INSTRUCTOR

20:42:08:03.01. Senior instructor exception for a substitute instructor. A licensed cosmetologist, nail technician, or esthetician may work as a substitute instructor under the following conditions:

- (1) Must have at least three years of salon experience;
- (2) Cannot teach as a substitute instructor more than 80 hours in a calendar year.
- (3) A substitute instructor with a cosmetologist license may instruct in any practice of cosmetology. A substitute instructor with a nail technician license may only instruct in the practice of nail technology. A substitute instructor with an esthetician license may only instruct in the practice of esthetics.

SENIOR INSTRUCTOR CONTINUING EDUCATION FOR RENEWAL

20:42:08:04. Senior instructor continuing education for renewal. A licensee renewing a senior instructor license shall annually satisfactorily complete at least twelve hours of commission-approved education courses on teaching methods. The twelve hours shall be completed before the senior license is renewed.

~~A licensee who has obtained a license under § 20:42:08:03.01 may request a waiver of the twelve hour education requirement by submitting a statement attesting to the fact that the licensee has not taught more than 80 hours in a calendar year. Such a statement shall be signed by the licensee and applicable licensed school.~~

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.

PRE-QUALIFICATION FEE FOR COURSE PROVIDER

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 16-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.

LICENSEE CONTINUING EDUCATION

20:42:08:10. Licensee continuing education requirements. Beginning with the year 2020 license renewals, 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 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.

4. Any licensee age 65 or older is exempt from the licensee continuing education requirement.

NOTE REGARDING FIRST AID KITS

First aid kits - At a prior meeting the Commission had agreed that first-aid kits could be shared in a salon with booth renters. We should not have to do an administrative rules change since the administrative rule shown below should be sufficient as it is currently written-- shown below.

20:42:04:04. Salon and booth equipment requirements. Each salon or booth must have the following equipment available at all times:

(1) A first aid kit readily accessible to all persons working in the salon or booth. The kit must contain small adhesive bandages, disposable latex or hypo-allergenic gloves, gauze, and antiseptic;

**PROPOSED LEGISLATION
2018 LEGISLATIVE SESSION**

Purpose: Reduce South Dakota cosmetology education hours from 2100 hours to 1500 hours.

36-15-17. Application for cosmetologist examination--Information required. Any person desiring to practice cosmetology in this state as a cosmetologist shall make application to the commission to take the examination. The application shall:

- (1) Contain the information required pursuant to § 36-15-15; (See below)
- (2) Contain information satisfactory to the commission that the applicant has completed ~~twenty-one hundred~~ fifteen hundred hours of education or equivalent credit hours in an approved and licensed cosmetology school, or in lieu of such education, has successfully completed a course of apprenticeship in a licensed cosmetology salon as provided for in this chapter; and
- (3) Be accompanied by the fee required in this chapter.

36-15-15. Application for license or permit--Evidence of qualifications. An applicant for any license or permit shall first submit evidence, satisfactory to the commission that the applicant:

- (1) Is at least eighteen years of age or older, except as otherwise provided in this chapter;
- (2) Possesses a high school education or its equivalent as determined by the commission; and
- (3) Has complied with all the rules adopted by the commission as to the qualifications, standards, and requirements required for such license and application.

Questions/thoughts for the Commission on legislation:

1. Do you want the education portion of 36-15-17 to include graduation in addition to completion of fifteen hundred (1500) hours from an approved/licensed cosmetology school or leave it as 1500 hours? The curriculum is set in administrative rule.
2. The Commission may want to pursue legislation to change personal license renewals to every other year since the continuing education requirement that is being pursued in administrative rule is 8 hours for every two years. After the initial phase-in, it would mean that individual licensees would be renewing their license in conjunction with their continuing education. (This would require a laws change since the law refers to annual renewal.)

