

These minutes have been approved by the Board on 10.3.2022

MINUTES OF THE VIRTUAL CONFERENCING MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
September 12, 2022

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Bridget Anderson, at 10:30 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Room B, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby and posted 09.02.2022.

Members Present (9):

The following members answered roll call:

Bridget Anderson, Chair (in room)
Marie Nordboe, Member (in room)
Leslie Reed, Member (in room)
Harold "Buddy" Sims, Member (on call)
Shannon Bingham, Member (on call)
Brandy Phillips, Member (in room)
Vicki Criswell, Member (in room)
Matt Bavougian, Member (on call)
Kyoung Bonn, Member (in room)

Members Absent (2):

Ruth Lucas, Member
Pamela Rowland, Vice-Chair

Others Present:

Kris Chiles, Program Manager, Licensure Unit (in room)
Carrie Oldehoeft, Health Licensing Coordinator, License Unit (in room)
TJ O'Neill – Assistant Attorney General (in room)
Joanna Uden, DHHS Attorney (on call)
Public (on call)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Criswell moved, seconded Nordboe, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Sims, Criswell, Bavougian, Bonn (9). Voting nay: None (0). Absent: Lucas, Rowland (2). Vacant positions (2). Motion carried.

3. APPROVAL OF MINUTES:

MOTION: Nordboe moved, seconded Criswell, to adopt the minutes from 8.01.2022 with corrections. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Sims, Criswell, Bavougian, Bonn (9). Voting nay: None (0). Absent: Lucas, Rowland (2). Vacant positions (2). Motion carried.

4. Updates/Follow-up

- a. Body Art Regulations 172 NAC 44 Hearing Update (8.29.2022) and Board Approval: Chiles provided an update regarding the public hearing for Chapter 44, 45 & 46. These regulations relate to the licensing of body art facilities and body artists (body brander, body piercer, permanent color technologist, and tattoo artist). Chapters 45 & 46 are being repealed and combined into chapter 44. There have been 2 public hearings held, 1st hearing was on October 10, 2019. Due to the number of comments received at the 1st hearing and the revisions approved by the Board, a 2nd public hearing was held on August 29, 2022. There were no comments received at the 2nd hearing.

Next steps: Approvals by the Board; Director of the Division of Public Health, Board of Health, Attorney General's office, and Governor.

- b. Advisory Positions: Esthetic Procedures, needle sizes, and permanent make-up (BB Glow)
<https://dhhs.ne.gov/licensure/Pages/Cosmetology-Esthetics-and-Body-Art-Advisory-Opinions.aspx>

Criswell updated the board that she contacted Milady & Pivot Point regarding the definition of micro-needling (and similar names for same procedure) and where in the textbook the definitions could be found. Micro-needling is also referred to as: The board approved: Collagen Induction Therapy-(CIT), Dermarolling, Dry needling, MicroChanneling, MesoStamping, Needle dermabrasion , & Skin Needling

The board then discussed and suggested the definitions be included with the advisory position as references.

1. **Milady:**

12th edition of *Milady Standard Esthetics: Fundamentals*. ISBN 9781337095020. page 670 and 700 of the printed textbook.

The definition is:

Micro-needling, the use of a dermal roller or an electronic hand-piece to induce puncture wounds to the skin that induce collagen formation during the wound healing process”.

2. **Pivot Point:**

1st Edition, 1st Printing, December 2020, *Pivot Point Fundamentals: Esthetics*, ISBN 978-1-951862-15-2.

Section: 108E.1 page 10.

The definition is:

Dermal rolling, also referred to as "micro-needling," is a collagen induction therapy applied to rejuvenate the skin. This device uses very fine needles to puncture the surface of the skin, which triggers the skin to create new collagen.

3. **Devices Allowed Nebraska:** Needles Up to: 0.5, .5, or .50mm is Acceptable, Larger needles are for Medical use Only.

10:48 am Rowland entered the call

MOTION: Nordboe moved, seconded by Reed to approve an advisory position to include the definitions for Micro-Needling found Milady and Pivot Point. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Sims, Criswell, Rowland, Bonn (9). Voting nay: Bavougian (1). Absent: Lucas, (1). Vacant positions (2). Motion carried.

BB Glow, was deferred to the next meeting. Jessica Simpson (public) will work with Criswell on this.

Medical grade products, was deferred to the next meeting.

c. Cosmetology Licensure Compact Information <https://compacts.csg.org/compact-updates/cosmetology/>

Chiles reported that there is no update. Nordboe will be attending the NIC convention and will update in November.

d. Statistics: Examinations, Licensing, Disciplinary/Non-Disciplinary Information, and Renewals (report attached to agenda)

Chiles reported that Xenon Schools (Omaha and Grand Island) has changed owners as of 9-1-22 and will now be called Xenon A Stephanie Moss Academy.

11:00 AM Harrison entered room

Public had a question relating to lightening and removal of permanent make-up/tattoo. It doesn't fall under the definition of tattooing, as no pigment is used as it is a saline solution, the board advised this is not within scope. Chiles will reach out to the Medical Board for information.

Statute references:

38-1044. Permanent color technology, defined. Permanent color technology means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for cosmetic purposes.

38-1054. Tattooing, defined. Tattooing means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being so as to form indelible marks for decorative or figurative purposes.

