



NOTICE OF MEETING and AGENDA

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

This meeting will be held in-person. A conference call phone line has been established for the public to call in or the public is welcome to attend any Open Session discussion at the State Office Building. If calling in, please use the following to attend the Open Session items of the Board meeting:

PUBLIC CALL IN #: 888-820-1398

PARTICIPANT #: 8986450#

AGENDA		Posted: 2.28.2023; *revised 3.1.2023
<p>Date: Monday March 6, 2023</p> <p>Time: 10:30 am</p> <p>Location: 301 Centennial Mall S State Office Building Lower Level-Morrill Room/LLB Lincoln, NE</p> <p>For Information Contact: Carrie Oldehoeft 402-471-2117 Dhhs.licensure 2117@nebraska.gov</p>	<p>1. Roll Call Announcement: 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>2. Adoption of Agenda</p> <p>3. Approval of Minutes</p> <p>4. *Officer Elections – Chair Stepping down from position</p> <p>5. Updates/Follow-up</p> <p style="margin-left: 20px;">a. 2023 Legislation</p> <ul style="list-style-type: none"> • LB 16 Occupational Reform and Preliminary Conviction Review https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49705 • LB 189 Exempt natural hair styling https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50093 • LB 561 Adopt the Cosmetology Licensure Compact https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50571 <p style="margin-left: 20px;">b. Statistics: Examinations, Licensing, Disciplinary/Non-Disciplinary Information, and Renewals (report attached to agenda)</p> <p>6. Public Comment</p> <p>7. Closed Session (approximately 11:00): Investigational & Confidential Information and Reports Purpose: To hear discussions of investigative and confidential nature, and for the prevention of needless injury to the reputation of the individuals</p> <p>WORKING LUNCH</p> <p>8. Open Session (approximately 12:00 pm): Application Review and Recommendations (Initial Licensure, Reinstatement, Convictions, Administrative Penalties, and Mail Ballot Report Outs)</p> <p>9. Closed Session (approximately 12:30 pm): Conviction Guidelines and discussion Purpose: To hear discussions of confidential nature.</p> <p>10. Open Session (approximately 1:30 pm)</p> <p>11. Adjournment</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 for persons with hearing impairments, call the Nebraska Relay System at 711 (TDD). Advance notice of 7 days is needed when requesting an interpreter.

2023 Dates	Location	Time	2023 Dates	Location	Time
1.9.2023	LLB	10:30am	2.6.2023	LLB	10:30am
3.6.2023	LLB	10:30am	4.3.2023	LLB	10:30am
5.1.2023	LLB	10:30am	6.5.2023	LLB	10:30am
7.10.2023	LLB	10:30am	8.7.2023	TBA	10:30am
9.11.2023	TBA	10:30am	10.2.2023	TBA	10:30am
11.06.2023	TBA	10:30am	12.04.2023	TBA	10:30am

Agenda #3

These minutes have not been approved by the Board

MINUTES OF THE MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
February 6, 2023

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Brandy Phillips, at 10:30 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Morrill Room (Room B), 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 <http://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby and posted 1.25.2023.

The following members were present and answered roll call:

Members Present (9):

Bridget Anderson, Member
Matt Bavougian, Member
Shannon Bingham, Vice-Chair
Jane Nims, Member
Marie Nordboe, Member
Brandy Phillips, Chair
Pamela Rowland, Member
Harold "Buddy" Sims, Secretary
Joann Williams, Member

Members Absent (3):

Leslie Reed, Member
Kyoung Bonn, Member
Ruth Lucas, Member

Others Present:

Kris Chiles, Program Manager, Licensure Unit
Carrie Oldehoeft, Health Licensure Board Coordinator, Licensure Unit
TJ O'Neill, Assistant Attorney General
Jeanne Burke, Assistant Attorney General
Suzanna Glover-Ettrich, DHHS Attorney (Webex)
Public (in room)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Anderson moved, seconded Sims, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

3. APPROVAL OF MINUTES:

MOTION: Nordboe moved, seconded Anderson, to approve the minutes from 1.7.2023 with corrections. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3) Vacant positions (1). Motion carried.

