

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

March 2, 2015

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 10:40 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:

Bridget Anderson	-	Member
Vicki Criswell	-	Member
Lyra Faltys	-	Chairperson
Melanie Judkins	-	Member
Jason Lassek	-	Secretary
Ruth Lucas	-	Member
Marie Nordboe	-	Member
Becky Pettigrew	-	Vice-Chairperson
Lisa Pfeil	-	Member
Pamela Rowland	-	Member

Members Absent:

David Newson	-	Member (arrived 10:46 a.m.)
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Others present were:

Ed Vierk, Assistant Attorney General
Russ Fosler, Investigator
Kris Chiles, Program Manager, Licensure Unit
Nancy Herdman, Health Licensing Coordinator, Licensure Unit

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Pettigrew moved, seconded by Nordboe, to adopt the agenda. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Nordboe, Pettigrew, Pfeil, Rowland (10). Voting nay: None (0). Absent: Newson (1). Motion carried.

3. APPROVAL OF MINUTES (1-5-15; 2-2-15 Conference Call)

On page 5 of the 1-5-15 minutes, agenda item #9 relating to elections of officers, the motion indicates that two of the members voted 'nay'; all members voted 'aye'.

On page 4 of the 1-5-15 minutes, agenda item #8b, the date relating to the cosmetology renewal date should be 12-31-14 and not 1-31-14.

10:46 a.m. - Newson entered meeting

MOTION: Nordboe moved, seconded by Rowland, to approve the minutes of 1-5-15 with corrections. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

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

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Pettigrew moved, seconded by Nordboe, to enter into closed session at 10:48 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: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (0). Absent: None (0). Motion carried.

10:48 a.m. - Anna Harrison, compliance monitor, entered meeting

MOTION: Pettigrew moved, seconded by Nordboe, to return to open session at 12:25 p.m. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (0). Absent: None (0). Motion carried.

12:25 p.m. - Break

12:39 p.m. - Meeting resumed, 2 public in

5. APPLICATION REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Initial Licensure/Reinstatement/Convictions/Administrative Penalties

Pure Aesthetic Medispa

MOTION: Nordboe moved, seconded by Judkins, to recommend offering a Probationary license with a 6 month probation, to include the standard terms and conditions and the following: owners pass jurisprudence examination. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lucas, Newson, Nordboe, Pettigrew, Rowland (9). Voting nay: Lassek, Pfeil (2). Abstain: None (0). Absent: None (0). Motion carried.

Andrea Arnold - Cosmetologist

MOTION: Judkins moved, seconded by Pfeil, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (1). Abstain: None (0). Absent: None (0). Motion carried.

Cassie Asmus - Cosmetologist

MOTION: Pettigrew moved, seconded by Pfeil, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (1). Abstain: None (0). Absent: None (0). Motion carried.

Sarah McGregor – Cosmetologist

MOTION: Pettigrew moved, seconded by Rowland, to recommend offering a Probationary license with a 2 year probation, to include the standard terms and conditions and the following: follow evaluation, employer reports. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Newson, Nordboe, Pettigrew, Rowland (7). Voting nay: Judkins, Lassek, Lucas, Pfeil (4). Abstain: None (0). Absent: None (0). Motion carried.

Jennifer Maddocks – Esthetician

MOTION: Nordboe moved, seconded by Rowland, to recommend offering a Probationary license with a 2 year probation, to include the standard terms and conditions and the following: jurisprudence examination, no solo practice, employer reports. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Newson, Nordboe, Pettigrew, Rowland (9). Voting nay: Lucas, Pfeil (2). Abstain: None (0). Absent: None (0). Motion carried.

Justin Morin – Tattoo

MOTION: Pettigrew moved, seconded by Judkins, to recommend offering a Probationary license with a 6 month probation, to include the standard terms and conditions and the following: pass jurisprudence examination. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Rowland (10). Voting nay: Pfeil (1). Abstain: None (0). Absent: None (0). Motion carried.

Brian Rea - Tattoo

MOTION: Pettigrew moved, seconded by Pfeil, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

Amber Young - Cosmetologist

MOTION: Pettigrew 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: pass jurisprudence examination. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (1). Abstain: None (0). Absent: None (0). Motion carried.

Emily Ostrand - Cosmetologist

MOTION: Nordboe moved, seconded by Pfeil, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

Mikayla Poor Bear – Cosmetologist

MOTION: Pfeil moved, seconded by Lucas, to recommend offering a Probationary license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

Regina Rader – Cosmetologist

MOTION: Pettigrew moved, seconded by Anderson, to recommend offering a Probationary license with a 3 year probation, to include the standard terms and conditions and the following: body fluid screens, employer reports, follow evaluation. A roll call vote was taken. Voting aye: Anderson, Faltys, Judkins, Newson, Nordboe, Pettigrew, Rowland (79). Voting nay: Criswell, Lassek, Lucas, Pfeil (4). Abstain: None (0). Absent: None (0). Motion carried.

Board moved to agenda item 7.

