

These minutes have not been approved by the Board

## **MINUTES OF THE MEETING**

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art  
May 1, 2023

### **1. ROLL CALL**

The in person meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Pamela Rowland, at 10:32 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower-Level Goldenrod Room, 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 04.17.2023.

The following members were present and answered roll call:

#### **Members Present (10):**

Matt Bavougian, Member  
Jane Nims, Member  
Marie Nordboe, Member  
Pamela Rowland, Chair  
Harold "Buddy" Sims, Secretary  
Joann Williams, Member  
Kyoung Bonn, Member  
Bridget Anderson, Member  
Shannon Bingham, Vice-Chair  
Leslie Reed, Member

#### **Members Absent (2):**

Ruth Lucas, Member  
Brandy Phillips, Member

#### **Others Present:**

Matt Gelvin, Program Manager, Licensure Unit  
Carrie Oldehoeft, Health Licensing Board Coordinator, Licensure Unit  
TJ O'Neill, Assistant Attorney General  
Danielle Sund, DHHS Attorney  
Juliann Lanphier-Willson, DHHS Attorney

A quorum was present, and the meeting convened.

### **2. ADOPTION OF AGENDA**

**MOTION:** Anderson moved, seconded Nordboe, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Bonn, Nims, Nordboe, Reed, Rowland, Sims, Williams (10). Voting nay: None (0). Absent: Lucas, Phillips (2). Vacant positions (1). Motion carried.

### **3. APPROVAL OF MINUTES:**

**MOTION:** Nordboe moved, seconded Sims, to approve the minutes from 4.3.2023. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Bonn, Nims, Nordboe, Reed, Rowland, Sims, Williams (10). Voting nay: None (0). Absent: Lucas, Phillips (2). Vacant positions (1). Motion carried.

#### 4. Updates and Follow-up

##### a. 2023 Legislation

- LB 16 Occupational reform and changes to preliminary conviction review  
[https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=49705](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49705)

Gelvin updated LB16, that an amendment was introduced to remove section 1 by Senator Briese

- LB 189 Exempt natural hair styling  
[https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=50093](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50093)

No updates

- LB 561 Cosmetology licensure compact  
[https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=50571](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50571)

No updates

10:37 am Phillips entered room

- ##### b. Body Art-Bavougian introduced definition changes for regulations and statues for the board to review (see attached). The board discussed changes to recommendations and will continue to a later meeting for further review.

10:58 am Lindsay Braddock, Licensure Unit Administrator entered room

11:33 am Klaassen, Meyerson-investigations entered room

##### c. NIC

- Virtual Event April 29, 2023. Sims updated board and board discussion on updates (see attached)
- Fall Conference is October 27-30 in Albuquerque, NM. Sims, Nordboe and Rowland will attend.
  - **MOTION:** Anderson moved, seconded Bavougian, to approve Sims, Nordboe and Rowland to attend conference with the board paying for the conference and Rowland to be delegate. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Bonn, Nims, Nordboe, Phillips, Reed, Rowland, Sims, Williams (11). Voting nay: None (0). Absent: Lucas (1). Vacant positions (1). Motion carried.

11:55 am Bavougian exited the room

11:56 am Bavougian entered the room

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

#### 5. **Public Comment**

Public email from Wendy Lamb to the Licensure Unit was reviewed regarding a procedure seen on YouTube : <https://youtu.be/j8PYUSTazHo> regarding ingrown toenail removal and footfile type being used. She is wanting to know if they can do this procedure and if they are able to use the footfile. The board deferred to the next meeting to review the video and footfile.

## **6. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION**

**MOTION:** Anderson moved, seconded by Bingham, to enter closed session at 12:12pm pm for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Bonn, Nims, Nordboe, Phillips, Reed, Rowland, Sims, Williams (11). Voting nay: None (0). Absent: Lucas (1). Vacant positions (1). Motion carried

12:34pm Klassen and Meyerson exited room

1:47 pm Verbal agreement from all board members to enter open session.

