

MINUTES OF THE MEETING OF  
THE BOARD OF COSMETOLOGY, ELECTROLOGY, ESTHETICS,  
NAIL TECHNOLOGY, AND BODY ART

September 10, 2018

**1. ROLL CALL**

The meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Vice-Chair, Vicki Criswell, at 10:32 a.m., in Lower Level Conference 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:** The following members answered roll call:

Bridget Anderson	-	Secretary
Sandra Christie	-	Member
Vicki Criswell	-	Vice-Chair
Lyra Faltys	-	Member
Jacqueline Hornig	-	Member
Ruth Lucas	-	Member
Marie Nordboe	-	Member
Becky Pettigrew	-	Member

**Members Absent:**

Melanie Judkins	-	Chair (arrived 10:34 a.m.)
Becky Pettigrew	-	Member
Pam Rowland	-	Member (arrived 10:36 a.m.)

**Others Present:**

Ami Huff, Assistant Attorney General  
Kris Chiles, Program Manager, Licensure Unit  
Nancy Herdman, Health Licensing Coordinator, Licensure Unit  
Trevor Klaassen, Investigator  
Dennis Scott, Investigator  
Anna Harrison, Compliance Monitor

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Faltys moved, seconded by Anderson, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Lucas, Nordboe, (7). Voting nay: None (0). Absent: Judkins, Pettigrew, Rowland (3). Motion carried.

10:34 a.m. - Judkins entered meeting

**3. APPROVAL OF MINUTES (7-2-18, 8-6-18)**

Anderson reported she left the July meeting at 12:30 p.m. but that was not reflected in the minutes. She also noted the August minutes show Christie as Vice-Chair under members present which is incorrect.

**MOTION:** Nordboe moved, seconded by Faltys, to approve the minutes of 7-2-18 as corrected. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Horning, Judkins, Lucas, Nordboe (8). Voting nay: None (0). Abstain: None (0). Absent: Pettigrew, Rowland (2). Motion carried.

**MOTION:** Nordboe moved, seconded by Faltys, to approve the minutes of 8-6-18 as corrected. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Horning, Judkins, Lucas, Nordboe (8). Voting nay: None (0). Abstain: None (0). Absent: Pettigrew, Rowland (2). Motion carried.

10:36 a.m. - Rowland entered the meeting

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

**MOTION:** Faltys moved, seconded by Nordboe, to enter into closed session at 10:35 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. Judkins repeated the motion purpose. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Judkins, Lucas, Nordboe, Rowland (9). Voting nay: None (0). Absent: Pettigrew (1). Motion carried.

10:40 a.m. - Klaassen and Scott departed meeting  
11:22 a.m. - Harrison departed meeting

**MOTION:** Faltys moved, seconded by Anderson, to return to open session at 11:25 a.m. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Judkins, Lucas, Nordboe, Rowland (9). Voting nay: None (0). Absent: Pettigrew (1). Motion carried.

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

##### Abbey Mohnike – Cosmetologist Reinstatement from Discipline (Early Release)

**MOTION:** Nordboe moved, seconded by Criswell, to recommend removal of the no solo practice probation term and condition but retain all other probation terms and conditions due to having 2 positive alcohol screens during probation. Motion based on no additional convictions and commitment to advancement in her career. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Rowland (7). Voting nay: Judkins, Lucas (2). Abstain: None (0). Absent: Pettigrew (1). Motion carried.

##### Jennifer Lund – Cosmetologist Reinstatement

**MOTION:** Nordboe moved, seconded by Christie, to recommend deferral of the application and request a pre-reinstatement investigation. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Judkins, Lucas, Nordboe, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Pettigrew (1). Motion carried.

##### Kyle Watkins – Cosmetologist Applicant

**MOTION:** Lucas moved, seconded by Faltys, to recommend issuing the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Judkins, Lucas, Nordboe, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Pettigrew (1). Motion carried.

#### **6. UPDATES/REPORTS/STATISTICS**

- a. Profession Updates: Body Art, Cosmetology, Electrology, Esthetics, Nail Technology and Indoor Tanning Facilities
  - Wood Therapy
  - Ultrasound Cavitation
  - Endermologie
  - Radio Frequency Skin Tightening
  - Vacuum Therapy
  - Using Henna for Eyebrows
  - Saline Tattoo removal (cosmetology/esthetic scope?)
  - PlazaLift

Chiles reported the current inspector submitted her resignation and her last day is September 14, 2018. Chiles has submitted a request to fill the position. She stated the Department had a contracted inspector for central Nebraska whose contract has been fulfilled but hope to have a new contract in place by 1-1-19. There is still a need for a contracted inspector in the western part of the state.

