

## MINUTES

South Carolina Board of Cosmetology

10:00 A.M., November 8, 2004

Board Meeting

Synergy Business Park

Kingstree Building

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Pat Adams, Chairman, of North, called the meeting to order at 10:07 a.m. Other Board members attending the meeting included: Melanie Thompson, Vice Chairman, of Myrtle Beach; Katherine Busby, of West Columbia; Delores Gilmer, of Charleston; Rosanne Kinley, of Anderson; Ruth Settles, of Greenville; and Katherine Webb, of Easley.

Staff members participating at various times during the meeting included: George Barr, Inspector, Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; Eddie Jones, Administrator; LaTonea Jones, Administrative Specialist; Raymond Lee, Inspector; Mary Ann Miller, Inspector, and Shirley Wider, Administrative Coordinator.

Members of the public attending the meeting included: Lisa Bodie, Barbara Doss, Tracie Justice, Michael Kelly, Jay Lacy, Margaret Miller, Nhan Ngo, Pat Oberhausen, Nancy Poole, Kenneth Shuler, Gloria Smith, and Catherine Stabler.

Meeting Called to Order

Ms. Adams announced that public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

All present paused for a moment of silent prayer.

Rules of the Meeting Read by the Chairman

Ms. Adams read the Rules of the Meeting for all those in attendance.

Introduction of Board Members and All Other Persons Attending

The Board members, staff and members of the public attending the meeting introduced themselves.

Approval of the September 13, 2004 Meeting Minutes, September 26, 2004 Legislative Meeting and the October 5, 2004 Conference Call Meeting

MOTION

Ms. Gilmer moved the Board approve the minutes of the September 13, 2004 Board meeting, the September 26, 2004 legislative meeting, and the October 5, 2004 conference call meeting. Ms. Settles seconded the motion. Ms. Thompson noted one correction to page three of the September 13, 2004 Board meeting minutes. She noted that Ms. Kinley made and seconded a motion regarding mail ballot one. The motion carried to approve the minutes with the noted correction.

#### Approval of Agenda

##### MOTION

Ms. Kinley moved to approve the agenda with any necessary deviations. The motion was seconded by Ms. Thompson and unanimously carried.

#### Chairman's Remarks - Pat Adams

Ms. Adams stated she attended a Board legislative meeting on September 26, 2004. She conducted a final inspection on the new facility for the Lacy Cosmetology School on October 5, 2004.

Ms. Adams stated she monitored the practical exam on October 2004. She said she was disappointed with the management of the exam. She went on to say the raters arrived at the exam at 7:00 a.m.; however, the management did not arrive until 7:20 a.m. She indicated the cosmetologists and nail technician exams were delayed by one hour and fifteen minutes and the instructors' exam was delayed by one hour that one male rater talked and flirted with the examinees. She said that the room where the instructors were being examined also contained the PCS equipment and scanner. She stated she expressed her concerns to Val, a PCS employee, who indicated she would look into Ms. Adams' concerns and let her know the results. She has yet to receive a call regarding her concerns. She again expressed that she is not upset with the exam, the scoring system or PCS; however, she is upset with the individuals here who are running the exam. She went on to say some of the students are at the exam site from 8:00 a.m. to 8:00 p.m. She said she was on the Board when the exam was administered by the Board, SMT, and CTP and not once did it ever take 12 hours for a student to take the exam.

Ms. Adams stated that during the meeting with the providers on November 7, 2004 the Board instructed the providers to keep social security numbers covered at all times or they would risk having their continuing education classes revoked.

#### Administrator's Remarks, For Information - Eddie Jones

Mr. Jones stated he is aware of Ms. Adams' complaint with the practical exam and is working on the complaint as well.

#### Advisory Opinions, If Needed, Office of General Counsel

#### Legislative Update, If Needed, Legislative Liaison Office

There were no advisory opinions or legislative update given during the November 8, 2004 meeting.

