

# **SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES**

**May 2 & 3, 2013**

## **Call Meeting to Order - Thursday, May 2, 2013**

The regular meeting of the Cosmetology Commission was called to order by President Slykhuis on Thursday, May 2, 2013 at 1:00 p.m. at Lake Area Technical Institute Cosmetology Program located at 1201 Arrow Avenue, Watertown, South Dakota.

### **A. Roll Call**

Attendance was taken by Secretary-Treasurer Pat Clark, with the following members present: Lori Berreth, Pat Clark, Lois Porch, and Nora Slykhuis. Absent: Kim Maskell. Staff present: Executive Director Kate Boyd. Others present: Shawn Lohr, representing LATI cosmetology program.

### **B. • Tour LATI Classrooms & Observe Students**

The Commission toured the classroom and clinic floor of the cosmetology program at Lake Area Technical Institute cosmetology program.

#### **• Meet with LATI Representative**

Following the school tour, the Commission met with LATI representative Shawn Lohr. There was discussion about (1) the practical examination process and expectations of the Commission with regard to certain exam procedures, and (2) submission of paperwork to the Commission office.

### **Recess**

IT WAS MOVED BY PAT CLARK, SECONDED BY LORI BERRETH, TO RECESS THE MEETING UNTIL 4:00 PM AND RECONVENE AT STEWART SCHOOL LOCATED AT 604 N WEST AVENUE, SIOUX FALLS. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting was called back to order by President Nora Slykhuis on Thursday, May 2, 2013 at 4:15 p.m. at Stewart School located at 604 N West Avenue, Sioux Falls, South Dakota.

### **Roll Call**

Attendance was taken by Secretary-Treasurer Pat Clark, with the following members present: Lori Berreth, Pat Clark, Lois Porch, and Nora Slykhuis. Absent: Kim Maskell. Staff present: Executive Director Kate Boyd. Others present: Stewart School representatives Angela Taylor, Matt Fiegen, Penny Thompson, Bekah Hauert, and Jean Ann Hentjes.

### **C. • Tour Stewart School Classrooms & Observe Students**

The Commission toured the classroom and clinic floor of Stewart School.

#### **• Meet with Stewart School Representatives**

Following the school tour, the Commission met with Stewart school representatives Angela Taylor, Matt Fiegen, Penny Thompson, Bekah Hauert, and Jean Ann Hentjes. There was discussion about (1) the practical examination process and expectations of the Commission with regard to certain exam procedures, and (2) submission of paperwork to the Commission office.

### **Recess**

IT WAS MOVED BY LORI BERRETH, SECONDED BY PAT CLARK, TO RECESS FOR THE DAY AND RECONVENE ON FRIDAY, MAY 3, 2013 AT 8:00 AM AT BLACK HILLS BEAUTY

COLLEGE-SIOUX FALLS, LOCATED AT 3501 S KELLEY AVE, SIOUX FALLS, SOUTH DAKOTA. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting was recessed for the day at 6:10 p.m.

### **Friday, May 3, 2013**

The meeting was called back to order by President Nora Slykhuis on Friday, May 3, 2013 at 8:00 am at Black Hills Beauty College-Sioux Falls, located at 3501 S Kelley Avenue, Sioux Falls, South Dakota.

#### **Roll Call**

Attendance was taken by Secretary-Treasurer Pat Clark, with the following members present: Lori Berreth, Pat Clark, Lois Porch, and Nora Slykhuis. Absent: Kim Maskell. Staff present: Executive Director Kate Boyd. Others present: Black Hills Beauty College-Sioux Falls representatives Joy Poloncic, Tom Poloncic and Monica Engeltjes.

#### **D. • Tour Black Hills Beauty College-Sioux Falls Classrooms & Observe Students**

The Commission toured the classroom and clinic floor of Black Hills Beauty College-Sioux Falls.

