

These minutes have been approved by the Board on 7.1.2024

MINUTES OF THE MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
May 20, 2024

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 10:42 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower-Level Morrill 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 4.22.2024 with revisions on 5.1.2024 and 5.6.2024

The following members were present and answered roll call:

Members Present (7):

Bridget Anderson, Member
Marie Nordboe, Member
Matt Bavougian, Member
Leslie Reed, Member
Shannon Bingham, Vice-Chair
Ruth Lucas, Member
Jane Nims, Member

Members Absent (4):

Kyoung Bonn, Member
Keri Fisher, Member
Pamela Rowland, Chair
Harold "Buddy" Sims, Secretary

Others Present:

Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit
TJ O'Neill – Assistant Attorney General
Abby Nissen-Assistant Attorney General
Danielle Sund, DHHS Attorney
Dennis Scott, Trevor Klassen, Mark Meyerson-DHHS Investigation Unit
Sean Loving-Program Manager, Licensure Unit

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Anderson moved, seconded Nordboe, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Bavougian, Reed, Lucas, Nims (7). Voting nay: None (0). Absent: Bonn, Fisher, Sims, Rowland (4). Vacant positions (2). Motion carried.

3. APPROVAL OF MINUTES:

MOTION: Anderson moved, seconded Nordboe, to adopt the minutes with corrections. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Bavougian, Reed (5). Voting nay: None (0). Absent: Bonn, Fisher, Sims, Rowland (4). Vacant positions (2), Abstain: Nims, Lucas (2) Motion carried.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Anderson moved, seconded by Nordboe, to enter into closed session at 11:02 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Bingham repeated the motion and purpose. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Bavougian, Reed, Lucas, Nims (7). Voting nay: None (0). Absent: Bonn, Fisher, Sims, Rowland (4). Vacant positions (2). Motion carried.
Oldehoeft closed the public call-in line and Investigations turned the sign to close

11:02 am Nims exited room
11:07 am Nims entered room

11:49 am Bingham exited room
11:54 am Bingham entered room
11:55 am Bingham exited room
12:00 pm Bingham entered room
12:26 pm Lucas exited room
12:29 pm Lucas entered room

12:30 pm Board Break
1:00 pm Board returned to close session
1:16pm Lucas exited room
1:23pm Lucas entered room

1:38pm Verbal agreement from all board members to enter into open session.

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

Conviction Reviews and Board Recommendations:

Demetri Zephier

Oldehoeft updated the board that convictions had been reported and the Department issued his license without terms.

Lakeda Sanders- Preliminary Conviction Review

MOTION: Anderson moved, seconded by Bavougian, that the convictions, as listed on the application, would not disqualify the applicant from obtaining a credential as an Esthetician. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Bavougian, Reed, Lucas, Nims (7). Voting nay: None (0). Absent: Bonn, Fisher, Sims, Rowland (4). Vacant positions (2). Motion carried.

Pacific Nails and Spa

MOTION: Anderson moved, seconded by Bingham to recommend issuing the license with a Censure, \$250 Civil Money Penalty and Successfully complete the jurisprudence examination within 90 days by the owner. Basis operating a salon without a license for 171 days.. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Bavougian, Reed, Lucas, Nims (7). Voting nay: None (0). Absent: Bonn, Fisher, Sims, Rowland (4). Vacant positions (2). Motion carried.

Tips and Toes

MOTION: Nordboe moved, seconded by Bavougian to recommend issuing the license with a Censure, \$6,000 Civil Money Penalty and Successfully complete the jurisprudence examination within 90 days by the owner. Basis operating a salon without a license since September 2017. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Bavougian, Reed, Lucas, Nims (7). Voting nay: None (0). Absent: Bonn, Fisher, Sims, Rowland (4). Vacant positions (2). Motion carried.

Isaac Huerta

MOTION: Anderson moved, seconded by Nordboe, to recommend denial of license. Basis on prior disciplinary action. . A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Bavougian, Reed, Lucas, Nims (7). Voting nay: None (0). Absent: Bonn, Fisher, Sims, Rowland (4). Vacant positions (2). Motion carried.

