

IDAHO BOARD OF COSMETOLOGY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 10/1/2012

BOARD MEMBERS PRESENT: Mary Lambert - Chair
Bonnie D. Sermon
Linda Swope
Debra J Hummel
Merrilyn Cleland

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
Eric Nelson, Board Prosecutor
Kim Aksamit, Technical Records Specialist

OTHERS PRESENT: Lisa Bowen, Laurie Rowen, Justina Hyder, Scott Hyder,
Tyler Price, Laurie Rowen, Ty Walker, Ren Shaw,
Ryan Evans, Rick Evans, Arlette Beauvais, Lou Staritn,
Tyler Price, Tony Smith, Sheri Ashley, Alma Sopot, Tim Sopot, Carla Dunthorn, Carolyn Groesbeck,
and Vickie Ellis.

The meeting was called to order at 8:30 AM MDT by Mary Lambert.

A motion was made by Ms. Hummel to amend the agenda and add the Stipulation and Consent order COS-2011-100/101 because it was not received until after 5:00 pm on Friday. Seconded by Ms. Cleland, motion carried.

APPROVAL OF MINUTES

A motion was made by Ms. Sermon to accept the minutes from June 04, 2012, June 25, 2012, July 17, 2012, July 31, 2012, and September 4, 2012. Seconded by Ms. Swope, motion carried.

LEGISLATIVE REPORT

Ms. Cory presented the legislative update to the members of the Board. Ms. Cory said the Board is in the process of promulgating a proposed rule that will be published Wednesday in the Administrator Rules Bulletin. It will be posted to the Board website on Wednesday. Changes are to Rule 176 to take out the \$10.00

fee for the demonstration permit and Rule 600 regarding service animals. These will be reviewed by the 2013 Legislature.

FINANCIAL REPORT

Ms. Hall gave the financial report. This report is available on the website. As of 08/31/2012, the Board has \$107,881.93, in expenditures with a cash balance of \$1,628,848.47.

FY 2013 RENEWAL CONTRACT

Ms. Hall presented the FY 2013 renewal contract to the members of the Board.

A motion was made by Ms. Hummel to accept the contract and authorize the Chair to sign on behalf of the Board. Seconded by Ms. Cleland, motion carried.

MEMORANDUM

Eric Nelson, Board Prosecutor, presented to the Board a Memorandum and several Consent Orders.

COS-2011-74 A motion was made by Ms. Cleland to accept the recommendation of the Board Prosecutor to close the case. Seconded by Ms. Sermon, motion carried.

CONSENT ORDERS

COS-20010-54, COS-2011-20/21, COS-2011-36, COS-2011-42, COS-2011-75, COS-2011-100/101, COS-2011-119/120, COS-2011-123, COS-2011-124/125, COS-2011-126, COS-2011-131/132, COS-2011-151, COS-2011-187, COS-20012-36, COS-2012--54, COS-2012-75, COS-20012-76, COS-2012-106, AND COS-2012-118

A motion was made by Ms. Swope to accept the Stipulation and Consent Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. Seconded by Ms. Cleland, motion carried.

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report.

FOR BOARD DETERMINATION

I-COS-2011-160, I-COS-2011-161, I-COS-2012-9, I-COS-2012-46, I-COS-2012-60, I-COS-2012-63, I-COS-2012-74, and I-COS-2013-17

A motion was made by Ms. Sermon to accept the recommendations of the Bureau to authorize closure. Seconded by Ms. Swope, motion carried.

I-COS-2012-13, I-COS-2012-21, I-COS-2012-22, I-COS-2012-101, and I-COS-2013-16

A motion was made by Ms. Sermon to accept the recommendations of the Bureau to authorize closure with a warning letter. Seconded by Ms. Swope, motion carried.

DISCIPLINARY ACTION

Lori Peel presented to the Board several Settlement Orders:

COS-2012-98/99, COS-2011-100/101, COS-2012-116/117, COS-2012-125/126, COS-2012-129/130, COS-2012-94 & COS-2012-95, COS-2012-96 & COS-2012-97, COS-2012-104 & COS-2012-105, COS-2012-131/132, COS-2013-3, COS-2013-4, COS-2013-5/6, COS-2013-7/8, COS-2013-9, COS-2013-12/13, COS-2013-14/15, AND COS-2013-20/21

A motion was made by Ms. Hummel to accept the Settlement Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. Seconded by Ms. Swope, motion carried.

Ms. Cleland recused herself on COS-2013-20/21.

MEMORANDUM

COS-2012-135 & COS-2012-36, COS-2013-24 & COS-2013-25

The Board gave the Bureau guidance to pursue a Notice of Violation and Settlement Order under the fines as set out in the Board's rules.

MONTHLY REPORTS FROM ECHO LUNDEBERG

The Board reviewed the monthly reports submitted by Echo Lundeberg. No action was taken.

REQUEST FOR REINSTATEMENT

COS-2007-15 A motion was made by Ms. Hummel to reinstate the instructors license and cancel the RC license for Shari Ford. Seconded by Ms. Swope, motion carried.

OLD BUSINESS

The Board reviewed a letter from Rick Evans regarding what constitutes the 30 hours of outside credit per Rule 500.

