MINUTES

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

June 1st, 2009
Room 474 – 1:00 pm
Heber M. Wells Building
Salt Lake City, Utah

CONVENED: 9:10 a.m.  ADJOURNED: 2:31 p.m.

Bureau Manager: Sally Stewart
Board Secretary: Penny Vogeler, excused
Acting Board Secretary: Sally Canavan

DOPL Staff Present: Kent Barnes, Compliance Unit Manager
Debbie Harry, Compliance Specialist

Board Members Present: Marti Frasier, Chairperson
Ruth Ann Holloway, arrived after the meeting began
Monica Bruin
Lenette Johnson-Casper
Fran Brown
Dianne Niebuhr

Board Members Absent: Lyle Ferguson, excused
Holly Murphy, excused
Shauna Fox

Guests: Natalie Parkin, Skinworks
Kristene Gillum, Marinello - Provo
Norma Child, Marinello - Provo
Sharon Saylor, Great Clips
Nanette Downer, Skin Science
Lisa Achenbach, Snow College
Kurt Robinson, Capelli Institute of Hair
Shannon Mechling, SLCC - NCAU
Bette Bobka, Great Clips
Debra DeCamp, Sherman Kendall Academy
Mary Johnson, Sherman Kendall Academy
Marian Bower, Renaissance Academy
Therese Taylor, Renaissance Academy
Candace Daly, CJDE Associates
James Holloway, PointNClick.com LLC
TOPICS FOR DISCUSSION
Compliance/Non Compliance Standards
Out of Order of the Agenda

DECISIONS AND RECOMMENDATIONS

When a licensee is in violation of the law or rule, or has criminal convictions, revocation of the license may be pursued. A revocation order may be stayed by a signed MOU and/or a Stipulation and issuance of a probationary license, allowing the licensee to continue employment. The Board discussed what the standard or tolerance level should be for probationers that have a track record of non compliance. It was also discussed that probation should be supportive rather than being a punitive action. Persistent non-compliance will warrant a recommendation to DOPL to pursue further disciplinary action.

MINUTES

The March 2, 2009 minutes were reviewed. Ms. Johnson-Casper made a motion seconded by Ms. Brown to accept the minutes as written. The vote was unanimous.

The April 27, 2009 minutes on Rules were reviewed. Ms. Holloway made a motion seconded by Ms. Bruin to accept the minutes as written. The vote was unanimous.

PROBATIONERS STATUS:
Debbie Harry, Compliance Specialist

Ms. Harry gave the compliance reports on the today’s scheduled probationers and recommended probationers with consistent compliance be considered for interviews every other Board meeting. Ms. Harry requested the interviewer note the next scheduled interview, signing and dating that in the file.

Stephanie Brown, Interview

Ms. Holloway interviewed Ms. Brown. She stated everything is going great. She plans to start back to work the 2nd week of September. The Board agreed to see her every other meeting. Her next meeting will be December 7th, 2009. Compliant.

Stephanie Gammell, Interview

Ms. Harry received notice that Stephanie called and would not be coming in today.

DISCUSSION:
Open meeting Act
Out of Order of the Agenda

The Department decided that compliance with the Open Meeting Act requires the Board minutes to be posted within 30 days following the meeting. They will be edited, and then a watermark stating “Awaiting Formal Approval” will be added before they are
posted to the webpage. After they have been formally approved, an electronic signature and date will be added. Corrections should be given to DOPL or may be brought to the meeting. This will allow public access to the minutes in a timely manner.

**Jenny Murray, Interview**

Ms. Murray did not keep her appointment. The Board discussed her current status. A motion was made by Ms. Holloway, seconded by Ms. Brown, to request an **Order to Show Cause**. The vote was unanimous.

**Marcy Pruitt, Interview**

Ms. Holloway interviewed Ms. Pruitt. She requested again that she not have to continue to test. The Board discussed her request and determined she needs to continue testing. Ms. Pruitt is working towards being a mentor to others. She stated being required to test is holding her back from that goal. The Board agreed to see her every other meeting. Her next meeting will be December 7th, 2009. **Compliant.**

**Interview Scheduling**

Out of Order of the Agenda

The Board discussed shortening interviews to 10 minutes per probationer and to implement this interview length with the next Board meeting.

**PSI Exams Changes**

Out of Order of the Agenda

The DOPL webpage has updated Candidate Information Bulletin information for the exam changes effective by June 15th, 2009. PSI is working with their raters to have them trained by June 15th, 2009. Nail product brought to the exams must be labeled as low or no odor. There is one nail skill on the cosmetology portion of the practical exam. Students may use the single finger model for the exam.

**Changes to the Rule**

Out of Order of the Agenda

The new Licensing Act went into effect on May 12th, 2009. The Rule goes through multiple steps before it can be published. If publication is completed this month the earliest effective date would be on July 22nd, 2009, but that will be determined when adopted. Once published, it will be posted as a proposed rule on the licensing page.

**SMT Information**

Psychometric Testing

PSI is examining the examiners. If there are any issues that come up, PSI will take care of them.

**Stuart Nelson, Interview**

Mr. Nelson did not keep his appointment with the Board. The Board discussed an Order to Show Cause but decided to recommend Ms. Harry do the non-
compliance letter. Another occurrence of non-compliance will warrant an Order to Show Cause.

Non Compliant

Stevie Burtenshaw, Interview

Ms. Niebuhr interviewed Ms. Burtenshaw. She stated things are going well. She asked about driving so far to test. Ms. Harry stated she must use Compass Vision for testing and it is permissible for an hour trip each way. She was told to provide copies of drug testing results from Family Counseling services to Ms. Harry. She is planning to move to Tennessee, and will keep in contact with Ms. Harry. The Board requested to see her next on September 14th, 2009.

