

# **SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES**

**May 3, 2010**

## **1. Call Meeting to Order**

The regular meeting of the Cosmetology Commission was called to order by Vice President Nora Slykhuis on Monday, May 3, 2010 at 4:20 p.m. in the Cosmetology Commission Office, Pierre, South Dakota.

## **2. Roll Call & Welcome New Commission Member**

Attendance was taken by Secretary-Treasurer Lois Porch, with the following members present: Pat Clark, Ila Davis, Kory McKay, Lois Porch, and Nora Slykhuis. Staff present: Kate Boyd, Executive Director, Todd Kolden, Administrator.

The Commission welcomed Kory McKay, whose appointment to the Commission became effective April 15, 2010.

## **3. Minutes**

IT WAS MOVED BY PAT CLARK, SECONDED BY LOIS PORCH, TO APPROVE THE MINUTES OF THE MARCH 10, 2010 MEETING AS PRESENTED. THE MOTION PREVAILED ON A VOICE VOTE.

## **4. Treasurer's Report**

Lois Porch reported that as of April 30, 2010 the available budget was \$32,336.83, and the cash center balance was \$126,364.05.

IT WAS MOVED BY ILA DAVIS, SECONDED BY PAT CLARK, TO APPROVE THE TREASURER'S REPORT AS PRESENTED. THE MOTION PREVAILED ON A VOICE VOTE.

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

Executive Director Kate Boyd reported on various items; the written report is incorporated as Attachment 1. Items of special note that generated discussion at this time included:

- **State Laws Inclusion with NIC Theory Exam & Written Tests in Vietnamese** – The Commission reviewed information from NIC stating that the fee to offer tests in Vietnamese are the same as English. The verbal instructions would still be given in English. The Commission expressed interest in offering the written tests in Vietnamese. Prior to offering that option, it would be prudent to first have the State laws test included with the NIC theory. The Commission agreed that at the next Commission meeting the staff and Commission members will each review the State laws test and prioritize the 25 most important questions so that we can move forward with including the State laws test with the NIC theory exam. This subject will be discussed in further at the July, 2010 Commission meeting.

- **Eyebrow Threading & Braiding Hair in Mall Settings** – The Commission agreed that Director Kate Boyd should send a letter to mall managers around the State reminding them that individuals who offer eyebrow threading and hair braiding must be licensed by the Cosmetology Commission and provide the services only in a licensed salon.

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

## **7. OLD BUSINESS**

**7.a. School Visits Schedule for 2010** - The Commission tentatively set Aug 9 & 10, 2010 to visit the cosmetology schools in Watertown and Sioux Falls. The Commission would plan to visit Lake Area Tech in Watertown at 3:00 pm on Aug 9, drive to Sioux Falls, and meet with Black Hills Beauty College at 9:00 am on Aug 10, and Stewart School at 10:30 a.m. The schools in western South Dakota would be visited by the Commission on October 29, 2010. These will need to be advertised as special meetings of the Commission. The dates will be finalized after input from the schools.

**7.b. Update on Nail Tech Applicant Who Requested Permission to Test for the 8th Time**  
At the March, 2010 meeting, the Commission had directed the staff to write a letter to Thu Hoa Thi Ngo informing her that she needs to take 100 hours of nail technician theory classes at a South Dakota cosmetology school and have a passing grade from the school's final theory test prior to reapplying to take the nail technician theory examination. Ms. Ngo contacted Stewart School, who informed her that they could not comply with this request, because they do not currently have a nail technician class in session, and due to the language barrier.

Following Commission discussion, IT WAS MOVED BY LOIS PORCH, SECONDED BY PAT CLARK, TO RECOMMEND THAT MS. NGO TRY TO FIND A TUTOR TO ASSIST HER IN STUDYING FOR THE NIC THEORY EXAM AND CONTACT THE COMMISSION IN THREE MONTHS TO REQUEST PERMISSION TO TEST AGAIN. BY THAT TIME, WE WILL KNOW IF WE ARE CLOSE TO BEING ABLE TO OFFER THE EXAM IN VIETNAMESE.

