

MINUTES

UTAH Barber, Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Board MEETING

March 2nd, 2009

Room 474 – Fourth Floor - 9:00 am
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:06 a.m.

ADJOURNED: 2:30 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Penny Vogeler

Acting Board Secretary:

Sally Canavan

Board Members Present:

Marti Frasier, Chairperson
Lenette Johnson-Casper
Dianne Niebuhr
Lyle Ferguson
Ruth Ann Holloway
Holly Brown
Monica Bruin

Board Members Absent:

Shauna Fox, Excused
Fran Brown, Excused

Guests:

Randee S Worsten, Stacy's Hands of Champions
Jannae Bird, Advanced Skin Care Clinic
Diane Bitaraf, Mandalyn Academy
James Holloway, DD Skin Therapy
Mandy Humphrey, Renaissance Academie de Hair Design
Sharon Saylor, Great Clips, Inc.
Babette Bobka, Great Clips, Inc.
Darlene Durrant, MATC Cosmetology
Natalie Parkin, Skinworks
Brenda Scharman, Cameo
Lynell Hite, The Barber School

DOPL Staff Present:

F. David Stanley, Division Director
Kent Barnes, Compliance Manager
Debbie Harry, Compliance Specialist

TOPICS FOR DISCUSSION

MINUTES:

COMPLIANCE:

BOARD DISCUSSION:

Fish Exfoliation

PROBATION INTERVIEWS:

Stephanie Diane Brown

BOARD DISCUSSION:

National Interstate Council Meeting

Update on Legislative Activity

Apprenticeships

DECISIONS AND RECOMMENDATIONS

The minutes from the December 1st, 2008 meeting were reviewed. Ms. Holloway made a motion, seconded by Ms. Murphy, to accept the minutes with the changes. The motion passed unanimously.

Ms. Harry gave her report on the probationers being interviewed today.

An update on the Fish Pedicure issue was provided. Most states have said "no", however, the state of Ohio has permitted it. Utah is **not** allowing it, citing in part health and safety concerns and guidelines.

Ms. Brown was interviewed by Ms. Holloway. She is currently working at Great Clips and plans to return to work there after the baby is born. She was reminded to submit her paperwork to Ms. Harry quarterly to be received by May 20th, 2009. **Compliant.**

The National Interstate Council (NIC) will be holding the Regions 3 and 4 meeting Friday, April 3rd through Sunday April 5th be at the Sheridan Hotel in Sacramento, California. The NIC will hold their national meeting at the end of September 2009 in South Carolina. The Board discussed how the state of the economy and budget considerations in Utah will prohibit any travel, at a departmental level. There will be no funds available for travel or reimbursement for any Board members who choose to attend either conference.

The House bill introduced at the Legislature has had so many changes and amendments, the Lobbyist and Sponsor have proposed a Substitute Bill. If anyone wants a copy of the bill, go to www.le.utah.gov, selecting HB356S01. The Medical Laser use is still being discussed in the Rules committee.

The Board discussed options to protect apprentices. Some apprentices do not know they need to check the Instructor's qualifications and the curriculum requirements. It is taking them 1-3 years to complete the required hours. When the apprentice applies for licensure some have found their instructor is not licensed as an instructor. Since apprentices are

exempt from licensure, DOPL cannot request pre-approval of a curriculum or of an instructor.

Law and Rule Exam Alternatives

Any changes the Legislature makes to the Cosmetology/Barber Act will be listed on the website. To determine if any new laws have been passed look at the effective date listed under the "Laws and Rules" heading.

The Board discussed passing a Law and Rule exam for licensure. According to PSI there are four alternatives to reincorporating the Law and Rule exams. Depending on what the Board is trying to accomplish would determine how a Law and Rule exam would be administered. The Law and Rule portion can be put into the application, or it can be a separate exam.

The exam results for apprentice trained candidates in 2008 are equivalent or only slightly lower than the school results. The Master Esthetician and Nail Technician candidates could use improvement in their apprenticeship training programs.

The Board suggested the industry may want to discuss options. The Board may request further discussion on the options concerning the Law and Rule exam at the next meeting.

PROBATION INTERVIEWS (continued):

Jenny Leigh Murray

Ms. Murray was interviewed by Ms. Bruin. She has a certificate of completion from the ARC program. She is continuing in an After-Care program and doing her testing there. She is presently on step 6 of a 12-step program. She will contact Ms. Harry regarding test results from the ARC program. Ms. Murray is experiencing some anxiety about returning to work with the baby and other life-stressors. She stated she had been "hanging out" in her sister's salon as a way to start working again. The Board recommended she try part-time work for awhile. The Board requested she attend the June 1st, 2009 meeting. **Compliant** (when paper work is completed).

Mary O. Booth

Mr. Ferguson conducted the interview of Ms. Booth. It was noted she had excellent recommendations and everything appeared to be in order. Ms. Harry will need reports in June, 2009. The Board requested to

see her again at the September 14th, 2009 meeting.
Compliant.