South Dakota Cosmetology Commission

Draft 1500 Hour Program for Cosmetology

20:42:06:09. Required minimum curriculum for cosmetology course. Each licensed cosmetology school offering a complete cosmetology program, totaling a minimum of 1500 hours, shall meet the following minimum curriculum requirements:

(1) General infection control and professional standards: 150 hours

- (a) Infection control in a licensed facility;
- (b) Infection control standards and guidelines;
- (c) Infection control for implements and equipment;
- (d) First aid;
- (e) Blood exposure standards;
- (f) Professional development;
- (g) Effective communication;
- (h) Human relations;
- (i) Business management/ownership; and
- (j) State law.

(2) The science of cosmetology, hair, skin and nails: 200 hours

- (a) Health, safety and infection control;
- (b) General anatomy and physiology;
- (c) Skin diseases, disorders and structure;
- (d) Properties of the hair and scalp;
- (e) Nail structure, growth, diseases, and disorder;
- (f) Basics of chemistry;
- (g) Product chemistry;
- (h) Understanding the basics of electricity; and
- (i) Basic nutrition.

(3) General cosmetology: 300 hours

- (a) Principles of hair design;
- (b) Scalp care, shampooing, and conditioning;
- (c) Haircutting;
- (d) Hairstyling;
- (e) Braiding and extensions; and
- (f) Wigs and hair additions.

(4) Chemical hair services: 280 hours

- (a) Chemical texture services; and
- (b) Hair coloring.

(5) Esthetics and skin sciences: 200 hours

- (a) Physiology and histology of the skin;
- (b) Skin analysis; and
- (c) Skin care products: chemistry, ingredients, and selection.

- (d) The treatment room;
- (e) Basic facial;
- (f) Facial massage;
- (g) Hair removal;
- (h) Advance topics and treatments; and
- (i) Makeup.

(6) Nail technology: 120 hours

- (a) Pre and post service procedures;
- (b) Performing basic manicures and pedicures;
- (c) Hand, lower arm, foot, and lower leg massage;
- (d) Wraps, tips, and paraffin wax treatments;
- (e) Polishing, light-cured gel polish, and design;
- (f) Electric nail filing (8 hours);
- (g) Monomer liquid and polymer powder nail enhancement;
- (h) Light-cured gel enhancements; and
- (i) Creative design.

Recap of Hours:

(1)	150	General Infection Control and Professional Standards
(2)	200	The science of cosmetology, hair, skin and nails
(3)	300	General cosmetology
(4)	280	Chemical hair services
(5)	200	Esthetics and skin sciences
(6)	<u>120</u>	Nail technology
	1,250	Minimum required hours
	<u>+ 250</u>	Flexible Hours
	1,500	TOTAL HOURS

A minimum of 250 hours of the curriculum set forth in this section shall be in theory classes. In addition to the hours set forth in this section, each student must receive an additional 250 hours of education of which 32 hours may be in commission-approved field trips and 16 hours may be in mentorships at salons chosen by the school. The remaining flexible hours are to be in areas that the school feels are necessary to supplement the basic course requirements for each individual student.