## **7. Open Session:** Application Review and Recommendations (Initial Licensure, Reinstatement, Convictions, Administrative Penalties, and Mail Ballot Report Outs)

1:47 pm O'Neill exited room

1:50 pm O'Neill entered room

### **Andrew Waltermeyer-Tattoo Artist**

Oldehoeft updated the board that the Department reviewed the application file as recommended by the board in April and determined to deny the application.

### **Kaylie Lett Cosmetologist**

**MOTION:** Anderson moved, seconded by Bingham, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Bonn, Nims, Nordboe, Phillips, Reed, Rowland, Sims, Williams (11). Voting nay: None (0). Absent: Lucas (1). Vacant positions (1). Motion carried

### **J and Co Salon – Cosmetology Salon**

**MOTION:** Sims moved, seconded by Nordboe, 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 by the owner and the Standard Terms and Conditions of probation. Basis: Operating a salon without a license. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Bonn, Nims, Nordboe, Phillips, Reed, Sims, Williams (10). Voting nay: Rowland (1). Absent: Lucas (1). Vacant positions (1). Motion carried

### **Rose Beauty Salon – Cosmetology Salon**

**MOTION:** Anderson moved, seconded by Nordboe, 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 by the owner and the Standard Terms and Conditions of probation. Basis: Operating a salon without a license. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Bonn, Nims, Nordboe, Phillips, Reed, Rowland, Sims, Williams (11). Voting nay: None (0). Absent: Lucas (1). Vacant positions (1). Motion carried

### **John Turpen – Tattoo Artist**

**MOTION:** Anderson moved, seconded by Nordboe, to recommend deferring to next meeting for more information. A voice vote was taken. Voting aye: Anderson, Bavougian, Reed, Williams, Nims, Nordboe, Rowland, Sims, Bonn, Phillips, Lucas (11). Voting nay: None (0). Absent: Bingham (1). Vacant positions (1). Motion carried.

### **Samantha Horak – Nail Technician**

**MOTION:** Anderson moved, seconded by Nordboe, to recommend issuance of the license with a 1-year probation, employer quarterly reports, body fluid screening and the Standard Terms and Conditions of probation. Basis: Conviction History. A voice vote was taken. Voting aye: Anderson, Bavougian, Reed, Williams, Nims, Nordboe, Rowland, Sims, Bonn, Phillips, Lucas (11). Voting nay: None (0). Absent: Bingham (1). Vacant positions (1). Motion carried.

**Stephanye Coward – Reinstatement Cosmetologist**

**MOTION:** Nordboe moved, seconded by Anderson, to recommend issuance of the license with a 3-year probation, employer quarterly reports, random body fluid screening, successfully complete the jurisprudence examination within 90 days, comply with all current and future treatment recommendations, comply with court probation, and the Standard Terms and Conditions of probation. Basis: Failure to report all convictions and Conviction History. A voice vote was taken. Voting aye: Anderson, Bavougian, Reed, Williams, Nims, Nordboe, Rowland, Sims, Bonn, Phillips, Lucas (11). Voting nay: None (0). Absent: Bingham (1). Vacant positions (1). Motion carried.

**Aaron Kern – Reinstatement Cosmetologist**

**MOTION:** Nordboe moved, seconded by Anderson, to recommend issuance of the license with a 3-year probation, employer quarterly reports, random body fluid screening, successfully complete the jurisprudence examination within 90 days, Supervision by a person licensed under the Uniform Credentialled Act, comply with court probation and the Standard Terms and Conditions of probation. Basis: Conviction History. A voice vote was taken. Voting aye: Anderson, Bavougian, Reed, Williams, Nims, Nordboe, Rowland, Sims, Bonn, Phillips, Lucas (11). Voting nay: None (0). Absent: Bingham (1). Vacant positions (1). Motion carried.

**8. Closed Session:** Conviction Guidelines and discussion

**MOTION:** Anderson moved, seconded by Bingham, to enter closed session at 1:58 pm for the purpose of hearing discussions of a confidential nature. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Bonn, Nims, Nordboe, Phillips, Reed, Rowland, Sims, Williams (11). Voting nay: None (0). Absent: Lucas (1). Vacant positions (1). Motion carried

2:10 pm Bavougian exited room  
2:15pm Bavougian entered room

2:46 pm Verbal agreement from all board members to enter open session.