Marcy M. Pruitt

Ms. Pruitt was interviewed by Ms. Holloway. Ms. Holloway read the letter Ms. Pruitt had previously submitted requesting testing be discontinued. Her license is on thirty month probation with DOPL. She completed a 10 month AA program June, 2008. Ms. Pruitt has been testing with Compass Vision since then so she has only had seven tests. The Board decided she needs to continue testing. The Board requested to see Ms. Pruitt on June 1st, 2009. **Compliant.**

**BOARD DISCUSSION (continued):
School Hours**

The 1,000 hours obtained from a licensed Barber School cannot currently be used as hours towards Cosmetology/Barber education requirements. The law at this time is very specific as to which educational training is permitted. The possibility of using hours from another license or related profession is being addressed at the legislature. Also to answer a questions, if working on or with a hairpiece the licensee must have a Cosmetology/Barber license

**PROBATION INTERVIEWS (continued):
Stuart Nelson**

Mr. Nelson was excused from today's meeting. He will be requested at the June 1st, 2009 meeting.
Compliant.

Ashley Midby

Ms. Midby was excused from today's meeting. She will be requested at the June 1st, 2009 meeting. **Non-compliant.**

**BOARD DISCUSSION (continued):
Apprenticeships (continued)**

There is online training and testing available from Milady's. There should be a monitoring body for start and finish. The Board discussed how there is no way to monitor an apprenticeship until the individual applies for a license. If the apprentice does not meet the time duration guidelines DOPL does not issue a license. The guidelines are in Rule. We don't specifically monitor the manner in which an apprenticeship instructor does business.

Continuing education requirements were also discussed. School instructors are required to get CE for NACCAS Accreditation.

PROBATION INTERVIEWS (continued):

Stevie Burtenshaw

Ms. Niebuhr conducted the interview of Ms. Burtenshaw. She has been having communication problems with Compass Vision. Ms. Harry will check into that. She is using family members and her boyfriend for support in dealing with stresses. Ms. Burtenshaw is planning to move to Salt Lake City/Provo area to increase her clientele. The Board requested to see her again on June 1st, 2009. **Compliant** (when drug screens are received).

Joanna Storer

Ms. Storer was interviewed by Ms. Bruin in a telephone interview. She has been asked to participate in a 12-step program. She has been sober for 2 years as of August 2009 and is avoiding drugs and alcohol. She is working with Compass Vision and has been sending CVI drug screen reports to Ms. Harry. She has been living in Colorado for one year and received a Colorado license with **no probationary status**. Currently, she is looking for employment in Colorado, by is considering going to Florida to instruct in a Paul Mitchell School. Ms. Storer has a sister living in Florida. She has contact information for possible employment with the Paul Mitchell School in Florida.

Ms. Johnson-Casper made a motion, seconded by Ms. Holloway, that we amend the MOU to release Ms. Storer from Utah Probation, when Ms. Harry has received requested documents. The vote was unanimous. Ms. Storer was reminded she is still on probation until she receives an official letter amending the Order from DOPL. **Compliant**.

Morgan Emaline Dean-Morley

Ms. Morley failed to appear and was non-compliant at her last meeting. The Board discussed doing an Order to Show Cause, but rescheduled for the June 1st, 2009 meeting as a last opportunity.

Stephanie Gammell

Ms. Gammell was interviewed by Mr. Ferguson. Since the Order to Show Cause hearing on her license, she has been placed on a new probationary status. She is to follow the existing MOU, with additional information requested. She is to provide a doctor's letter regarding her situation. Thus far, it has not been received. She has one month from the date the Division signed her most recent Order to comply. Ms.

Harry will go over the MOU and additional Order with her when reached. Ms. Harry has not been able to contact her by phone. Ms. Gammell will continue on probation for at least two years from the date of the recent Order. She has been employed at Supercuts. The Board requested to see her at the June 1st, 2009 meeting.

**BOARD DISCUSSION (continued):
Teeth Whitening**

Ms. Holloway made her presentation, stating teeth whitening kits have emerged as another area of interest in the profession. Salons do not actually do the preparation for clients but assist them in using it themselves. The salons may help aim salon-owned LED lights on the gel in the kits after it has been put on the teeth.

Ms. Holloway referred to the webpage of an organization called Council for Cosmetic Teeth Whitening. She also stated that the FDA regulates this as a Cosmetic product. It is not regulated under the Cosmetology/Barber etc. current scope of practice.

**PROBATION INTERVIEWS (continued):
Andrea Jimmie**

Ms. Frasier conducted the interview of Ms. Jimmie. She was informed Ms. Harry needs after-care reports. She is currently employed at Red Robin and was told if not working in the field we do not need employer reports. She is on step 3 of a 12-step program. She will keep in contact with Ms. Harry. The Board requested to see her at the next meeting on June 1st, 2009. **Compliant.**

**NEW STIPULATIONS:
Michael Sipes**

Ms. Johnson-Casper interviewed Mr. Sipes. He stated he has completed all court requirements and will provide DOPL with requested documentation. He also stated he has registered with Compass Vision but that they said they would call him. Ms. Harry will check with Compass Vision. The Board discussed what was covered in Mr. Sipes court required classes. The Board requested to see him at the June 1st, 2009 meeting. **Compliant.**

**BOARD DISCUSSION (continued):
Utah Laws and Rules**

The Board resumed the discussion of the Law and Rules part of the exam. In other professions the Law and Rule exam is handled as part of the application, so that it becomes an open book test. By giving an open book exam, students will have to be taught how to find

the references as well as understand the material. The Board must decide what the purpose of the Law and Rule exam is, in order to determine how it should be administered. The industry may want to discuss the purpose of the exam and bring information back to discuss at the next Board meeting on June 1st, 2009.