EDUCATION HOURS BY STATE

STATE	MIN EDUC LEVEL	COS LIC HRS	HAIR STYLIST	NAIL TECH	ESTHETICIAN
ALABAMA	10th	1500	n/a	750	1500
ALASKA	none	1650	n/a	12	350
ARIZONA	10th	1600	n/a	600	600
ARKANSAS	10th	1500	n/a	600	600
CALIFORNIA	10th - 12th	1600	n/a	400	600
COLORADO	n/a	1800 1,500	1200	600	600
CONNECTICUT	8th	1500	1500	n/a	n/a
DELAWARE	10th	1500	n/a	300	600
FLORIDA	12th	1200	n/a	240	260
GEORGIA	12th	1500	1325	525	1000
HAWAII	12th	1800	1250	350	600
IDAHO	10th	2000 1,600	n/a	400	600
ILLINOIS	12th	1500	n/a	350	750
INDIANA	8th - 12th	1500	n/a	450	700
IOWA	12th	2100	n/a	325	600
KANSAS	12th	1500	n/a	350	1000
KENTUCKY	12th	1800 1,500	n/a	600	1000
LOUISIANA	10th	1500	n/a	500	750
MAINE	n/a	1500	n/a	200	600
MARYLAND	9th	1500	n/a	250	600
MASSACHUSETTS	n/a	1000	n/a	100	300
MICHIGAN	9th - 12th	1500	n/a	400	400
MINNESOTA	12th	1550	n/a	350	600
MISSISSIPPI	12th	1500	n/a	350	600
MISSOURI	10th	1500	1500	400	750
MONTANA	12th	2000 1,500	n/a	350	650
NEBRASKA	12th	2100 1,500	n/a	300	600
NEVADA	10th - 12th	1800	1200	600	900
NEW HAMPSHIRE	12th	1500	1500	300	600
NEW JERSEY	12th	1200	n/a	300	600
NEW MEXICO	10th - 12th	1600	n/a	350	600
NEW YORK	n/a	1000	n/a	n/a	600
NORTH CAROLINA	none	1500	n/a	300	600
NORTH DAKOTA	12th	1800	n/a	350	600
OHIO	10th	1500	1200	200	600
OKLAHOMA	8th - 12th	1500	n/a	600	600
OREGON	none	n/a	1450	350	250
PENNSYLVANIA	10th	1250	n/a	200	300
RHODE ISLAND	12th	1500	n/a	300	600
SOUTH CAROLINA	10th	1500	n/a	300	450
SOUTH DAKOTA	12th	2100	n/a	400	600
TENNESSEE	10th - 12th	1500	300	600	750
TEXAS	12th	1500 1,000	n/a	600	750
UTAH	12th	1600 1,200	n/a	300	600 - 1200
VERMONT	12th	1500	n/a	400	600
VIRGINIA	none	1500	n/a	150	600 - 1200
WASHINGTON	none	1600	n/a	600	600
WASHINGTON DC	10th	1500	n/a	350	600 - 1200
WEST VIRGINIA	12th	1800	1000	400	600
WISCONSIN	n/a	n/a	n/a	n/a	n/a
WYOMING	10th	2000 1,600	1000	400	600

Request For Hair Design License



1/11/2017

Dear Commission Members,

We would request the Commission consider implementing a Hair Design license. **We hope you agree that this would be progressive in meeting the real and current demand for "Barber" type training that our state is lacking**, while allowing graduates to add Esthetics and/or Nails if they chose. This would allow the people of SD choices and lower time and cost barriers, instead of forcing all to learn something they may not want. It also meets the objective of those who think hours are generally too high.

Attached is the hour breakdown that we would recommend for the Hair Design License, as well as a 1,800 hour Cosmetology program. Thanks for your consideration and your service to South Dakota!

Sincerely,

Matt Fiegen
Angela Taylor &
The Entire Team at Stewart School

Stewart School: Proposed Program Breakdown

Required Minimum	Cosmetology	Hair Design	Esthetics	Nail Tech
Safety & Sanitation Procedures with law and rule.	82	80	90	60
Scientific Concepts	158	125	90	60
Hair Color etc.	200	250	-----	-----
Chemical Hair Relaxing	60	75	-----	-----
Haircuts	200	275	-----	-----
Hairstyling etc.	275	350	-----	-----
Permanent Waving	150	75	-----	-----
Nail Tech etc.	125	-----	-----	200
Esthetics etc.	200	-----	340	-----
Business Practice w/Law and Rule	150	150	60	60
Flex Hours	200	70	20	20
Total Program	1800	1450	600	400

APPLICATION REFERRAL TO THE COMMISSION

NANCY NGOC NGUYEN - Reciprocity Nail Technician Applicant

Details of application process:

7/25/16 - Received a Nail Technician Reciprocity application from Nancy Ngoc Nguyen. The application education section of the application was incomplete.