It was determined, that generally, these hours are obtained when students attend a hair show or trade show or do a job shadow.

The demonstration permit is a separate category and authorizes the student to perform actual hands-on work.

A letter will be drafted and reviewed later in the meeting.

A motion was made by Ms. Hummel to amend the minutes from 06/04/2012. Seconded by Ms. Swope, motion carried.

Discussion was held regarding Rule 500.

Break

NEW BUSINESS

BOARD ELECTIONS

A motion was made by Ms. Swope to elect the officers of the Board. Seconded by Ms. Hummel, motion carried. The positions are: Board Chair, Ms. Lambert; Vice-Chair, Ms. Hummel; and Secretary, Ms. Cleland.

Discussion was held about an individual needing to work for a period of time in a salon before being able to go to school for an instructors license. No action was taken.

A motion was made by Ms. Cleland to appoint a sub-committee of Ms. Hummel and Ms. Swope to review the laws and rules. Seconded by Ms. Swope, motion carried.

Ms. Lambert read the letter regarding what constitutes the 30 hours of outside credit per Rule 500 to the members of the audience. The letter will be mailed out to all schools. (The Board of Cosmetology recently reviewed a request for clarification on the thirty (30) hours of credit that is allowed outside a licensed school of cosmetology per Board rule 500.09. The rule allows 30 hours of credit to be obtained outside the licensed school.

Generally, these hours are obtained when students attend a hair show or trade show or do a job shadow. Hair shows, trade shows, and job shadowing require proof of attendance and must be approved by the instructor, but the instructor does not have to be present. Hair shows, trade shows, and job shadowing hours must be specific to the type of training the student is taking. For example, a nail technology student would only get credit for job shadowing a nail technologist.

Only actual hours can be counted in terms of the 30 hours outside the school and should be recorded separately on the record of instruction. Travel time does not count.

The demonstration permit is a separate category and authorizes the student to perform actual hands-on work. The only hands-on work the student can do outside of the school is under a current demonstration permit. Demonstration permits can only be issued to students enrolled in Idaho schools and for authorized activities in the state of Idaho. The Board directed the Bureau to respond and to send a letter to the schools.

Ms. Cleland gave a report on the annual conference of the National-Interstate Council of State Boards of Cosmetology.

A motion was made by Ms. Hummel to direct the Secretary of the Board to annually write a newsletter to licensees updating them on what is happening in the profession and with the Board. Seconded by Ms. Swope, motion carried.

CORRESPONDENCE

The Board reviewed correspondence from College of Western Idaho regarding possible development of an on-line esthetician course.

A motion was made by Ms. Swope that the request for such a program would not meet training requirements for licensure under the current Idaho Code 54-805(6). Seconded by Ms. Hummel, motion carried.

EXECUTIVE SESSION

A motion was made by Ms. Hummel to go into executive session per Idaho Code 67-2345 (1) (d), to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to discuss licensure applications and proprietary material. Seconded by Ms. Swope, motion carried. Individual vote was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Hummel, aye; Ms. Sermon, aye; and Ms. Swope, aye.

A motion was made by Ms. Hummel to come out of executive session. Seconded by Ms. Cleland, motion carried. Individual vote was: Ms. Swope, aye; Ms. Hummel, Ms. Cleland, aye; Ms. Sermon, aye; and Ms. Lambert, aye.

Headmasters School of Hair Design presented a breakdown of its cosmetology curriculum to show that it includes 400 hours of training in nail technology. The school requested that the students be allowed to sit for the nail technology examination without having to obtain additional training.

A motion was made by Ms. Hummel to accept the breakdown of the 400 hours for nail technology training which is required for a nail technology license and to allow the students to apply for a separate nail technology license and take the examination. Seconded by Ms. Swope, motion carried.

APPLICATIONS FOR LICENSE

A motion was made by Ms. Hummel to have Jeannie Pinel take the full examination and issue a license once the examination has been successfully passed. Seconded by Ms. Swope, motion carried.

A motion was made by Ms. Hummel to have Jordon Moore take the full examination. Seconded by Ms. Swope, motion carried.

A motion was made by Ms. Hummel to accept the application for Jill Plaskon and issue her a license. Seconded by Ms. Sermon, motion carried.

A motion was made by Ms. Hummel to accept the application for Elva Flores and issue her a license. Seconded by Ms. Sermon, motion carried.

A motion was made by Ms. Cleland to accept the application for Alma Sopot and issue her a license. Seconded by Ms. Swope, motion carried.

A motion was made by Ms. Hummel to accept the application for Thao Thi Phuong Tran and have her take the examination and issue a license once the examination has been successfully passed. Seconded by Ms. Swope, motion carried.

NEXT MEETING

The Board scheduled its next meeting for February 4, 2013 at 8:30 AM MST at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702.

ADJOURN

A motion was made by Ms. Hummel to adjourn the meeting at 1:00 PM MDT. Seconded by Ms. Sermon, motion carried. Individual vote was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Sermon, aye; Ms. Hummel, aye; and Ms. Swope, aye.

Mary Lambert, Chair

Bonnie D. Sermon

Linda Swope

Debra J Hummel

Merrilyn Cleland

Tana Cory, Bureau Chief