The Board also discussed notification of possible changes. The effective date of all Law and Rule changes is on the website. The Board may want to take another look at developing an online newsletter.

**NEW STIPULATIONS (continued):
Megan Linihan**

Ms. Linihan was interviewed by Ms. Murphy. She has completed rehabilitation and been sober since 2004. She stated she has an amazing support group. Ms. Linihan completed cosmetology training in 2006. She has completed all court actions and sanctions. Ms. Harry requested documentation of completion of all court sanctions. The Board requested to see Ms. Linihan again at the June 1st, 2009 meeting. **Compliant.**

**NEW APPLICATION:
Silvia Quintella**

Ms. Quintella presented herself to the Board. The Board discussed her credentials and experience, and determined they were educationally equivalent for the Esthetics license. Ms. Johnson-Casper made a motion, seconded by Ms. Holloway, that the Board accepts her credentials as educational equivalent and requires both exams, the practical and theory, within 3 months. The vote was unanimous.

**NEW STIPULATIONS (continued):
Jessica Albritton**

Ms. Johnson-Casper conducted the interview with Ms. Albritton. She needs to complete criminal probation. If all conditions are met, license probation may possibly be shortened. She is currently looking for employment in the cosmetology related field. The Board reminded her to be sure to post her license at place of employment. Ms. Albritton stated her boyfriend is her support system. Ms. Harry will send information and forms to her. The Board requested to see her again on June 1st, 2009.

**DISCUSSION ITEMS (continued):
School Owners Association Concerns**

The Board discussed the 30 day waiting period after failing an exam. A suggestion that it should be reduced to 15 days was made at large. The private School Owners Association will be meeting and would

like to discuss this at the next Board meeting.

The Board also discussed the requirements before taking the exam. The Division will not pre-approve candidates for the test. The Board discussed that the place for schools to control students to prevent their taking the test might be at a contractual level. Schools or any other training venue that has concerns could put that limitation in the contract with their students.

The Board discussed if PSI could help monitor the students. The Board decided it would be up to the schools and their association to provide suggestions at the June meeting along with possibly one form that would be applicable to schools and other avenues of training. It could then be presented to PSI to see if it would work for their program. The Board requested the School Owners Association consider what to do if someone showed up to test without documentation but had paid for the test; and then was refused the option to test.

PSI PRACTICAL EXAMS CHANGES:

PSI has indicated Utah has two optional test segments that should be included on the Utah practical exam to meet the NIC standard. The Board discussed the option of the manicure and facial being added to the Cosmetology/Barber Practical exam. The suggestion from NIC and DOPL is to give the schools and students time to adjust to the change. Ms. Holloway made a motion, seconded by Ms. Bruin, for the Sculptured Nail/Manicure and the Facial be added to the Cosmetology/Barber Practical exam and that the new exams be implemented by June 1st or July 1st. The vote was unanimous.

Sculptured Nail/Natural Manicure

NIC recommends DOPL add the Sculptured Nail/Natural Manicure to the cosmetology portion of the Utah Cosmetology/Barber Practical exam.

Basic Facial

NIC recommends DOPL add the Basic Facial to the barber portion of the Utah Cosmetology/Barber Practical exam. That should soften the impact the shave has by increasing the overall points for the barber portion.

Hard Wax on upper lip

NIC recommends removing the Hard Wax from the basic Esthetic Practical exam. The Board discussed using soft wax. A motion was made by Ms. Holloway, seconded by Ms. Niebuhr, to remove the Hard Wax section from the basic Esthetics Practical exam, with the change to be implemented by April 1st, 2009. The vote was unanimous.

OTHER BOARD BUSINESS:

The Board and DOPL acknowledged the service of Lenette Johnson-Casper, Monica Bruin, and Ruthann Holloway in serving on the Board. Their appointments will end June 30th, 2009. We wish them well in their new endeavors. It was discussed that this will create vacancies on the Board in the positions to be filled by a Master Esthetician, an Esthetics Instructor or Esthetics School Representative, and a Nail Technician or Nail Technician Instructor. Resumes to be considered should be submitted to DOPL.

Next Scheduled Meeting:

June 1st, 2009

ADJOURN: 2:30 p.m.

No motion required

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

June 1, 2009
Date Approved

(ss) Marti Frasier, Chairperson
Barber, Cosmetologist/Barber, Esthetician,
Electrologist and Nail Technician Licensing Board

June 1, 2009
Date Approved

(ss) Sally A. Stewart, Bureau Manager
Division of Occupational & Professional Licensing