#### Action Items

### Ratification of Mail-In Ballots

#### a. Ballot 1 - Approval of Martha Lewis as Continuing Education Instructor for Tami Floyd-Fogleman's Continuing Education Class

On September 21, 2004 the Board received a faxed request from Tami Floyd-Fogleman asking for the Board's approval of a new instructor, Martha Lewis, to teach a segment on physical therapy at the continuing education class sponsored by NCASC on September 26, 2004. Since the Board had just met and would not meet again until November 8, 2004 staff emailed the information to the Board members and asked the members to cast their vote in this matter. The members were notified that the Board would ratify the ballot during the November 8, 2004 meeting. The members voted in unanimous approval of this request.

#### MOTION

Ms. Thompson made a motion, seconded by Ms. Gilmer and unanimously carried, that the Board ratify mail ballot one.

#### b. Ballot 2 - Approval of Exempting Ivey Lillian Means from Taking Practical Exam

On September 8, 2004 the Board received a letter from Ivey Means which indicated she is 71 years old and had retired from the cosmetology industry in 1994. She had been licensed as a cosmetologist from 1961 to 1994 with the exception of approximately three to four years between 1979 and 1983. At that time she reinstated her license prior to having to take the exams. She has now been asked by Debra LeGrande, of LeGrande Institute of Cosmetology in Camden, to teach theory. Ms. Means submitted an application and passed the written exam in August with a score of 86. She is asking the Board to exempt her from taking the practical exam. A tie vote of two members voting in favor of and two members voting in disapproval has been received. Ballots were not received from Ms. Busby, Ms. Gilmer or Ms. Webb.

#### MOTION

Ms. Thompson moved the Board ratify mail ballot two. The motion was seconded by Ms. Kinley and unanimously carried.

#### c. Ballot 3 - Approval of Suggestions from Kingstree Senior High School

On September 8, 2004 the Board received a letter from Kingstree High School indicating they were in the process of clearing up problems which had been identified within the cosmetology department. The school is currently faced with eight second-year students needing approval of hours for the Board and offered the following three suggestions to the Board. Since the Board did not receive this request in time for the September 13, 2004 meeting, the members were mailed a ballot, along with the pertinent information, and were requested to cast their vote in this matter. The members were notified that the ballot would be ratified during the November 8, 2004 meeting. The Board voted in favor of suggestion one by a majority vote.

1. Students will be given a placement test by the present instructor. Based on the results of the test, students will be given remedial work and/or hours to bring them to standards for the second year program.

2. Students will be given the opportunity to make-up all hours for the entire year (i.e., after school, Saturdays, staff development days, teacher workdays and at the end of the semester.)
3. Students will be given the opportunity to transfer the 750 hours which they will acquire this school term to a private sector and complete the remaining 750 hours to become completers of the program.

#### MOTION

Ms. Thompson moved the Board ratify mail ballot three. Ms. Settles seconded the motion, which carried unanimously.

#### d. Ballot 4 - Approval of Additional Esthetics Continuing Education Class for Lacy Cosmetology School (5 approve)

On October 20, 2004 the Board received a request by email from Lacy Cosmetology School, to add an esthetics continuing education class on November 7, 2004 to be held at the West Columbia School. Jay Lacy would be teaching the class under the existing, Board approved agenda. Since the Board would not be meeting again until November 8, 2004 the members were mailed the request and were asked to cast their vote in this matter. The members were notified that the ballot would be ratified during the November 8, 2004 meeting. The Board approved the request with a majority vote.

#### MOTION

Ms. Thompson moved the Board ratify mail ballot four. The motion was seconded by Ms. Webb and unanimously carried.

#### e. Ballot 5 - Approval of Initial and Final Inspections on Lacy Cosmetology School, West Columbia (6 approve)

On October 4, 2004 Mr. Raymond Lee, staff inspector conducted an initial inspection of the new Lacy Cosmetology School, which is to be located at 2361 Augusta Highway, West Columbia. Mr. Lee then conducted a final inspection on October 5, 2004 with Ms. Pat Adams, Board Chairman. Since the Board would not be meeting again until November 8, 2004 the members were mailed a ballot, along with the initial and final inspection forms and were asked to cast their vote in this matter. The members were notified that the ballot would be ratified during the November 8, 2004 meeting. The Board approved the request with a majority vote.

