

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

January 4, 2016

1. ROLL CALL

The meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chairperson, Lyra Faltys, at 10:31 a.m., 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.

The following members answered roll call:

Ann Casement	-	Member
Sandra Christie	-	Member
Vicki Criswell	-	Member
Lyra Faltys	-	Chairperson
Melanie Judkins	-	Member
Ruth Lucas	-	Member
Becky Pettigrew	-	Vice-Chairperson
Pamela Rowland	-	Member

Members Absent:

Bridget Anderson	-	Member (entered meeting 10:57)
Pamela Foran	-	Member
David Newson	-	Member

Others Present:

Ed Vierk, Assistant Attorney General
Dennis Scott, Investigator
Russ Fosler, Investigator
Kris Chiles, Program Manager, Licensure Unit
Nancy Herdman, Health Licensing Coordinator, Licensure Unit
CJ Roberts, Department attorney

A quorum was present and the meeting convened.

The new members, Ann Casement and Sandra Christie, along with current members provided introductions.

Chiles advised the Board that Pam Foran had resigned from the Board effective today.

2. ADOPTION OF AGENDA

MOTION: Pettigrew moved, seconded by Lucas, to adopt the agenda. A roll call vote was taken. Voting aye: Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Anderson, Newson (2). Motion carried.

3. APPROVAL OF MINUTES (11-2-15, 12-7-15 conference call)

MOTION: Lucas moved, seconded by Pettigrew, to approve the minutes of 11-2-15. A roll call vote was taken. Voting aye: Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (6). Voting nay: None (0). Abstain: Casement, Christie (2). Absent: Anderson, Newson (2). Motion carried.

MOTION: Pettigrew moved, seconded by Rowland, to approve the conference call minutes of 12-7-15. A roll call vote was taken. Voting aye: Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Anderson, Newson (2). Motion carried.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Pettigrew moved, seconded by Judkins, to enter into closed session at 10:47 a.m. for the purpose of hearing discussions of a confidential nature and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Anderson, Newson (2). Motion carried.

10:48 a.m. - Roberts departed meeting
10:57 a.m. - Anderson entered meeting
11:04 a.m. - Fosler and Smith departed meeting

MOTION: Pettigrew moved, seconded by Casement, to return to open session at 11:54 a.m. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Newson (1). Motion carried.

5. APPLICATION REVIEW AND RECOMMENDATIONS – OPEN SESSION

- a. Initial Licensure/Reinstatement/Convictions/Administrative Penalties

Brittany Glup - Cosmetologist

MOTION: Pettigrew moved, seconded by Anderson, to recommend offering a probationary license with 4 year probation, to include the standard terms and conditions and the following: employer reports when employed, no solo practice, body fluid screens, follow the evaluation recommendations, follow court requirements and provide evidence of completion, board examination. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Newson (1). Motion carried.

Rebecca Haumont - Cosmetologist

MOTION: Pettigrew moved, seconded by Judkins, to recommend offering a probationary license with 6 month probation, to include the standard terms and conditions and the following: jurisprudence examination. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Newson (1). Motion carried.

Ashley Lech - Cosmetologist

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

Heather LeMay - Cosmetologist

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

LaTasha Dortch - Cosmetologist

MOTION: Anderson moved, seconded by Lucas, to recommend offering a probationary license with 6 month probation, to include the standard terms and conditions and the following: jurisprudence examination. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Newson (1). Motion carried.

Robert Gaeta, Tattoo Artist

MOTION: Judkins moved, seconded by Rowland, to recommend offering a probationary license with 2 year probation, to include the standard terms and conditions and the following: employer reports, no solo practice, follow court requirements and provide evidence of completion, board examination. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Newson (1). Motion carried.

Mikka Winston - Cosmetologist

MOTION: Anderson moved, seconded by Pettigrew, to table until 150 days is up. A roll call vote was taken. Voting aye: Anderson, Casement, Chrisite, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Newson (1). Motion carried.

11:58 a.m. - Break
12:17 p.m. - Meeting resumed

6. NEW BUSINESS

a. Correspondence/Issues

Vierk announced he would no longer be working with this Board as he had been given another assignment.

b. Body Art, Cosmetology, Electrology, Esthetics, Nail Technology, Indoor Tanning Facilities

Body Art – Judkins stated she had been approached by people in Omaha who want to bring a convention to Nebraska. Judkins commented that companies were creating a new tool similar to a dermal punch which is currently not allowed.

