

These minutes were approved by the Board [with Corrections Noted 11.7.2022](#)

## **MINUTES OF THE VIRTUAL CONFERENCING MEETING**

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art  
October 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 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 (7):**

The following members answered roll call:

Bridget Anderson, Chair (in room)  
Brandy Phillips, Member (in room)  
Vicki Criswell, Member (in room)  
Matt Bavougian, Member (on call)  
Kyoung Bonn, Member (on call)  
Ruth Lucas, Member (on call)  
Pamela Rowland, Vice-Chair (in room)

#### **Members Absent (4):**

Shannon Bingham, Member  
Marie Nordboe, Member  
Leslie Reed, Member  
Harold "Buddy" Sims, Member

#### **Others Present:**

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

A quorum was present and the meeting convened.

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

**MOTION:** Criswell moved, seconded Rowland, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Phillips, Criswell, Bavougian, Bonn, Lucas, Rowland (7). Voting nay: None (0). Absent: Bingham, Nordboe, Reed, Sims (4). Vacant positions (2). Motion carried.

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

**MOTION:** Criswell moved, seconded Rowland, to adopt the minutes from 09.12.2022 with corrections. A voice vote was taken. Voting aye: Anderson, Phillips, Criswell, Bavougian, Bonn, Lucas, Rowland (7). Voting nay: None (0). Absent: Bingham, Nordboe, Reed, Sims (4). Vacant positions (2). Motion carried.

#### **4. Human Trafficking**

Porscha Howard presented the following information. Human Trafficking is present in all states in the U.S. including Nebraska. The Women's Center for Advancement, University Nebraska Medical Center's college of Public Health, CHI Health recognize the opportunity to train cosmetology professionals in identifying and responding to human trafficking. They have developed a 1-hour, self-paced online course on human trafficking (sex and labor trafficking) for professionals in cosmetology and other personal industries, such as tattoo artists, hair stylists, nail technicians, etc. The course covers types of trafficking and how to recognize red flags of trafficking, safely report suspected trafficking, and provide survivors with information on support services in the community.

Howard continued that several states require cosmetologists to complete human trafficking awareness training as part of their Continuing Education. They would like Nebraska to join this movement by taking this training to increase their awareness of human trafficking.

Cosmetology professionals have the trust of their clients and are uniquely positioned to support their safety and well-being. The dangers of human trafficking are everywhere, and participants can learn how to be part of the solution.

She provided a copy of a flyer, which includes a link and QR code that will direct the licensee to the training course.

#### **5. Updates/Follow-up**

a. Body Art Regulations 172 NAC 44

Chiles stated the Board of Health reviewed and approved the regulations on September 19, 2022; next approvals in the regulation process include:

- Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art (including Chair Signing Certificate of Adoption)
- Director of the Division of Public Health
- Attorney General
- Governor (then sent to Secretary of State for filing)

If all approvals are obtained, the regulations are effective 5 days after filing with the Secretary of State.

Board members voiced their approval for the Chair to sign the certificate of adoption.

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

After lengthy conversations, the Board's position is:

- BB glow appears to be within the scope of practice for Estheticians and Cosmetologists **IF** plant-based serum used.
- BB Glow, appears to be within the scope of practice for Permanent Color Technicians, **IF** pigment is used.

Criswell will contact other states and further research tattoo pigments. **Bavougian explained the 2 types of pigments, those made of metal** Salts and plastics

11:06 am      Howard exited meeting room

Criswell identified additional questions that she is receiving from licensees:

1. Prescription Skin Care
  - Information:
    - Products Lines:
      - ◆ Some Medical grade Products are Medically Enhanced, being more upper grade formula, on the cutting edge, but not a Prescription. These companies do not require a Prescription to sell that product. Usually less invasive. Better Marketing
      - ◆ Some Medical Grade Products do require a Dr prescription, - More Invasive this becomes a Prescription Skin Care
      - ◆ Other Medical Grade Products are actually more Prescription Skin Care because they use more prescriptive Formulas, but the Skin Care Company does Not Require a Dr's release on file or a Dr to be present.
  - a. Can a Cosmetologist/ Esthetician sell Prescription Skin care? NO
  - b. Can a Cosmetologist/ Esthetician sell prescription Skin Care if the he/she works in a Medical spa with a Dr on Staff? NO
  - c. If an Esthetician hires a Medical Director, can that Esthetician then sell Medical Grade Prescription Skin Care Products? NO
2. Medical Directors:
  - a. If a Cosmetologist/ Esthetician hires a Medical Director, can he/she then sell Prescription Medical Grade Skin Care Products? NO
  - b. If a Cosmetologist/ Esthetician hires a Medical Director, can he/she then preform Medical type procedures? IE: Botox injections. Laser treatments NO
- c. Cosmetology Licensure Compact Information <https://compacts.csg.org/compact-updates/cosmetology/>  
Chiles reported that there is no update.
- d. Statistics: Examinations, Licensing, Disciplinary/Non-Disciplinary Information, and Renewals (report attached to agenda)

There was concern raised that because the state exam [prep booklet and moved to digital a format](#) was removed from Pivot Point text books, may be part of reason for number of failures.

