

These minutes have not been approved by the Board

MINUTES OF THE MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
February 6, 2023

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, Brandy Phillips, at 10:30 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Morrill Room (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 1.25.2023.

The following members were present and answered roll call:

Members Present (9):

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

Members Absent (3):

Leslie Reed, Member
Kyoung Bonn, Member
Ruth Lucas, Member

Others Present:

Kris Chiles, Program Manager, Licensure Unit
Carrie Oldehoeft, Health Licensing Board Coordinator, Licensure Unit
TJ O'Neill, Assistant Attorney General
Jeanne Burke, Assistant Attorney General
Suzanna Glover-Etrich, DHHS Attorney (Webex)
Public (in room)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Anderson moved, seconded Sims, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

3. APPROVAL OF MINUTES:

MOTION: Nordboe moved, seconded Anderson, to approve the minutes from 1.7.2023 with corrections. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3) Vacant positions (1). Motion carried.

4. LEGISLATIVE UPDATES (LB 16, LB 189, LB 561, other)

- LB 16 Occupational reform and changes to preliminary conviction review https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49705 Chiles briefly provided an overview:

- Creates additional pathways for reciprocity.
- Provides additional guidance relating to the application for preliminary conviction review – individuals can submit the application prior to attending school, during school, or after completing their education. Creates additional pathways for reciprocity. It would also require licensing boards, through statute, to specify offenses that would exclude someone with a criminal record from being licensed.
- LB 16 is set for hearing February 9.
- Change time limit to look back 3 years rather than 5 years and what convictions count or don't count.
- Effective January 1, 2025 if passed.

Board conversation included that the bill changes the time limit to consider convictions to 3 years and currently the statutes or regulations do not have a time limit – the applicant is required at the time of application for licensure to disclose all misdemeanor/felony convictions regardless when they occurred. Members supported a neutral position; Anderson and Bavougian will work on a board position letter

- LB 189 Exempt natural hair styling
https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50093
 This bill removes the required for a cosmetology license to practice natural hairstyling; which is defined as:
 Natural hairstyling means to shampoo, condition, dry, arrange, curl or straighten hair using only mechanical devices such as blow dryers, combs, brushes, curlers, curling irons, blunt tipped needles, thread, and hair binders. It also includes the use of hair sprays and topical agents, such as balms, oils, and serums, and the styling of hair extensions and wigs.
 - Hearing was 2.2.2023
 - Plate Institute supported the bill along with several other individuals
- LB 561 Cosmetology licensure compact
https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50571 This bill establishes a multi-state licensing program for licensed cosmetologists in member states.
 - Hearing was 2.3.2023
 - 1 person testified in support and there were a few others that testified in opposition due to the possibility of hours decreasing in Nebraska to match other state requirements.

LB 19 from 2021: The workgroup, Sims, Rowland, and Bavougian, suggested separating Cosmetology and Nail Technology from Body Art when discussing changes for legislative session 2024. The Board supported the concept.

This previous bill provided for a new definition of "nail technology" which includes natural nail care, defined "pedicuring," and allows for licensure of nail technology apprentice salons. It created a license for "Temporary Body Art Facilities" and "Body Art Guest Artists", and updated the definition for cosmetic tattooing. This bill also allowed for all practices licensed under the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art to take their respective licensing exam in multiple languages.

To accommodate ESL (English as a Second Language) applicants, they can request a dictionary (word to word translation provided by the Department) and double time to take the NIC exam.

5. 2023 GOAL – Apprentice Salon Discussion

The following meeting months were set to start the review process:

- Conviction Guidelines (February) –Deferred to next month
- Apprentice Salons (February)

Board discussion—are there options other than *National Accrediting Commission of Career Arts and Sciences, Inc.* - (NACCAS) for financial aid?

Lori Droud, VP of Talent & Culture Barnes Group, (public) provided information regarding apprentice programs.

The board asked for clarification regarding how things are working in Iowa. Ms. Droud, stated they are using Pivot point education, there is oversight by Adarashi. Students can't change salons, program is set up for the salons, the Department of Labor is very involved as is the Department of Education in Iowa.

Apprentice ships will model based on Nebraska standards. Journeyman-will be onsite with student, they will need to have a 3 year minimum full license without discipline. Aterosi/using Pivot Point lab, there will be an online instructor

11:49 am Glover-Ettrich exited webex
11:55am Kathy Kruger & Carla Cue-Investigations entered room
11:55 am Glover-Ettrich returned
11:58 am Trevor Klaassen- Investigations entered room
12:00 pm Mark Meyerson investigations entered room
12:05 pm Cue exited room
12:07 pm Sims exited room
12:10 pm O'Neill exited room
12:11 pm Sims entered room
12:14 pm O'Neill entered room
12:14 pm Cue entered room

Discussion continued regarding next steps for setting up apprenticeships in Nebraska, including a change to the statutes, regulations, etc. It was also suggested that Ms. Droud contact the Department of Education.

