

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

November 5, 2018

**1. ROLL CALL**

The meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Melanie Judkins, at 10:34 a.m., in Lower Level Conference Room A, 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
Ronald Banse	-	Member
Vicki Criswell	-	Vice-Chair
Lyra Faltys	-	Member
Jacqueline Hornig	-	Member
Melanie Judkins	-	Chair
Marie Nordboe	-	Member
Becky Pettigrew	-	Member
Pam Rowland	-	Member

**Members Absent:**

Sandra Christie	-	Member
Ruth Lucas	-	Member

**Others Present:**

Ami Huff, Assistant Attorney General  
Kris Chiles, Program Manager, Licensure Unit  
Nancy Herdman, Health Licensing Coordinator, Licensure Unit  
Trevor Klaassen, Investigator  
1 public person

A quorum was present and the meeting convened.

Board members and staff provided introductions and the Chair welcomed the new member, Ronald Banse.

**2. ADOPTION OF AGENDA**

**MOTION:** Anderson moved, seconded by Pettigrew, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Christie, Lucas (2). Motion carried.

**3. APPROVAL OF MINUTES (9-10-18; 10-1-18)**

**MOTION:** Rowland moved, seconded by Criswell, to approve the minutes of 9-10-18. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Horning, Judkins, Nordboe, Rowland (7). Voting nay: None (0). Abstain: Banse, Pettigrew (2). Absent: Christie, Lucas (2). Motion carried.

**MOTION:** Rowland moved, seconded by Faltys, to approve the minutes of 10-1-18. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Horning, Judkins, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: Banse (1). Absent: Christie, Lucas (2). Motion carried.

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

**MOTION:** Faltys moved, seconded by Anderson, to enter into closed session at 10:40 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, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Christie, Lucas (2). Motion carried.

10:40 a.m. - 1 public person departed the meeting  
11:10 a.m. - Klaassen departed the meeting  
11:55 a.m. - Banse departed the meeting (conflict)  
12:09 p.m. - Break  
12:25 p.m. - Meeting resumed  
Banse entered the meeting  
12:35 p.m. - Pettigrew departed the meeting

**MOTION:** Faltys moved, seconded by Nordboe, to return to open session at 12:36 p.m. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (8). Voting nay: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

12:36 p.m. - 3 public persons entered the meeting

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

##### Conviction Reviews:

##### Shady Brouillette – Cosmetologist Applicant

**MOTION:** Anderson moved, seconded by Rowland, to recommend issuing the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

12:37 p.m. - 1 public person departed meeting

##### Megan Docks – Cosmetologist Applicant

**MOTION:** Anderson moved, seconded by Nordboe, to recommend offering a probationary license with a 6 month probation to include the standard terms and conditions and the following: complete the jurisprudence examination within 90 days of issuance of the license. Motion based on conviction history and failure to disclose convictions. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

##### Courtney Lilleholm – Esthetician Applicant

**MOTION:** Anderson moved, seconded by Faltys, to table the application for additional information. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

##### Kaitlin Geiser – Nail Technologist Applicant

**MOTION:** Rowland moved, seconded by Criswell, to recommend offering a probationary license with 2 year probation to include the standard terms and conditions and the following: abstain from alcohol/drugs, body fluid screens, follow the evaluation recommendations and quarterly employer reports. Motion based on conviction history and diagnosis. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

Cassandra Hagemann – Cosmetologist Reinstatement

**MOTION:** Criswell moved, seconded by Rowland, to recommend reinstatement of the license with 3 year probation to include the standard terms and conditions and the following: abstain from alcohol/rugs, body fluid screens, follow the evaluation recommendations and quarterly employer reports. Motion based on conviction history and diagnosis. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Nordboe, Rowland (7). Voting nay: Judkins (1). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

Chelsey Kubes – Cosmetologist Applicant

**MOTION:** Anderson moved, seconded by Criswell, to recommend denial of the license. Motion based on conviction history, failure to disclose convictions, and failure to provide information requested by the Board. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

Jennifer Martin – Esthetician Applicant

**MOTION:** Nordboe moved, seconded by Anderson, to defer the application for additional information. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Nordboe, Rowland (7). Voting nay: Judkins (1). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

Dianna Molina – Esthetician Applicant

**MOTION:** Anderson moved, seconded by Rowland, to recommend offering a probationary license with a 6 month probation to include the standard terms and conditions and the following: complete the jurisprudence examination within 90 days of issuance of the license. Motion based on not disclosing convictions. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

Consuelo Sanchez – Cosmetologist Applicant

**MOTION:** Rowland moved, seconded by Anderson, to recommend offering a probationary license with 3 year probation to include the standard terms and conditions and the following: abstain from alcohol/rugs, body fluid screens, follow the evaluation recommendations and complete jurisprudence examination within 90 days of license issuance. Motion based on conviction history, failure to disclose convictions and diagnosis. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

Tiffany Wallace – Cosmetologist Applicant

**MOTION:** Criswell moved, seconded by Anderson, to recommend issuing the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

Un-licensed Practice Reviews:

Soul Body Art – Body Art Facility

**MOTION:** Anderson moved, seconded by Rowland, to recommend issuing the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Rowland (7). Voting nay: Nordboe (1). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

Dennis DeLaRosa – Tattoo Artist Reinstatement

**MOTION:** Nordboe moved, seconded by Anderson, to recommend reinstatement of the license with no terms or conditions but Department will assess administrative fee for practice without an active license. A roll call vote was taken. Voting aye: Anderson, Banse, Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Christie, Lucas, Pettigrew (3). Motion carried.