#### **• Meet with Black Hills Beauty College-Sioux Falls Representatives**

Following the school tour, the Commission met with Black Hills Beauty College-Sioux Falls representatives Joy Poloncic, Tom Poloncic and Monica Engeltjes. There was discussion about (1) the practical examination process and expectations of the Commission with regard to certain exam procedures, and (2) submission of paperwork to the Commission office.

#### **Recess**

IT WAS MOVED BY LORI BERRETH, SECONDED BY LOIS PORCH, TO RECESS AND RECONVENE AT 9:30 AM AT THE DEPARTMENT OF LABOR AND REGULATION OFFICE LOCATED AT 811 E 10TH STREET, SIOUX FALLS, SOUTH DAKOTA. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting was recessed at 9:00 a.m.

The meeting was called back to order by President Nora Slykhuis at 9:30 am at the Department of Labor and Regulation office located at 811 E 10th Street, Sioux Falls, South Dakota.

#### **1. Roll Call**

Attendance was taken by Secretary-Treasurer Pat Clark, with the following members present: Lori Berreth, Pat Clark, Lois Porch, and Nora Slykhuis, and Kim Maskell, who joined the meeting via conference telephone. Staff present: Department of Labor and Regulation Administrator Todd Kolden, Executive Director Kate Boyd, and Department of Labor and Regulation attorney Aaron Arnold who joined the meeting via conference telephone. Others present for portions of the meeting included: Black Hills Beauty College-Sioux Falls representatives Joy Poloncic and Tom Poloncic; Stewart School representatives Angela Taylor and Matt Fiegen; Jodi Hunter and Jim Hunter, and State Representative Paula Hawks.

## **2. Minutes of January 8, January 29 and April 9, 2013 Meetings**

IT WAS MOVED BY PAT CLARK, SECONDED BY LORI BERRETH, TO APPROVE THE MINUTES OF THE JANUARY 8, JANUARY 29 AND APRIL 9, 2013 MEETINGS AS WRITTEN. THE MOTION PREVAILED ON A VOICE VOTE.

## **3. Treasurer's Report**

Secretary-Treasurer Pat Clark reported that as of March 31, 2013, the available budget was \$73,689.10, and the cash center balance was \$355,288.55.

IT WAS MOVED BY LORI BERRETH, SECONDED BY LOIS PORCH, TO APPROVE THE TREASURER'S REPORT AS PRESENTED. THE MOTION PREVAILED ON A VOICE VOTE.

At this point, Commission member Kim Maskell joined the meeting via conference telephone.

## **4. Executive Director's Report**

The Executive Director's Report had previously been mailed to Commission members and is attached to these Minutes as Attachment 1. The report included (1) Welcome new cosmetologist member of the Commission, Kim Maskell, who replaced Kory McKay effective April 15, 2013; (2) Discussion of Commission policies; (3) Request for Proposals is being completed to outsource the necessary computer programming to update the cosmetology database and to allow on-line renewal of licenses through the use of credit or debit cards; (4) reminder that we will hold the annual election of commission officers at the July 15, 2013 meeting; (5) one of the cosmetology schools in the state has informed the Commission office at they have been approached by individuals wanting to buy hours for nail technician licensure or for the 8-hour electric file certification; (6) the May 31, 2013 Watertown State Board exams have been cancelled since we can adequately handle testing this weekend and in July without the May 31 exam date.

The Executive Director's Report included a request for the Commission to adopt a policy for a procedure for registering candidates for State Board examinations who are graduating after the Admission Notices are sent but prior to the exam date. IT WAS MOVED BY PAT CLARK, SECONDED BY LORI BERRETH TO ALLOW CANDIDATES FOR STATE BOARD EXAMS TO SUBMIT THEIR EXAM APPLICATION AND FEES AND RECEIVE AN ADMISSION NOTICE IF THEY WILL BE COMPLETING THEIR COSMETOLOGY EDUCATION PRIOR TO THE DATE THEY ARE SCHEDULED TO TEST. THE MOTION PREVAILED ON A VOICE VOTE.