5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Criswell moved, seconded by Nordboe, to enter into closed session at 11: a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Anderson repeated the motion and purpose. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Rowland, Sims, Criswell, Bavougian, Bonn (10). Voting nay: None (0). Absent: Lucas (1). Vacant positions (2). Motion carried.

Chiles closed the public call in line.

11:15 am	Nordboe exited room
11:17 am	Nordboe entered room
11:22 am	Meyerson, Investigations entered call
11:23 am	Krueger, Investigations entered room
11:25 am	Klaassen entered room
11:31 am	Sims exited call
11:40 am	Sims entered call
11:55 am	Harrison exited room
11:59 am	Harrison entered room
12:04 am	Krueger exited room
12:05 pm	Nordboe exited room
12:13pm	Nordboe entered room
12:15 pm	Bonn exited room
12:26 pm	Bonn entered room
12:45 pm	Klaassen exited room
12:45 pm	Break
1:03pm	Closed session resumed

6. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

2:06 p.m. Verbal agreement from all board members to enter into open session.

Justin Alexander – Tattoo Artist

MOTION: Sims moved, seconded by Nordboe, to recommend issuance of the license with a 1-year probation, with the following terms and conditions: Abstain from alcohol and controlled substances, Random body fluid screens, Report prescribed medications, Follow recommendations of current assessment and any future recommendations, Quarterly employer reports, report medications, and Standard terms and conditions of probation. Basis: conviction history and diagnosis. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Rowland, Sims, Criswell, Bavougian, Bonn (10). Voting nay: None (0). Absent: Lucas (1). Vacant positions (2). Motion carried.

William Bartolo- Cosmetologist

MOTION: Nordboe moved, seconded by Criswell, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Rowland, Sims, Criswell, Bavougian, Bonn (10). Voting nay: None (0). Absent: Lucas (1). Vacant positions (2). Motion carried.

Mikeal Gatewood Sr – Tattoo Artist

MOTION: Criswell moved, seconded by Nordboe, to recommend a 1-year probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days, Quarterly employer reports, No solo practice, and the Standard Terms and Conditions of probation. Basis: conviction history. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Rowland, Sims, Criswell, Bavougian, Bonn (10). Voting nay: None (0). Absent: Lucas (1). Vacant positions (2). Motion carried.

Tylona Cashai-Laurice Whitfield-Esthetician

MOTION: Reed moved, seconded by Nordboe, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Rowland, Sims, Criswell, Bavougian, Bonn (10). Voting nay: None (0). Absent: Lucas (1). Vacant positions (2). Motion carried.

Tien Trang Le – Nail Technology

MOTION: Criswell moved, seconded by Anderson, to recommend issuance of the license with a 6-month probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. Basis: Failure to report convictions. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Rowland, Sims, Criswell, Bavougian, Bonn (10). Voting nay: None (0). Absent: Lucas (1). Vacant positions (2). Motion carried.

Tyayre Lewis-Tattoo Artist

MOTION: Lewis moved, seconded by Phillips, to deny the application based on failure to comply with requested evaluation. Bases: conviction history and lack of good character. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Sims, Criswell, Bavougian, Bonn (9). Voting nay: Rowland (1). Absent: Lucas (1). Vacant positions (2). Motion carried.

Mia Lopez- Cosmetology

MOTION: Nordboe moved, seconded by Rowland, to recommend issuance of the license with a 6-month probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. Basis: Failure to report convictions. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Rowland, Sims, Criswell, Bavougian, Bonn (10). Voting nay: None (0). Absent: Lucas (1). Vacant positions (2). Motion carried.

DUSTIE MARTIN – Nail Technology

MOTION: Criswell moved, seconded by Anderson, to defer the recommendation to the next meeting. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Rowland, Sims, Criswell, Bavougian, Bonn (10). Voting nay: None (0). Absent: Lucas (1). Vacant positions (2). Motion carried.

Brooke Meston – Esthetician

MOTION: Nordboe moved, seconded by Rowland, to recommend a 2-year probation, with the following terms and conditions: Abstain from alcohol and controlled substances, Random body fluid screens, Report prescribed medications, Follow recommendations of current assessment and any future recommendations, Quarterly employer reports, No solo practice, and Standard terms and conditions of probation. Basis:

conviction history and diagnosis. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Phillips, Reed, Rowland, Sims, Criswell, Bavougian, Bonn (10). Voting nay: None (0). Absent: Lucas (1). Vacant positions (2). Motion carried.

2:23 pm Bonn, O'Neill exited the room

2:23 pm Uden, Bingham exited call

7. CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Nordboe moved, seconded by Criswell, to enter into closed session at 2:123p.m. for the purpose of discussions of confidential nature to review the jurisprudence examination. Anderson repeated the motion and purpose. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Criswell, Nordboe (9). Voting nay: None (0). Absent: Sims, Reed (2). Vacant positions (2). Motion carried.

8. OPEN SESSION

3:18 p.m. Verbal agreement from all board members to enter into open session.

9. ADJOURNMENT

Anderson announced the next meeting is scheduled for October 3, 2022, the examination work groups will report at that time, and declared the meeting adjourned at 3:18 p.m.

Submitted,

Bridget Anderson, Chair

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by the Licensure Unit