



NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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North Dakota State Board of Cosmetology August 20, 2018 Minutes

The meeting was held at the board office. Gary Andes called the meeting to order at 10:00 a.m.

Present: Gary Andes, Magen Buchholz, Maureen Wanner, Miranda Stanley, and Sue Meier.
Speakerphone: Sandy DePountis. **Absent:** Eunice Smith. **Guest:** Julie Wagendorf.

Minutes: Miranda Stanley moved, seconded by Magen Buchholz to approve the June 18, 2018 Board minutes.

Roll call vote: Stanley, yes; Wanner, yes; Buchholz, yes; Andes, yes. Motion Carried.

Julie Wagendorf with the ND Department of Health: The Governor's office request the Department of Health to identify programs to start, stop, or transfer. Electrologists, electronic hair removal and tanning facilities are industries that they are seeking feedback from other Agencies and Boards for options for a difference placement. Currently, there are nine electrologists in ND that are licensed by the Dept. of Health and the facility that they practice in. Sanitation inspections are done once every two years. A placement option is the Board of Integrative Health Care who currently oversee acupuncture. Gary Andes's opinion is that the Board of Cosmetology is currently dealing with new challenges and adding this, the Board does not have the staff and the education for its Inspectors to provide the services needed. Maureen Wanner's concern would be the invasive practice. The Board currently has issues with licensees doing invasive procedures and if the Board take this on, the concern is that they may feel that this will expand their scope of practice to include invasive care. Miranda Stanley feels it wouldn't be a good fit because the practice of cosmetology is above the dermis and electrolysis is below the dermis and the infection control isn't at the same level. It was discussed that micro blading is considered cosmetic tattooing and is covered under the Health Department. Tattoo facilities are regulated under state laws, but there are no requirements for the artist. Local public health units provides education and sanitation regulations with approval of the Department. Julie Wagendorf will keep the Board inform after meeting with the Board of Integrative Health Care. Licenses for tanning facilities, that are open to the public for compensation, are issued by the Dept. of Health and are renewed every year. There are 150 facilities and inspections are conducted once every two years for safety, sanitation, and maintenance. Every local health unit establish the license fees. Cosmetology Board does not inspect tanning beds in salons. Spray tanning is not covered under state statute or rules & regulations. There hasn't been a concern with spray tanning. Since there are salons with tanning beds, the Dept. of Health is asking the Board of Cosmetology to consider taking on tanning, since they are already inspecting salons. This would require a legislative change.

Julie will provide the number of stand-alone tanning facilities, salons with tanning beds, and a breakdown of different license fees from each local health unit. Once the information is received, the Board will discuss whether to take on tanning.

In the future, laser treatments and removal of tattooing will have to be addressed.

Jimmy Nguyen's Reciprocity Application: Jimmy Nguyen denies sending the threatening email and has never worked at ND Nails & Spa. The owner of ND Nails said that Jimmy Nguyen never work for him. He said that he been working, as a helper, at OPI Nails Salon and has not been providing manicure services. The Board doesn't know who sent the email and has no proof that he was practicing manicuring. Mr. Nguyen is licensed as a manicurist in California and his license is in good standing. Due to lack of evidence, Maureen Wanner moved to grant Jimmy Nguyen's North Dakota manicure license by reciprocity. Seconded by Magen Buchholz. Roll call vote taken and motion carried unanimously.

Angel Nails, Grand Forks: The Board received information that there are unlicensed individuals practicing manicure services and the salon is using blades. The salon was inspected on June 28 and July 31 and a blade was found but no employees were using it and everyone providing services were licensed. There was a female that got up from a manicure station and quickly left the salon, but the inspector did not see her performing any services. Angel Nails' attorney provided a letter of explanation stating that Angel Nails discontinued using blades as soon as the rule was put into effect and that there was an old blade in a drawer and was immediately removed. The Board has a concern with the disrespectful treatment toward the inspector and will not tolerate it. There were no violations in the inspection reports. Motion by Miranda Stanley to do a surprise inspection of Angel Nails and have two inspectors conduct the inspection. Seconded by Maureen Wanner. Roll call vote taken and motion carried unanimously.

Heather Burckhard: The Board received a complaint, facebook posts, and a brochure of Escape Spa and Nutrition indicating that Heather Burckhard is providing cosmetology services at Escape Spa and Nutrition in New Town. The complaint indicated that the owner of Escape Spa and Nutrition feels it does not have to be licensed as a salon because it's on the reservation. The owner, Francine White replied that she opened her business in February 2018 and offers protein shakes, teas & tanning and is advertising cosmetology services coming soon. Heather Burckhard said that she volunteered at Escape Nutrition to help promote the business and to see if it was worth opening a salon in New Town. Gary Andes feels that it's up to the reservation to determine if they have to follow State laws. Ms. Burckhard is licensed by the Board and the Board has jurisdiction over her. Ms. Burckhard made application to license Escape Spa and Nutrition as a salon. Magen Buchholz feels Heather Burckhard is taking the right steps by applying for a salon license. After discussion, Maureen Wanner move to dismiss the complaint and grant a salon license upon passing an inspection. Magen Buchholz seconded the motion. Roll call vote taken and motion carried unanimously.

