

MINUTES

South Carolina Board of Cosmetology

10:00 A.M., March 14, 2005

Board Meeting

Synergy Business Park

Kingstree Building

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Pat Adams, chairman, of North, called the regular meeting of the SC Board of Cosmetology to order at 10:00 am. Other board members present included: Melanie Thompson, vice chairman, of Myrtle Beach; Michelle Furtick, of Columbia; Delores Gilmer, of Charleston; Rosanne Kinley, of Anderson; Ruth Settles, of Greenville; and Katherine Webb, of Easley.

Staff members participating in the meeting included: Ronnie Blackmon, Inspector; Raymond Lee, Inspector; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Eddie Jones, Administrator; Shirely Wider, Program Assistant; and Connie Huffstetler, Administrative Assistant.

Members of the public attending the meeting included: Chesley Phillips, Nails, Skin & Hair of America; Barbara Singletary, East Side Hair; Ken Lochridge, Carolina College of Hair Design; Susan Lochridge, Carolina College of Hair Design; Barbara Doss, Kenneth Shuler; Mike and Donna Cartee, Nail Tech Academy of Easley; Karen Maddy, Premier Cosmetic Laser Center; Mary Daniels, Premier Cosmetic Laser Center; Dan Ervin, Premier Cosmetic Laser Center; Frank Shuler, Turner Padgett Law Firm; Jayson Lacy, Lacy Cosmetology; Jay Lacy, Palmetto Professionals; Debra LeGrand, LeGrand Institute of Cosmetology; Linda Beach, SC Massage & Esthetics Institute; Cody Lidge, USC Academic Enrichment and Conferences; Michael Kelly; USC Academic Enrichment and Conferences; Ken Lake, Lexington Technology Center; Michele Washington, Marion County Tech; Paul Crandall, Marion County Tech; Khoa Huynh, Columbia Beauty School; Nancy Poole, Strand College of Hair Design; Doug Corley, Advisory Panel Member; and Alan Ray, Alan Ray's Salon.

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.

Rules of the Meeting Read by the Chairman

Ms. Adams read the rules of the meeting for all present.

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 January 10, 2005 Meeting Minutes

MOTION

Ms. Thompson made a motion to approve the minutes of the January 10, 2005 meeting. Rosanne Kinley seconded the motion.

Ms. Thompson noted that the Executive Session minutes were not included in the January 10, 2005 minutes.

Ms. Kinley moved to amend the motion to approve the minutes, excluding the Executive Session Minutes. Ms. Thompson seconded the motion to amend and the motion carried.

Ms. Adams called for a vote on the motion to approve the minutes, as amended. The motion carried.

Approval of Agenda

MOTION

Ms. Gilmer moved to approve the agenda. Ms. Settles seconded the motion.

Ms. Thompson moved to amend the agenda to change the order by moving the Election of Officers to item one under New Business and to include discussion of the Region Meeting since it will be held in April, before the next board meeting. Ms. Adams called for a vote on the amendment to change the order of the agenda to move the Election of Officers to item one under New Business and to place the Region Meeting on the agenda as item nine under New Business. The motion to amend carried.

Ms. Adams called for a vote on the motion to approve the agenda as amended. The motion carried.

Chairman's Remarks - Pat Adams

Ms. Adams stated that on February 2, she attended a sub-committee meeting on Senate Bill 160 pertaining to hair braiding. Ms. Adams thanked Nancy Poole for appearing at the meeting on behalf of school owners. The bill was tabled and a new bill has been introduced to provide for the registration of hair braiders with the Barber Board.

Administrator's Remarks - Eddie Jones

Mr. Jones advised that the staff is in the midst of renewals and although it has been somewhat hectic, thanks to the administration of LLR, the renewals are going well and moving forward. He also mentioned that one of the items he had planned to bring to the board's attention was the Regional Meeting. Mr. Jones mentioned the legislative meeting at LLR on November 29, 2004 and noted that he was still hoping to get feedback in writing from the board members.

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during the March 14, 2005 meeting.

Legislative Update, If Needed, Legislative Liaison Office

There were no updates given during the March 14, 2005 meeting.

Ratification of Mail-In Ballots

Ballot 1 - Approval of Waiver of 50 Remedial Studies

The board received a letter from Sarah Nicole Lee, dated January 3, 2005 requesting that the board waive the requirement to take 50 remedial hours of study before she is allowed to take the written exam for the 5th time. Mr. Jones advised that this request was not approved by mail ballot.