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

**MOTION:** Criswell moved, seconded by Rowland, to enter into closed session at 11: 28 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, Phillips, Criswell, Bavougian, Bonn, Lucas, Rowland (7). Voting nay: None (0). Absent: Bingham, Nordboe, Reed, Sims (4). Vacant positions (2). Motion carried.

Chiles closed the public call in line.

11:20 am Anna Harrison entered room  
11:34 am Klaussen and Kroeger, investigations entered room  
12:10 am Harrison, Klaussen and Kroeger exited room

## **7. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION**

12:30 p.m. Verbal agreement from all board members to enter into open session.

12:38 pm Break

12:59 pm Resume open session

12:59 pm Joann Uden exited call

### **Amber Eichmann – Cosmetologist**

**MOTION:** Criswell moved, seconded by Rowland, to defer the recommendation to the next meeting. A voice vote was taken. Voting aye: Anderson, Phillips, Criswell, Bavougian, Bonn, Lucas, Rowland (7). Voting nay: None (0). Absent: Bingham, Nordboe, Reed, Sims (4). Vacant positions (2). Motion carried.

### **Shelby Cizek – Cosmetologist**

**MOTION:** Criswell moved, seconded by Phillips, to defer the recommendation to the next meeting. A voice vote was taken. Voting aye: Anderson, Phillips, Criswell, Bavougian, Bonn, Lucas, Rowland (7). Voting nay: None (0). Absent: Bingham, Nordboe, Reed, Sims (4). Vacant positions (2). Motion carried.

### **Dustie Martin – Nail Technician**

**MOTION:** Criswell moved, seconded by Anderson, to recommend to issue with a 3-year probation with the following terms and conditions: Random body fluid screens, Abstain from Alcohol/Drug, Report prescribed medication, follow recommendations of assessment and any future recommendations, Quarterly employer reports, No Solo practice. Basis: Conviction history and diagnosis. A voice vote was taken. Voting aye: Anderson, Phillips, Criswell, Bavougian, Bonn, Lucas, Rowland (7). Voting nay: None (0). Absent: Bingham, Nordboe, Reed, Sims (4). Vacant positions (2). Motion carried.

### **Meriann Rodriguez Rosario – Nail Technology Reinstatement**

**MOTION:** Rowland moved, seconded by Criswell, 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: practiced over 100 days with a license. A voice vote was taken. Voting aye: Anderson, Phillips, Criswell, Bavougian, Bonn, Lucas, Rowland (7). Voting nay: None (0). Absent: Bingham, Nordboe, Reed, Sims (4). Vacant positions (2). Motion carried.

### **Derek Saltzman – Tattoo Artist**

**MOTION:** Criswell moved, seconded by Rowland, to recommend to issue with a 3-year probation with the following terms and conditions: Random body fluid screens, Abstain from Alcohol/Drug, Report prescribed medication, follow recommendations of assessment and any future recommendations, Quarterly employer reports. Basis: Conviction history and diagnosis. A voice vote was taken. Voting aye: Anderson, Phillips, Criswell, Bavougian, Bonn, Lucas, Rowland (7). Voting nay: None (0). Absent: Bingham, Nordboe, Reed, Sims (4). Vacant positions (2). Motion carried.

## **9. CONFIDENTIAL INFORMATION – CLOSED SESSION**

**MOTION:** Criswell moved, seconded by Rowland, to enter into closed session at 1:01 p.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, Phillips, Criswell, Bavougian, Bonn, Lucas, Rowland (7). Voting nay: None (0). Absent: Bingham, Nordboe, Reed, Sims (4). Vacant positions (2). Motion carried.

## **10. OPEN SESSION**

2:56 p.m. Verbal agreement from all board members to enter into open session.

It was announced that Joann Williams was appointment by the Board of Health to the Esthetic representative position on the Board and will fill the upcoming vacancy (Criswell's term expires) as of December 1, 2022.

**11. ADJOURNMENT**

Anderson announced the next meeting is scheduled for ~~October 3~~ **November 7**, 2022, the examination work groups will report at that time, and declared the meeting adjourned at 3:18 p.m.

Submitted,

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Bridget Anderson, Chair  
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art; Summarized by the Licensure Unit