**9. Open Session**

**10. ADJOURNMENT**

Rowland announced the next meeting is scheduled for June 5, 2023, and declared the meeting adjourned at 2:47p.m.

Submitted,

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Buddy Sims, Secretary  
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art  
Summarized by the Licensure Unit

Item 4B

## Title 172 – Chapter 44

~~**Body art** means body piercing, branding, permanent color technology, and tattooing.~~  
means body piercing, tattooing, branding, scarification, or permanent cosmetics.

~~**Body art facility** means any room or space or any part thereof where body art is performed or where the business of body art is conducted.~~

means any place or premise, whether licensed or not, whether public or private, temporary or permanent, in nature or location, where the practices of body art, whether for profit or not, are performed.

~~**Body piercing** means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except that body piercing does not include puncturing the external part of the human earlobe.~~

means any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.

~~**Branding** means a permanent mark made on human tissue by burning with a hot iron or other instrument.~~

means the process in which a mark or marks are burned into human tissue with the intention of leaving a permanent mark.

~~**Guest body artist** means a person registered under the Nebraska Cosmetology Act to demonstrate body art products or procedures for the purpose of imparting professional knowledge and information to persons licensed in this state to perform body art or to persons owning or operating a licensed body art facility under the sponsorship of a licensed body art facility or a person licensed in this state to perform body art.~~

means an individual who is registered for limited time as a body artist in Nebraska

~~**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.~~

“PERMANENT COSMETICS” means a tattoo, whether permanent, semi-permanent, or temporary, by someone other than a licensed physician, which includes but is not limited to eyebrows, eyelids, lips and other parts of the body for beauty marks, hair imitation, lash enhancement or areola repigmentation. This includes any procedures whether referred to as, but not limited to, “permanent makeup”, “microdermapigmentation”, “micropigment implantation”, “microblading”, “micro-needling with the use of pigment”, “dermagraphics”, “cosmetic tattooing” or any other similar procedures and for the purpose of this Code has the same meaning as “tattoo.”

~~**Tattoo** means the indelible decorative mark, figure, or design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.~~

means the mark resulting from the act of tattooing.

~~**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.**~~

means any act of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other method used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. This includes all forms of permanent cosmetics.

## Title 172 – Chapter 45

~~**Body art means body piercing, branding, permanent color technology, and tattooing.**~~  
means body piercing, tattooing, branding, scarification, or permanent cosmetics.

~~**Body art facility means any room or space or any part thereof where body art is performed or where the business of body art is conducted.**~~

means any place or premise, whether licensed or not, whether public or private, temporary or permanent, in nature or location, where the practices of body art, whether for profit or not, are performed.

~~**Body piercing means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except that body piercing does not include puncturing the external part of the human earlobe.**~~

means any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.

~~**Branding means a permanent mark made on human tissue by burning with a hot iron or other instrument.**~~

means the process in which a mark or marks are burned into human tissue with the intention of leaving a permanent mark.

~~**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.**~~

“PERMANENT COSMETICS” means a tattoo, whether permanent, semi-permanent, or temporary, by someone other than a licensed physician, which includes but is not limited to eyebrows, eyelids, lips and other parts of the body for beauty marks, hair imitation, lash enhancement or areola repigmentation. This includes any procedures whether referred to as, but not limited to, “permanent makeup”, “microdermapigmentation”, “micropigment implantation”, “microblading”, “micro-needling with the use of pigment”, “dermagraphics”, “cosmetic tattooing” or any other similar procedures and for the purpose of this Code has the same meaning as “tattoo.”

~~**Practitioner means a person who performs any or all of the practices of body art.**~~

“BODY ARTIST” means any person performing body art services whether licensed or not.

~~**Tattoo means the indelible decorative mark, figure, or design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body**~~

~~of a live human being.~~

means the mark resulting from the act of tattooing.

~~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.~~

~~Verified means sworn to before a notary public or equivalent title.~~

means any act of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other method used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. This includes all forms of permanent cosmetics.

~~Verified means sworn to before a notary public or equivalent title.~~

Word is not used in the document

## Title 172 -Chapter 46

~~Aftercare means written instructions given to the client, about caring for the body art and surrounding area.~~

means suggested instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary."

