

**SOUTH DAKOTA COSMETOLOGY COMMISSION**  
**Minutes**  
**July 22, 2008**

The regular meeting of the Cosmetology Commission was called to order by President Jacquelyn Dahlquist on Tuesday, July 22, 2008, at 8:02 a.m. in the Cosmetology office, Pierre, South Dakota.

**Roll call** was taken by Secretary/Treasurer Lois Porch, with the following members present: Pat Clark, Jacquelyn Dahlquist, Ila Davis, Lois Porch, and Nora Slykhuis. Staff present: Susan Monge, Executive Director. Others present: Shannon George-Larson, Department of Labor; Margo Northrup, Riter Rogers Law Firm, Pierre; Tom and Joy Polonic, Black Hills Beauty College, Rapid City; and Steve Blair, Attorney General's office, Pierre.

**Minutes**

**A MOTION WAS MADE** by Ila Davis, seconded by Pat Clark, to accept the minutes of May 6, 2008. The motion passed.

**Treasurer's Report**

Lois Porch reported that as of 6/30/2008 the available budget was \$(-1,730.40), and the cash center balance was \$57,715.58. This was the last report for FY2008.

**A MOTION WAS MADE** by Nora Slykhuis, seconded by Pat Clark, to approve the Treasurer's report. The motion passed.

**Election of Officers**

**A MOTION WAS MADE by** Ila Davis, seconded by Lois Porch, to nominate and elect Jackie Dahlquist as president. The motion passed.

**A MOTION WAS MADE by** Ila Davis, seconded by Lois Porch, to nominate and elect Nora Slykhuis as vice-president. The motion passed.

**A MOTION WAS MADE by** Pat Clark, seconded by Ila Davis, to nominate and elect Lois Porch as secretary-treasurer. The motion passed.

**Executive Director's Report**

Susan Monge reported on numerous issues (attachment #1.)

The Commission decided to schedule September 15, 2008 as a State Boards testing for esthetics and nail candidates. There will be no extra testing date in October.

**Disciplinary Actions**

**P-2007** – The Investigating Committee is requesting dismissal of this complaint. The complaint alleged that an unlicensed person was cutting hair for compensation in private apartments. The investigation did not find conclusive evidence at this time to support this complaint.

**A MOTION WAS MADE** by Nora Slykhuis, seconded by Lois Porch, to dismiss P-2007 at this time. A voice vote was taken: Clark-yes, Dahlquist-yes, Davis-yes, Porch, yes, Slykhuis, yes. The motion passed by a majority.

**Q-2007** George-Larson presented the case to the Commission. The licensee was served with a notice of revocation upon information that he did not meet the educational requirements for a nail technician license. The Investigating Committee recommended that the Commission revoke the license based on the information presented. The licensee was given a chance to request a formal hearing, but did not. The licensee did write a letter to the Commission which was distributed to the Commission.

The Commission reviewed the information, heard George-Larson's presentation, and asked questions for clarification.

**A MOTION WAS MADE** by Lois Porch, seconded by Nora Slykhuis, to revoke the nail technician license of case Q-2007. A voice vote was taken: Clark-yes, Dahlquist-yes, Davis-abstain, Porch, yes, Slykhuis, yes. The motion passed by a majority.

Monge informed the Commission that hearing dates would need to be set in September for possibly six disciplinary hearings regarding revocations of licenses. Tentative dates for the hearings were set at either September 22-23 or September 25-26 depending on the Hearing Examiners' office and the schedules of the licensees. George-Larson would arrange the hearings with the Hearing Examiners' office.

### **Committee Reports**

Slykhuis reported for the Education committee. She interviewed Wendy Beaumont, Rapid City, who has contacted the Commission to become a microdermabrasion education provider. Slykhuis reviewed the lesson plans and recommends Beaumont as a provider if the changes to the lesson plans are made. Monge will be in contact with Beaumont regarding the lesson plans and education provider application.

**A MOTION WAS MADE** by Nora Slykhuis, seconded by Lois Porch, to approve Wendy Beaumont as a microdermabrasion provider as long as she makes the changes to her lesson plans and submits the application and fee for a provider. The motion passed.

A ten minute recess was called.

### **Old Business**

#### **Proposed Law Changes – Schools, Branch, Substitute Instructors**

A memorandum of understanding was executed and signed between Stewart School and the Commission. The memorandum of understanding was discussed at the May meeting.

The Commission and staff reviewed each item on the draft #5 of the proposed laws.

Monge had distributed comments from Matt Fiegen, Stewart School, and Cindy Heemeyer, Lake Area Technical School – Cosmetology. Their comments were discussed.

Those attendees present were asked for their comments on the proposed laws.

The Commission decided to direct Monge to make the following changes and to present another draft at the September meeting: table the distance education proposed laws; table the senior instructor and substitute instructor proposed laws; research a bonding requirement; remove the sentence stating branch school should be within two miles; define premises; in 36-15-29.1 drop the reference to 36-15-29; add 1,2,3,and 5 from 36-15-29 to the new branch proposed statute.

The Commission felt that proposing dropping 36-15-25.2 that requires thirty additional hours for apprentice instructors is useful. To teach an apprentice a person needs a senior instructor license which would require them to complete all the educational requirements which are now 1,000 hours.

The Commission stated that the final decision on the proposed laws would need to be at the September meeting. The proposed laws would then be sent to the Department of Labor.