#### MOTION

Ms. Gilmer made a motion, seconded by Ms. Busby and unanimously carried, that the Board ratify mail ballot five.

#### f. Ballot 6 - Approval of Ernie Buck as Continuing Education Monitor for Betty Stevens Cosmetology Institute (5 approve, 1 abstained)

Ernie Buck, Owner of the Betty Stevens Cosmetology Institute, submitted a letter to the Board asking for the Board's approval to be a monitor for the continuing education classes provided by the Betty Stevens Cosmetology Institute. He is not a licensed

cosmetologist, however, he has assisted with the continuing education process for the past two years. Since the Board would not be meeting until November 8, 2004 members were mailed a ballot, along with the request and were asked to cast their vote in this matter. The members were notified that the ballot would be ratified during the November 8, 2004 meeting. The Board approved the request with a majority vote

#### MOTION

Ms. Kinley moved the Board ratify mail ballot six. Ms. Thompson seconded the motion, which carried unanimously.

#### Unfinished Business

There was no unfinished business to be discussed during the November 8, 2004 meeting.

#### New Business

##### Approval of Nail Technician License Applications

###### a. Christine L. Halcomb

On September 23, 2004 the Board received a reciprocity nail technician application from Christine Halcomb. She is requesting that the Board waive the practical exam requirement prior to becoming licensed

#### MOTION

Ms. Settles moved the Board accept Christine Halcomb's nail technician application through reciprocity.

#### MOTION

Ms. Kinley made a motion, seconded by Ms. Thompson and unanimously carried, to discuss this matter in executive session.

The Board recessed at 10:35 a.m. and returned to public session at 10:52 a.m.

###### b. Nhan T. Ngo

On October 14, 2004 the Board received a reciprocity nail technician license from Nhan Ngo. She is requesting the Board waive the practical exam requirement prior to becoming licensed.

#### MOTION

Ms. Thompson moved the Board discuss this matter in executive session. Ms. Gilmer seconded the motion, which carried unanimously.

#### MOTION

Ms. Thompson made a motion, seconded by Ms. Webb and unanimously carried, that the Board move to number eight on the agenda now so that the Board can then move back to number two.

Approval of Non-Profit Association, Palmetto Professionals of Cosmetology (PPC) - Jay Lacy, Lacy Cosmetology School

On October 27, 2004 the Board received a request from Jay Lacy, of Lacy Cosmetology School, for the Board's approval of a non-profit association, Palmetto Professionals of Cosmetology (PPC). Along with the request, Mr. Lacy submitted a list of individuals who are enrolled in the association as well as a list of officers. (The request, the list of members, and the officers are herewith attached and become a permanent part of the record retained at the Board's office.)

#### MOTION

Ms. Thompson moved the Board approve this association. Ms. Gilmer seconded the motion, which carried unanimously.

#### Approval of 2005 Continuing Education Classes

On November 6, 2004 the Board reviewed the 2005 continuing education classes as submitted by the providers. The Board met with the providers on Sunday, November 7, 2004 to discuss what each provider would need to submit in addition to the materials already submitted.

#### Palmetto Professionals of Cosmetology

##### MOTION

Ms. Thompson made a motion, seconded by Ms. Gilmer and unanimously carried, the Board approve their continuing education classes.

#### NCASC

##### MOTION

Ms. Thompson moved the Board approve NCASC's continuing education packet. Ms. Kinley seconded the motion, which carried unanimously.

#### Nails, Skin and Hair of America

##### MOTION

Ms. Thompson moved the Board approve the continuing education classes pending the one change of the word 'disease' to 'disorder'. The motion was seconded by Ms. Gilmer and unanimously carried.

#### SCACA

##### MOTION

Ms. Thompson made a motion, seconded by Ms. Kinley and unanimously carried, the Board approve the continuing education packet pending correction of the one typographical error, which was the time on the October 9th class.

