

SOUTH DAKOTA COSMETOLOGY COMMISSION
Minutes
November 14, 2007

The regular meeting of the Cosmetology Commission was called to order by President Jacquelyn Dahlquist on Wednesday, November 14, at 8:04 a.m. in the Cosmetology office, Pierre, South Dakota.

Roll call was taken by Secretary/Treasurer Lois Porch, with the following members present: Jacquelyn Dahlquist, Ila Davis, Dorothy Johnson, Lois Porch, and Nora Slykhuis. Staff present: Susan Monge, Executive Director. Others present: Steve Blair, Attorney General's office; Todd Kolden, Dept. of Labor; Matt Fiegen, Angela Hansen, Jennifer Walgrave, and Penny Thompson, Stewart School, Sioux Falls; and Joy and Tom Poloncic, Black Hills Beauty College, Rapid City.

Minutes

A MOTION WAS MADE by Nora Slykhuis, seconded by Dorothy Johnson, to accept the minutes of September 24, 2007. The motion passed.

Treasurer's Report

Lois Porch reported that as of 10/31/07 the available budget was \$132,318.29, and the cash center balance of \$45,113.09.

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

Executive Director's Report

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

A MOTION WAS MADE by Ila David, seconded by Lois Porch, to accept examination payments for veterans by working with the State Approved Agency for Veterans Training (SAA) in South Dakota. The motion passed.

Disciplinary Actions

G-2007. Monge presented a Consent Order G-2007 to the Commission regarding a person working without a nail technician license.

A MOTION WAS MADE by Lois Porch, seconded by Dorothy Johnson, to approve the Consent Order for case G-2007. A voice vote was taken: Dahlquist – yes, Davis – abstain, Johnson – yes, Porch – yes, and Slykhuis – yes. The motion passed with a majority.

Old Business

Junior Instructor License Requirements

Education Committee Reports

The Education Committee presented their reports on the junior instructor programs at Lake Area Technical School and Stewart School. Final recommendations have not been made.

The Commission requested that the Committee review all their reports and present an overview and give general recommendations for the instructor education program that all schools would have to comply with. The report will be presented at the next Commission meeting.

Substitute Instructors

Monge reported that some schools are still concerned regarding the junior and senior instructor licensees, and if they (the schools) cannot hire senior instructor licensees or have an emergency which would not allow them to meet ARSD 20:42:06:10 which requires a senior instructor for each 20 students or a fraction thereof.

Monge stated that one suggestion was allowing substitute instructors such as in the public schools. Concern was that there would have to be specifics written so that a substitute instructor would not be misused.

Discussion was held on ARSD 20:42:08:03 which allows the commission to approve an initial senior instructor license conditionally as long as the person completes the required hours of education, in this case 1,000 instructor hours. Monge stated that the senior instructor would still have to complete the instructor laws/rules test and the 12-hour seminar or online course. These could both be done within a couple of days. Monge reported that no one has requested the conditional approval.

Discussion was held on writing guidelines so that it is understood what situations would be recognized for a conditional license. Then the approval may be given by the director just as the director approves candidates being excused from State Boards using specific guidelines.

Discussion was held on scheduling a long-range planning meeting to just discuss school issues and future changes.

Kolden recommended adding a harmless clause to any new rule changes which would allow time for a school to adjust to a new law or rule. The Department of Labor does this type of clause. Monge will look into it.

Instructor Seminar Report

Monge distributed the final budget report.

Clock to Credit Hours

Monge sent an approval letter to Stewart School for their accreditation approval. Angela Hansen from Stewart School submitted a proposed transcript form which was sent to each commissioner. Monge stated that the hours should still be reported in clock hours to the Commission just as Lake Area Technical Institute Cosmetology reports their hours. Then the final transcript can be in clock and credit hours or clock only with credit to the students.

Branch or Satellite Schools

Monge reported that she sent the Commission information on definitions on main schools, branch schools, and satellite schools.

In March 2007 the Commission approved a branch school license for Stewart School. The branch school has an advanced class for cosmetology students which is not the full 2100-hour cosmetology program. The branch license will be up for renewal in April 2008.

Monge requested that Assistant Attorney General Steve Blair, the Commission's general counsel, attend the meeting and explain his opinion of SDCL 36-15-29 and 36-15-29.1 and to answer any questions on his opinion. Both statutes deal with school licenses. Fiegen was contacted the week of 11/5/07 regarding this opinion.

