



# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

4719 SHELburnE ST. SUITE 1  
BISMARCK, ND 58503  
TELEPHONE (701) 224-9800

## NORTH DAKOTA STATE BOARD OF COSMETOLOGY

### November 19, 2018, Minutes

A regular meeting was held at the board office, 4719 Shelburne St., Suite 1, Bismarck, ND. Gary Andes called the meeting to order at 10 a.m.

**Present:** Gary Andes, Magen Buchholz, Eunice Smith, Miranda Stanley, Sue Meier and Legal Counsel; Sandy DePountis attended the meeting via speakerphone. **Guest:** Miranda Nichols

**Minutes:** It was moved by Maureen Wanner, seconded by Eunice Smith to approve the October 15, 2018 Board minutes.

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

**New Item:** Miranda Nichols attended the meeting to discuss cosmetic tattooing. Miranda is dual licensed in esthetic and tattooing. The area that she does tattooing is also used for esthetic services. She indicated that the inspector informed her that she cannot perform tattooing in the same room as skin care. The practice of tattooing is regulated by the State Health Department, and it is determined by the local health units what the regulations are in each county. After discussion, the Board does not have a concern providing the services in the same room, but the Board recommends the esthetic supplies be stored separately from the tattooing supplies and suggested labeling the drawers or containers. Miranda is working with an organization to form a tattooing board to have more consistent regulations to help educate tattoo artists and the public.

**Alisa Jackson:** Application for licensure by reciprocity from Utah. Ms. Chapman completed 377 hours in an apprenticeship program for manicuring and has taken and passed the NIC exams. Sue Meier explained that in 2016 she approved an applicant for a cosmetology license by reciprocity that completed an apprenticeship program instead classroom hours. The apprenticeship requirements must follow Utah's curriculum for nail technology schools. After discussion, Maureen Wanner motioned to grant Alisa Jackson a license by reciprocity. Seconded by Magen Buchholz.

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

**Trista Chapman owner of Blushed Beauty Bar:** The Board received an anonymous complaint that Ms. Chapman's child is being cared for by her Mother in the salon. The child was in the office of the salon during the October 11 inspection. Ms. Chapman explained that her Mother brings her daughter to the salon so she can breastfeed her in the back office of the salon and stays for approximately 2 1/2 to 3 hours. The Board does not have a problem having a Mother breastfeed a child, the concern is caring for the child for a long period of time. The laws do not allow infants/children to be cared for in the salon. According to the laws, Magen Buchholz motioned to authorize Sandy DePountis to send a letter to Trista Chapman clarifying the law on child care in the salon. Seconded by Eunice Smith. Roll call vote taken and motion carried unanimously.

**Bella Nails, Minot:** The October 13, 2018, inspection report indicated several violations of the sanitary rules and an unlicensed person. The inspector was informed by a client that the person working on her feet was unlicensed; however, the inspector did not witness this person providing services. The owner indicated that the individual was working in the salon as a cleaner. According to the November 9 follow-up inspection, the sanitation violations have been corrected. The Board determined there is no evidence indicating the salon permitted an unlicensed person to practice manicure services. Miranda Stanley motioned to dismiss the complaint against Bella Nails. Maureen Wanner seconded the motion. Roll call vote taken and motion carried unanimously.

**Foxy Nails, Grand Forks:** Patty Carlson filed a complaint against Foxy Nails saying her daughter's nails looked really bad and asked if they would redo them or refund the money. The manicurist who did her nails was mad about it. He then filed her nails down roughly, tore her cuticles, and grabbed her by the arm and cut the nails off to the skin. The owner refunded the money and explained due to limited English language, the manicurist did not understand what the client wanted. The owner admitted that they were wrong and are willing to reimburse any medical cost. After discussion, Eunice Smith motioned that disciplinary action be taken for grossly unprofessional conduct and authorized Sandy DePountis to offer a Settlement Agreement of a \$500 fine and 6-month probation against Dug Ngoc Nguyen's manicure license. Seconded by Maureen Wanner. Motion carried unanimously. Sandy will also send a letter to Patty Carlson.

**Practical Examination:** Maureen Wanner feels students should have their hours completed before taking the practical. Her concern is students taking the exam 6 months before completing the hours. Under the current policy, students are allowed to take the practical exam any time and receive their results. After discussion, Maureen Wanner motioned to adopt a new policy effective January 1, 2019, that students must have 1600 hours of completion before they can apply to take the practical exam. Seconded by Eunice Smith. A form will be provided by the Board, to be signed by an instructor or owner verifying the hours. Roll call vote taken and motion carried unanimously.

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

**New Business:**

- Leslie Roste provided suggestions to ND Century Codes:
  1. NDCC 43-11-01 #10 under manicuring, recommends specifying cutting of toe nails and fingernails.
  2. NDCC 43-11-02 #6 under exemption #6 services provided by retailers, Leslie inquired if this is regulated making sure disposable applicators are being used. The Board does not inspect retail stores.
  3. NDCC 43-11-11.1 brush rollers are cleaned and disinfected after each use instead of sanitized.
  4. Proposed Invasive Procedures: Under law, licensed estheticians are not allowed to provide any invasive care services. Working in a medical office under the direct supervision of a licensed healthcare provider still does not allow estheticians to perform invasive procedures. The Board does not approve of changing this law. Some of Leslie's suggestions merely clarifies our laws.
  5. Create continuing education requirements. Discuss sanitation classes.

**Old Business:**

- Magen Buchholz contacted PSI Services about added a photo on licenses and the cost is estimated at \$10 to \$20 per license. This would require a fee increase in law. PSI would notify the licensees that they have to have a photo taken within 12 months of the next renewal date. PSI will provide locations where photos will be taken throughout the state.

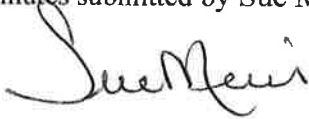
For the next legislation session, the Board will further research continuing education requirements, creating active and inactive licenses, and a photo on licenses.

The Board will testify on any bills that have an effect to the cosmetology laws.

The next meeting is scheduled on January 7, 2019, at 10 am.

No other business. It was moved by Miranda Stanley and seconded by Eunice Smith to adjourn. Gary Andes adjourned the meeting at 11:20 am.

Minutes submitted by Sue Meier.

A handwritten signature in cursive script, appearing to read "Sue Meier".