Cosmetology – Judkins asked about the Peel’s show and Pettigrew responded that there might be one this fall. Faltys commented that a group she was associated with would put on an eight hour course once a year. Lucas asked about the regulations and Chiles responded that the Department attorney would be receiving them next week. Chiles stated that the regulations had a new format which delayed the process.

Electrology – There was nothing to report.

Esthetics – Criswell had nothing to report.

Nail Technology – Pettigrew reported on an article that stated there were 404,154 active nail licenses in the U.S. Pettigrew stated there was a push to band microbeads.

Indoor Tanning Facilities – Pettigrew distributed an article from the American Suntan Association.

12:24 p.m. - Roberts entered meeting
12:36 p.m. - Vierk departed meeting

c. Method of Noticing Meetings

MOTION: Pettigrew moved, seconded by Anderson, to use the same noticing method as in 2015 which would be website, bulletin board and send if requested. A roll call vote was taken. Voting aye: Anderson, Casement, Chrisite, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Newson (1). Motion carried.

d. Legislative Session 2016

Chiles stated the session would begin on Wednesday and end April 20, 2016. She commented a cease and desist bill would be introduced that states boards make recommendations to the Department.

e. Other

There was no information to report.

MOTION: Pettigrew moved, seconded by Criswell, to enter into closed session at 1:09 p.m. for the purpose of hearing discussions of a confidential nature and for the prevention of needless injury to the reputation of the individuals and reinstatement application for Michelle Tesarek. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Newson (1). Motion carried.

MOTION: Lucas moved, seconded by Pettigrew, to return to open session at 1:24 p.m. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Newson (1). Motion carried.

Michelle Tesarek – Cosmetologist (Reinstatement following discipline)

MOTION: Judkins moved, seconded by Pettigrew, to recommend offering a probationary license with a 4 year probation, to include the standard terms and conditions and the following: jurisprudence examination, body fluid screens, employer reports, no solo practice, follow court requirements and provide evidence of completion. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Newson (1). Motion carried.

8. REPORTS/UPDATES

a. National-Interstate Council of State Boards of Cosmetology

Faltys reported there would be a spring meeting but no date had been set.

b. Disciplinary/Non-Disciplinary Action Report

Chiles stated there was none since the last report.

c. Statistics: Examinations / Renewal / Licensing / Administrative Penalties

Chiles reported the following statistics:

Nail Technology:

Nail Technician	1078, 233 did not renew
Nail Technology Instructor	9
Nail Technology Salon	139
Nail Technology Salon Consideration	17
Nail Technology School	3

Licensure Numbers:

Cosmetician	8
Cosmetologist	8793
Cosmetology Instructor	174
Cosmetology Salon	1872
Cosmetology Salon Consideration Certificate	68
Electrologist	17
Esthetician	856
Esthetician Instructor	20
Esthetics Salon	33
Esthetics Salon Consideration Certificate	11
Home Service Permit	2
School of Cosmetology	13
Temporary Cosmetology	16

Body Art Facility	123
Body Brander	2
Body Piercer	73
Permanent Color Technician	38
Tattoo Artist	271
Body Art Facility	121
Body Brander	2
Body Piercer	72
Permanent Color Technician	36
Tattoo Artist	265
Nail Technician	1326
Nail Technology Instructor	13
Nail Technology Salons	119
Nail Technology Salon Consideration Cert.	13
Nail Technology Schools	7

8. ELECTION OF OFFICERS/APPOINTMENTS

a. Officer Elections (Chairperson/Vice-Chairperson/Secretary)

MOTION: Lucas moved, seconded by Anderson, to elect Pettigrew as chair. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Newson (1). Motion carried.

MOTION: Pettigrew moved, seconded by Lucas, to elect Judkins as vice-chair. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Newson (1). Motion carried.

MOTION: Pettigrew moved, seconded by Lucas, to elect Criswell as secretary. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Newson (1). Motion carried.

b. Appointments: Complaint Consultant & Continuing Education Reviewer and Body Art, Cosmetology, Electrology, Esthetics, Nail Technology and Indoor Tanning Facilities

The following **complaint consultants and continuing education** reviewers were assigned:

- Cosmetology – Lucas as complaint consultant and Faltys as continuing education reviewer
- Nail Technology – Rowland
- Esthetics – Criswell
- Indoor Tanning Facilities – Pettigrew
- Body Art – Judkins
- Electrology – Faltys

9. ADJOURNMENT

MOTION: Pettigrew moved, seconded by Anderson, to adjourn. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Newson (1). Motion carried.

Pettigrew declared the meeting adjourned at 1:43 p.m.

Respectfully submitted,

Vicki Criswell, Secretary

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

Summarized by Nancy Herdman, Health Licensing Coordinator