~~Antiseptic means an agent that inhibits the growth and multiplication of, or destroys, disease causing microorganisms on the skin or mucosa.~~

means a product that is labeled as useful in preventing diseases caused by microorganisms present on the skin and/or on mucosal surfaces of humans and is in compliance with section 201(g)(1)(B) of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 321(g)(1)(B)). This includes products meant to kill germs and/or labeled as "antiseptic", "antimicrobial," "antibacterial," "microbicide," or "germicide," or other similar terms.

~~Aseptic techniques means methods used in body art procedures to prevent contamination of a pierced area by microorganisms.~~

means a set of specific practices and procedures performed under controlled conditions with the goal of minimizing contamination by pathogens.

~~Autoclave means a sterilization device using steam, heat and pressure which meets the standards of American Society for Mechanical Engineering (ASME).~~

means a piece of equipment that is intended for use by a user to sterilize products by means of pressurized steam. This equipment must comply with one of three types of steam programs defined as B, N, and S by standard EN13060, ISO 17665."

~~Body art means body piercing, branding, permanent color technology, and tattooing.~~

means body piercing, tattooing, branding, scarification, or permanent cosmetics.

~~Body art facility means any room or space or any part thereof where body art is performed or where the business of body art is conducted.~~

means any place or premise, whether licensed or not, whether public or private, temporary or

permanent, in nature or location, where the practices of body art, whether for profit or not, are performed.

~~**Body piercing** means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except that body piercing does not include puncturing the external part of the human earlobe.~~

means any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.

~~**Branding** means a permanent mark made on human tissue by burning with a hot iron or other instrument.~~

means the process in which a mark or marks are burned into human tissue with the intention of leaving a permanent mark.

~~**Disinfection** means the destruction of disease causing micro-organisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.~~

Disinfection is not used, disinfectant is used several times.

“DISINFECTANT” means a product that is tuberculocidal and registered by the federal Environmental Protection Agency, as indicated on the label for use in disinfection.

~~**Equipment/Furniture** means those items needed to operate an facility which are usually considered stationary, for example, chairs, cabinets, sinks, stations, etc.~~

means all machinery, containers, vessels, implements, storage areas, and sinks that are used in conjunction with the storage or application of body art by a body artist, or used within the sterilization/decontamination and disinfection processes”

~~**Gloves** a covering for the hand having separate sections for each finger that is single use, sanitary, and is disposable medical grade.~~

means medical grade or exam grade, whether sterile or non-sterile, disposable, single-use full-hand covering worn for protection against disease transmission.

~~**Instrument/tool** means hand pieces, needles, and other tools that may come in contact with a customer's body or be exposed to body fluids during body art procedures.~~

means handpieces, needles, needle bars, tattoo machines, forceps, and other tools that could come in contact with a client’s body or could be exposed to bodily fluids during body art procedures.”

~~**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.~~

“PERMANENT COSMETICS” means a tattoo, whether permanent, semi-permanent, or temporary, by someone other than a licensed physician, which includes but is not limited to eyebrows, eyelids, lips and other parts of the body for beauty marks, hair imitation, lash enhancement or areola repigmentation. This includes any procedures whether referred to as, but not limited to, “permanent makeup”, “microdermapigmentation”, “micropigment implantation”, “microblading”, “micro-needling with the use of pigment”, “dermagraphics”, “cosmetic tattooing” or any other similar procedures and for the purpose of this Code has the same meaning as “tattoo.”



~~**Practitioner means a person who performs any or all of the practices of body art.**~~

~~“BODY ARTIST” means any person performing body art services whether licensed or not.~~

~~**Sanitize means the application of reducing microorganisms to a safe level.**~~

~~Replace with “DISINFECT”~~

~~“DISINFECT” means the to destroy pathogenic and other kinds of microorganisms by physical and/or chemical means. Disinfection is less lethal than sterilization, because it destroys most recognized pathogenic microorganisms, but not necessarily all microbial forms, such as bacterial spores. Disinfection does not ensure the margin of safety associated with sterilization processes (CDC Division of Oral Health).~~