Discussed Faltys last meeting will be in November and need individuals to fill vacant positions.

Body Art – Judkins reviewed a video from Criswell regarding tattooing under the eyes to address circles under the eyes. Judkins reported most tattoo artists are not in favor of this as they feel it does not work. There needs to be more data. Judkins reported there was a California Supreme Court case which changed independent contract law and how a person is classified as an independent contractor.

Cosmetology – There was no report.

Electrology – There was no report.

Esthetics – Chiles report the Derm Work Group will be meeting again and reaching out for a Board member to attend. Criswell will represent this Board.

Nail Technology – Rowland is waiting to hear from Senator Linehan as to whether she will forward a bill regarding manicuring/pedicuring.

Indoor Tanning Facilities – There was no report.

11:55 a.m. - Break  
12:18 p.m. - Meeting resumed

Criswell sought the Board's direction as to whether an esthetician could perform various services. It was determined an esthetician could perform the following services:

- Ultrasound Cavitation
- Endermologie

It was determined an esthetician could not perform the following services:

- Wood Therapy
- Radio Frequency Skin Tightening
- Vacuum Therapy
- Saline Tattoo Removal
- Plazmalift

For the service of Using Henna for Eyebrows, Criswell will obtain more information. There was a discussion that there was a difference between natural and synthetic Henna.

Criswell commented that estheticians cannot use lancets but can do microneedling. She stated lancets do not usually go deeper than microneedling. She will discuss this with the Derm Group.

b. National-Interstate Council of State Boards of Cosmetology

Faltys reported the conference would be in October in Seattle. She commented that she was disappointed in the agenda and felt the regional meetings provided more relevant information. The Board may want to consider sending a representation to the regional meeting in the future.

c. Disciplinary/Non-Disciplinary Action Report, Examinations, Renewals, Licensing Stats, and Administrative Penalties

Chiles distributed the Disciplinary/Non-Disciplinary Report.

Examination results since 1-1-18:

Nail Technology – 27 pass, 26 fail  
Cosmetology – 191 pass, 78 fail  
Esthetics – 86 pass, 22 fail  
Cosmetology Instructor – 7 pass  
Cosmetology Jurisprudence (probation) – 2 pass, 2 fail  
Cosmetology Jurisprudence (CEU) – 5 pass, 13 fail

Statistics provided:

Apprentice Training Salon – 1  
Cosmetician – 12  
Cosmetologist – 8,917  
Cosmetology Instructor – 176  
Cosmetology Salon – 2000  
Cosmetology Salon Consideration Certificate – 7  
Electrologist – 13  
Esthetician – 1037  
Esthetics Instructor – 22  
Esthetics Salon – 72  
Home Service Permit – 4  
School of Cosmetology – 15  
Nail Technician – 1,235  
Nail Technology Instructor – 11  
Nail Technology Salon – 203  
Nail Technology Salon Consideration Certificate – 1  
Nail Technology School – 4  
Nail Technology Temporary Practitioner – 1  
Body Art Facility – 213  
Body Brander – 1  
Body Piercer – 117  
Permanent Color Technician – 144  
Tattoo Artist – 379

d. Select Meeting Dates for 2019

The Board selected the following meeting dates for 2019: 1-7, 2-4, 3-4, 4-1, 5-6, 6-3, 7-1, 8-5, 9-9, 10-7, 11-4, 12-2. The first three meetings may be in person meetings depending if there are legislative bills that impact the Board. If not, then the 2-4-19 meeting will be a conference call.

1:23 p.m. - Huff departed meeting

**7. REGULATION REVIEW & DISUCSSION (Body Art)**

Judkins had met with constituents and presented some language suggestions they provided. The Board reviewed various sections of the draft regulations beginning on page 2. Some areas discussed included gloves, documentation of parent/guardian relationship to a minor, ventilation, sharps, rash or infections, removing waste, etc. Judkins will gather more information on ventilation and intercatators and intracators.

2:53 p.m. - Lucas departed meeting

2:57 p.m. - Lucas entered meeting

**8. ADJOURNMENT**

**MOTION:** Faltys moved, seconded by Christie, to adjourn. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Judkins, Lucas, Nordboe, Rowland 97). Voting nay: None (0). Abstain: None (0). Absent: Pettigrew (1). Motion carried.

Judkins declared the meeting adjourned at 3:03 p.m.

Respectfully submitted,

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Bridget Anderson, Secretary

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

Summarized by Nancy Herdman, Health Licensing Coordinator