

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

March 7, 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, Becky Pettigrew, at 10:33 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.

The following members answered roll call:

Bridget Anderson	-	Member
Ann Casement	-	Member
Sandra Christie	-	Member
Vicki Criswell	-	Secretary
Lyra Faltys	-	Member
Melanie Judkins	-	Vice-Chair
Becky Pettigrew	-	Chair
Pamela Rowland	-	Member

Members Absent:

Ruth Lucas	-	Member
David Newson	-	Member (entered 10:46 a.m.)

Others Present:

Ami Huff, Assistant Attorney General
Dennis Scott, Investigator
Larry Wiehn, Investigator
Kathleen Krueger, 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: Judkins moved, seconded by Rolland, to adopt the agenda. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Lucas, Newson (2). Motion carried.

3. APPROVAL OF MINUTES (1-4-16; 2-1-16 conference call)

MOTION: Faltys moved, seconded by Judkins, to approve the minutes of 1-4-16. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Lucas, Newson (2). Motion carried.

MOTION: Anderson moved, seconded by Faltys, to approve the conference call minutes of 2-1-16. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Lucas, Newson (2). Motion carried.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Faltys moved, seconded by Judkins, to enter into closed session at 10:35 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, Casement, Christie, Criswell, Faltys, Judkins, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Lucas, Newson (2). Motion carried.

10:45 a.m. - Criswell departed meeting (conflict)
10:46 a.m. - Newson entered meeting
10:54 a.m. - Criswell entered meeting
10:56 a.m. - Krueger, Wiehn and Scott departed meeting
11:50 a.m. - Break
12:05 p.m. - Meeting resumed
CJ Roberts, Department attorney, entered meeting
Huff departed the meeting

MOTION: Faltys moved, seconded by Rolland, to return to open session at 12:19 p.m. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Absent: Lucas (1). Motion carried.

12:19 p.m. - Huff entered meeting
12:20 p.m. - Break
12:30 p.m. - Resume meeting, Roberts departed meeting

5. APPLICATION REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Initial Licensure/Reinstatement/Convictions/Administrative Penalties

Shaquita Clark - Cosmetologist

MOTION: Judkins moved, seconded by Faltys, 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, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Lucas (1). Motion carried.

Jami Nelson - Cosmetologist

MOTION: Anderson moved, seconded by Newson, 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, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Lucas (1). Motion carried.

Jill Vance - Esthetician

MOTION: Anderson moved, seconded by Newson, 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, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Lucas (1). Motion carried.

Leah Starks – Nail Technician

MOTION: Judkins moved, seconded by Rowland, 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, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Lucas (1). Motion carried.

Stephanie Proctor - Cosmetologist

MOTION: Judkins moved, seconded by Anderson, to recommend offering a probationary license with 2 year probation, to include the standard terms and conditions and the following: jurisprudence examination, employer reports, body fluid screens, abstain, follow the evaluation recommendations. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Lucas (1). Motion carried.

Jessie Prokupek - Cosmetologist

MOTION: Anderson 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, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Lucas (1). Motion carried.

Andrea Ward – Cosmetologist Reinstatement

MOTION: Judkins moved, seconded by Newson, 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, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Lucas (1). Motion carried.

Mikika Winston - Cosmetologist

MOTION: Anderson moved, seconded by Newson, 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, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Lucas (1). Motion carried.

David Wilsey – Tattoo Artist (Reinstatement from Discipline – Revocation)

MOTION: Newson moved, seconded by Anderson, to recommend offering to reinstate the license on probation with probation to run concurrent with court probation, to include the standard terms and conditions and the following: provide evidence of successful completion of court probation. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Newson, Pettigrew, Rowland (9). Voting nay: None (0). Abstain: None (0). Absent: Lucas (1). Motion carried.

6. NEW BUSINESS**a. 2016 Legislative Session Update and Discussion**

Chiles reported LB 859, the cease and desist bill, was approved by the Legislature and had been forwarded to the Governor with an emergency clause. The bill will change authority to the Department to issue cease and desist orders with the Board making recommendations to the Department.