~~**Sharps means any rigid object used for the purpose of puncturing, lacerating, or penetrating the skin or mucosa.**~~

~~means any objects that may purposely or accidentally cut or penetrate the skin or mucosa, including, but not limited to, pre-sterilized, single-use needles, and scalpel blades.~~

~~**Sharps container means a rigid, leak and puncture resistant, and labeled container, manufactured for the containment of sharps. Labeling must include the international biohazard symbol.**~~

~~means a closable, puncture-resistant, leakproof (on sides and bottom) container made specifically to be a sharps container that meets **National Institute for Occupational Safety and Health (NIOSH)** standards and can be closed for handling, storage, transportation, and disposal. A sharps container must be labeled with the international biohazard symbol.”~~

~~**Single use means products or items that are intended for one-time, one-person use and are disposed of after use on each customer.**~~

~~means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles, scalpel blades, stencils, ink cups, and protective gloves.~~

~~**Sterilization means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.**~~

~~means a validated process used to render product free from viable microorganisms. [ISO 11139]~~

~~**Supplies/materials means cotton balls/cotton pads or other similar items.**~~

~~Means cotton balls, cotton pad, cotton swabs, paper towels, gauze, or other similar items.~~

~~**Tattoo means the indelible decorative mark, figure, or design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.**~~

~~means the mark resulting from the act of tattooing.~~

~~**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.**~~

~~Verified means sworn to before a notary public or equivalent title.~~

means any act of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other method used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. This includes all forms of permanent cosmetics.

## STATUTES

38-1008. Body art, defined.

~~Body art means body piercing, branding, permanent color technology, and tattooing.~~

Source: Laws 2004, LB 906, § 7; R.S.Supp.,2006, § 71-346.01; Laws 2007, LB463, § 270.

means body piercing, tattooing, branding, scarification, or permanent cosmetics.

38-1009. Body art facility, defined.

~~Body art facility means any room or space or any part thereof where body art is performed or where the business of body art is conducted.~~

Source: Laws 2004, LB 906, § 8; R.S.Supp.,2006, § 71-346.02; Laws 2007, LB463, § 271.

means any place or premise, whether licensed or not, whether public or private, temporary or permanent, in nature or location, where the practices of body art, whether for profit or not, are performed.

38-1010. Body piercing, defined.

~~Body piercing means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except that body piercing does not include puncturing the external part of the human earlobe.~~

Source: Laws 2004, LB 906, § 9; R.S.Supp.,2006, § 71-346.03; Laws 2007, LB463, § 272.

means any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.

38-1011. Branding, defined.

~~Branding means a permanent mark made on human tissue by burning with a hot iron or other instrument.~~

Source: Laws 2004, LB 906, § 10; R.S.Supp.,2006, § 71-346.04; Laws 2007, LB463, § 273.

means the process in which a mark or marks are burned into human tissue with the intention of leaving a permanent mark.

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.~~

Source: Laws 2004, LB 906, § 12; R.S.Supp.,2006, § 71-362.01; Laws 2007, LB463, § 306.

means a tattoo, whether permanent, semi-permanent, or temporary, by someone other than a licensed physician, which includes but is not limited to eyebrows, eyelids, lips and other parts of the body for beauty marks, hair imitation, lash enhancement or areola repigmentation. This includes any procedures whether referred to as, but not limited to, “permanent makeup”, “microdermapigmentation”,

“micropigment implantation”, “microblading”, “micro-needling with the use of pigment”, “dermagraphics”, “cosmetic tattooing” or any other similar procedures and for the purpose of this Code has the same meaning as “tattoo.”

**38-1053. Tattoo, defined.**

~~Tattoo means the indelible decorative mark, figure, or design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.~~

Source: Laws 2004, LB 906, § 15; R.S.Supp.,2006, § 71-370.01; Laws 2007, LB463, § 315.  
means the mark resulting from the act of tattooing.

**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.~~

Source: Laws 2004, LB 906, § 16; R.S.Supp.,2006, § 71-370.02; Laws 2007, LB463, § 316.  
means any act of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other method used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. This includes all forms of permanent cosmetics.