- She indicated the states of her previous licensure were Florida and Texas.
- She also stated that she had never had her licensed suspended or revoked.

7/29/16 - Communicated via email with the Oklahoma Board of Cosmetology to inquire if she had ever been licensed in their state. The response was she had been licensed as a reciprocity manicurist from Florida in 11/2014 and then immediately submitted documents from Puerto Rico for cosmetology in 12/2014. The Puerto Rico documents were determined to be fraudulent and Oklahoma revoked her manicurist license.

7/29/16 - Mailed a new application to Ms. Nguyen to fill out and stated in the accompanying letter: "You must truthfully and honestly answer all questions contained on the application." The letter also explained the other missing documents, including Work Experience Affidavit, Certification of license from states where previously and/or currently licensed, and translation and verification of high school education by AEQUO International.

9/27/16 - Received Texas License Certification noting that she became licensed in Texas through reciprocity from North Carolina.

10/3/16 - Received new Reciprocity application. Education section was now completed.

- Application only showed states of previous licensure as Florida and Texas.
- She stated again that she had never had her licensed suspended or revoked.

10/1/16 - 1/24/17 - She phoned a few times to check status of her application. Informed her we had not received the AEQUO report verifying her high school education and that her application would need to be referred to the Commission after receiving the AEQUO report due to inconsistencies in her applications.

3/2/17 - Received AEQUO Report stating her Vietnamese high school diploma is equal to an accredited high school in the United States.

Summary:

Ms. Nguyen was untruthful on both her July and September reciprocity applications:

1. Stated that Florida and Texas were her only states of prior licensure, but we are aware that she was also licensed in at least two other states -- North Carolina and Oklahoma.
2. Answered no, that she had never had her license suspended or revoked, but Oklahoma informed us that she submitted fraudulent documents for a cosmetology license and had her manicurist license revoked.

RECIPROCITY APPLICATION FOR LICENSE TO PRACTICE IN SOUTH DAKOTA

PLEASE PRINT. The applicant is required to answer all of the following questions. Read and follow the directions on the checklist (see next page). \$100.00 FEE IS NON-REFUNDABLE. Money Order or Cashier's Check Acceptable - No personal checks accepted for reciprocity.

#13272

1. Personal Information - Print clearly

Name: Nancy Ngoc Nguyen Social Security Number: [redacted]
Address: [redacted] City: Aurora State: CO Zip: 80018
Telephone: (home) [redacted] Date of Birth: 05/15/1986

2. Current and Prior Licensing (must have a current license from another state board or country You must request a certification of licensure from every state in which you have ever been licensed. Please note that a copy of your license is NOT a certification - see Item #2 on the attached reciprocity checklist)

Current Valid License Number FV9568241 in the State of: FL Expiration Date: 10/31/2016

Type of license (check only one): [] Cosmetology [] Esthetician Nail Technician [x]
(Only license for license is accepted, there is no crossover allowed.)

List all other states/country that you hold license(s) OR have held a license: Florida, Texas

Have you ever had your license(s) suspended or revoked? Yes [] No [x] If yes, why: _____

Is your spouse an active member of the armed forces? Yes [] No [x] If yes, is your spouse subject to military transfer to South Dakota, and did you leave employment to accompany your spouse to South Dakota? Yes [] No [x]

Have you ever been convicted of, plead guilty or to any state or federal crime relating to cosmetology or nail technology? Yes [] No [x]. If arrested, attach as part of this application.
Attach a separate sheet giving date, place and full particulars



3. Testing (Cosmetologists must have a practical test; nail technicians and estheticians must take and pass the NIC in South Dakota. A certification is needed from the other state board(s) showing testing information.)

