



## NOTICE OF MEETING and AGENDA

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

This meeting will be held in-person. The public is welcome to attend any Open Session discussion in the Lower Level, Goldenrod Room. This meeting will also be available to the **public** to participate by WEBEX using this link: <https://sonvideo.webex.com/sonvideo/j.php?MTID=m0999c9d09c8d17381d127ab7d9180d35>

or call in information is 1-408-418-9388 using meeting number of 2489 988 3141

| AGENDA   |  | Posted: 1.23.2024 |
|--|--|-------------------|
| <p><b>Date:</b><br/>Monday<br/>February 5, 2024</p> <p><b>Time:</b><br/>10:30 am</p> <p><b>Location:</b><br/>301 Centennial Mall S<br/>State Office Building<br/><b>Lower Level-Goldenrod Room</b><br/>Lincoln, NE</p> <p><b>For Information Contact:</b><br/>Carrie Oldehoeft<br/>402-471-2117<br/>Dhhs.licensure<br/>2117@nebraska.gov</p> | <p><b>1. Roll Call</b><br/><b>Announcement:</b> There is a current copy of the Open Meetings Act posted on the door to the meeting room and available online (website address provided below)</p> <p><b>2. Adoption of Agenda</b></p> <p><b>3. Approval of Minutes</b></p> <p><b>4. Closed Session (approximately 10:45am):</b> Investigational &amp; Confidential Information and Reports<br/><b>Purpose:</b> To hear discussions of investigative and confidential nature, and for the prevention of needless injury to the reputation of the individuals.</p> <p><b>5. Working Lunch</b></p> <p><b>6. Open Session (approximately 1:00 pm):</b> Application Review and Recommendations (Initial Licensure, Reinstatement, Convictions, Administrative Penalties, and Mail Ballot Report Outs)</p> <p><b>7. Updates/Follow-up</b></p> <ul style="list-style-type: none"> <li>a. Body Art</li> <li>b. NIC</li> <li>c. Esthetic Definitions</li> <li>d. Statistics: Examinations, Licensing, Disciplinary/Non-Disciplinary Information, and Renewals (report attached to agenda)</li> </ul> <p><b>8. Public Comment</b></p> <p><b>9. Annual Business</b></p> <ul style="list-style-type: none"> <li>a. Schedule 2024 Meetings (1<sup>st</sup> Monday of each month)</li> <li>b. Approval of Method of Noticing Meeting Agendas (Neb.Rev.Stat. 84-1407-1414)</li> <li>c. Board Member Per Diems &amp; Compensation Recommendations (Neb.Rev.Stat. §38-171)</li> <li>d. Board Goals for 2024</li> <li>e. Election of Officers and Appointment of Investigative Consultants; Assign new member mentor</li> </ul> <p><b>10. Adjournment (approximately 2:15)</b></p> |                   |

**Nebraska Open Meetings Act: 84-1407 through 84-1414** <https://ago.nebraska.gov/open-meetings>

All items known at the time of distribution of this agenda are listed. A current agenda is available at the office of the Department of Health and Human Services, Division of Public Health, Licensure Unit, and at the following website:

<https://dhhs.ne.gov/Licensure/Pages/Agendas-and-Minutes.aspx> If auxiliary aids or reasonable accommodations are needed for attendance at a meeting, please call (402) 471-2117 (voice) or [dhhs.licensure2117@nebraska.gov](mailto:dhhs.licensure2117@nebraska.gov) for persons with hearing impairments, call the Nebraska Relay System at 711 (TDD). Advance notice of 7 days is needed when requesting an interpreter.

| 2024 Dates | Time    | 2024 Dates | Time    |
|------------|---------|------------|---------|
| 1.8.2024   | 10:30am | 7.1.2024   | 10:30am |
| 2.5.2024   | 10:30am | 8.5.2024   | 10:30am |
| 3.4.2024   | 10:30am | 9.9.2024   | 10:30am |
| 4.1.2024   | 10:30am | 10.7.2024  | 10:30am |
| 5.6.2024   | 10:30am | 11.4.2024  | 10:30am |
| 6.3.2024   | 10:30am | 12.2.2024  | 10:30am |