7. NEW BUSINESS

a. Correspondence/Issues/Other

Chiles reported she had received correspondence from a school wanting to bring in outside individuals to provide technical and non-technical education to students. She stated the statute for school operating requirements says can only use instructors or student instructors. Guests can be invited to demonstrate products and a guest teacher can lecture but cannot practice. Chiles asked if guest artists could provide demonstrations to students. Both Lassek and Nordboe responded that schools should be able to bring in any qualified person. Chiles responded the concern was the way the statute was written. Lassek asked if the definition of guest artist could be expanded and Chiles responded it was already defined in statute. Chiles stated the statute refers to students who are registered but students are no longer registered. Chiles stated she would meet with Department legal staff and provide an update at the next meeting.

1:29 p.m. - Vierk departed meeting

b. Body Art, Cosmetology, Electrology, Esthetics, Nail Technology

Body Art

Judkins asked if renewals would be available online and they will not. She commented there was a gentlemen from New Mexico who had written an article on the laws in the different states and she hopes to contact him to obtain additional information. It was discussed that now was not the right time for an examination but want an examination requirement at some time in the future.

Cosmetology

There was nothing to report.

Electrology

There was nothing to report.

Nail Technology

Pettigrew reported that she would be attending the International Tanning Association meeting in August. She reported there was an FDA requirement that tanning beds had to have a sticker about using under the age of 18. Pettigrew reported that there were 23 separate bills in states on rules on ages of tanning.

Rowland commented that when a nail technology student wants to do an in-state transfer to a new school, the old school has to provide the records to the new school even if the person has not paid their bill. For cosmetology, the transfer does not happen until the tuition is paid at the old school.

1:57 p.m.	-	Newson departed meeting
2:00 p.m.	-	Nordboe departed meeting
2:01 p.m.	-	Newson entered meeting
2:04 p.m.	-	Nordboe entered meeting

Chiles commented that if the Board desires to change the statute, then they need to start now. She suggested that a work session be set up and to change the April 6, 2015 meeting to a regular meeting (not conference call) where investigations materials would be reviewed and then a work session for the purpose to review statutes for possible revision to follow the regular meeting. The members agreed.

c. Legislative Session 2015

Chiles reported there were no bills relevant to this profession.

Moved to agenda item 6.

6. Unfinished Business

a. Review/Revise Conviction Guidelines Relating to Application Reviews

Chiles stated the latest document had the new DSM criteria for substance use disorder of mild, moderate and severe. Chiles will re-send the Conviction Guidelines to the members and discussion will occur at the May meeting.

The following individuals will be the CEU and investigative consultant for the professions listed:

Body Art – Judkins
Cosmetology – Lassek
Esthetics – Criswell
Nail Technology and Tanning – Pettigrew

Electrology – Faltys

8. REPORTS/UPDATES

a. Disciplinary/Non-Disciplinary Action Report

The listing of discipline was distributed to the Board.

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

Chiles reported the following statistics for body art:

Body art facility	162
Body brander	2
Body Piercer	94
Permanent Color Technician	49
Tattoo Artist	311

Chiles reported the following statistics for cosmetology:

Cosmetician	7
Cosmetologist	8133
Cosmetology Instructor	156
Cosmetology Salon	2134
Cosmetology Salon CC	61
Electrologist	18
Esthetician	741
Esthetics Instructor	18
Esthetics Salon	43
Esthetics Salon CC	7
Home Service Permit	4
Cosmetology School	18
Satellite Classroom	1
Temporary Cosmetology	31
Temporary Esthetician	3

Chiles reported the following statistics for nail technology:

Nail Technician	1270
Nail Technology Instructor	12
Nail Technology Salon	179
Nail Technology Salon CC	11
Nail Technology School	6
Nail Technology Temporary	1

Chiles reported the following examination information since 1-1-15:

Nail Technology:	3 passed, 3 failed
Nail Technology Instructor:	1 passed, 1 failed
NT Jurisprudence – probation	2 passed
Cosmetology	55 passed, 5 failed
Esthetics	17 passed, 3 failed
Esthetics Instructor	1 passed
Cosy Jurisprudence – prob	3 passed
Cosy Jurisprudence – CEU	4 passed

2:40 p.m. - Break

2:53 p.m. - Meeting resumed

MOTION: Pettigrew moved, seconded by Nordboe, to enter into closed session at 2:53 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. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (0). Absent: None (0). Motion carried.

MOTION: Pettigrew moved, seconded by Newson, to return to open session at 2:56 p.m. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (0). Absent: None (0). Motion carried.

Aurora Linz – Cosmetologist Reinstatement from Revocation

MOTION: Lucas moved, seconded by Newson, to recommend reinstatement of the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Criswell, Faltys, Judkins, Lassek, Lucas, Newson, Nordboe, Pettigrew, Pfeil, Rowland (11). Voting nay: None (1). Abstain: None (0). Absent: None (0). Motion carried.

9. ADJOURNMENT

Faltys declared the meeting adjourned at 2:58 p.m.

Respectfully submitted,

Jason Lassek, Secretary
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by Nancy Herdman, Health Licensing Coordinator