## **7.c. Administrative Rules Adoption Process**

The staff had been waiting for information from the attorney on law citing in the proposed administrative rules. We are now ready to move forward with the formal adoption process.

## **7.d. Report on March 19-21, 2010 NIC Region Meeting in Las Vegas**

Lois Porch, Pat Clark, and Kate Boyd reported on their attendance at the NIC Region Meeting held in Las Vegas March 19-21, 2010. One of the key aspects of that meeting had been a visit to the Nevada Cosmetology Commission office for a demonstration of their computerized testing process. Given the relatively small number of applicants that South Dakota tests each year, it is not financially feasible to implement computerized testing at this time.

## **8. NEW BUSINESS**

### **8.a. Black Hills Beauty College-Sioux Falls - School License Renewal Request**

IT WAS MOVED BY ILA DAVIS, SECONDED BY LOIS PORCH, TO APPROVE BLACK HILLS BEAUTY COLLEGE-SIOUX FALLS SCHOOL LICENSE RENEWAL APPLICATION. THE MOTION PREVAILED ON A VOICE VOTE.

**8.b. Black Hills Beauty College-Rapid City - Emergency Request for a Conditional Junior Instructor License for Jenna Valdez**

The Commission reviewed an emergency request from Black Hills Beauty College-Rapid City for a conditional junior instructor license for Jenna Valdez. IT WAS MOVED BY LOIS PORCH, SECONDED BY KORY MCKAY, TO APPROVE THE EMERGENCY REQUEST FOR A CONDITIONAL JUNIOR INSTRUCTOR LICENSE FOR JENNA VALDEZ FROM BLACK HILLS BEAUTY COLLEGE-RAPID CITY. THE MOTION PREVAILED ON A VOICE VOTE.

**8.c. New State Law Regarding Open Meetings**

Information on the new State law regarding open meetings had been mailed to Commission members and was reviewed at this time.

**8.d. Instructor Continuing Education for 2010**

It was noted that we will not have an instructor seminar in 2010. Instructor continuing education for 2010 can be accomplished by completing all of the online faculty education coursed by Milady that were approved by the Commission in 2009, or, each school or individual can find a course on teacher training AND have the course **pre-approved** by the Commission before taking the course. For the pre-approval they would need to submit: course title and description, course instructor name and resume, course dates/times/place, and course hours. Teacher training subjects could be: class management, student evaluation, class preparation, lesson planning, etc.

**8.e. Commission & Staff Changes**

Recent Commission and staff member changes were noted as follows:

- New Commission Member April 15, 2010 - Kory McKay
- New Central Area Inspector March 10, 2010 - Debra Bierman
- Western Area Inspector - Vacated by Janie Norlin April 23, 2010 - Position has been advertised and will close April 30, 2010. Interviews will be conducted by Kate Boyd & Pat Clark in early May.

Since this was Commission member Kory McKay's first meeting, Vice President Nora Slykhuis read the Code of Conduct for Commission members.

Executive Director Kate Boyd suggested that the Commission hold a long-term planning session in the near future. Given the number of staff changes in the past year and with the addition of a new Commission member a few weeks ago, it would prove beneficial to the Commission and staff. After looking at the calendar for the next few months, it was agreed to tentatively schedule

a long-term planning session for 4:00 p.m., Sunday, November 14, 2010. This is the day before the November State Board exams.

## **9. OTHER BUSINESS**

### **• School Telling Students They Can't Test**

Director Kate Boyd informed the Commission that one of the schools had informed three students they could not test, even though the school had sent in a complete education record for all three students. Their applications to test had been received with the appropriate fee and they had all been sent admission notices. The school later discovered an internal bookkeeping error and contacted the students without contacting the Commission office. One of the students contacted our office about this matter. The student was assured that she could still take her State Board exams this week. The Commission agreed that all the schools need to be reminded that once the school sends the Cosmetology Commission a correctly completed Student Education Record (meaning it is signed and notarized) the school cannot prevent the student from taking their State Board exams. If the student still owes the school money for their education, the school should send in an incomplete (unsigned & notarized) Student Education Record, and write "owes" on the form. In the absence of a signed & notarized Student Education Record, the student will not be allowed to take their State Board exams.