Non Compliant

Ashley Midby, Interview

Ms. Midby did not keep her appointment with the Board. Ms. Holloway made a motion for an Order to Show Cause, seconded by Ms. Bruin. The vote was unanimous.

Non Compliant

Morgan Dean-Morley, Interview

Ms. Dean-Morley did not keep her appointment with the Board. Ms. Johnson-Casper made a motion, seconded by Ms. Brown, for an Order to Show Cause. The vote was unanimous.

Probation Letters

The Board noted an error on the letter mailed to the Probationers. It was decided under the circumstances allowances might be made. Ms. Harry stated if any Probationers show up on Thursday she will interview them.

Stephanie Gammell, Interview

Ms. Gammell did not keep her appointment with the Board. She has a new Order because of the hearing. She left word she is taking her Chemistry final at school. Ms. Brown made a motion seconded by Ms. Holloway, that Ms. Harry should send her a letter of non-compliance. The vote was unanimous.

Non Compliant

Andrea Jimmie, Interview

Ms. Jimmie was interviewed by Ms. Frasier. She stated she is working at Harmony Home and Hospice in the billing office not in cosmetology. She was asked to submit employer reports stating she is not working in the field although this was not requested in her original MOU. She was missing aftercare reports. Ms. Bruin expressed the importance of making plans to avoid a bad situation. Ms. Jimmie stated she has the
support of her mom and discussed how summer is a
difficult time for her. Her goal is to work as an
Esthetician in a Physicians office. Ms. Holloway
suggested she study the new Milady’s Book. Her next
meeting will be September 14th, 2009. Non
Compliant

Michael Sipes, Interview
Ms. Johnson- Casper interviewed Mr. Sipes. The
Board reminded him he needs to continue drug and
alcohol testing. It was suggested he refine his
interview skills and he was informed where to get a
business license. He is self-employed doing hair cuts
at the client’s choice of location. The Board agreed to
see him every other meeting. His next meeting will be
September 14th, 2009. Non Compliant

30 Day Waiting Period on a Failed Exam
Out of Order of the Agenda
PSI is enforcing the 30 day waiting period as
requested and voted upon by the Board. The statistics
show the new exam schedule is working. It is easily
enforced, well publicized and effective. The exam
tests a minimum skill level and the CIB states exactly
what will be on the exam. Ms. Johnson-Casper made
a motion seconded by Ms. Holloway to reinforce the
30 day waiting period. The vote was unanimous.

Megan Linihan, Interview
Ms. Neibuhr interviewed Ms. Linihan. She stated
things are going well. She has an amazing support
group. She uses Yoga and Hiking for stress reducers.
She has been drug testing for 6 months. The Board
agreed to see her every other meeting if she remains in
compliance at the next interview. Her next meeting
will be September 14th, 2009. Compliant

NEW STIPULATION
Dallin Simper, Initial Interview
Ms. Bruin interviewed Mr. Simper. He stated he has a
job in Logan and his sentencing on June 15th, 2009.
He has completed counseling and is currently going to
AA meetings. He has already let his employer know
he has an MOU. Mr. Simper’s primary stressor is
money. Some of his supplies have been taken. The
Compliance Unit will go over his MOU with him
today. The Board requested his next meeting for
September 14th, 2009. Compliant

NEW STIPULATION
Tanya Hofeling, Initial Interview
Ms. Neibuhr interviewed Ms. Hofeling. She is on
probation and has been seeing a therapist who
prescribed medication. The programs she is in and the
medication are helping. Her therapist is a good
support system and she stated her family support is coming back. She sees herself in five years working at a salon, with a clientele. She plans to be married by then. She was reminded to call for drug screens. The Board suggested setting an alarm on her cell phone to remind her to call. The Board requested her next meeting for September 14\textsuperscript{th}, 2009. **Compliant**

**Jessica Albritton, Interview**

Ms. Albritton did not keep her appointment with the Board. She has been compliant until now. If she comes on Thursday because of the error on the letter Ms. Harry will meet with her. The Board requested her next meeting for September 14\textsuperscript{th}, 2009. **Non Compliant**

**APPLICATION REVIEW:**

**Li Ping Gao**

Ms. Gao came to the Board to appeal her licensing application. She provided DOPL with the ECE evaluation verification of US equivalency of diploma from a school in China, where she took a three year course at 5700 hours. She stated she has 25,000 work hours in China. DOPL is processing Ms. Gao’s application as an incomplete application with a 30 day conditional denial. By Board request the Division will extend the deadline while waiting for documentation of passing the exams required by law. The law requires she pass both exams given through PSI. They also recommended she take a course to help her pass the exams. The exams are in English and are timed. DOPL will hold her application pending examination for 90 days.

**DISCUSSION:**

**Teeth Whitening Discussion**

The Board discussed the Dentists’ position that all actions involving teeth are in the Dental scope of practice. Teeth are not in the scope of practice for Cosmetologist/Barbering and their associated licenses. The Dental Board has stated they see it as practicing dentistry without a license. There are several states with court rulings that do not allow teeth whitening by any one other than the Dentist. The Board was warned there is a liability matter also. There is a health and safety concern.

**School Discussion**

With renewal approaching, the schools will be asked for information indicating accreditation, business licensure, health department certification, new curriculum, and corporation registration.
ADJOURN: 2:31 p.m.

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.

September 14th, 2009
Date Approved
(ss) Marti Frazier, Chairperson
Barber, Cosmetology/Barber, Esthetics, Electrology, and Nail Technology Licensing Act Board

September 14th, 2009
Date Approved
(ss) Sally A. Stewart, Bureau Manager
Division of Occupational & Professional Licensing