

Meeting called to order April 10, 2024 at 10:00am

Board members present:

D'Arlyn Bauer, PHD, RN, President
Maureen Wanner, Cosmetologist, Vice President
Teresa Felch, Cosmetologist, Secretary/Treasurer
Emily Wilcox, Cosmetologist

Absent members:

Miranda Stanley, RN, MSN, FNP

Also Present:

Austin Lafferty, Legal Council
Holy Blomquist, Executive Director
Carolyn Laird, Research Assistant
Nathan Svihovec Labor Commissioner, Department of Labor and Human Rights

Informational meeting with Labor Commissioner, Nathan Svihovec.

Goal with the state is to remove barriers to licensure. If someone is licensed elsewhere, how can we get them licensed in North Dakota without barriers. OLAC has been part of this research.

The Questionnaire and answers is to get clarification and information on how our board functions. Then from this and discussion they will draft report and will get sent to the board. From there we as board will discuss and respond if needed.

The language is to have a solution as to how to get licensed within 3 days. The perception is licensed in one state is easy to licensure in another.

Question 9 Proof of licensure, who makes the assessment? How do you know? Holy has NIC state education and licensing guide which has other states requirements. Application comes to board Holy looks at application and data for licensure in our state.

Question online application? Holy responded we are in the middle of RFP process, which will become a statewide contract RFP with the OMB office. Looking at multiple vendors to accommodate the boards.

We scan applications into our data base and shredded.

Question 12 NIC for exams. What about North Dakota exam? Holy responded, we have a law and rules and regulations exam for North Dakota. What would be an example; What is the scope of practice, fees, etc. They are tested at a test site. Multiple choice exam. If someone comes from another state they can take the exam in other areas, states. There is an application to fillout to get themselves licensed in our state. requirements for licensure depends on information on application.

We responded with Numbers of licensed individuals; we are prompt to getting individuals licensed as long as we have all the correct information necessary to license in our state. The drawback is

waiting for other states. Because we require it come certified from the other state. Email has made it faster.

Transfer of licensure. Proper credentials to get licensed in North Dakota. Example we don't have licensure for Hair styling. We are proactive in giving information on what they need for specific license. If you are approved for reciprocity we accept all forms of payment, cash, check and credit card. The only online payment at this time is renewing their license. License verification is valid ID, birth certificate, passports. On application there is a question if there have been any violations. We might receive information from another state if a violation pertains to license.

Helpful would-be Pictures on licenses so a license can be matched person.

Some boards use this. Don't use good moral character. Grossly unprofessional conduct, what does this really mean. Suggest is to take it out of statutes.

Question 19 longest delay. Texas California and Florida. And if states have split the licensure, ex. Hairstyling. Or if a state has less than 1500-hour requirements. A Guess is 42 states of 1500 hours.

Question 20 length of time it takes for licensure. The applicant is responsible for contacting their board of licensure to get information to us. Is there a circumstance that Holly would contact the other board for them. Yes, if applicant has been having a challenge getting information.

How do they get licensed. When Application is complete, if certificate has come from other state. Once we have everything we need, it takes roughly a day or two. Applicant also has to apply for exams if needed. Payment received upon approval of application.

Question 21 temporary license? No at this time. One of the biggest reasons is Not having software to track. And one of the biggest hurdles is not getting information from other states to verify.

Question 25 Who has the authority to license? Executive director has the authority to license. If there is any challenge to licensing it is brought to the board before.

NIC is a resource and attend annual meeting.

NIC has 9 states that have joined the data base. There is legislation out there for compact licensure. Many variables between states. There are states that have barbering and cosmetology together.

Questions for study. How would administrative be paid for, for support services. A conversation Could the state create and host software that the state provides. Licensing software would hold the information state would request. As it is now, we don't have the software and time intensive to report.

It would be good to have software that the state could hold to have information for example

307 cosmetologists licensed from other states. 107 estheticians 416 manicurists from January 2018 to oct 23.

Apprenticeship licensure would be an option for licensure and help with barriers and we are looking into options.

Continuing education, Holly did research on 5 states requested. And Continuing education is not considered a barrier in North Dakota.

Maureen made a motion to adjourn the meeting, Emily seconded that motion. All voting Yes (4), no (0). Motion carried. Meeting adjourned at 11:28am.



North Dakota

STATE BOARD OF COSMETOLOGY

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The North Dakota State Board of Cosmetology held a regular meeting on Monday, April 15, 2024, at 9:32 a.m. at the board office, 4719 Shelburne St., Suite 1, Bismarck, N.D.