### **Instructor Experience Proposed Policy**

See attachment #2

**A MOTION WAS MADE** by Lois Porch, seconded by Nora Slykhuis, to adopt the policy that allows work experience credit and/or alternate education courses for a senior instructor license. The motion passed.

### **Scope of License Handout with Massage Therapy Board**

The Massage Therapy Board is planning to meet with the Commission in September. The scope of practice information was not sent out since Monge would like to see it include the massage therapy scope of practice.

### **NIC Practical Examination Changes**

Monge requested that the Commission change the cosmetology practical manicure section to the artificial nail section on July 1, 2009 instead of January 1, 2009. This would give the schools time to review that section at the NIC school overview that is going to be presented at the Instructor Seminar.

**A MOTION WAS MADE** by Ila Davis, seconded by Nora Slykhuis, to implement the artificial nail section in the cosmetology practical starting July 1, 2009. The motion passed.

### **New Business**

#### **Instructor Seminar**

Monge reported that she is planning to mail out the seminar notices in August. The Bureau of Personnel still has not confirmed the speaker. NIC will present a school overview.

Monge suggested that perhaps the Commission would consider discontinuing the seminar. Numerous online courses can be taken in lieu of the seminar.

After discussing the issue, the Commission directed Monge to send out a survey to see if the instructors were interested in discontinuing the seminar.

### **NIC National Meeting – Wyoming – October 25-27**

The next NIC national conference is in Jackson Hole, Wyoming, from October 25-27. It has been suggested that all the Commission attend and car pool to save expenses.

The Commission directed Monge to submit the necessary paperwork requesting permission for all the Commissioners and the Executive Director to attend the conference.

### **Next Meeting, State Boards, and Instructor Seminar**

The next meeting is scheduled for September 28-30, 2008.

### **Adjournment**



**EXECUTIVE DIRECTOR'S REPORT – July 22, 2008** **ATTACHMENT 1**

1. Cathy Steen, the inspector in Rapid City, resigned June 6<sup>th</sup> due to a family commitment. We have already advertised and will be doing interviews on July 23. The plan is to hire and train the new inspector by August 11.
2. We are suggesting scheduling Monday, August 18 or September 15, as a testing day for esthetics and nail technology.
3. The Stewart School two-day microdermabrasion class on June 29-30 was cancelled. We are looking to schedule a microdermabrasion training with Headlines Academy.
4. NIC representative Larry Walthers was scheduled to review our State Boards security procedures on July 21, his plane was cancelled. He plans to come during the September State Boards now.
5. I hope everyone had a chance to take the online training for board members that the state now has available.
6. I have been working with the State's Career Services offices throughout the state to allow us to occasionally use a testing room for the state laws test that reciprocity applicants have to take.
7. The Legislative Governmental Operations and Audit committee asked for information on our reciprocity laws and rules. I submitted a letter to them. They are reviewing Board and Commission reciprocity requirements.
8. Jackie Dahlquist and inspector Noreen Johnson participated in the NIC subject matter expert meeting on July 13-15 for the nail technology examination.
9. In an effort to clarify salon licensing in Assisted Living Centers, I sent a letter to the Department of Health staff who then distributed the letter to the various Assisted Living Center Associations.
10. The Racing Commission has invited our commission members to attend a conference on September 8-9, 2008. The first day of the meeting deals with topics that all boards and commissions need to know on open meeting laws and disciplinary hearings. There is no registration fee to attend the meeting. Our costs would be travel and per diem.
11. The Department of Labor is redesigning our web page. I will still be making the ongoing changes as they occur.
12. New laws which deal with open records came into effect on July 1, 2008. I am still reviewing the information and let you know the extent our records are "open records".

## **Work Experience Credit or Alternate Educational courses for a Senior Instructor License**

In order to accommodate those that cannot attend a traditional cosmetology school to earn their senior instructor license the following policy has been adopted.

A combination of any of these areas will be accepted. **However, the applicant needs to submit a proposed education plan to the Commission for approval with their application.** The license will not be issued until 1,000 hours are earned either through experience or education.

The following **work experience** will be recognized in lieu of educational courses.

3-5 years = 500 hours

6-10 years = 600 hours

11-14 years = 700 hours

15 or more years = 800 hours

The work experience needs to be documented and submitted with the senior instructor license application. This work experience will also be recognized for those who plan to attend a school to gain the instructor education. Not recognized is experience as a product representative.

The following **alternative instructor education courses** will be recognized.

1. Distance education courses. All Milady faculty online courses have been pre-approved with 30 hours (1 credit) earned for each online course completed. Other online courses from colleges or universities may be pre-approved by the Commission if an applicant submits detailed information on the online course. Certificates or hours/credits earned will be submitted to the office as documentation.
2. Independent learning courses. Pre-approved are Pivot Point Master Educator textbook and workbook and Milady Master Education textbook and workbook. Each chapter completed with accompanying workbook will earn 5 hours. No more than 75 hours may be earned this way. Workbooks will be turned into the Commission as documentation. Other courses from colleges or universities may be pre-approved by the Commission if an applicant submits detailed information on the online course.
3. Experience with a mentor will earn 1 hour for each hour in the mentor's classroom with a minimum of 4 hours and no more than 50 hours earned. The mentor will need to document the hours and submit the documentation to the Commission. (A mentor is either a licensed cosmetology instructor or a licensed teacher.)

## **Testing**

The NIC Instructor theory and practical will need to be taken and passed after completing the 1,000 hours. There will be an \$80 fee for the testing.