MOTION

Ms. Kinley moved to ratify the ballot 1. Ms. Thompson seconded the motion, which carried unanimously.

Ballot 2 - Approval of Change of Ownership of Columbia Beauty School

The board received a request to change the ownership of Columbia Beauty School from Rosa Jackson to Lawrence Nguyen. Mr. Jones advised that ballot 2 was approved.

MOTION

Ms. Gilmer moved to ratify ballot 2. Ms. Kinley seconded the motion and the motion carried unanimously.

Unfinished Business

Revised Evaluation Form for Continuing Education Classes

Mike Kelly and Cody Lidge from the University of South Carolina presented a revised form for the board members to review. Mr. Kelly explained that the goal was to make the questions more specific so that the feedback received would be more accurate. He mentioned the possibility of going to a form that could be scored by computer, which would make the scoring more efficient.

Ms. Thompson proposed adding a question as to whether the class agenda was followed so that the Board would know that what was approved for the class is what was actually being taught in the class. Mr. Kelly suggested including that question under Program Content, Part 2. The board members agreed and suggested that 2 questions be included to ask:

- 1) Was the agenda posted?
- 2) Was the agenda followed?

Mr. Kelly suggested that a statement would be included on the form to advise that the feedback provided on the form would not affect their CEU's being awarded. The form has also been revised to include the name of the instructor and monitor for the class.

Alan Ray asked if it was required that class attendees be provided with a copy of the

agenda. Ms. Adams stated that the agenda should be posted. Mr. Ray asked if extra copies should be available for attendees and Ms. Adams responded that they should.

Chesley Phillips stated that Nails, Skin & Hair of America passes out an agenda the beginning of each class. Ms. Phillips then asked if the Continuing Education providers could review the revised form. Ms. Phillips was provided with a copy of the proposed form.

Mr. Kelly asked if he was correct in understanding that it was the responsibility of the CE provider to make available copies of the agenda and Ms. Adams responded that he was correct.

MOTION

Ms. Webb moved to approve the draft of the revised Evaluation Form for Continuing Education. Ms. Kinley seconded the motion.

Mr. Ray asked that the providers be given time to review the form before approving the draft and asked if enough providers were present to give a consensus on the draft. Ms. Settles commented that this form was for the board's use to evaluate the CE Providers and it was not up to the providers to approve or disapprove the form.

Mr. Lacy asked if it could be noted on the form if the attendee was active or inactive. Mr. Lochridge suggested that it be worded as to whether the attendee was actively employed in the industry, not just actively licensed. Ms. Settles stated that she does not feel that the status of the attendee should be considered in the evaluation of the class. Ms. Adams stated that knowing how many in the class were not actively employed would be reflected in the overall evaluation score of the class. Mr. Ray noted that it would also serve the purpose of giving the board some idea of how many licensees are actually employed in the industry. Ms. Beach observed that there could be many categories that would effect why a class was negatively evaluated and she does not feel that status should be taken into consideration. Ms. Beach stated that the evaluation of someone who is between jobs should not be given any less merit than those of licensees who are currently employed. Ms. Kinley responded that all evaluations would be given the same consideration, regardless of status, and that she favored having the status on the form in order to give the board and others a concept of how many students are attending school, becoming licensed but are not employed in the industry. Mr. Kelly advised that unless otherwise instructed by the board, the data would not be sorted or tracked by the status of the attendee. There would simply be a compilation of answers to the question of current status in the industry. Mr. Ray asked if the yes and no answers would be reported to the board. Mr. Kelly answered that it would be included in the summary report as to the number of yes answers and the number of no answers.

Ms. Thompson asked to call for the vote. Ms. Adams called for the vote to approve the draft with the recommended additions. The motion carried with one abstention.

New Business

Election of Officers

CHAIRMAN

Ms. Adams opened the floor for nominations for chairman.

Ms. Webb nominated Rosanne Kinley for chairman. Melanie Thompson seconded the nomination.

Ruth Settles nominated Pat Adams for chairman. There was no second.

Ms. Adams declared Ms. Kinley chairman by acclamation.

VICE CHAIRMAN

Ms. Adams opened the floor for nominations for vice chairman.

Ms. Gilmer nominated Melanie Thompson for vice chairman. Ms. Webb seconded the nomination.

There being no other nominations, Ms. Adams declared Melanie Thompson vice chairman by acclamation.

MOTION

Ms. Webb moved to pass the gavel to the newly elected chairman. Ms. Thompson seconded the motion. The motion carried.

Mr. Lochridge expressed appreciation to the former officers for their dedicated service to the board and profession.