4. LEGISLATIVE UPDATES (LB 16, LB 189, LB 561, other)

- LB 16 Occupational reform and changes to preliminary conviction review https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=49705 Chiles briefly provided an overview:
 - Creates additional pathways for reciprocity.
 - Provides additional guidance relating to the application for preliminary conviction review – individuals can submit the application prior to attending school, during school, or after completing their education. Creates additional pathways for reciprocity. It would also require licensing boards, through statute, to specify offenses that would exclude someone with a criminal record from being licensed.
 - LB 16 is set for hearing February 9.
 - Change time limit to look back 3 years rather than 5 years and what convictions count or don't count.
 - Effective January 1, 2025 if passed.

Board conversation included that the bill changes the time limit to consider convictions to 3 years and currently the statutes or regulations do not have a time limit – the applicant is required at the time of application for licensure to disclosed all misdemeanor/felony convictions regardless when they occurred. Members supported a neutral position; Anderson and Bavougian will work on a board position letter

- LB 189 Exempt natural hair styling https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50093 This bill removes the required for a cosmetology license to practice natural hairstyling; which is defined as: Natural hairstyling means to shampoo, condition, dry, arrange, curl or straighten hair using only mechanical devices such as blow dryers, combs, brushes, curlers, curling irons, blunt tipped needles, thread, and hair binders. It also includes the use of hair sprays and topical agents, such as balms, oils, and serums, and the styling of hair extensions and wigs.
 - Hearing was 2.2.2023
 - Plate Institute supported the bill along with several other individuals
- LB 561 Cosmetology licensure compact https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=50571 This bill establishes a multi-state licensing program for licensed cosmetologists in member states.
 - Hearing was 2.3.2023
 - 1 person testified in support and there were a few others that testified in opposition due to the possibility of hours decreasing in Nebraska to match other state requirements.

LB 19 from 2021: The workgroup, Sims, Rowland, and Bavougian, suggested separating Cosmetology and Nail Technology from Body Art when discussing changes for legislative session 2024. The Board supported the concept.

This previous bill provided for a new definition of "nail technology" which includes natural nail care, defined "pedicuring," and allows for licensure of nail technology apprentice salons. It created a license for "Temporary Body Art Facilities" and "Body Art Guest Artists", and updated the definition for cosmetic tattooing. This bill also allowed for all practices licensed under the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art to take their respective licensing exam in multiple languages.

To accommodate ESL (English as a Second Language) applicants, they can request a dictionary (word to word translation provided by the Department) and double time to take the NIC exam.

5. 2023 GOAL – Apprentice Salon Discussion

The following meeting months were set to start the review process:

- Conviction Guidelines (February) –Deferred to next month
- Apprentice Salons (February)

Board discussion—are there options other than National Accrediting Commission of Career Arts and Sciences, Inc. - (NACCAS) for financial aid?

Lori Droud, VP of Talent & Culture Barnes Group, (public) provided information regarding apprentice programs. The board asked for clarification regarding how things are working in Iowa. Ms. Droud, stated they are using Pivot point education, there is oversight by Adarashi. Students can't change salons, program is set up for the salons, the Department of Labor is very involved as is the Department of Education in Iowa.

Apprentice ships will model based on Nebraska standards. Journeyman-will be onsite with student, they will need to have a 3 year minimum full license without discipline. Aterosi/using Pivot Point lab, there will be an online instructor

11:49 am Glover-Ettrich exited webex
11:55am Kathy Kruger & Carla Cue-Investigations entered room
11:55 am Glover-Ettrich returned
11:58 am Trevor Klaassen- Investigations entered room
12:00 pm Mark Meyerson investigations entered room
12:05 pm Cue exited room
12:07 pm Sims exited room
12:10 pm O'Neill exited room
12:11 pm Sims entered room
12:14 pm O'Neill entered room
12:14 pm Cue entered room

Discussion continued regarding next steps for setting up apprenticeships in Nebraska, including a change to the statutes, regulations, etc. It was also suggested that Ms. Droud contact the Department of Education.

12:19 pm Rowland exited room
12:22 pm Meeting break
12:31 pm Meeting resumed

6. UPDATES/FOLLOW-UP Statistics: Examinations, Licensing, Disciplinary/Non-Disciplinary Information, and Renewals (report attached to agenda)

8. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Anderson moved, seconded by Nordboe, to enter into closed session at 12:32 pm 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, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried. Philipps repeated the motion and purpose.

