

These minutes have not been approved by the Board

MINUTES OF THE CONFERENCE CALL MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
April 6, 2020

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, Vicki Criswell, at 10:30 a.m., in Lower Level Room B, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Public Meeting Law.

Members Present (8):

The following members answered roll call:

Bridget Anderson, Vice-Chair (present in LLB)
Shannon Bingham, Member
Vicki Criswell, Chair
Jacqueline Hornig, Member
Ruth Lucas, Member
Marie Nordboe, Member
Becky Pettigrew, Member
Pam Rowland, Secretary

Members Absent (3):

Ronald Banse, Member
Melanie Judkins, Member
Brandy Phillips, Member (entered meeting at 10:35 am)

Others Present via Conference Call:

Carla Cue, Investigations
Trevor Klaassen, Investigations
Kris Chiles, Program Manager, Licensure Unit
Heidi Weiland, Health Licensing Specialist, Licensure Unit
Anna Harrison, Compliance Monitor, Licensure Unit
Natalee Hart, Assistant Attorney General

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Pettigrew moved, seconded by Rowland, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Banse, Judkins, Phillips (3). Vacant positions (2). Motion carried. Phillips later entered the meeting at 10:35 a.m.

3. APPROVAL OF MINUTES – 2.3.2020 and 3.2.2020

MOTION: Pettigrew moved, seconded by Nordboe, to accept the minutes as written for 2.3.2020. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland (9). Voting nay: None (0). Absent: Banse, Judkins (2). Vacant positions (2). Motion carried.

MOTION: Roland moved, seconded by Pettigrew, to accept the minutes as written for 3.2.2020. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland (9). Voting nay: None (0). Absent: Banse, Judkins (2). Vacant positions (2). Motion carried.

4. COVID-19: CLOSURES, PRESS RELEASES, and 2020 LEGISLATIVE SESSION UPDATE

<https://nebraskalegislature.gov/> (Session postponed)

Chiles provided information:

Closures: PSI - closed all testing sites, link can be found on the cosmetology licensure home page.

Press Releases – On 3/27/2020, Governor Ricketts signed an Executive Order 20-10 which suspends several statutes for specific health care providers. The Governor has daily press conferences addressing changes to the Directed Health Measure (DHM); links to these items can also be found on the cosmetology licensure home page.

There are several statutory and regulatory suspensions and deferrals listed in the Executive Order (EO) 20-10. The EO only relates to the following professions: Advanced practice nursing, Emergency medical services, Medicine and surgery, Mental health practice, Nursing, Osteopathic medicine and surgery, Perfusion, Pharmacy, Psychology, Respiratory care and Surgical assisting.

Additionally, there is an FAQ that relates to EO 20-10, which includes guidance; one of the FAQ's relates to home study continuing education for ALL professions under the Uniform Credentialing Act. For cosmetology and esthetics, the current regulations limit the number of continuing education that may be earned through home study to 2 hours. The FAQ states:

The Department will not enforce any limit on the number of continuing education hours obtained online or by home study for renewal or reinstatement of any type of license during the State Declaration of Public Health Emergency. The Department will be as flexible as possible for renewals that take place following the emergency. If licensees obtained online or home study CE hours during the emergency because in-person courses were not available, the Department will accept those CE hours even if the renewal (expiration date) for that profession takes place after the emergency has ended.

Based on the above, a licensee would be allowed to earn all 8 hours of continuing education through home study during the duration of the State of Emergency and use those hours for renewal. When the Emergency is lifted, any hours earned after must comply with the current regulations.

Bingham inquired what home study consists of. Chiles stated home study may include, education obtained on a computer that is not a live interactive webinar, or may be a course that is sent to the licensee via mail. To verify completion of the home study the licensee would need to obtain evidence of completing the training, such as a certificate of completion as proof if they were selected for an audit.

Nordboe inquired about a salon within an assisted living facility. Are cosmetologist able to continue to work? Chiles recommended Nordboe contact Connie Vogt, Program Manager for the Office of Long Term Care Facilities. Weiland to provide Vogt's information at a later time.

Chiles provided information relating to home service permits. A salon may employ licensed cosmetologists and estheticians, to perform home services providing they have been issued a home service permit. To obtain the permit, the salon must hold a current active salon license. The purpose of the permit is to provide services to clients in emergency circumstances, which prevents the client from leaving their home to conduct routine activities, such as grocery shopping, visiting friends and relatives, attending social events, attending worship services, and other similar activities.