12:19 pm Rowland exited room
12:22 pm Meeting break
12:31 pm Meeting resumed

6. UPDATES/FOLLOW-UP Statistics: Examinations, Licensing, Disciplinary/Non-Disciplinary Information, and Renewals (report attached to agenda)

8. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Anderson moved, seconded by Nordboe, to enter into closed session at 12:32 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, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried. Philipps repeated the motion and purpose.

12:34 pm Klaassen exited room
12:44 pm Krueger exited room
12:44 pm Nims exited room
12:49 pm Nims entered room
12:50 pm Bingham exited room

12:52 pm Bingham entered room
12:52 pm Meyerson exited room
12:53 pm Cue exited room

9. OPEN SESSION Application Review and Recommendations (Initial Licensure, Reinstatement, Convictions, Administrative Penalties, and Mail Ballot Reports)

2:51 pm Verbal agreement from all board members to enter into open session.

Conviction Reviews and Board Recommendations:

Cindy Jorquin – Permanent Color Technician

MOTION: Sims moved, seconded by Rowland, to recommend reinstatement 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 on application. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Simry Machuca – Tattoo Artist

MOTION: Bavougian moved, seconded by Sims, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Phillips, Rowland, Sims (8). Voting nay: Nordboe (1). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Virginia Benson – Cosmetology

MOTION: Anderson moved, seconded by Philips, recommend to issue with a 2-year probation with the following terms and conditions: Quarterly employer reports, Random body fluid screens, Abstain from Alcohol/Drug, Report prescribed medication, follow recommendations of assessment and any future recommendations and the Standard Terms and Conditions of probation. Basis: Conviction history and diagnosis. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Jenny Griffith – Permanent Color Technician

MOTION: Nordboe moved, seconded by Anderson, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Nims, Nordboe, Phillips, Rowland, Sims (8). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Abstain: Williams (1) Vacant positions (1). Motion carried.

Marco Miranda Jr – Tattoo Artist

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, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Victoria Hill – Cosmentologist - Reinstatement

MOTION: Bingham moved, seconded by Anderson, to recommend issuing the reinstatement license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Michelle Schwab – Tattoo Artist - Reinstatement

MOTION: Nordboe moved, seconded by Bavougian, to recommend issuing the reinstatement license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Jasmin Boutin - Ethician

MOTION: Nordboe moved, seconded by Anderson, to recommend issuance of the license with a 1-year probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days, quarterly reports and the Standard Terms and Conditions of probation. Basis: Conviction history. A voice vote was taken. Voting aye: Anderson, Bavougian, Williams, Nims, Nordboe, Rowland (6). Voting nay: Bingham, Phillips, Sims (3). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Liza Odueque - Ethician

MOTION: Sims moved, seconded by Rowland, to recommend reinstatement 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: Conviction history. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Mary Beinor – Cosmetologist - reinstatement

MOTION: Anderson moved, seconded by Nimes, to recommend issuing the reinstatement license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Williams, Nims, Nordboe, Phillips, Rowland (7). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Abstain: Bigham, Sims (2) Vacant positions (1). Motion carried.

Renee Hall – Nail Technician

MOTION: Anderson moved, seconded by Rowland, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Ashley Rodriguez – Permanent Color Technician

MOTION: Nordboe moved, seconded by Anderson, to recommend issuance of the license with a 1-year probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days, quarterly reports and the Standard Terms and Conditions of probation. Basis: Conviction history. A voice vote was taken. Voting aye: Anderson, Bavougian, Williams, Nims, Nordboe, Rowland (6). Voting nay: Bingham, Phillips, Sims (3). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Diedra Oborny - Cosmetologist

MOTION Anderson moved, seconded by Nordboe, to defer to next meeting. A voice vote was taken. Voting aye: Anderson, Bavougian, Williams, Nims, Nordboe, Rowland (6). Voting nay: Bingham, Phillips, Sims (3). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

2:22 pm Williams exited room

Shaylee Vargas Toledo - Cosmetologist

MOTION: Bavougian moved, seconded by Nordboe, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Nims, Nordboe, Phillips, Rowland, Sims (8). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Abstain: Williams (1) Vacant positions (1). Motion carried.

2:27 pm Williams entered room
2:37 pm O'Neill and Burke exited room

12. ADJOURNMENT

Phillips announced the next meeting is scheduled for March 6, 2023 and declared the meeting adjourned at 3:06 p.m.

Submitted,

February 6, 2023 Minutes

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

6

Buddy Sims, Secretary

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