Mr. Shuler expressed concern over conflict of dates possibly submitted by the new association with the school owners association. Ms. Adams stated she has spoken with Ms. Dantzler on this matter and that once approved the providers would have to withdraw their membership from the school owners' association. She further stated that the school owners' association would have to notify the Board that they want those that

are involved in that association pulled from the packet.

Ms. Dantzler stated if one association chose to modify its application today it could do so. She further stated the Board has before it today applications from two associations that are facially acceptable and she is not aware of anything in the statute prohibiting jointly sponsored continuing education classes. She indicated that the Board has no grounds to deny either application. She indicated the issue of class dates, money, etc., are matters to be handled between the members of the two associations, not the Board of Cosmetology.

Mr. Jones asked that this situation be dealt with as soon as possible to allow staff the time to ensure the information is correct before placing it on the Internet.

#### ACTIVE MOTION

Ms. Thompson made a motion, seconded by Ms. Webb and unanimously carried, the Board approve the continuing education packet with the one change in the wording of social security card for identification.

#### ACTIVE/SCSCA Teachers Seminar MOTION

Ms. Thompson moved the Board approve the teacher's seminar. Ms. Gilmer seconded the motion, which carried unanimously.

Ms. Adams noted for the record that she did not vote on any of the above 2005 continuing education classes.

Ms. Adams stated the Board had discussed continuing education during its legislative meeting on September 26, 2004. She further stated the Board discussed approving groups - statewide association. Remove 3/5 requirement and leave in three most populous counties. Approving per-case basis continuing education classes. Ms. Dantzler stated these could be done by amending regulations. She further stated that if the regulations were going to be amended, and then other regulations need to be revised as well as the practice act. She went on to say policies can only be used as instruction to staff in ambiguous situations. Ms. Dantzler explained the regulation process. The Board will review Regulations 35-22, 35-23 and 35-24.

#### Recess

At 11:32 a.m. the Board recessed and returned to public session at 11:55 a.m.

#### Return to Public Session

Approval of Inserting Continuing Education Class Registration Deadlines - Tami Floyd-Fogleman, NCASC

On October 22, 2004 the Board received a letter from Tami Floyd Fogleman, NCASC President, asking for the Board's approval that the continuing education class registration

deadlines be added to the Board's listing of classes. She indicates that the deadlines are important to "salon professionals trying to secure their required hours and they assist in a smooth registration process."

#### MOTION

Ms. Thompson moved the Board disapprove this request. She does not see the benefit of having this information and does not believe the Board needs to get involved. Ms. Webb seconded the motion, which carried unanimously.

#### Approval of Keith Haltiwanger as Esthetics Instructor - SC Massage & Esthetics Institute, Linda Beach

On October 29, 2004 the Board received a request from Linda V. Beach, of the South Carolina Massage and Esthetics Institute, asking for the Board's approval of Keith Haltiwanger to teach the science and business portion of the esthetics curriculum. (The request, along with Mr. Haltiwanger's resume and biography, are herewith attached and become a permanent part of this record retained at the Board's office.)

Ms. Kinley noted Mr. Haltiwanger is not a licensed esthetics instructor. Ms. Thompson noted that he is also not licensed as an esthetician. It was noted that he is not licensed as a cosmetologist, however, he is licensed as a massage therapist.

#### MOTION

Ms. Thompson moved the Board deny the request. The motion was seconded by Ms. Kinley and unanimously carried.

#### Review/Approval of "The Barber 'Ann' Beauty Shop on Wheels" - Eddie L. Howard

The Board received a letter from Eddie Howard regarding a mobile beauty shop called "The Barber 'Ann' Beauty Shop on Wheels", which he would like to open.

Eddie Howard did not attend the meeting.

#### MOTION

Ms. Kinley made a motion, seconded by Ms. Thompson and unanimously carried, the Board deny the request.

#### Approval of Request to Change Schedule of Theory and Practical Exam - ACTIVE, Pat Oberhausen

On October 18, 2004 the Board received a letter from Pat Oberhausen, President of ACTIVE, requesting that the Board make a change in the practical and theory examination time schedule. The association is requesting that the schedule "be altered for the theory exam to begin at 8:00 a.m. with the practical exam following as soon as possible because of travel back to distant schools." The association feels that the students are more rested and alert in the mornings and would better handle the theory portion of the exam prior to the practical portion of the exam.