**Agenda #4**

|            |                                    | SUMMARY COUNT |
|------------|------------------------------------|---------------|
| Profession | License Statuses:<br>License Types | Active        |
| Body Art   | Body Art Facility                  | 339           |
|            | Body Art Prelim Conv Review        |               |
|            | Body Brander                       | 4             |
|            | Body Piercer                       | 156           |
|            | Permanent Color Technician         | 329           |
|            | Tattoo Artist                      | 739           |
|            | <b>Grand Total</b>                 | <b>1,567</b>  |

|                 |   | SUMMARY COUNT |
|-----------------|---|---------------|
| Profession      | License Statuses:<br>License Types        | Active        |
| Nail Technology | Continuing Education Provider             |               |
|                 | Guest Artists (CE Speakers)               |               |
|                 | Mobile Nail Tech Salon Consideration Cert | 1             |
|                 | Mobile Nail Technology Salon              | 1             |
|                 | Nail Technician                           | 1,234         |
|                 | Nail Technology Home Services Permit      |               |
|                 | Nail Technology Instructor                | 12            |
|                 | Nail Technology Salon                     | 75            |
|                 | Nail Technology Salon Consideration Cert  | 59            |
|                 | Nail Technology School                    | 6             |
|                 | Nail Technology Temporary Practitioner    | 1             |
|                 | <b>Grand Total</b>                        | <b>1,389</b>  |

|                                    |  | SUMMARY COUNT OF LICENSES BY STATUS |                 |
|------------------------------------|--|-------------------------------------|-----------------|
| Profession                         | License Statuses:<br>License Types     | Active                              | Active-Military |
| Cosmetology                        | Apprentice Cosmetologist               |                                     |                 |
|                                    | Apprentice Training Salon              |                                     |                 |
|                                    | Continuing Education Provider          |                                     |                 |
|                                    | Cos Preliminary Conviction Review      | 1                                   |                 |
|                                    | Cosmetic Establishment                 |                                     |                 |
|                                    | Cosmetician                            |                                     |                 |
|                                    | Cosmetologist                          | 7,787                               | 3               |
|                                    | Cosmetology Instructor                 | 135                                 |                 |
|                                    | Cosmetology Salon                      | 1,586                               |                 |
|                                    | Cosmetology Salon Consideration Cert   | 287                                 |                 |
|                                    | Electrologist                          | 11                                  |                 |
|                                    | Electrology Instructor                 |                                     |                 |
|                                    | Esthetic Preliminary Conviction Review | 1                                   |                 |
|                                    | Esthetician                            | 1,403                               | 1               |
|                                    | Esthetics Instructor                   | 21                                  |                 |
|                                    | Esthetics Salon                        | 57                                  |                 |
|                                    | Esthetics Salon Consideration Cert     | 75                                  |                 |
|                                    | Guest Artists (CE Speakers)            |                                     |                 |
|                                    | Home Service Permit                    | 1                                   |                 |
|                                    | Mobile Cos Salon Consideration Cert    |                                     |                 |
|                                    | Mobile Cosmetology Salon               |                                     |                 |
|                                    | Satellite Classroom                    |                                     |                 |
|                                    | School of Cosmetology                  | 11                                  |                 |
| School of Esthetics                | 1                                      |                                     |                 |
| Student Cosmetologist              |  |                                     |                 |
| Student Cosmetology Instructor     |  |                                     |                 |
| Student Esthetician                |  |                                     |                 |
| Student Esthetics Instructor       |  |                                     |                 |
| Temporary Cosmetology Practitioner | 18                                     |                                     |                 |
| Temporary Esthetician Practitioner | 1                                      |                                     |                 |
|                                    | <b>Grand Total</b>                     | <b>11,396</b>                       | <b>4</b>        |