## **5. Disciplinary Actions - N/A**

## **OLD BUSINESS**

## **6. Special Events Permits**

HB 1240, introduced in the 2013 Legislative Session, would have allowed the practice of cosmetology, nail technology and esthetics in any place that the customer controls, provided the licensee maintains and documents the services in a book in their salon. Working with the prime sponsor, this bill was withdrawn with the understanding that the Cosmetology Commission will have a bill introduced in the 2014 session to allow for work outside a salon at special events.

The Commission had been mailed a questionnaire regarding the kinds of services, types of events and other questions pertaining to special events permits. At this time, the Commission

reviewed the questionnaire and agreed that the kinds of services should include cutting and styling hair, applying nail polish, applying makeup and skincare products. Further, the Commission was in favor of the licensee applying for an annual permit (with notification to the Commission office of each special event in which the licensee would be performing services), and a fee of \$30 was discussed for the annual permit. It was agreed that it would be difficult to identify every kind of special event, so the draft legislation should be worded to not exclude certain events. It was also agreed that a licensee who obtains a special events permit should be required to have a kit that could be inspected when the salon or booth is receiving its annual inspection.

### **Public Testimony**

Jodi Hunter appeared before the Commission to speak on behalf of the Commission pursuing a special events permit. This would allow her as an esthetician to provide on-site make-up application services. She was in favor of an annual permit instead of a fee for each special event that a licensee provides services at throughout the year.

The staff was directed to bring a draft legislative bill for consideration by the Commission at its July 15, 2013 meeting. After review and approval by the Commission, the bill will be submitted to the Department of Labor and Regulation for review by the Legislative Task Force.

## **NEW BUSINESS**

### **7. State Authorization**

U.S. Department of Education requirements have been updated so that in order for students who attend a for-profit school to qualify for federally funded financial aid, the State where they attend school must recognize the school as be authorized to provide post-secondary education. In 2012, the South Dakota Legislature put law in place to meet this requirement. The final step for South Dakota cosmetology schools is for the Commission to update language on the school licenses to designate cosmetology schools in South Dakota as post-secondary education institutes. The Commission reviewed the proposed new school license language.

IT WAS MOVED BY LOIS PORCH, SECONDED BY PAT CLARK, TO APPROVE THE PROPOSED LANGUAGE FOR SCHOOL LICENSES THAT DESIGNATES COSMETOLOGY SCHOOLS IN SOUTH DAKOTA AS POST-SECONDARY EDUCATION INSTITUTES. THE MOTION PREVAILED ON A VOICE VOTE.

### **8. Reporting Outcomes**

Senate Bill 3 from the 2013 Legislative Session requires the annual reporting of education/licensure outcomes for students at public colleges and technical schools. The Cosmetology Commission will not have a problem complying with this requirement to report outcomes from Lake Area Technical Institute cosmetology students since this information is already contained in our database.

### **9. Application Updates**

Senate Bill 117 from the 2013 Legislative Session requires state agencies to expedite the processing of professional licensure applications for spouses of military personnel transferred to South Dakota. We will need to update our reciprocity application to ask applicants if they are a military spouse who meets the criteria.

Additionally, we need to update our exam applications to ask applicants if they would like to take their written examinations in English or Vietnamese. In the past we have asked the applicants the day of the testing, but with the move to computer-based testing, the national test company needs to be able to load the correct examination into the computer for each applicant prior to the exam date.

IT WAS MOVED BY LORI BERRETH, SECONDED BY LOIS PORCH, TO UPDATE THE RECIPROCITY AND EXAM APPLICATIONS TO (1) ASK IF THE APPLICANT IS A MILITARY SPOUSE, AND (2) ASK IF THE APPLICANT WOULD LIKE TO TAKE THEIR WRITTEN EXAMS IN ENGLISH OR VIETNAMESE. THE MOTION PREVAILED ON A VOICE VOTE.