#### MOTION

Ms. Webb moved the Board authorize Mr. Jones speak with PCS regarding this matter. Ms. Thompson seconded the motion, which carried unanimously.

#### Approval of New School Inspection Check Sheet - Raymond Lee

Raymond Lee presented the members with a revised inspection check sheet to be used in the inspection of new schools.

#### MOTION

Ms. Kinley moved the Board approve the new school inspection check sheet. The motion was seconded by Ms. Thompson and unanimously carried.

#### Approval of 2005 Board Meeting Dates

The Board members were presented with proposed meeting dates for 2005. The proposed dates are:

January 10, 2005 July 11, 2005

March 14, 2005 September 12, 2005

May 9, 2005 November 14, 2005

#### MOTION

Ms. Gilmer made a motion, seconded by Ms. Busby and unanimously carried, the Board approve the proposed 2005 meeting dates.

#### Board Member Reports

##### Delores Gilmer

Ms. Gilmer monitored the practical exam on September 20, 2004. She attended the legislative meeting on September 26, 2004. She noted that during the instructors' exam the testing providers were talking and making the examinees nervous. She also noted that the room where the nail technicians were being examined was too crowded.

##### Reciprocity Report

In September 2004 the Board licensed 34 cosmetologists, three nail technicians, and six estheticians by reciprocity.

In October 2004 the Board licensed 35 cosmetologists, five nail technicians and seven estheticians by reciprocity.

##### Katherine Busby

Ms. Busby monitored the instructor continuing education class. She further stated she had been requested to monitor another instructor's continuing education class and was disappointed in that class. She indicated Hair, Nails and Skin of America sponsored it on October 10-11, 2004. She went on to say Chesley Phillips was listed as a nail instructor and performed a body wrap. She said that the class was disorganized and that she did not follow the agenda. She indicated that the nail instructors' class was to be in session to 5:30 p.m. however the class was dismissed early.

Ms. Adams stated she has received reports that nail technicians attended the instructors'

class, however, USC is the only facility that could verify the nail technicians received their hours in this class.

#### Ruth Settles

Ms. Settles monitored a continuing education class sponsored by Carolina College of Hair Design on October 18, 2004. She attended the legislative meeting on September 26, 2004.

#### Melanie Thompson

Ms. Thompson monitored a continuing education class sponsored by Carolina College of Cosmetology on September 19, 2004. She noted that the participants were not required to produce identification and that an instructor spent time promoting another association. She indicated there were several disruptions during the class and that Ms. Browder would interject her opinion during the presentation. She attended the legislative meeting on September 26, 2004. She attended and monitored an instructor's continuing education class on October 18, 2004. She also monitored an esthetics class on October 18, 2004 and nail technician class on October 19, 2004. On October 25, 2004 she spoke to the vocational school participants who attended during Mr. Lee's class.

#### Rosanne Kinley

Ms. Kinley attended the September 26 legislative meeting. She further stated that, at the request of NIC, she attended a CLEAR Conference September 30-October 2. She monitored a continuing education class sponsored by Carolina College of Hair Design on October 25, 2004. She indicated there were a couple of complaints regarding social security cards on the table for everyone's view. She attended the Medical Examiners Board meeting on November 1, 2004 to discuss permanent tattooing. She noted Governor Sanford's law still makes micropigmentation, or permanent makeup, illegal. She indicated the Medical Board had asked that Ms. Dantzler draft the same language for the Cosmetology Board.

#### Katherine Webb

Ms. Webb attended the legislative meeting on September 26, 2004. On October 31, 2004 she monitored a continuing education class at the Institute of Cosmetic Arts. She was impressed with Dee Fullerton.

#### Discussion Items

##### 1. Reciprocity Application Process - LaTonea Jones

Ms. Adams stated the Board members wanted to ask Ms. Jones questions regarding the reciprocity applications.