Item 4c

NIC Digital Conference 4/29/2023

**Dr. Maura Scali-Sheahan (NABBA):**

-Topic: An Instructional Design Challenge

-Training and Education are crucial to the safety of consumers

-Is a standard amount of hours of training necessary to prepare students to safely perform all services OR is training in these areas with fewer hours sufficient to prepare students to safely perform beauty services?

-Q: How is the term standard used in this context?

-A: In this case, a set number of hours are required to learn to perform 'vital' services safely

-Q: What are the criteria for identifying an instructional area as 'vital'?

-Q: Who is proposing the vital area's concept and why?

-Important: If this concept is coming from external sources with a deregulation agenda, we need to be cautious about giving in to legislative pressures. Seeing results of deregulation nationwide, leading to the devaluation of our profession.

Q: Should we assume instruction in only 'vital' areas will reduce the number of required training hours?

-With data, we could prove vital areas of study could need more hours

Legiscan.com tracks Nationwide Bills

-258 Barber bills

-132 Cos Bills

-71 Esty Bills

-40 Facials

-57 Nails

Identify the Problem or task:

1. The question of whether a standard number of training hours is necessary, or if training in the vital areas in fewer hours is sufficient, is unanswerable at this time due to the lack of studies.
2. The underlying premise of each hypothesis needs to be identified to validate the importance for testing.
3. Testing the merits and limitations of the hypothesis require
  - a. Design & develop a study to determine minimum content and training hours.
  - b. Design and develop research and evaluation instruments.
  - c. Compile nationwide state rules and regs.
  - d. Implement pilot studies.
  - e. Studies must be authentic and measurable.
  - f. Produce Outcomes reports and recommendations.

Addie Instructional Design Model:

-5 Phases

1. Analyze

-Needs Assessment

-Identify Problem or task and scope of project

-Identify and analyze requirements

-Obtain and review resources and references

2. Design

-Design & Layout

-Review resources and framework

-Collate performance objectives

-Sequence content for delivery

3. Develop

-Develop instruction or training

-Develop materials or instruments

-Determine delivery methods

-Obtain feedback

4. Implement

-Delivery

-Align implementation with schedules

-Prepare

- Train
- 5. Evaluate
  - Evaluate Outcome
    - Evaluate effectiveness
    - Measure results
    - Revise

Comprehensive Master Curriculum for all resources needed to battle deregulation:

- Need nationwide contributions
  - Need State Data for Curriculum frameworks
  - Need Rules and Regs
  - Need Department of Education Frameworks
  - Need 'stakeholder' teams and feedback
  - What are the needs of the industry?
  - What are learner needs?
  
  - Identify Standards:
    - Identify Subjects
    - Identify Key Concepts
    - Identify Key Skill Sets
    - Performance Standards for:
      - Tasks & Services
      - Performance Objectives
      - Learning Objectives
        - Hour Distribution
          - Theory
          - Lab & Clinic
          - Curriculum Hours
- 
- Analyze & Apply to Track Progress
  - New Standard Design & Development OR Vital Areas design & Development
  - Pilot Study and Outcome Report
  - Evaluate, Compare, Select

Email to obtain slide presentation: [ms2@bellsouth.net](mailto:ms2@bellsouth.net)  
NABBA (National Barber Board Association): [nabba.mss@gmail.com](mailto:nabba.mss@gmail.com)

**Paro Sen (Occupational Health Researcher NIOSH & CDC)**

- Topic: Consumer Health and Toxicology
- Chemicals can contain chemicals harmful to health
  - Inhalation or Dermal Absorption most common
    - Health Outcomes: irritation, nausea, asthma, Reproductive problems or birth defects, and cancer
- Not harmful if used correctly with proper education
- Hair relaxing, straightening, color
  - PPD
  - Parabens
  - Formaldehyde
  - Phthalates
- Hair Color:
  - If contains PPD can cause skin irritation, darker colors most common
    - Vinyl gloves are not beneficial to avoid reaction
    - Formaldehyde free may have up to 11%

- This amount exceeds ceiling limits
  - Formalin, methylene glycol, methanal
- Formaldehyde in Keratin Treatments and Straighteners
  - May not appear on labels, different names used
  - May not appear as the heat creates formaldehyde
- Gas released when combined with heat
- Class 1 carcinogens
- Proper ventilation required
- Lower heat lowers gas output