## **10. Upcoming Meeting Dates**

Several important upcoming meetings were noted and are shown below:

**10.a. School Visit Schedule for 2010** - The dates for the 2010 school visits were tentatively set earlier in the meeting.

**10.b. July 12-13, 2010 - State Board Testing & Commission Meeting** - The Commission meeting was tentatively set for Monday, July 12, following the first day of State Board exams. (NOTE: Due to the addition of a third testing day to accommodate testing for nail technicians, the Commission meeting was later set for 8:00 - 10:00 a.m., Wednesday, July 14, 2010.

**10.c. NIC Annual Conference - Seattle, Washington - Who Should Attend** - It was agreed to request out-of-state travel for Vice President Nora Slykhuis, new Commission member Kory McKay, Commission member Ila Davis, and Executive Director Kate Boyd to attend this meeting. Ila Davis said that if the Department Secretary did not approve four individuals to attend, she would not attend, since she has attended the Conference in recent years.

### **Adjournment**

IT WAS MOVED BY KORY MCKAY, SECONDED BY ILA DAVIS, TO ADJOURN. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting adjourned at 7:35 p.m.

Cosmetology Commission Minutes  
May 3, 2010  
Page 5

Respectfully submitted by:

Kate Boyd, Recording Secretary

and

Lois Porch, Secretary-Treasurer

## **Attachment 1**

### **Executive Director's Report - May 3, 2010**

#### **1. STAFF & COMMISSION CHANGES**

As you are aware, there have been many changes with personnel within the Cosmetology Commission in the past 6 months. A recap of these changes is shown below:

Late Summer/early Fall - Executive Director Susan Monge retired after 15 years with the Commission.

October 1, 2009 - Kate Boyd became the new Executive Director

December 23, 2010 - Secretary Nina Fromm left the Commission after 11 years of service to accept a full-time position with the SD Department of Agriculture

January 22, 2010 - Central Area Inspector Nancy LaBrie's final day of her two years as an inspector

January 25, 2010 - Secretary Holly Love joined the office staff

March 10, 2010 - Central Area Inspector Debra Bierman joined the staff

April 14, 2010 - Commission member Jackie Dahlquist completed her 20 years of service to the Cosmetology Commission

April 15, 2010 - Commission member Kory McKay began her first three-year term

April 23, 2010 - Western Area Inspector Janie Norlin's final day of her one+ year as an inspector

April 30, 2010 - Western Area Inspector final day to apply for the position

In light of the multitude of changes in a relatively short period of time, I would like to propose that the Commission consider holding a long-term planning session in the near future. I would like to further suggest that you consider inviting the cosmetology schools and the inspectors to this meeting. This could take place during the July Commission meeting or at an alternate date.

#### **2. SHAVING RESIDENTS IN RETIREMENT AND/OR NURSING HOMES**

I recently received a telephone call from a cosmetologist who works at a salon in a retirement community. This particular retirement community has two cosmetology salons on their premises, as there are senior citizen apartments, assisted living, and a nursing home all located there. The caller had been shaving residents using a safety razor (not a straight edge blade). The other salon complained to the manager of the retirement community and said that cosmetologists cannot shave a client's face to the skin. That is true according to our cosmetology laws, although there have sometimes been exceptions for the elderly and disabled. The manager of the retirement community asked her to stop shaving these residents, unless she has a letter giving her permission to do so. We cannot, as the Cosmetology Commission, give her permission to shave these individuals. I did phone the Barber Board office to try to determine their position on this subject as it relates to the elderly and disabled. The response from the Barber Board director was that if the Cosmetology Commission presents a written request for clarification, the Barber Board will seek a legal opinion from their attorney. If you wish to have me request this clarification, please direct me to do so. Otherwise, it will stand that she cannot shave these individuals as a paid service.

### **3. NAIL TECHNICIAN UPDATED CANDIDATE INFORMATION BULLETIN**

Beginning with the May 4, 2010 nail technician State Board practical examination, we have a newly updated Candidate Information Bulletin. The changes have been made to comply with the NIC newly updated Critical Nail Standards. A copy is enclosed for your information and review prior to the May 4 examination.

