

IDAHO BOARD OF COSMETOLOGY
Conference Call
July 8, 1999
8:00 a.m.

Conference call commenced at 8:00 a.m. Roll call: Carol Martin, Kimber Hicks, Patrick Ulsh, Geneal Thompson, Christy Stutzke. Bureau staff present: Carmen Westberg, Budd Hetrick, John Kersey, Helen Piippo. Also present Geoffrey Wardle.

Moved by Mr. Hicks that Board go into executive session to discuss litigation. Seconded by Mr. Ulsh, carried.

Moved by Mr. Hicks that Board come out of executive session. Seconded by Ms. Stutzke, carried.

Representatives from Razzle Dazzle and New Images appeared to address the board. Geoffrey Wardle addressed the Board concerning the Attorney General's letter regarding schools teaching massage therapy. Mr. Wardle advised that there is no basis for prohibiting schools from teaching massage therapy as a separate component of the curriculum. Reference was also made to Kirsten Wallace's analysis which confirmed that, to remain compliant with the statute, schools would have to establish a separate massage therapy curriculum. Any massage techniques applicable to nail technology, electrology, or hairdressing, and taught as part of cosmetology curriculum would not be open to massage therapy students. Said curriculums must be kept separate and apart, and massage therapy students cannot attend cosmetology classes where massage might be taught. Mr. Wardle advised that any unregulated profession can be trained in a cosmetology school as long as the curriculum and training for the unregulated professions is separate and apart from the regulated curriculums and training. The Board discussed having the memorandum included in the agency record. Use of the term "massage therapy" was discussed. Mr. Wardle advised that, since the practice is not regulated, the defining term could be anything appropriate.

Mr. Hicks noted that schools planning to teach massage therapy need to be aware that the board will continue to enforce the required separation between a cosmetology establishment and massage therapy practice. The Board determined that the practice of massage therapy must be conducted in a separate closed room that is not part of the licensed salon. Schools teaching massage therapy are not required to have a separate area in which to teach massage therapy.

The Board confirmed that students learning massage therapy may not attend cosmetology massage classes because they will not be registered as cosmetology students. It is acceptable to teach two different classes in the same building at the same time, but curriculum and student separation is important. The Board noted that legislation would be required to make massage therapy a licensed profession.

Moved by Mr. Hicks that Board go into executive session to discuss litigation. Seconded by Mr. Lush, carried.

Moved by Mr. Hicks that Board come out of executive session. Seconded by Ms. Stutzke and Mr. Ulsh, carried.

The Board discussed Park Center Hair Design's request to have the contiguous licensing requirements waived for the salon. Moved by Mr. Hicks to send letter to Park Center Hair Design stating that the Board has not changed their position on the previous settlement agreement. Seconded by Ms. Thompson, carried.

The Board discussed interpretation of I.C. 54-827 c.d. and (2) as to Demo law and its effect on exams. Mr. Wardle advised that this statute does not apply to the Board or the exam. Mr. Wardle noted that the definition of cosmetology addresses "practice for cosmetic purposes" and the exam would be defined as "demonstration for evaluation

purposes." He informed the Board that they have the authority to hold exams at any location. The Board affirmed their present practice concerning the exam.

The Board discussed laws and rules concerning Nail Technician and Esthetician instructors. Mr. Wardle advised that the statute requires that an instructor be a licensed cosmetologist. Nail technicians and Estheticians are a sub-set of cosmetology and do not have a full cosmetology license. It appears the Board does not have statutory authority to make these individuals instructors based on their status. Mr Wardle advised the need for a statutory change to allow Nail Technician and Esthetician instructors

The Board discussed the fee for same-day exam scoring. Ms Martin noted that same-day scoring would allow candidates who fail the exam to meet the deadline for taking the next months exam. Mr. Hicks stated that each candidate would have the option and would pay an extra fee if they wanted same-day scores. Mr. Wardle advised that the legislature seems to have delegated fairly broad authority to the Board regarding fees and that an additional fee rule would be appropriate.

Mr. Hetrick advised the Board that the total cost of equipment for same-day scoring would be approximately \$9,096.00. This would add approximately \$10.00 per candidate, in addition to the SMT charge, for same-day scoring. The average extra exam costs would be \$20.00 per candidate for same-day scoring of the Theory and Practical exam.

Ms. Thompson stated that the Board should move forward with same-day scoring. Mr. Wardle advised the Board to consider providing same-day scoring for all applicants and not as an option. The Board noted that most individuals will not object to this, as they usually want their scores as soon as possible, and would be willing to pay extra.

Ms. Westberg asked Mr. Hicks to go back to schools and take a poll as to how the students feel about same-day scoring. She recommended that the school owners consider pursuing the necessary fee increase legislation and providing supporting student documentation to the legislature. The Board agreed not to pursue a fee increase at this time.

The Board discussed the method of reporting those in default of student loans. Ms. Westberg advised that the schools wonder why the Bureau will not accept default reports submitted by the schools. Mr. Wardle referenced §54-816.9 Idaho Code, and Rule 125.05 as to defaults, and advised the Board that there is significant liability for canceling a license based on incorrect information. He also noted that the schools would incur a significant liability by providing the reports. Mr Wardle advised that the information should come directly from the lending institution to Board, as noted in law and rule rather than from schools to Board.

Meeting adjourned at 9:45 a.m.

APPROVED 10-4-99

Carol Martin, Chair

Christy Stutzke, Vice-Chair

Geneal Thompson, Secretary

Patrick Ulsh

Kimber Hicks

Carmen Westberg, Bureau Chief