12:34 pm Klaassen exited room
12:44 pm Krueger exited room
12:44 pm Nims exited room
12:49 pm Nims entered room
12:50 pm Bingham exited room
12:52 pm Bingham entered room
12:52 pm Meyerson exited room
12:53 pm Cue exited room

9. OPEN SESSION Application Review and Recommendations (Initial Licensure, Reinstatement, Convictions, Administrative Penalties, and Mail Ballot Reports)

2:51 pm Verbal agreement from all board members to enter into open session.

Conviction Reviews and Board Recommendations:

Cindy Jorquin – Permanent Color Technician

MOTION: Sims moved, seconded by Rowland, to recommend reinstatement of the license with a 6-month probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. Basis: Failure to report convictions on application. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Simry Machuca – Tattoo Artist

MOTION: Bavougian moved, seconded by Sims, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Phillips, Rowland, Sims (8). Voting nay: Nordboe (1). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Virginia Benson – Cosmetology

MOTION: Anderson moved, seconded by Philips, recommend to issue with a 2-year probation with the following terms and conditions: Quarterly employer reports, Random body fluid screens, Abstain from Alcohol/Drug, Report prescribed medication, follow recommendations of assessment and any future recommendations and the Standard Terms and Conditions of probation. Basis: Conviction history and diagnosis. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Jenny Griffith – Permanent Color Technician

MOTION: Nordboe moved, seconded by Anderson, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Nims, Nordboe, Phillips, Rowland, Sims (8). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Abstain: Williams (1) Vacant positions (1). Motion carried.

Marco Miranda Jr – Tattoo Artist

MOTION: Anderson moved, seconded by Bingham, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Victoria Hill – Cosmentologist - Reinstatement

MOTION: Bingham moved, seconded by Anderson, to recommend issuing the reinstatement license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Michelle Schwab – Tattoo Artist - Reinstatement

MOTION: Nordboe moved, seconded by Bavougian, to recommend issuing the reinstatement license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Jasmin Boutin - Ethician

MOTION: Nordboe moved, seconded by Anderson, to recommend issuance of the license with a 1-year probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days, quarterly reports and the Standard Terms and Conditions of probation. Basis: Conviction history. A voice vote was taken. Voting aye: Anderson, Bavougian, Williams, Nims, Nordboe, Rowland (6). Voting nay: Bingham, Phillips, Sims (3). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Liza Odueque - Ethician

MOTION: Sims moved, seconded by Rowland, to recommend reinstatement of the license with a 6-month probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. Basis: Conviction history. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Mary Beinor – Cosmetologist - reinstatement

MOTION: Anderson moved, seconded by Nimes, to recommend issuing the reinstatement license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Williams, Nims, Nordboe, Phillips, Rowland (7). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Abstain: Bigham, Sims (2) Vacant positions (1). Motion carried.

Renee Hall – Nail Technician

MOTION: Anderson moved, seconded by Rowland, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Williams, Nims, Nordboe, Phillips, Rowland, Sims (9). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Ashley Rodriguez – Permanent Color Technician

MOTION: Nordboe moved, seconded by Anderson, to recommend issuance of the license with a 1-year probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days, quarterly reports and the Standard Terms and Conditions of probation. Basis: Conviction history. A voice vote was taken. Voting aye: Anderson, Bavougian, Williams, Nims, Nordboe, Rowland (6). Voting nay: Bingham, Phillips, Sims (3). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

Diedra Oborny - Cosmetologist

MOTION Anderson moved, seconded by Nordboe, to defer to next meeting. A voice vote was taken. Voting aye: Anderson, Bavougian, Williams, Nims, Nordboe, Rowland (6). Voting nay: Bingham, Phillips, Sims (3). Absent: Reed, Bonn, Lucas (3). Vacant positions (1). Motion carried.

2:22 pm Williams exited room

Shaylee Vargas Toledo - Cosmetologist

MOTION: Bavougian moved, seconded by Nordboe, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bavougian, Bingham, Nims, Nordboe, Phillips, Rowland, Sims (8). Voting nay: None (0). Absent: Reed, Bonn, Lucas (3). Abstain: Williams (1) Vacant positions (1). Motion carried.