### **4. INSTRUCTOR CONTINUING EDUCATION**

Since we are not having an instructor seminar in 2010, I wasn't sure if the Commission needs to take action to approve continuing education courses for this year for instructors to obtain their 12-hours of continuing education that they need prior to renewing their instructor licenses in 2011. Attached is the letter that was mailed to instructors in 2009 stating what they could do to obtain their continuing education. Additionally, during the June 30, 2009 Commission meeting, action was taken to approve specific requests from three of the schools in the state for the continuing education they wanted to have their instructors complete during 2009. Does the Commission need to take action to approve a list of classes for 2010 and/or do we need to remind the schools that they need to submit their requests for action by the Commission at the July meeting?

### **5. STATE LAWS INCLUSION WITH NIC THEORY EXAM**

There has been some previous Commission discussion about having NIC include our State laws test with the NIC theory examination. How should we proceed with the decision made at the March 9, 2009 Commission Meeting?

As a reminder the January 12 & 13, 2009 and March 9, 2009 Commission Minutes state:

**Excerpt from January 12 & 13, 2009 Commission Meeting Minutes**

**“Proposed State Laws Testing and SMT**

*Monge reported that she has been in contact with NIC and Schroder Measurement Technologies (SMT). SMT stated that there was no cost for the first twenty-five state law questions. There would be a cost for twenty-five or more questions. SMT did not have a cost total at this time.*

*Monge asked if the Commission would consider only twenty-five questions for the test or wanted fifty questions as is currently required.*

*After a discussion the Commission decided to identify the twenty-five most important questions on the test and see if those questions would suffice for the state laws test. This would be discussed at the next meeting.”*

**Excerpt from March 9, 2009 Commission Meeting Minutes**

**“Proposed State Laws Testing through NIC**

*The Commission decided to set the State Laws test at twenty-five questions and to work with SMT on the testing questions and testing procedures. Monge will contact SMT and report back to the Commission.”*

**6. WRITTEN TESTS IN VIETNAMESE**

We frequently have individuals who pass the practical nail tech exam, but have difficulty with the written tests, due to the fact that they have difficulty reading and writing in English. These individuals repeatedly take the written exam, and sometimes are never able to pass it, despite having sufficient scores on their practical exam. We also receive frequent complaints about unlicensed individuals working in salons. I was sharing this information with Vice President Nora Slykhuis recently and she asked me to gather some information from NIC about offering the written tests in Vietnamese. You will note that the meeting agenda includes this subject as a discussion topic and there is a hand-out with the response I received from Debra Norton of NIC.

**7. PARTITIONS FOR TABLES IN THEORY TESTING ROOM**

Following our tour of the Nevada State Cosmetology testing site, Commissioner Pat Clark asked me to inquire into the possibility of obtaining table-top partitions for those taking their written examinations. These would be similar to the partitions that many of us see when we go to a voting booth in South Dakota. At the current time, there are no “free” partitions available through State or Federal Surplus Property. We can, however, check into the cost of purchasing the partitions.

#### **8. EYEBROW THREADING & BRAIDING HAIR IN MALL SETTINGS**

We have had numerous calls lately on eyebrow threading and braiding hair in mall kiosks or in a storefront. Both of these things fall under the scope of the SD cosmetology laws. I'm wondering if I should send a letter to the managers of the malls in the larger cities in the State reminding them that the individuals who offer these services need to: (1) be licensed as under South Dakota cosmetology laws -- cosmetologist or esthetician for threading -- cosmetologist for hair braiding, and (2) perform these services in a licensed salon in our State.

#### **9. UPDATE ON APPRENTICESHIP THAT BEGAN MARCH 15, 2010**

On March 10, 2010, the Commission approved an apprenticeship that began March 15, 2010 at a salon in Spearfish. Our office is receiving weekly timesheets and reports from the senior instructor on the status of the apprentice's education. At the July Commission meeting, a decision will need to be taken on whether or not to approve the continuation of this apprenticeship. But, so far, things are going well. Commission Vice President Nora Slykhuis will be conducting an inspection at the apprentice salon within the next week or two.