Ms. Jones stated that once the application and a letter of certification from the other state has been received, she issues a license. She went on to say she does not have a point of contact with all of the states that since California no longer submits a letter of certification and she must to go online to obtain certification from that state.

Ms. Kinley asked that a random audit be conducted on school transcripts to verify attendance and graduation. Ms. Jones stated the Board does not receive transcripts. Ms.

Dantzler noted that the regulations regarding out-of-state applicants begins with an individual currently licensed in another state and that the inquiry would be regarding licensure, not education. She stated that certification is mailed separately from other states. She went on to say that other states are also beginning to use the on-line verifications.

## 2. Update on Practical Exams - Shirley Wider

Ms. Wider stated the practical exam is long and it is sometimes 5:00 p.m. before the licenses are printed. She further stated it is very time consuming at this point. She continued by saying it is sometimes 6:30 p.m. or 7:00 p.m. before she leaves the exam site. She noted that sometimes the individuals will leave the exam without the license. She indicated those individuals who leave without their license will change their address with PCS but not with staff and the license will go to the old address.

## 3. School Report - Raymond Lee

Mr. Lee stated that between now and June 30, 2005 he hopes to have the school inspections up to date. He went on to say Mr. George Barr would be assisting him with school inspections. He indicated he has been focusing with the vocational schools. He indicated he held a training class with the vocational schools on October 25, 2004. He said representatives from approximately 16 schools attended the meeting.

Ms. Adams stated Ms. Dantzler, Mr. Lee and Gloria Smith are members of the school contract committee.

## 4. Introduction of USC Continuing Education Staff - Margaret Miller

Ms. Margaret Miller stated USC has reorganized and lost several employees like many other state agencies. She introduced Mike Kelly and Tracie Justice.

Ms. Adams asked Mr. Kelly if the Board could accept continuing education from a seminar, how would USC, as the certifying agency, handle it. Mr. Kelly stated this is an avenue he would have to explore. He indicated that the class would have to submit documentation similar to that of the current continuing education providers.

Mr. Kelly stated that USC is attempting to keep up with the documentation of hours. He further stated the program evaluation forms are being revised where USC could possibly provide feedback to the instructor, the Board and LLR in a timelier manner. He noted that any feedback on this document would be helpful.

Ms. Adams asked Mr. Kelly if he could email the evaluations to the Board as well as to the staff. Mr. Kelly stated the scanner would not be installed until after this cycle. Ms. Adams asked Mr. Kelly if USC could mail those evaluations to the Board members. Ms. Adams stated the Board would like to begin receiving that information immediately.

## Public Comments

Ms. Lisa Bodie, of Hair, Skin and Nails of America, stated she has evaluations from the continuing education class in question. She went on to say that Hair, Skin and Nails of America would no longer be conducting an instructor's, esthetics and nail classes on the

same weekend. She clarified that the nail technician class Ms. Busby indicated was dismissed one and one-half (1½) hours early was a nail technician class that was scheduled to dismiss at 4:00 p.m., not at 5:30 p.m. She further stated that Ms. Phillips is also a licensed esthetics instructor and is licensed to teach body wraps.

#### Executive Session

##### MOTION

Ms. Thompson moved the Board enter executive session. Ms. Gilmer seconded the motion, which carried unanimously.

#### Return to Public Session to Report on Executive Session

Ms. Adams noted for the record that no motions were made and no votes were taken during executive session.

#### Christine Halcomb, Nhan Ngo

##### MOTION

Ms. Thompson moved to deny reciprocity to both applicants and require both applicants sit for the written and practical exams based on the previous decision made by the Board. The motion was seconded by Ms. Kinley and unanimously carried.

#### DRC Reports

##### MOTION

Ms. Kinley moved to approve the DRC reports from November 1, 2004. Ms. Thompson seconded the motion, which carried unanimously.

#### Adjournment

There being no further business to be discussed at this time, Ms. Thompson moved the Board meeting be adjourned. Ms. Kinley seconded the motion, which carried unanimously.

The November 8, 2004 meeting adjourned at 2:36 p.m.