Patrick Lomantini: Application for licensure by reciprocity. Mr. Lomantini is currently licensed in good standing in Kansas and has been working in the profession since 2008. Mr. Lomantini provided documents of his past criminal convictions. The end of his probation was in 2004. The Board feels his past conviction should not restrict him from obtaining a license to practice cosmetology. Miranda Stanley motioned to grant Patrick Lomantini license by reciprocity. Maureen seconded the motion. Roll call vote taken and motion carried unanimously.

Isoline Isadora Daniels: Application for licensure by reciprocity. Isoline is a licensed hairdresser in South Africa. She completed 2530 hours of school training in hairdressing. She did not complete any hours in nails or skin care. ND does not have just a hairdressing license. ND cosmetology curriculum includes 100 hours in nails and 100 hours in skin care. She did look into becoming a barber. After discussion, Magen Buchholz motioned that Isoline Daniels must complete 100 hours in nails and 100 hours in skin care and apply for a license by examination. Miranda Stanley seconded the motion.
Roll call vote taken and motion carried.

Lisa Kinchen provided a letter, to the Board, to address natural hair care and the lack of education. Miranda Stanley feels this will continue to be an issue because so many more ethnicities moving into the State. It would require a legislative change to offer specialty licenses and it would be up to the schools to offer the program. In Gary's opinion, if they want to provide the service, they can become a licensed cosmetologist. There are stylists that are licensed that provide hair braiding and weaving in North Dakota. The Board decided to send a letter thanking Ms. Kinchen for the information and bringing her concerns to its attention.

NIC Contract: Sandy reviewed the contact and is fine with it being signed. Miranda Stanley moved, seconded by Magen Buchholz to sign the NIC contract.
Roll call vote taken and motion carried unanimously.

Exams in Foreign Languages: Asmaa Al Jubory has taken the written exams four times and cannot pass them because of a language barrier. Arabic is her first language and asking the Board to offer the exams in her language. Ms. Al Jubory completed the cosmetology program at Josef's West Academy and passed the practical portion of the exam. NIC offers the Theory test in English, Spanish, Korean, and Vietnamese. It would be up to the Board to offer other languages. NIC has special accommodations to request a reader. Unfortunately, the Board cannot offer the exams in Arabic. Maureen Wanner moved to send Asmaa Al Jubory a letter given her the options the Board has in place for the written exams and that she may request a reader with the PSI testing company. Seconded by Miranda Stanley.
Roll call vote taken and motion carried unanimously.

Training Seminar for Board Members: All Board Members will attend an orientation and training seminar for licensing boards on October 30, 2018.

NIC Examiners Training and School Overview will be held on October 13 & 14, 2018 at the board office. Maureen Wanner will be able to attend on the 13th and the morning of the 14th. School overview will be on the 14th at 1pm.

Financial Reports: Motion by Miranda Stanley to accept the June and July 2018 financial reports. Seconded by Maureen Wanner.
Roll call vote taken and motion carried unanimously.

2019 Examinations and Board Meetings Schedules: Miranda Stanley motioned to accept the schedules. Seconded by Maureen Wanner. Motion Carried.

New Business:

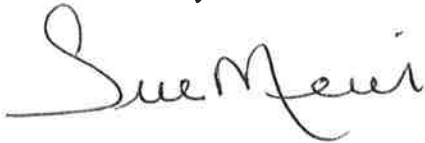
- Maureen Wanner did some research on the position of Executive Director and wants to make it clear if Magen Buchholz is going to be the Executive Director. Maureen asked if Magen is already using the title. Magen explained that she used the Executive Director's title on her signature when she was sending emails and communicating with NIC and other State Boards just to let them know that this position is forthcoming. Magen inquired with other State Boards for the process of developing the position. It wasn't her intent to act in the position of an executive director and she removed it from her signature and apologize for using the title. Magen is working with Sue in learning the duties and responsibility of the office and working together delegating and organizing tasks. Magen's initial interest in the position wasn't necessary for an executive director, but if it fits with what she will be doing, that would be great. Her focus now is learning everything Sue does in the office and become a full-time employee if Sue decides to retire or go part-time. Maureen appreciates the clarification and feels Magen is doing a great job.
- The Board will continue to contribute full percentage of Sue's retirement and the Board will address it once Magen is eligible.
- Maureen Wanner inquired if anyone has any thoughts or concerns regarding legislative changes. Maureen would like to consider updating NDCC 43-11-02 #8 which allows esthetician to practice skin care under a physician or nurse's license. She feels the Board should inspect the estheticians since the Board has jurisdiction over them.
- Discussion to set fees for disciplinary actions. The Board decided to table this discussion for the next meeting.

No other business.

The next meeting is scheduled on September 17, 2018 at 10 am.

Maureen Wanner motion and seconded by Miranda Stanley to adjourn. Gary Andes adjourned the meeting at 11:45 am.

Minutes submitted by Sue Meier.

A handwritten signature in cursive script that reads "Sue Meier". The signature is written in black ink and is positioned below the text "Minutes submitted by Sue Meier."