If licensees are providing services to clients in the clients home that do not meet the definition of a home services permit, this is a violation of the statutes and action can be taken against their license.

Pettigrew asked if the government shuts down all salons, can she keep selling clothing out of her salon. Chiles recommended she contact her local county health office in which her business is located to get guidance on retail and tanning services.

Lucas inquired about the current Directed Health Measure (DHM). Lucas wanted clarification on how many people can be in a salon. Chiles stated she believed it was the 10 person rule but review the current DHM and contact your local county health department to be sure no further restrictions have been placed on your

county.

Harrison reported knowing of a friend in Lancaster County still doing hair in her salon. Chiles recommended to contact the local county health department.

Rowland inquired about Douglas County, under section 2 of the DHM, did the governor include salons because of the 6 foot distance? She is not aware of information that clearly articulates the reason, however, it would be difficult to maintain the 6-foot rule when providing salon services.

Phillips inquired about salon owners selling home color kits. Is this illegal? Chiles stated the statutes and regulations do not address or regulate retail sales. Bingham stated the color kit boxes state 'for professional use only'. It could potentially be a liability issue for cosmetologists.

Rowland stated she was aware of a salon in Douglas County that was ticketed and fined for \$800 for practicing in their salon after the DHM became effective. Chiles stated that individuals can also report the violation to the Department's investigative office.

2020 Legislative Session: Session has been postponed

5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Pettigrew moved, seconded by Bingham, to enter into closed session at 11:04 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. Criswell repeated the motion and purpose. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland (9). Voting nay: None (0). Absent: Banse, Judkins (2). Vacant positions (2). Motion carried.

11:05 a.m. – Cue and Klaassen entered the meeting

MOTION: Nordboe moved, seconded by Lucas, to return to open session at 11:40 a.m. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Phillips, Lucas, Nordboe, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Banse, Judkins (2). Vacant positions (2). Motion carried.

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

- Applications, Convictions and Reinstatements

Convictions:

Carol Hammond, Cosmetology Reinstatement

MOTION: Anderson moved, seconded by Pettigrew, to recommend issuance of the license with no terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland (9). Voting nay: None (0). Absent: Banse, Judkins (2). Vacant positions (2). Motion carried.

Jamie Roth, Cosmetology Initial Applicant

MOTION: Nordboe moved, seconded by Lucas, to recommend a 1 year probation, no solo practice, successfully pass the cosmetology jurisprudence examination within the first 90 days of issuance, abstain from controlled substances and alcohol, random body fluid screens, follow the recommendations and any future recommendations of the evaluation, and standard probationary terms and conditions. Basis: failure to report seven convictions, diagnosis, and conviction history. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Lucas, Nordboe, Pettigrew, Phillips, Rowland (8). Voting nay: None (0). Absent: Banse, Judkins (2). Abstain: Hornig (1), Vacant positions (2). Motion carried.

Alaves Gomez, Tattoo Initial Applicant

MOTION: Anderson moved, seconded by Lucas, to recommend issuance of the license with no terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Lucas, Phillips,

Rowland (7). Voting nay: Nordboe, Pettigrew (2). Absent: Banse, Judkins (2). Vacant positions (2). Motion carried.

Darwin Martin, Tattoo Initial Applicant

MOTION: Nordboe moved, seconded by Pettigrew, to recommend to defer and request additional information. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland (9). Voting nay: None (0). Absent: Banse, Judkins (2). Vacant positions (2). Motion carried.

Alicia Godsey, Permanent Color Technician Applicant

MOTION: Anderson moved, seconded by Pettigrew, to recommend deferring the board's recommendation and request information to be sent out to the board members as a mail ballot. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland (9). Voting nay: None (0). Absent: Banse, Judkins (2). Vacant positions (2). Motion carried.

Amy Preister, Cosmetology Reinstatement

MOTION: Anderson moved, seconded by Hornig, to recommend a 6-month probation, successfully pass the cosmetology jurisprudence examination within the first 90 days of issuance, and standard probationary terms and conditions. A roll call vote was taken. Voting aye: Anderson, Bingham, Criswell, Hornig, Lucas, Nordboe, Pettigrew, Phillips, Rowland (9). Voting nay: None (0). Absent: Banse, Judkins (2). Vacant positions (2). Motion carried.

7. ADJOURNMENT

Criswell announced the next meeting is scheduled as a conference call on 5.4.20 and declared the meeting adjourned at 11:54 a.m.

Respectfully submitted,

Pamela Rowland, Secretary,
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by:
Heidi Weiland, Health Licensing Coordinator, Licensure Unit