Indicate your language preference for the written examination: English [] Vietnamese [x]
Do you need reasonable testing accommodations? Yes [] No [x]

4. Education (Education: 2100 Cosmetology, 600 Esthetics, 400 Nail Technician OR a combination with work credit)

Cosmetology School Attended: Latin American Beauty School City: Margate State: FL
Date Started at School: [redacted] Completion Date: [redacted] Total Hours Completed: 400
Were any education hours earned in a foreign country? Yes [x] No [] (If yes, additional rules apply.)
High School or GED or ACT: [redacted] City: [redacted] State: [redacted]
Graduation Date or GED Date: 05/20/2004 Your Name in high school or when tested: Nguyen Ai Hong Ngoc

5. Work Experience (complete & attach the work experience affidavit if you do not meet the required education hours)

I declare and affirm under the penalties of perjury that this information has been examined by me and to the best of my knowledge and belief, is, in all things true and correct. If granted a license to practice Cosmetology, Esthetics, or Nail Technology in the State of South Dakota, I promise to abide by all the laws of the State of South Dakota governing these practices.

Signature of Applicant: [Handwritten Signature] Dated: 7/18/16
\$100 mo Rcvd 7-25-16

PLEASE PRINT. The applicant is **required** to answer all of the following questions. Read and follow the directions on the checklist (see reverse side). \$100.00 FEE IS NON-REFUNDABLE. Money Order or Cashier's Check Acceptable -- No personal checks accepted for reciprocity.

#13272

1. Personal Information - Print clearly

Name: NANCY NGUYEN Social Security Number [redacted]

Address: [redacted] City: AURORA State: CO Zip: 80016

Telephone: (home) [redacted] Date of Birth: 05/15/1986

2. Current and Prior Licensing (must have a current license from another state board or country You must request a certification of licensure from every state in which you have ever been licensed. Please note that a copy of your license is NOT a certification - see Item #2 on the attached reciprocity checklist)

Current Valid License Number: FV9568241 in the State of: Florida Expiration Date: 10/31/16

Type of license (check only one): Cosmetology Esthetician Nail Technician

(Only license for license is accepted, there is no crossover allowed.)

List any other states/country that you hold license(s) OR have held a license: Florida, Texas

Have you ever had your license(s) suspended or revoked? Yes No If yes, why: _____

Is your spouse an active member of the armed forces? Yes No If yes, is your spouse subject to military transfer to South Dakota, and did you leave employment to accompany your spouse to South Dakota? Yes No

Have you ever been convicted of, plead guilty or nolo contendere to a felony or any state or federal crime relating to narcotic drugs? Yes No If answered "yes" explain on a separate sheet giving date, place and full particulars and attach as part of this application.

3. Testing (Cosmetologists must have passed a state theory and state hands-on practical test; nail technicians and estheticians must take and pass the NIC theory and NIC hands-on practical in South Dakota. A certification is needed from the other state board(s) showing testing information.)

Indicate your language preference for the written theory & South Dakota laws examination: English Vietnamese

Do you need reasonable testing accommodations due to a disability? Yes No

4. Education (Education: 2100 Cosmetology, 600 Esthetics, 400 Nail Technician OR a combination with work credit)

Cosmetology School Attended: Latin American Beauty School City: Margate State: FL

Date Started at School: 8/03/2009 Completion Date: 10/05/2009 Total Hours Completed: 400⁰⁰

Were any education hours earned in a foreign country? Yes No (If yes, additional rules apply.)

High School or GED or ACT: HAM THUAN NAM City: HAM THUAN NAM State: VIETNAM

Graduation Date or GED Date: 08/09/04 Your Name in high school or when tested: NGUYEN Ai Hoa Ngoc

5. Work Experience (complete & attach the work experience affidavit if you do not meet the required education hours)

I declare and affirm under the penalties of perjury that this information has been examined by me and to the best of my knowledge and belief, is, in all things true and correct. If granted a license to practice Cosmetology, Esthetics, or Nail Technology in the State of South Dakota, I promise to abide by all the laws of the State of South Dakota governing these practices.