#### Endocrine Disruptors

- Trade secrets, do not need to be listed in ingredients (Phthalates & Parabens)
- Estrogen mimicking components- cancer, reproductive issues
- 49% hair products marketed to black women contain Endocrine Disruptors
  - Higher rate of cancers in black women using these products
  - 8% marketed to white women

#### Chemicals in Nail Products:

- Toluene (Paint Thinner)
- Dibutyl Phthalate (Plasticizers)
- Toxic Trio: Toluene, Dibutyl Phthalate, Formaldehyde
- Toluene most dangerous: birthing issues, neurological toxicity
- California Department of Toxic Substance Control did a test on brands stating they don't use the 'Toxic 3', but actually are and not listing in ingredients
- Regrettable substitutions being used by companies replacing toxic 3 with ingredients that aren't well researched.
- Ethyl and Methyl methacrylate
  - EMA used most often
  - MMA still being found in salons today
  - Long term exposure can cause allergic reactions

#### Hazards of Nails Salons:

- Dust: Asthma and Lung issues
  - Product Vapors
  - Shared MANY links for research, studies, oversight, etc. EPA For safe cleaning products, Cali. Safe Cosmetics
- Recruiting Nail Salons to assist with research

#### **Molly Bode: Kentucky Vallo- Military Occupational Licensure**

- Topic: Veterans Accelerated Learning for Licensed Occupations
- Accelerated Pathways for military family interstate licensure
- Regulations 10<sup>th</sup> amendment for individual state regulations
- Sharing barriers experienced by Military spouses

#### 1. Barriers

- Why are discrepancies burdensome for the military?
- Translating Military training to Civilian Licensure
- Military Occupations may not have a direct civilian equivalent
- Military training quick and not qualified for civilian licensure, forcing an educational restart
- Many military jobs do have civilian equivalents, many require licenses
- Shorter pathways for veterans are the best pathway
- Some new federal laws to assist
- Some don't pursue licensed careers due to barriers

#### Examples:

- Years of Experience Clauses not full proof
  - Must be very clear about when, where, and how many years required
- Licensure Fees & Con-Ed (Costs and maintenance)
- Vague Wording left up to interpretation and hard to define
  - Substantially similar
  - May
  - Shall

#### 2. Regulatory Language/Terminology

- Can be misinterpreted by military applicants for licensure

Active Duty-Person on full-time duty in an active uniformed service of the US

- Reserves (President or Secretary of Defense)
- National Guard-Governors, pres. SOD
- Can earn veteran status for active duty for 180 consecutive days or 20 years

Veteran- Who served, then discharged or released. Collects VA benefits.

-Status requires 1 day in combat zone or 180 consecutive days, 20 years National Guard or Reserve honorable discharge, sexual assault victims

- Why would someone not consider themselves a veteran when qualified?
  - Some don't feel like they earned or qualified
  - When honorably or medically discharged, don't consider automatic veteran status
  - If some aren't in direct combat, may not consider themselves a veteran

Considerations for Licensing Agencies:

- Area on application that says Have you served in the military or are you a spouse of military?
- What military documents are required to submit with application?
  - Are states asking for the correct documents from the right time-period?
- Waiving application fees w/ timely approval

### **Susan Collard (Executive Director NIC)**

-Topic: NIC Updates

-New Mission: Promote and Support Uniformity of the practices of Cosmetology and related fields for our members and national partners through testing, collaboration and a national data repository.

-New Services and Features:

- NIC National Database
- New Website coming in the next few weeks

-Database to assist with expediting out of state licensure standards

-Pilot Programs states received gold member status automatically

-Training available for database for those states that participate

-Mary

Membership Tiers (NEW):

-Gold (NEW)

- Only tier with access to national database and registry to protect states private information.
- One complimentary NIC conference ticket.

-Silver

-Industry Partners (Public)

- Opportunities to learn about NIC
- Similar to Silver

-New website offers:

- Conference registration and payment
- Bookstore
- Practice exams
- Membership applications

[rkinley@nictesting.org](mailto:rkinley@nictesting.org) for certification for attendance