Ms. Kinley thanked everyone for their support in electing her as chairman.

MOTION

Ms. Thompson moved for a 10 minute recess. Ms. Webb seconded the motion and the motion carried.

After a brief recess, Ms. Kinley called the meeting back to order.

Ms. Kinley asked Ms. Furtick to serve as parliamentarian. Ms. Furtick agreed to do so.

Approval of Inspection for Nail Technology Program - Marion County Technical Education Center

Paul Crandall appeared before the board and explained that the school would like to offer a nail tech program to provide more career opportunities for female students in Marion County. A floor plan was provided for board members. Ms. Kinley asked when the school

would begin offering the program and Mr. Crandall responded in the fall of 2005. He further advised that one of the schools current cosmetology instructors, Michele Washington, would direct the nail tech program.

Mr. Lee stated that upon initial inspection of the school everything looks very good and appears to be in order.

Ms. Adams inquired if there was a proposed curriculum. Mr. Crandall advised that the curriculum, to include 490 hours of instruction, is currently being reviewed by the State Department of Education and would be forwarded to the board.

MOTION

Ms. Gilmer moved to give initial approval for the Nail Technology Program, with final approval to be considered by the board after a curriculum is submitted and a final inspection conducted. Ms. Adams seconded the motion and the motion carried.

Donna J. Cartee, Owner, Nail Tech Academy of Easley
Mike Cartee appeared on behalf of the Nail Tech Academy of Easley.

Mr. Lee advised the board he has been working with Mr. and Mrs. Cartee to assist them in the application process for their school and that they have secured a suitable site for the school. Upon initial approval they will order the necessary equipment and proceed with the meeting the requirements for opening the school.

Ms. Webb advised the board that she had visited the proposed site with Mr. Lee. Ms. Webb also found everything to be in order and recommends initial approval.

MOTION

Ms. Webb moved to give initial approval to Nail Tech Academy of Easley. Ms. Settles seconded the motion, which carried unanimously.

Approval of Esthetics Course at Miller-Motte Technical College

Mr. Lee advised the board that he has not been requested to inspect the school.

MOTION

Ms. Gilmer moved to have Mr. Lee conduct an initial inspection of the school. Ms. Thompson seconded the motion, which carried.

Ms. Gilmer will visit the school with Mr. Lee.

Approval of Wanda Brooks as Continuing Education Instructor

Debra LeGrand appeared before the board to request that Wanda Brooks be approved as a Continuing Education Instructor for LeGrand Institute of Cosmetology. Ms. Brooks is a licensed instructor.

MOTION

Ms. Thompson moved to approve Wanda Brooks as a CE Instructor for LeGrand Institute of Cosmetology. Ms. Adams seconded the motion, which carried unanimously.

Approval of Cosmetology License for Pamela Reutter Czekalski

Ken Lake of Lexington Technology Center appeared before the board in the matter of Pam Czekalski. He explained that Ms. Csekalski had been hired as an instructional assistant in the cosmetology classroom. Earlier in the school year, Raymond Lee had suggested to Ms. Csekalski that she become certified as a cosmetologist. Since that time, Ms. Csekalski has received instruction, sat for tests and worked on the mannequins along with the other students. Ms. Csekalski approached Mr. Lake about taking the board along with the other students, but he did not think she qualified since she had received only 1000 hours of actual cosmetology instruction instead of the 1500 hours required of adult students.

Mr. Lake requested that the board give Ms. Csekalski credit for the 1000 hours of instruction she has received and allow her to complete the additional 500 hours at a private school in order to sit for the exam to receive her license.

Ms. Thompson asked if Ms. Csekalski was teaching in the school and Mr. Lake explained that she only assisted the cosmetology instructor with paperwork, data entry, setting up for class, etc. Ms. Thompson then asked Mr. Lake if he was proposing Ms. Csekalski be given credit for the time she worked as an assistant. Mr. Lake answered that Ms. Csekalski had received 1000 hours of actual instruction and that is what he is requesting she be given credit for. Ms. Thompson asked to clarify that Ms. Czekalski is an adult in a vocational school and Mr. Lake stated that is correct.

Mr. Lee advised the board that he had intended to bring this matter before the board at an earlier time but had not done so. He further stated that he feels confident that Ms. Csekalski has not received credit for hours she has worked but only for actual hours of instruction. He states that it is a unique situation but to his knowledge is not in violation of the law.