Signature of Applicant: [Signature] Dated: 09/30/2016

(OVER FOR ADDITIONAL INFORMATION) OCT 03 2016

Updated 4/16

Boyd, Kate

From: Sherry Lewelling <Sherry.Lewelling@cosmo.ok.gov>
Sent: Friday, July 29, 2016 10:02 AM
To: Boyd, Kate
Subject: RE: License Verification

Kate,

Sorry, we do not have a link on our website to verify license.

This individual's Oklahoma license was revoked in November 2015. She had submitted fraudulent documentation from Puerto Rico for a cosmetology license. She was a reciprocity manicurist from Florida in 11/2014, when she was issued the manicurist license, she immediately submitted the documents from Puerto Rico for cosmetology in 12/2014. She does not have a valid license from this state.

Sherry

From: Boyd, Kate [<mailto:Kate.Boyd@state.sd.us>]
Sent: Friday, July 29, 2016 9:18 AM
To: Sherry Lewelling
Subject: License Verification

Hi Sherry,

I was on your website but couldn't find a license verification link. Can you tell me if you have or have ever had a nail technician by the Name of:

DOB: 5/15/86
Ngoc Ai Hong Nguyen,
Nancy Ngoc Nguyen



TEXAS DEPARTMENT OF LICENSING AND REGULATION

Licensing Division

P.O. Box 12157 - Austin, Texas 78711-2157 - (512) 463-6599 - (800) 803-9202 - fax (512) 475-2871

Web site: www.tdlr.texas.gov

Certification of Texas Cosmetology Licensure for Operator License

Name: NANCY N NGUYEN

License Number: 1665295

Effective Date: MAY 04 2015

Expiration Date: MAY 04 2017

SOUTH DAKOTA STATE BOARD
500 E CAPITOL AVE
PIERRE SD 57501-5007

SEPTEMBER 14 2016

To Whom It May Concern:

I certify that I am a custodian of records for the Texas Department of Licensing and Regulation (Department) and that a standard search of the available records of this office indicates this is a true and factual statement of the Department's records.

Requirements for Licensure: *Reciprocity - North Carolina*

- Completion of 1,500 hours of instruction
- Be at least 17 years of age
- Obtained a high school diploma or equivalent
- A passing score of not less than 70% on the Department-approved written and practical examinations covering the scope of practice of the Operator license

This license (has / has not) been revoked. *(circle one)*

The Texas Department of Licensing and Regulation does not certify hours of instruction over and above those required for licensure.

IF OTHER INFORMATION IS NEEDED, PLEASE CONTACT THE ABOVE NAMED LICENSEE.

To expedite the certification process, the above format is the standard to certify cosmetology instructional hours for the State of Texas.

Sincerely,

Licensing Analyst

SEP 27 2016

BROOKE BRUGGER - REQUEST TO SOUTH DAKOTA COSMETOLOGY COMMISSION

Brooke Brugger attended esthetics school at Minnesota State Southeast Technical College in Winona, Minnesota. She would like to be able to take her Esthetics State Board Exams in South Dakota instead of Minnesota. The Minnesota Board of Cosmetology will only certify licensure, not education hours. Brooke does not want to get licensed in Minnesota. She would like to take South Dakota State Board exams.

Ms. Brugger has completed 600 hours of education. Her request to the Commission and her school transcript (received directly from her school) are attached.

I communicated with the director of the cosmetology program at her school who clarified her transcript. The transcript is done in credit hours. The translation for the transcript is as follows:

Lecture hours -- 16 clock hours per credit
Lab hours -- 32 clock hours per credit
On-the-job hours -- 3 clock hours per credit

She stated that Brooke completed a little over 600 hours of education.