Jasmine Sorrel

MOTION: Nordboe moved, seconded by Anderson, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Bavougian, Reed, Lucas, Nims (7). Voting nay: None (0). Absent: Bonn, Fisher, Sims, Rowland (4). Vacant positions (2). Motion carried.

Rachel Wade

MOTION: Bavougian moved, seconded by Bingham, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Bavougian, Reed, Lucas, Nims (7). Voting nay: None (0). Absent: Bonn, Fisher, Sims, Rowland (4). Vacant positions (2). Motion carried.

Samantha Taylor

MOTION: Nordboe moved, seconded by Anderson, to recommend issuing the license with no terms or conditions. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Bavougian, Reed, Lucas, Nims (7). Voting nay: None (0). Absent: Bonn, Fisher, Sims, Rowland (4). Vacant positions (2). Motion carried.

Joe & Company

MOTION: Anderson moved, seconded by Nordboe to recommend issuing the license with a Censure, \$2,000 Civil Money Penalty and Successfully complete the jurisprudence examination within 90 days by the owner. Basis operating a salon without a license for 909 days. A voice vote was taken. Voting aye: Anderson, Bingham, Nordboe, Bavougian, Reed, Nims (6). Voting nay: None (0). Absent: Bonn, Fisher, Sims, Rowland (4). Lucas (1) Vacant positions (2). Motion carried.

6. Phlebotomist in Esthetics-deferred to next meeting

7. UPDATES/FOLLOW UP

- a. Body Art-Bavougian has no updates
- b. Cosmetology-Nordboe updated the board on the upcoming National Conference
- c. Electrology-No report
- d. Esthetics -no updates
- e. Nail Technology- No updates
- f. Indoor Tanning Facilities-no updates
- g. Legislation-LB16 the Department is working on an update
- h. Statistics: Examinations, Licensing, Disciplinary/Non-Disciplinary Information, and Renewals (report attached to agenda)- Board concern regarding exam results

8. **Public comment**-Somer Krueger public asked:

- 1) Why do we wait on exam until graduation?
 - Legislation is in place to require graduation prior to authorization for an exam.
- 2) What can help with a reciprocity application?
 - We explained that the applicant needs to make sure that all documents are sent with the application, the application is complete.

3) **Legislative committees**—board deferred to next meeting.

2:06 pm public exited call

4) ADJOURNMENT

Bingham announced the next meeting is scheduled for 7.1.2024 and declared the meeting adjourned at 2:12 p.m.

Submitted,

LB561 - Adopt the Cosmetology Licensure Compact: establishes a multi-state licensing program for licensed cosmetologists in member states. It will increase mobility for said licensed cosmetologists within the member states of the compact while ensuring safe and reliable services to the public. Carryover bill. Floor debate Jan 9th with AM2071 filed. Recommend board follows LB561 and associated amendments.

LB16 - Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction, provide and change requirements regarding applicants with a criminal conviction, provide for jurisprudential examinations and appeals, change requirements for membership of the State Electrical Board, and adopt the Interior Design Voluntary Registration Act. Carryover bill, Feb 2nd Final Reading, then Enrollment and Review. Recommend board tracks LB16 and associated amendments.

LB951 - Adopt the Public Officials on Private Boards Open Meetings Act. No impact on Cosmetology Board. No further action by board.

LB955 requires any person, firm, partnership, association, limited liability company, corporation, or other business entity that sells gift cards or gift certificates to provide notice at the location where the sale occurs alerting customers to protect themselves from gift card scams. The notice will assist consumers in being more aware of gift card scams and will encourage vulnerable consumers to alert law enforcement if they believe they are being scammed. Recommend tracking.

LB961 prohibits noncompete agreements for employees making less than one hundred thousand dollars annually. No action.

LB 993 creates the Apprenticeship Grant Act assists individuals who are underemployed and receive economic assistance to become fully employed and self-sufficient by providing grants to qualified businesses who are partnered with a registered apprenticeship program and who provides on-the-job training and classroom instruction to the employee(s) enrolled in the program. Placed on general file Feb 13th with AM2373. Track

LB1009 removes the limit of attempts allowed for the Barber Board Examination. Previously if an individual failed the examination three times, they would not be allowed to have additional attempts. LB1009 also aligns existing statute. No impact, licensure unit does not license or regulate barbers.