Board members present:

D'Arlyn Bauer, PHO, RN, President

Maureen Wanner, Cosmetologist, Vice President

Teresa Felch, Cosmetologist, Secretary/Treasurer

Emily Woodcox, Cosmetologist

Miranda Stanley, RN, MSN, FNP

Also Present:

Holly Blomquist, Executive Director

Austin Lafferty, Legal Council

Agenda

1. Approval of March Regular & Special Meeting Minutes

Emily made a motion to approve the regular meeting minutes for March 18th. Maureen seconded that motion. Meeting votes: Yes (5) No, (0). Motion carried.

Maureen made a motion to approve the special meeting minutes for March 22nd, Emily seconded that motion. Meeting votes: Yes (5), No (0). Motion carried.

2. Approval of New & Renewal Individual & Salon Licenses 3/1/24-3/31/24

Maureen made a motion to approve licensed for 3/1/24-3/31/24. Emily seconded that motion. Meeting votes: Yes (5), No (0). Motion carried.

3. Review of Timesheets- March 2024

Maureen made a motion to approve the timesheets for March 2024, Miranda seconded that motion. Meeting votes: Yes (5), No (0). Motion carried.

4. March 2024 Financial Statements

Emily made a motion to approve the financial statements for March 2024. Maureen seconded that motion. Meeting votes: Yes (5), No (0). Motion carried.

5. Open Forum 9:45 am-10:00 am

D'Arlyn opened open forum at 10:22. D'Arlyn closed the open forum at 10:37. No comments were made.

6. Eden Med Spa- Complaint

Anonymous Written complaint and phone call concerning Shelly Sack is practicing cosmetology in our state without a ND cosmetology License.

In reference to 43-11-13 License required and advertise the occupation of cosmetology.

Shelly's response is on the website all services are Listed. She advertises for the other renters and does not perform hair services herself.

Shelly is Licensed as a cosmetologist in South Dakota but not in North Dakota.

Shelly brought a copy of a rent check and Lease agreement with Dana Schank's signature and a Letter that was put on Shelly's door within Shelly's claim, is the same writing.

Shelly responded that she will publish that she is Licensed in South Dakota as a cosmetologist.

And that she will List the services each person performs.

We as a board can only address the complaints brought to us.

Shelly performs cryotherapy in our state which you do not need a License for.

The first complaint is the implication of practicing cosmetology in North Dakota without a License, 43-11-13.

Teresa made a motion to forward the complaint to the State's Attorney, a letter in reference to the complaint and 43-11-13, License required in North Dakota.

Maureen seconded that motion. ALL voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

The second complaint is Eden Med Spa is not a licensed salon under 43-11-13. Emily made a motion to forward the complaint to the State's Attorney office, under 43-11-13, advertising without a salon License. D'Arlyn seconded that motion. ALL voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

7. Q Nails- Complaint

Anonymous complaint that QNails is using invasive tools and sharing tools without proper sanitation between uses. The inspection report Lists: No putting tools in pockets, Clean up pedicure and manicure tables. Cannot re-use tools, Label bottles. Report is marked for Reinspect.

Emily made a motion to dismiss the complaint about the use of invasive tools in reference 32-02-01-11 sub 17. Maureen seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

D'Arlyn made a motion to wait for the other portion of the complaint until a reinspection. Emily seconded that motion. ALL voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y).

Motion carried. Austin will send a Letter once reinspect has been complete

8. Posh Nails & Spa-Complaint

Expired Licenses have been renewed.

D'Arlyn made a motion to dismiss the complaint in reference to 43-11-13 license required. Emily seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

9. Beyond Nails- Complaint

Inspection passed; no invasive tools were found.

Miranda made a motion to dismiss the complaint in reference to 43-11-01, and 32-02-01-11. Maureen seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried. Austin will send letters to both Beyond nails and the person who sent the complaint.

10. Bronzed & Bladed- response to complaint

Kristin is a licensed cosmetologist but Bronzed and Bladed is not licensed.

The services are still listed on Facebook and website

D'Arlyn made a motion to forward complaint Reference 43-11-13 advertising occupation of cosmetology to states attorney office. Miranda seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

11. My Salon Suite-G.F.- DA on inspection

Disciplinary action on inspection because they are not currently licensed. They did send in renewal however did not include late fee, so the board office returned renewal application with note to include required late fee.

D'Arlyn made a motion to table until next month to give them time renew and pay late fee.

Maureen seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (Y), D'Arlyn (y). Motion carried.

12. Stephanie Cabezas- FL transfer of hours

Stephanie is requesting a transfer of hours from her esthetics and manicurist hours.