#### **10. School Field Trips**

##### **Black Hills Beauty College-Rapid City**

Black Hills Beauty College-Rapid City submitted a request for a field trip to take students to hear a motivational speaker on May 20, 2013 in Rapid City. IT WAS MOVED BY LORI BERRETH, SECONDED BY PAT CLARK, TO APPROVE THE FIELD TRIP REQUEST SUBMITTED BY BLACK HILLS BEAUTY COLLEGE-RAPID CITY. THE MOTION PREVAILED ON A VOICE VOTE.

##### **Headlines Academy**

Headlines Academy submitted a request for a field trip to take students to hear a motivational speaker on May 20, 2013 in Rapid City. IT WAS MOVED BY PAT CLARK, SECONDED BY LORI BERRETH, TO APPROVE THE FIELD TRIP REQUEST SUBMITTED BY HEADLINES ACADEMY. THE MOTION PREVAILED ON A VOICE VOTE.

#### **Requests from Schools for Administrative Rules Change to Increase Allowable Field Trip Hours**

The Commission reviewed correspondence from Headlines Academy and Stewart School to increase the allowable field trip hours for cosmetologist students from 16 to 32 hours. The schools present at the meeting, Stewart School and Black Hills Beauty College, were in favor of increasing the allowable field trip hours so that their students could receive credit for charity work. The charity work would be performing cosmetology services such as haircuts at homeless shelters and for other organizations who request these services.

IT WAS MOVED BY LORI BERRETH, SECONDED BY LOIS PORCH, TO PURSUE AN ADMINISTRATIVE RULES CHANGE TO ALLOW COSMETOLOGY STUDENTS TO RECEIVE EDUCATION HOURS FOR 32 HOURS OF COMMISSION-APPROVED FIELD TRIPS. THE MOTION PREVAILED ON A VOICE VOTE.

Stewart School representatives suggested that the Commission consider allowing students to mentor in a salon and receive credit of up to 40 hours for doing so. No Action was taken on subject.

#### **11. Cosmetology School License Renewal Requests**

The Commission reviewed three applications for school license renewal and took action as shown below.

##### **Black Hills Beauty College-Sioux Falls**

IT WAS MOVED BY PAT CLARK, SECONDED BY LORI BERRETH TO APPROVE THE SCHOOL LICENSE RENEWAL APPLICATION RECEIVED FROM BLACK HILLS BEAUTY COLLEGE-SIOUX FALLS. THE MOTION PREVAILED ON A VOICE VOTE.

**Lake Area Technical Institute Cosmetology Program**

IT WAS MOVED BY KIM MASKELL, SECONDED BY PAT CLARK, TO APPROVE THE SCHOOL LICENSE RENEWAL APPLICATION RECEIVED FROM LAKE AREA TECHNICAL INSTITUTE COSMETOLOGY PROGRAM. THE MOTION PREVAILED ON A VOICE VOTE.

**Stewart School**

IT WAS MOVED BY LOIS PORCH, SECONDED BY LORI BERRETH, TO APPROVE THE SCHOOL LICENSE RENEWAL APPLICATION RECEIVED FROM STEWART SCHOOL. THE MOTION PREVAILED ON A VOICE VOTE.

**12. Education Provider Applications**

The Commission reviewed two applications to be a Commission-approved provider of the 8-hour electric file education and two applications to be a Commission-approved provider of 16-hour microdermabrasion education. The approval to be a provider of the electric file or microdermabrasion education is valid for one-year.

**Iowa School of Beauty - 8-hour Electric File**

IT WAS MOVED BY PAT CLARK, SECONDED BY KIM MASKELL, TO APPROVE IOWA SCHOOL OF BEAUTY AS A COMMISSION-APPROVED PROVIDER OF 8-HOUR ELECTRIC FILE EDUCATION. THE MOTION PREVAILED ON A VOICE VOTE.

