

These minutes were approved by the Board 2.7.2022

MINUTES OF THE VIRTUAL CONFERENCING MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
January 3, 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 Vice Chair, Pamela Rowland, at 10:35 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 12.21.2021

Members Present on call (10):

The following members answered roll call:

Shannon Bingham, Member
Jacqueline Hornig, Secretary
Ruth Lucas, Member
Becky Pettigrew, Member
Brandy Phillips, Member
Pamela Rowland, Vice-Chair
Harold "Buddy" Sims, Member
Vicki Criswell, Member
Marie Nordboe, Member
Matt Bavougian, Member

Members Absent (2):

Bridget Anderson, Chair
Leslie Reed, Member

Others Present:

Kris Chiles, Program Manager, Licensure Unit (in the room)
Carrie Oldehoeft, Health Licensing Coordinator (in the room)
Milissa Johnson-Wiles, Assistant Attorney General (in the room)
Kate Manuel, DHHS Attorney (on the call)
Public (on call)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

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

10:40 a.m. Reed entered meeting

3. APPROVAL OF MINUTES

MOTION: Hornig moved, seconded by Rowland, to approve the minutes of October 4, 2021, with a change to 4b to reflect that Jurisprudent Examination(s) updates are in process. A voice vote was taken. Voting aye: Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (10). Voting nay: None (0). Abstain: Bingham (1) Absent: Anderson (1). Vacant positions (2). Motion carried.

4. Updates/Follow-up

- a. 2022 Legislation-Chiles reported that the Legislation sessions bill introduction starts January 5 and ends January 20. Nothing additional to report at this time.
- b. **Esthetics**-Criswell brought up Lash Extension not the Scope of Esthetics. Chiles present 3 options on how the Board could possibly address: 1) Regulation change, 2) Statues change and 3) Position

statement.

The Board discussed how to address the licensing of Esthetician, looking at the fastest way to address; which is regulations. Criswell brought up applying Lashes to skin or epidermis, Lashes aren't applied to skin. Public had a concern about hair working, Estheticians do waxing & derma planing and if this pertains to current students and ongoing licensees.

The Board decided to do an Advisory-Option at this time: A motion for an Advisory-Opinion was made by Criswell and seconded by Horning. It is the Board's position that Nebraska licensed Estheticians can apply, color, and curl eyelashes. Such services must be provided in a Nebraska licensed establishment. The Board is in the process of updating regulations (172 NAC 36, section 002) under the definition of esthetics as set out in Neb. Rev. Stat. §38-1026. (1/3/2022)

11:00 a.m. Anderson entered the room

- c. **Body Art Regulations**-There are no updates at this time.
- d. **NIC conference**—Nordboe updated everyone on the information received at the conference. Discussion lowering hours & deregulating, discussion on testing at home as a testing option, apprenticeship and CLEAR. Board members will reach out area location for possible additional testing locations and how to get NIC approval.
- e. **Reports:** Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed. Statistics will continue to be attached to the agenda's.

5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Bavougian moved, seconded by Criswell, to enter into closed session at 12:33 p.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, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

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

1:52 p.m. Verbal agreement from all board members to enter into open session.

Anita Hinkle: Esthetician

MOTION: Sims moved, seconded by Rowland, to defer and request additional information. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Bansood Bayamna: Cosmetologist-Reinstatement

MOTION: Sims moved, seconded by Anderson, to recommend 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: Reporting on your application that you practiced 208 days since your license expired. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Virginia Benson: Cosmetologist

MOTION: Rowland moved, seconded by Sims, to defer and request additional information. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Chalice Closen: Nail Technician

MOTION:, Bavougian moved, seconded by Criswell, recommend to issue with a 2-year probation with the following terms and conditions: No solo practice, Quarterly employer reports, and the Standard Terms and Conditions of probation. Basis: Conviction and Provisional Mental Health Practitioner disciplinary action. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland,

Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Cycelie Gustafson: Body Piercer

MOTION Bavougian moved, seconded by Criswell, to defer and request additional information. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Quincy Hughes: Tattoo Artist

MOTION: Hornig moved, seconded by Rowland, to recommend issuance with no terms and conditions. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Ethan Hula: Tattoo Artist

MOTION: Criswell moved, seconded by Rowland, to recommend issuance with no terms and conditions. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Zoe Tuttle: Esthetician

MOTION Rowland moved, seconded by Criswell, to defer and request additional information. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Merissa Smallfoot: Cosmetologist

MOTION Nordboe moved, seconded by Rowland, to defer and request additional information. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Laquashia Wells: Esthetician

MOTION: Bavougian moved, seconded by Rowland, recommend to issue with a 5-year probation with the following terms and conditions: No solo practice, Quarterly employer reports, No money handling, evident of completion of court probation and the Standard Terms and Conditions of probation. Basis: Conviction history and current court probation. A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (10). Voting nay: Anderson (1). Absent: (0). Vacant positions (2). Motion carried.

Stina Vongphakdy: Esthetician

MOTION: Bavougian moved, seconded by Rowland, recommend to issue with a 3-year probation with the following terms and conditions: No Solo practice, Abstain from alcohol/controlled substances, Random body fluid screens, Quarterly employer reports, Quarterly Medication reports and the Standard Terms and Conditions of probation. Basis: Conviction and diagnosis. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Kaylie Lett: Cosmetologist

MOTION: Hornig moved, seconded by Criswell, to recommend 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 mandatory report a conviction with 30 days of occurrence. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

8. ADJOURNMENT

Anderson announced the next meeting is scheduled as a Virtual meeting on January 24, 2022 for a special workgroup regarding the Jurisprudence Exam. The next regular board meeting will be February 7, and declared the meeting adjourned at 2:16 p.m.

Submitted,

Jackie Hornig, Secretary
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by the Licensure Unit.