Chiles reported LB 898, regarding hair braiding, was approved by the Legislature and sent to the Governor on Thursday. The bill exempts persons who do hair braiding from being licensed. The bill and amendment 1859 address the allowing of crochet hooks, shampooing with the hair braiding, and the use of scissors to do minor trimming. Newson commented the concern is when people go beyond what is allowed under the bill. He stated there have been people who have had braiding done come to him to repair the damage. The Board discussed they were caught off guard in terms of how fast this moved and wondered what they could do to be proactive in the future. Chiles commented she had forwarded the bill to the Board members. It was discussed that in the future the February meeting should be an in person meeting so that any legislative issues could be discussed. The members discussed that if they want to change the allowance of hair braiding without a license, they need to approach it as a public safety issue.

b. Correspondence/Issues

There was nothing to report.

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

Body Art – Judkins stated she had was opening a new shop and plans to hold seminars and promote education.

Cosmetology – Chiles commented that the content of the examination is changing. Pettigrew commented the last Peel's show was coming up.

Electrology – There was nothing to report.

Esthetics – Criswell stated she had seen on TV a Cryospa that was doing facials and she wondered where the fell in terms of licensing. Criswell stated from what she understood Cryo was used to bring the skin temperature down. Chiles commented that she had been made aware of another place that uses oxygen concentrators. Chiles will be meeting with the Medical Unit to discuss the use of oxygen.

Nail Technology – Pettigrew reported that there were two new pedicure lines and in April will have new lacquer lines. Rowland stated she has a petition regarding the licensing of those who do manicures and pedicures. Rowland asked to be placed on the April agenda to talk to the Board about this. Rowland stated she had been told nail technicians were being told to keep the credo blade in their pocket so the inspector cannot find the blade.

Indoor Tanning Facilities – Pettigrew provided materials for Chiles. She stated the FDA was proposing to ban tanning by anyone under the age of 18, require customers to sign a consent every 6 months, and recommending 48 hours between tanning session. Pettigrew commented the American Suntanning Association (ASA) will proceed with its lawsuit against the Nebraska Cancer Coalition (NCC) with the claim being the NCA committed defamation of character and violated the Nebraska Deceptive Trade Practices Act. She stated the "Tan Tax" bill repealing the 10 percent federal excise tax on indoor tanning was repealed by both houses of Congress but vetoed by the President.

d. Other

There was no other new business.

7. REPORTS/UPDATES

a. National-Interstate Council of State Boards of Cosmetology

Faltys reported the regional meeting would be the first weekend in April in Nashville, Tennessee. She stated the convention would be in Tampa Bay from 9-30-16 to 10-3-16.

Rowland asked what the policy was in terms of who could attend. Chiles responded a Board member can only attend the annual meeting and look at things such as the budget and whether it would be the last meeting before a Board member's term expires.

b. Disciplinary/Non-Disciplinary Action Report

Chiles distributed the report.

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

Chiles reported the following examination statistics since January:

- Nail Technology – 5 pass, 3 fail
- Cosmetology – 64 pass, 8 fail
- Esthetics – 15 pass, 5 fail
- Cosmetology Instructor – 1 pass, no fail
- Jurisprudence, probation – 2 pass, 1 fail

Jurisprudence, ce – 1 fail

Chiles reported the following statistics:

Licensure Numbers:

Cossmetologist	8921
Cosmetology Instructor	174
Cosmetology Salon	1992
Cosmetology Salon Consideration Certificate	20
Electrologist	17
Esthetician	879
Esthetician Instructor	21
Esthetics Salon	45
Esthetics Salon Consideration Certificate	3
Home Service Permit	3
School of Cosmetology	17
Temporary Cosmetology Practitioner	17
Temporary Esthetician Practitioner	1
Body Art Facility	127
Body Brander	2
Body Piercer	74
Permanent Color Technician	39
Tattoo Artist	278
Nail Technician	1165
Nail Technology Instructor	10
Nail Technology Salons	171
Nail Technology Salon Consideration Cert.	5
Nail Technology Schools	5

8. ADJOURNMENT

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

Pettigrew declared the meeting adjourned at 1:38 p.m.

Respectfully submitted,

Vicki Criswell, Secretary
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by Nancy Herdman, Health Licensing Coordinator