**Ramona Reicherts - 16-hour Microdermabrasion**

IT WAS MOVED BY PAT CLARK, SECONDED BY LORI BERRETH TO APPROVE RAMONA REICHERTS AS A COMMISSION-APPROVED PROVIDER OF 16-HOUR MICRODERMABRASION EDUCATION. THE MOTION PREVAILED ON A VOICE VOTE.

**Stewart School - 8-hour Electric File**

IT WAS MOVED BY LORI BERRETH, SECONDED BY KIM MASKELL, TO APPROVE STEWART SCHOOL AS A COMMISSION-APPROVED PROVIDER OF 8-HOUR ELECTRIC FILE EDUCATION. THE MOTION PREVAILED ON A VOICE VOTE.

**Stewart School - 16-hour Microdermabrasion**

IT WAS MOVED BY LOIS PORCH, SECONDED BY KIM MASKELL, TO APPROVE STEWART SCHOOL AS A COMMISSION-APPROVED PROVIDER OF 16-HOUR MICRODERMABRASION EDUCATION. THE MOTION PREVAILED ON A VOICE VOTE.

**13. NIC Practical Examination Procedures Updates**

NIC sent all states a letter updating certain procedures for the practical examinations. Copies of the letter were sent to all Commission members. The new procedures must be implemented following the annual examiner training that will be held October 6, 2013 in Pierre.

**14. Report of April 20-21, 2013 NIC Region Meeting**

Nora Slykhuis, Lois Porch and Lori Berreth reported on their attendance at the April 20 & 21, 2013 NIC Region Meeting held in Charlotte, North Carolina. Executive Director Kate Boyd also attended this meeting as well as the State Board Administrators Meeting held the previous day. Presentations were given and discussion was held on a variety of topics, including the inspection process, resolving disciplinary and compliance issues, reciprocity, geriatric aesthetics, US DOE State authorization regulations, leadership, and regulating the use of lasers and other aesthetic energy devices.

### **15. Upcoming Meetings**

The following meetings for the remainder were brought to the attention of the Commission. Of special note were the Commission meeting and strategic planning session schedule for Pierre in mid-July, the NIC Conference to be held in Denver, Colorado in late August, and the October 6, 2013 NIC Examiner Training that is mandatory for Commission members and staff. There was discussion about driving as a group to attend the NIC Conference in Denver. Pat Clark indicated that she would not be able to attend and Lori Berreth stated that she also may have a conflict on those dates. Any out-of-state travel, of course, would need to be approved by the Secretary of the Department of Labor and Regulation.

- May 6, 2013 - Annual Inspectors Meeting - Pierre
- July 15-17, 2013 - State Board Exams, Commission Meeting, Strategic Planning Session - Pierre
- August 23-26, 2013 NIC Conference - Denver, Colorado
- September 13-14, 2013 - State Board Examinations - Sioux Falls
- **OCTOBER 6, 2013 - NIC EXAMINER TRAINING - PIERRE (Attendance Mandatory)**
- October 25-26, 2013 - State Board Examinations - Rapid City
- November 15-16, 2013 - State Board Examinations - Sioux Falls

### **16. Other Business**

There was a mention of House Bill 1180 that deals with military experience, but no action was taken.

### **Adjournment**

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

The meeting adjourned at 12:00 Noon.

Respectfully submitted by:

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Kate Boyd, Recording Secretary

and

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Pat Clark, Secretary-Treasurer

## **Executive Director's Report**

**May 3, 2013**

### **1. WELCOME NEW COMMISSION MEMBER**

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

### **2. COMMISSION POLICIES**

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

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

### **3. DATABASE UPGRADE AND ON-LINE LICENSE RENEWALS**

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

### **4. ELECTION OF OFFICERS**

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

### **5. SCHOOL CONTACTED REGARDING BUYING HOURS**

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

### **6. MAY 31, 2013 WATERTOWN STATE BOARD EXAMS CANCELLED**

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