2:27 pm Williams entered room
2:37 pm O'Neill and Burke exited room

12. ADJOURNMENT

Phillips announced the next meeting is scheduled for March 6, 2023 and declared the meeting adjourned at 3:06 p.m.

Submitted,

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

Agenda #4

Examinations:

Body Art-No Exams taken

EXAMINATION STATISTICS SUMMARY REPORT			
Profession: Cosmetology		Run Date: 02/24/2023	
Date Range: 01/01/2023 to 2/24/2023		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	44
	04-Cosmetology Written/Practical	Fail	2
04-Esth Computer Test	04-Esthetics Written/Practical	Pass	16
	04-Esthetics Written/Practical	Fail	16
04-Instr Computer Test	04-Cos Instructor Written/Practical	Pass	1
	04-Cos Instructor Written/Practical	Fail	3

DIVISION OF PUBLIC HEALTH, LICENSURE UNIT EXAMINATION STATISTICS SUMMARY REPORT			
Profession: Nail Technology		Run Date: 02/24/2023	
Date Range: 01/01/2023 to 2/24/2023		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	16
	NT National Written Examination	Fail	9
04-NT Inst Computer	NT Instructor National Examination	Fail	1
Jurisprudence -	Junprudence - Probation	Fail	1

Renewals:

RENEWAL COUNTS FOR

Issue Date : 10/01/2022 to 04/01/2023

Profession / License Type	1st Notices	2nd Notices	Renewals
Body Art			
Body Art Facility	287	0	60
Body Brander	2	0	0
Body Piercer	155	0	16
Permanent Color Technician	285	0	31
Tattoo Artist	646	0	99
Total for Body Art	1,375	0	206
GRAND TOTAL:	1,375	0	206

Disciplinary and Non-Disciplinary Actions:

**DIVISION OF PUBLIC HEALTH, LICENSURE UNIT
 COMPLIANCE LISTING REPORT**

Profession: Body Art
 Action Start Date Range: 01/01/2023 to 02/24/2023

Run Date: 02/24/2023
 Page No: Page 1 of 1

Licensee Name	License No	License Type	License Status	Disciplinary Action	Action Start	Action End
O'Doniel, Jason James	1081	Tattoo Artist	Active	Petition to Revoke Probation Filed	02/17/2023	
Yager, Nicholas R	360	Tattoo Artist	Revocation	Revocation	01/21/2023	

COMPLIANCE LISTING REPORT

Profession: Cosmetology
 Action Start Date Range: 01/01/2023 to 02/24/2023

Run Date: 02/24/2023
 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		
Eclipse Hair and Beauty	24781	Cosmetology Salon Cc	Active	Probation	02/10/2023	08/10/2023
Eichmann, Amber Marie	53055	Cosmetologist	Active	Probation	01/12/2023	01/12/2025
Face to Face Salon & Spa	24794	Cosmetology Salon Cc	Active	Probation	02/23/2023	08/23/2023
Hive Hair Lab	24792	Cosmetology Salon Cc	Active	Probation	02/17/2023	08/17/2023
Martian, Raychell Donya	53039	Cosmetologist	Active	Probation	01/10/2023	
Mattison, Casey Ann	2600	Esthetician	Active	Censure	01/04/2023	
Mattison, Casey Ann	2600	Esthetician	Active	Civil Penalty	01/04/2023	01/04/2024
McGill, Jaymie Lyn	50598	Cosmetologist	Expired	Petition for Disciplinary Action Filed	02/10/2023	
McLemore, Kaylee Renae	51692	Cosmetologist	Active	Probation	01/19/2023	07/19/2023
Shear Country	24779	Cosmetology Salon Cc	Active	Probation	02/09/2023	08/09/2023

COMPLIANCE LISTING REPORT

Profession: Nail Technology

Action Start Date Range: 01/01/2023 to 02/24/2023

Run Date: 02/24/2023

Page No: Page 1 of 1

Licensee Name	License No	License Type	License Status	Disciplinary Action	Action Start	Action End
Yankton, Shaley Michelle	3822	Nail Technician	Active	Probation	01/24/2023	07/24/2023