D'Arlyn made a motion to table and have Holly respond to Stephanie Under 32-04-01-07. Maureen seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

13. Hoa Thi Huynh-reciprocity-foreign applicant

Completed 1880 hours in cosmetology and has provided accreditation documents. Maureen made a motion to approve Hoa Thi Huynh reciprocity application. Emily seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

14. Salonson40th.complaint

Complaint about mouse infestation. Heather inspected and the salon looked clean. Traps are in place.

Emily made a motion to dismiss complaint for Salons on 40th. Maureen seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

15. HSI-complaints

- a. No meeting 2 full time instructors employed

- b. Not maintaining accurate records
- c. Grossly unprofessional conduct

Holly will send HSI new complaints.

D'Arlyn made a motion to table this discussion so we can give HSI and their attorney time to review additional complaints and could hold a special meeting. Maureen seconded that motion. Austin will stay in touch with their attorney. All Voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

16. NIC Exams & Bylaws recommendations

Discussion only, FYI

17. Macey Perius- misdemeanor marked on application

Maureen made a motion to approve application for A conditional license upon completing required exams. A conditional license until the date of completion of probation. Once she provides this completion the board will then grant license. Emily seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

18. Alayna Jordahl- Salon License

Emily made a motion that Alayna Jordahl, the new owner, apply for a new salon license. Maureen seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

19. Image U- complaint

D'Arlyn Made a motion to dismiss the complaint against Image U performing invasive services. Inspection passed; no evidence of invasive practices being performed. Emily seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

20. Inspector applicants

Teresa recused herself from this agenda item due to a conflict of interest, specifically, she had applied for and was a finalist for the Full-Time Inspector position.

D'Arlyn made a motion to recuse Teresa from discussion and voting on item #20. Maureen seconded that motion. All voted yes. Motion carried. Teresa chose to leave the room and Maureen took over the note taking.

The top three candidates for the Full-Time Inspector position were Cody Werbelow, Teresa Felch, Lori Emerson. Holly stated 2 rounds of interviews were conducted and gave an overview of the top three candidates. Holly stated that Teresa Felch would be her top pick. Discussion among board members was had.

Maureen made a motion to offer the position to Teresa contingent on her stepping down from the board and a new board member being appointed. Emily seconded that motion. All voted: Miranda (y), Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

The top three candidates for the Part-Time Inspector position were Kimberly Kopecky-Hart, Angela Schafer, and Val Reule. Holly stated 2 rounds of interviews were conducted and gave an

overview of the candidates stating that Angela would be her top pick. Discussion among board members was had.

Maureen made a motion to offer the position to Angela. Emily seconded the motion. All voted: Miranda (y), Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

21. Testing Vendor

Discussion on moving written theory and state law exams to Prov. Our contract with PSI expires June 30th. Discussion of getting good support with the vendors. Ask for a formal proposal. D'Arlyn Made a motion to direct Holly to pursue a proposal from PROV include questions such as Testing sites and that they do so, so that we can discuss by our May meeting. Emily seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

22. New Business

- a. Discussion on What type of identification is required for licensure.

Austin will research more on this. There is a pending application.

- b. Kimberly Wallace requesting licensure but is missing birth certificate on application. She has a real id from the state of North Dakota which would require additional forms of id to receive. Maureen made a motion to approve Kimberly Wallace's reciprocity application. D'Arlyn seconded that motion. Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

- c. Vivienne Duong is requesting the Board consider her years of industry experience as a manicurist and salon owner make up the difference in required schooling hours so she could obtain her cosmetology license by examination. Vivienne is a licensed Cosmetologist in CA but only has 1,000 hours of training.

D'Arlyn Made a motion to deny the request based on not enough hours and statute 43-11-21 Maureen seconded that motion. All voting: Miranda (y), Emily (y), Maureen (y), Teresa (y), D'Arlyn (y). Motion carried.

- d. The Guttery, Tabitha Omodt., application for salon license. But it is located on Grand Forks AFB. This location is not within our jurisdiction. Holly will send the application back.
- e. Do not have correct application for student instructor practical testing application for Alexandra Gallegos. Discussion. FYI
- f. Austin stated a request was made by Senator Judy Lee for a performance audit for cosmetology board at the Legislative Audit and Fiscal Review Committee meeting on March 21, 2024. Austin also stated Labor Commissioner, Nathan Svihovec, received a complaint regarding inspector position and board administration. Discussion only -FYI
- g. D'Arlyn made a request to move the May 13, 2024, discussion was had and meeting is moved to May 20, 2024

23. Unfinished Business

- a. Continuation of proposed administrative rule changes

D'Arlyn tabled until next meeting.

Maureen made a motion to adjourn the meeting. Emily seconded that motion. Meeting votes: yes (5), No (0). Motion carried meeting adjourned at 1:17 pm.

The next regular meeting is scheduled for May 20, 2024, 2024, at 9:30 am.