Blair stated that 36-15-29 and 29.1 were clear that to approve a school license the school needed to comply with (4) in 36-15-29 which required either a 2100-hour cosmetology program, a 400-hour nail technology program, or an approved hourly esthetics program. Although 29.1 does mention "a portion" it also states "pursuant to 36-15-29" which according to Blair then requires compliance with all provisions of 36-15-29.

Matt Fiegen sent a letter to Monge on 11/9/2007. The letter was distributed to the Commission before the meeting. Those present from Stewart School were allowed to verbally add to the letter and ask questions.

Executive Session

A MOTION WAS MADE by Ila Davis, seconded by Lois Porch, to go into executive session at 9:20 a.m. to discuss the school license with Attorney Blair. The motion passed.

A MOTION WAS MADE by Lois Porch, seconded by Ila Davis, to come out of executive session at 9:50 p.m.

Dahlquist announced that upon legal counsel's advice the Commission would make a decision on the Stewart branch school license when the branch school renewal license application was received and presented to the commission at their regular meeting.

Break

A MOTION WAS MADE by Ila Davis, seconded by Lois Porch, to take a 10-minute break. The motion passed.

The Commission reconvened at 10:10 a.m.

School Study Committee

Dahlquist announced that the Commission is appointing a committee to work on law and rule changes for school issues. The committee will be made up of two commissioners, the executive director, and one representative from each school. Guest advisors would be invited to join the committee as needed. The committee would give the full commission its recommendation on any law and rule changes, particularly for branch or satellite schools and distance learning. The two commissioners for the committee are Dahlquist and Slykhuis. The meetings would be held though the DDN. Any recommended law changes would have to be presented to the Commission at the

July 2008 board meeting in order for the Commission to recommend any changes during the 2009 legislative session.

Policy to Handle Test Cheaters

Monge explained the steps NIC required to prevent cheating. The Commission is following those steps. Monge also reviewed the procedures that would be taken if a cheater was caught. A hearing would have to be held

New Business

Proposed 2008 Newsletter

The Commission approved the 2008 newsletter. Porch suggested an addition to the important tips section.

Report from AACS Conference

Slykhuis and Dahlquist reported on the various sessions that they attended at the American Association of Cosmetology Schools conference. They answered questions from those that did not attend.

Report from Citizens Advocacy Center Conference

Davis reported on the sessions that she attended at the Citizens Advocacy Center conference. The sessions were for public members. Sessions were on continuing competency which is the new wording for continuing education. Also presented were raising legal standards, offering testing online, and scope of practice changes.

Two-tier Esthetics test from NCEA and NIC

Monge stated that at this time the esthetics test from NCEA deals with advanced esthetics with 1200-hour esthetics education. We only require 600 hours. We also require the basic NIC esthetics test. For reciprocity the applicant would have to show proof of passage of the basic NIC esthetics test.

Proposed Survey on Continuing Education and Safety/Sanitation Rules

Monge suggested that we do a survey of our licensees on continuing education especially regarding safety/sanitation. This may have to be put on hold since the Commission is interested in school issues this year.

Next Meeting and State Boards

The next meeting is scheduled for January 14-16, 2008

Adjournment

A MOTION WAS MADE by Ila Davis, seconded by Nora Slykhuis, to adjourn. The motion passed. The meeting adjourned at 10:45 a.m.

Respectfully submitted by:

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Susan Monge, Recording Secretary and _____
Lois Porch, Secretary/Treasurer

Attest:

Jackie Dahlquist, President

Ila Davis, Vice-President

Dorothy Johnson, Member

Nora Slykhuis, Member

ATTACHMENT #1 EXECUTIVE DIRECTOR'S REPORT – November 14, 2007

1. I have been working with the director of the Massage Therapy board. We have come up with a draft information notice to our licensees.
2. Distribute NIC membership director for 2007-2008 .
3. The end-of-the year meeting with the inspectors is December 3. Jackie and Ila will be attending.
4. We are interviewing for the two inspector positions on November 13 and 14. We hope to have the position filled by November 27.
5. A memo was sent to the schools stating that no outside food will be allowed and requesting that the participants remember that this is a professional seminar.
6. Memo from NIC regarding Veterans benefits to pay for the examination costs.