Boyd, Kate

From: brooke brugger <blbbrugger@hotmail.com>
Sent: Tuesday, February 28, 2017 3:36 PM
To: Boyd, Kate
Subject: Corrected email

South Dakota Cosmetology Commission I am emailing to ask if I could have my hours accepted from Minnesota State Southeast Technical College as a Esthetician. I do not have my license in Minnesota but have completed more than the required amount of hours of 600 at Minnesota State Southeast Technical College in Winona Minnesota. I would like to pursue my career in South Dakota where I am moving, So I would like to get licensed in South Dakota. If my hours get accepted I will go on to take my boards test at your facility in South Dakota. I appreciate your time and consideration. Thank you very much.

-Brooke Brugger
507-450-8305

Name: Brugger, Brooke Lee

Minnesota State College Southeast
Undergraduate Academic Record
1250 Homer Road
Winona MN 55987

eTranscript

Date of Issue: 02/28/2017 Page: 1 of 1
Student Campus ID: 11581618

Subj Nbr	Title	Course Credit	Grade	Credit Earned	GPA Credit	GPA Pts	Subj Nbr	Title	Course Credit	Grade	Credit Earned	GPA Credit	GPA Pts
Inst. Name: Minnesota State College Southeast													
Award Name: Certificate													
Major: Estheology													
Awarded on: 08/05/2016													
Rochester Community and Technical College													
UNDG SEMESTER Credits Accepted in Transfer Summer 2015: 4.00													
***** Minnesota State College Southeast *****													
Summer 2015													
Freshman													
**** Trsf Att: 4.00 Earn: 4.00 GPA Crs: 0.00 GPA Pts: 0.00 GPA: 0.00													
UNDG Cum Att: 4.00 Earn: 4.00 GPA Crs: 0.00 GPA Pts: 0.00 GPA: 0.00													
Fall 2015													
Major: Estheology-Certificate													
COSM 1401 Procedures I 4.00 B 4.00 4.00 12.00													
COSM 1406 Estheology I 1.00 A 1.00 1.00 4.00													
COSM 1601 Estheology Clinic I 3.00 W 0.00 0.00 0.00													
COSM 1603 Estheology Clinic III 3.00 W 0.00 0.00 0.00													
COSM 1411 Estheology II 2.00 A 2.00 2.00 8.00													
UNDG Term Att: 13.00 Earn: 7.00 GPA Crs: 7.00 GPA Pts: 24.00 GPA: 3.42													
**** Cum Att: 17.00 Earn: 11.00 GPA Crs: 7.00 GPA Pts: 24.00 GPA: 3.42													
Spring 2016													
COSM 1601 Estheology Clinic I 3.00 A 3.00 3.00 12.00													
COSM 1602 Estheology Clinic II 4.00 B 4.00 4.00 12.00													
UNDG Term Att: 7.00 Earn: 7.00 GPA Crs: 7.00 GPA Pts: 24.00 GPA: 3.42													
**** Cum Att: 24.00 Earn: 18.00 GPA Crs: 14.00 GPA Pts: 48.00 GPA: 3.42													
Summer 2016													
COSM 1603 Estheology Clinic III 3.00 C 3.00 3.00 6.00													
COSM 1604 Estheology Clinic IV 3.00 A 3.00 3.00 12.00													
UNDG Term Att: 6.00 Earn: 6.00 GPA Crs: 6.00 GPA Pts: 18.00 GPA: 3.00													
**** Cum Att: 30.00 Earn: 24.00 GPA Crs: 20.00 GPA Pts: 66.00 GPA: 3.30													
Career Undergrad Summary - Semester Hours													
Local: Att: 26.00 Earn: 20.00 GPA Crs: 20.00 GPA Pts: 66.00 GPA: 3.30													
Transfer: Att: 4.00 Earn: 4.00 GPA Crs: 0.00 GPA Pts: 0.00 GPA: 0.00													
Total: Att: 30.00 Earn: 24.00 GPA Crs: 20.00 GPA Pts: 66.00 GPA: 3.30													
* * * END OF ACADEMIC TRANSCRIPT * * *													