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

- a. Profession Updates: Body Art, Cosmetology, Electrology, Esthetics, Nail Technology and Indoor Tanning Facilities
  - Using Henna for Eyebrows, Lash Lift – Extensions, Sculptice

### Body Art

Judkins attended the first annual tattoo convention in Nebraska this past weekend and felt it was a good convention.

### Cosmetology

- Nordboe stated she had been contacted by individuals interested in being an inspector. Chiles commented the full-time inspector position was now closed and interviews were underway.
- The central Nebraska inspector contract has been submitted to procurement and the goal is to have a contracted inspector in place by January 1, 2019.
- Iowa has not reduced their education hours from 2100 hours.

### Electrology

Chiles stated the Department received an application for an electrologist license.

### Esthetics

Criswell reported she was encouraging individuals to obtain their continuing education for their next renewal. Chiles stated the audit of continuing education for the recently completed esthetician renewal was currently underway. She stated there were 200+ estheticians who did not renew.

- Using Henna for Eyebrows: Criswell stated an activator is added to tint the hair so it should be done by professionals. It was agreed Cosmetologists and Estheticians can provide this service.
- Lash Lift: Criswell stated this was a process where the eyelashes are curled using a chemical but no heat.
- Sculptice: Criswell had not heard of this and will research it and provide information at the next meeting.
- Extensions: Criswell commented there was nothing new regarding extensions.

### Nail Technology

- Rowland reported she had received no word on the lawsuit for which she is a witness.
- She will be meeting with Senator Kolterman to talk about a bill regarding manicurists and pedicurists. She also will discuss grandparenting under nail technology and the option of a nail technology apprentice salon. A body art representative may want to also attend this meeting regarding some areas they wish to discuss.

### Indoor Tanning Facilities

There was no report.

- b. National-Interstate Council of State Boards of Cosmetology

Faltys and Nordboe provided a report on the conference they attended in Seattle. Faltys provided information on:

- Number of states attending.
- Honorary members.
- Proposed amendment to the by-laws regarding membership on the national board when a person is no longer a state delegate which was defeated.
- Those elected to positions.
- Scholarships awarded.
- In 2019 the conference will be in Wisconsin.
- In 2020 the conference will be in Kentucky.

Nordboe highlighted the various sessions she attended. She brought back materials from the conference which were circulated and then provided to Chiles. Some session topics included:

- A survey outcome where practitioners desired to have business skills training.
- Apprentice training and there is an organization that helps organizations become apprentice salons.
- Virtual classrooms and online learning.
- Infection control.
- Microblading and permanent cosmetics.
- Chemical safety.
- Competency based education.

1:30 p.m. - Banse departed meeting

1:34 p.m. - Banse entered meeting

- 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 – 23 pass, 30 fail  
Nail Technology Instructor – 2 pass  
Nail Technology Jurisprudence (probation) – 2 pass  
Nail Technology Jurisprudence (CE) – 2 pass  
Cosmetology – 225 pass, 86 fail  
Esthetics – 111 pass, 26 fail  
Cosmetology Instructor – 7 pass  
Jurisprudence (probation) – 2 pass, 2 fail  
Jurisprudence (CEU) – 10 pass, 17 fail

Statistics provided:

Apprentice Training Salon – 1  
Cosmetician – 11  
Cosmetologist – 8,984  
Cosmetology Instructor – 175  
Cosmetology Salon – 2033  
Cosmetology Salon Consideration Certificate – 4  
Electrologist – 13  
Esthetician – 822  
Esthetics Instructor – 16  
Esthetics Salon – 75  
Home Service Permit – 4  
School of Cosmetology – 15  
Nail Technician – 1,252  
Nail Technology Instructor – 13  
Nail Technology Salon – 206  
Nail Technology Salon Consideration Certificate – 0  
Nail Technology School – 4  
Nail Technology Temporary Practitioner – 1  
Body Art Facility – 219  
Body Brander – 1  
Body Piercer – 118  
Permanent Color Technician – 151  
Tattoo Artist – 392

Horning wondered if the Department had any responsibility to explore the nail technology failure rate. Offering the examination in other languages was discussed.

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

The following areas of the draft regulations were discussed:

Recordkeeping – The current language says records must be maintained for 3 years and then destroyed. Chiles asked is there needed to be something on how the records were destroyed. Chiles will explore this further to see how language is written in other regulations.

2:31 p.m. - Banse departed meeting

Sharps Container – Discussion related to how the sharps container should be disposed. Judkins will check with her sharps disposal company for more information.

A public person commented that she needed to leave the meeting but before leaving she thanked Faltys for her years of service to the Board.

2:39 p.m. - 2 public individuals departed the meeting

### **8. 10 YEAR SERVICE AWARD – LYRA FALTYS**

Faltys was presented with a certificate and crystal plaque in recognition of her 10 years of service to the Board.

### **9. ADJOURNMENT**

**MOTION:** Faltys moved, seconded by Judkins, to adjourn. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Hornig, Judkins, Nordboe, Rowland (7). Voting nay: None (0). Abstain: None (0). Absent: Banse, Christie, Lucas, Pettigrew (4). Motion carried.

Judkins declared the meeting adjourned at 2:44 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