**Examinations:**

No reports-Body art

| EXAMINATION STATISTICS SUMMARY REPORT |                                  |                      |  |
|---------------------------------------|----------------------------------|----------------------|--|
| Profession: Cosmetology               |                                  | Run Date: 01/23/2024 |  |
| Date Range: 01/01/2024 to 1/23/2024   |                                  | Page No: Page 1 of 1 |  |
| Exam Battery                          | Exam Name                        | Result Status        | Number of Candidates per Result Status |
| 04-Cos Computer Test                  | 04-Cosmetology Written/Practical | Pass                 | 4                                      |
|                                       | 04-Cosmetology Written/Practical | Fail                 | 1                                      |
| 04-Esth Computer Test                 | 04-Esthetics Written/Practical   | Pass                 | 2                                      |
|                                       | 04-Esthetics Written/Practical   | Fail                 | 1                                      |

| EXAMINATION STATISTICS SUMMARY REPORT |                                 |                      |  |
|---------------------------------------|---------------------------------|----------------------|--|
| Profession: Nail Technology           |                                 | Run Date: 01/23/2024 |  |
| Date Range: 01/01/2024 to 1/23/2024   |                                 | Page No: Page 1 of 1 |  |
| Exam Battery                          | Exam Name                       | Result Status        | Number of Candidates per Result Status |
| 04-NT Computer Test                   | NT National Written Examination | Pass                 | 4                                      |
|                                       | NT National Written Examination | Fail                 | 2                                      |

**Renewals:** No reports

**Disciplinary and Non-Disciplinary Actions:**

No reports-Nail Technology

| COMPLIANCE LISTING REPORT                         |            |                        |                |                      |              |            |
|---|------------|------------------------|----------------|----------------------|--------------|------------|
| Profession: Cosmetology                           |            |                        |                | Run Date: 01/23/2024 |              |            |
| Action Start Date Range: 01/01/2024 to 01/23/2024 |            |                        |                | Page No: Page 1 of 1 |              |            |
| Licensee Name                                     | License No | License Type           | License Status | Disciplinary Action  | Action Start | Action End |
| Beauchamp, Bailey Layne                           | 1528       | Esthetician            | Inactive       | Probation            |              |            |
| Pampering by Rita                                 |            | Esthetics Salon Consic | Pending        | Censure              | 01/07/2024   |            |

| COMPLIANCE LISTING REPORT                         |            |                       |                |                      |              |            |
|---|------------|-----------------------|----------------|----------------------|--------------|------------|
| Profession: Body Art                              |            |                       |                | Run Date: 01/23/2024 |              |            |
| Action Start Date Range: 01/01/2024 to 01/23/2024 |            |                       |                | Page No: Page 1 of 1 |              |            |
| Licensee Name                                     | License No | License Type          | License Status | Disciplinary Action  | Action Start | Action End |
| Boutin, Jasmine Lynn                              |            | Permanent Color Techn | Pending        | Censure              | 01/07/2024   |            |

These minutes have not been approved by the Board

### **MINUTES OF THE VIRTUAL MEETING**

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art  
December 4, 2023

#### **1. ROLL CALL**

The Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Vice-Chair, Shannon Bingham at 10:31 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower-Level Goldenrod Room, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby and posted 11.20.2023.23.

The following members were present and answered roll call:

#### **Members Present (8):**

Kyoung Bonn, Member  
Keri Fisher, Member  
Harold "Buddy" Sims, Secretary  
Shannon Bingham, Vice-Chair  
Joann Williams, Member  
Marie Nordboe, Member  
Leslie Reed, Member  
Ruth Lucas, Member

#### **Members Absent (4):**

Bridget Anderson, Member  
Matt Bavougian, Member  
Jane Nims, Member  
Pamela Rowland, Chair

#### **Others Present:**

Lindsay Braddock, Unit Manager, Licensure Unit (in room)  
Carrie Oldehoeft, Health Licensing Board Coordinator, Licensure Unit (in room)  
TJ O'Neill, Assistant Attorney General (in room)  
Danielle Sund, DHHS Attorney (in room)  
Anna Harrison, Compliance Monitor, Licensure Unit (in room)  
Traver Klassen, Mark Meyerson -DHHS Investigations (in room)

A quorum was present, and the meeting convened.

#### **2. ADOPTION OF AGENDA**

**MOTION:** Sims moved, seconded Reed, to adopt the agenda. A voice vote was taken. Voting aye: Bonn, Sims, Bingham, Fisher, Williams, Lucas, Nordboe, Reed (8). Voting nay: None (0). Absent: Anderson, Bavougian, Nims, Rowland (4). Abstain: None (0) Vacant positions (1). Motion carried.

10:34 am Phillips entered room

#### **3. APPROVAL OF MINUTES:**

**MOTION:** Nordboe moved, seconded Reed, to approve the minutes from 11.6.23 with corrections. A voice vote was taken. Voting aye: Bonn, Sims, Bingham, Williams, Lucas, Nordboe (6). Voting nay: None (0). Absent: Anderson, Bavougian, Nims, Rowland Abstain: Reed, Fisher (2) Vacant positions (1). Motion carried.

10:39 am Anderson entered room  
10:30 am Public entered room  
10:40 am Rowland entered room

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

**MOTION:** Anderson moved, seconded by Nordboe, to enter closed session at 10:45 am for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. A voice vote was taken. Voting aye: Anderson, Bonn, Sims, Bingham, Fisher, Williams, Lucas, Nordboe, Rowland (8). Voting nay: None (0). Absent:., Bavougian, Nims (2). Abstain: Reed (1) Vacant positions (1). Motion carried

10:43 am Bingham exited Webex  
10:50 am Braddock exited room  
10:55 am Braddock entered room  
11:00 am Bingham entered Webex  
11:35 am Meyerson exited room  
11:38 am Klassen exited room  
11:39 am Harrison exited room

12:30 pm Board break  
12:42 pm Board return to close session

12:48 pm Verbal agreement from all board members to enter open session.

12:48 Public entered room

#### **5. Updates and Follow-up**

- a. Body Art  
No updates
- b. Ethics Course-Defer to next meeting
- c. NIC  
Sims gave an update of the conference , compact possibility and handed out notes as attached.
- d. Nail Technology Bill – Rowland reported clean up and still working on

1:09 pm Public entered room

- e. Statistics: Examinations, Licensing, Disciplinary/Non-Disciplinary Information, and Renewals (report attached to agenda)
  - Board discussion on exam failures

#### **6. Public Comment**

##### **Greg Howard with College of Hair Design concern regarding the timeframe for licensing**

Braddock addressed the concern and that the Department is working on adding staff and have gotten assistances from other areas.

##### **Michelle Nagel-The Hair Gallery concern regarding the Censure and penalty assessed to the salon for operating without a license.**

Braddock addressed that the salon owner is able to request a hearing

**2:10 pm Greg Howard exited room**  
**2:12 pm Michelle Nagel exited room**

**Open Session:** Application Review and Recommendations (Initial Licensure, Reinstatement, Convictions, Administrative Penalties, and Mail Ballot Report Outs

**The Master Beauty-Cosmetology Salon**

**MOTION:** Anderson moved, seconded by Sims to recommend issuing the license with a Censure, \$1000 Civil Money Penalty and Successfully complete the jurisprudence examination within 90 days by the owner. Basis operating a salon without a license for 312 days. A voice vote was taken. Voting aye: Anderson, Bonn, Sims, Bingham, Rowland, Williams, Lucas, Nordboe (9). Voting nay: None (0). Absent: Nims, Bavougian (2). Abstain: Fisher (1) Vacant positions (1). Motion carried

**Jenna Nail Spa-Cosmetology Salon**

**MOTION:** Anderson moved, seconded by Sims to recommend issuing the license with a Censure, \$3000 Civil Money Penalty and Successfully complete the jurisprudence examination within 90 days by the owner. Basis operating a salon without a license for 1092 days. A voice vote was taken. Voting aye: Anderson, Bonn, Sims, Bingham, Rowland, Williams, Lucas, Nordboe (9). Voting nay: None (0). Absent: Nims, Bavougian (2). Abstain: Fisher (1) Vacant positions (1). Motion carried

**Morgan Buckner,**

**MOTION:** Sims moved, seconded by Nordboe, to recommend issuing the license with a Censure, \$500 Civil Penalty and Successfully complete the jurisprudence examination within 90 days. Basis operating a salon without a license for 197 days. A voice vote was taken. Voting aye: Anderson, Bonn, Bavougian, Nims, Sims, Bingham, Rowland , Williams, Lucas, Nordboe, Phillips (11). Voting nay: None (0). Absent: Reed (1). Abstain: None (0) Vacant positions (1). Motion carried

**Dylan Anderson**

**MOTION:** Lucas moved, seconded by Anderson, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bonn, Bingham, Rowland, Williams, Lucas (6). Voting nay: Nordboe, Reed , Sims (3). Absent: Bavougian, Nims (2). Abstain: Fisher (1) Vacant positions (1). Motion carried

**Patricia Lopez**

**MOTION:** Anderson moved, seconded by Nordboe, to recommend to defer for more information. A voice vote was taken. Voting aye: Anderson, Bonn, Sims, Bingham, Rowland, Reed, Williams, Lucas, Nordboe, (9). Voting nay: None (0). Absent: Bavougian, Nims (2). Abstain: Fisher (1) Vacant positions (1). Motion carried

**9. ADJOURNMENT**

Rowland announced the next meeting is scheduled for December 4, 2023, and declared the meeting adjourned at 2:29 pm.

Submitted,

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Buddy Sims, Secretary  
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art  
Summarized by the Licensure Unit

### 38-171. Board; advisory committee or body; compensation; limitation; expenses.

Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections [81-1174](#) to [81-1177](#). The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section [38-161](#) shall receive remuneration of expenses as provided in sections [81-1174](#) to [81-1177](#), including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

#### **For Board Consideration**

1. \$20 for meeting prep
2. \$50 for each day in attendance at regular board meeting or approved committee meeting
3. \$50 for travel days when overnight stay with meeting attendance
4. \$50 each day of attendance at National Meeting, including travel days when overnight stay
5. \$50 for attending board related meetings, testifying at legislative hearings, must be approved by the Board as the Board representative

#### **PUBLIC MEETINGS; NOTICE AND AGENDA REQUIRED**

<https://ago.nebraska.gov/open-meetings>

**D. PUBLIC MEETINGS; NOTICE AND AGENDA REQUIRED.** Section 84-1411 sets out several requirements for the notice which must be given for a public meeting and for the agenda which must be prepared: (1) the public body must give **reasonable advance publicized notice** of the time and place of each meeting; (2) the notice must be transmitted to all members of the body and to the public; (3) the notice must contain an agenda of subjects known at the time of the publicized notice, or a statement that such an agenda, which must be kept continually current, is readily available for inspection at the principal office of the public body during normal business hours.

1. **Notice.** 2020 Neb. Laws LB 148, § 3 placed restrictions on certain public bodies with respect to publication of meeting notices. Under § 84-1411(1)(b)(i)-(iii), governing bodies of political subdivisions and their advisory committees must publish notice in a newspaper of general circulation within the public body's jurisdiction and, if available, on the newspaper's web site. Governing bodies of cities of the second class or villages and their advisory committees must either publish notice in a newspaper of general circulation within the public body's jurisdiction and, if available, on the newspaper's web site, or by posting written notice in three conspicuous public places in the city or village. The posting locations shall remain the same for each meeting. For all other public bodies, notice shall be given by a method designated by the public body. Governing bodies of political subdivisions and their advisory committees may, in addition to the requirements set out above, provide notice of their meetings by any other appropriate method designated by the public body. Section 84-1411(1)(c). Section 84-1411(1)(d) requires each public body to record the method(s) and date(s) of such notice in its minutes. Public bodies holding meetings by virtual conferencing, as provided in § 84-1411(2), must follow the meeting notification requirements in § 84-1411(2)(b)(i).