Mr. Lake advised the board that Ms. Csekalski has, as of this meeting, clocked 755 hours and 36 minutes of cosmetology instruction. By the end of the school year she could receive another 330 hours for a total of 1085 hours. She would need an additional 425 hours to meet the required 1500 hours.

Ms. Thompson asked Sharon Dantzler for an opinion on whether the board could consider granting Mr. Lake's request. Ms. Dantzler stated the board would need to review Ms. Czekalski's transcript and if the combination of public and private school hours meet the required course hours, then the board could approve it.

Ms. Thompson questioned the matter of Ms Czkalski being an adult in a public school. Ms.

Dantzler advised that is a matter for the school district to consider, not the board. She further advised that if the public school is willing to issue a transcript for the hours and Ms. Czekalski then completes the remaining hours in a private school, the board could consider the request.

Ms. Adams stated that she, like Ms. Thompson, is concerned about setting a precedent.

Mr. Ray commented that in his opinion, unless Ms. Csekalski was enrolled as a student in the school, then all she did was attend some classes.

Mr. Lochridge stated that there is historical precedent to consider Mr. Lake's request and that the problem real question lies with the public school. Mr. Lochridge suggested that if the board is presented with a signed transcript by the instructor of the cosmetology program, the board is correct in considering the hours.

MOTION

Ms. Thompson moved to table the matter of Ms. Czekalski until a transcript is received for consideration by the board.

Mr. Lake stated that the instructor has signed a transcript but he has not yet approved it until the board has determined that it would not be a violation for him to do so. He offered to leave copies of the information he has for the board to review. Ms. Thompson asked who would be the person authorized to sign the document and Mr. Lake answered that he would like for the superintendent to sign off on it. Ms. Thompson again stated that she felt the board should table the matter until they receive a signed transcript to consider.

Ms. Settles seconded the motion to table the matter of Ms. Csekalski's application. The motion carried.

Approval of Waiving of Continuing Education Classes for Louise B. Melvin

Mr. Jones advised the board that he had received a call from Rep. Howell regarding Ms Melvin and had told him it was a matter to be considered by the board. Ms. Thompson asked if Ms. Melvin had taken any continuing education classes from January through September of 2003, or from May through December 2004. Mr. Jones stated that he asked her to provide any documentation and she offered to provide letters from her doctor, pastor or representative but to his knowledge she had taken no continuing education classes.

MOTION

Ms. Adams moved to deny the request by Louise Melvin to waive the continuing education requirement. Ms. Thompson seconded the motion. The motion carried unanimously.

Approval of Waiving of Practical Exam to Re-instate License for Barbara Singletary

Ms. Singletary appeared before the board to request that the board waive requiring her to take the practical exam to re-instate her license. She advised the board that she her shop had not been inspected since 1993. She stated that she had taken continuing education classes in 2001 and 2002 but never received her license in 2003. She called the board office several times and spoke with different people who gave her different answers as to why she didn't receive her license. She closed her shop in January of 2005 and has been working in a shop 2 days a week for her long-time customers. She said when she had her own shop she wasn't as concerned about not getting her license because she was taking her CE classes. She said one time she sent in her renewal and her check was returned to her by State Board. Ms. Singletary said she called in January and spoke with Matteah, who told her she needed two continuing ed classes, which she took. She then sent her renewal form in but it was returned to her with a letter stating she would need to take the practical exam. She called the office again and spoke with several staff members. She was advised by Ms. Wider that she had to take the practical exam. She then called Ms. Adams who told her she could request to appear before the board.

Mr. Jones advised that the records indicate that Ms. Singletary had taken classes in November 2001 and another on January 24, 2005. Ms. Wider explained that the system would only show two classes and when the license is renewed the last two CEU's are used.

Ms. Adams explained that when she spoke with Ms. Singletary, she was advised by Ms. Singletary that her renewal in 2003 had been returned to her but she could not remember why. She had taken numerous continuing ed classes but her license had expired in 2001 and had never been renewed.

Alan Ray commented that USC would have records of any additional CE classes that Ms. Singletary might have taken. He suggested that it was within the board's power to allow Ms. Singletary to be exempt from taking the practical exam. Ms. Dantzler advised Mr. Ray and the board that the statute requires the practical exam for reinstatement when a license has been expired more than three years. The matter for the board to consider is not how many CE classes Ms. Singletary has taken, but whether or not Ms. Singletary has provided any reason that her license should not be considered as inactive or un-renewed. The board's questions to Ms. Singletary should address what efforts she made to renew her license in 2001 and 2003. Ms. Singletary stated that she had made numerous calls and could not get the matter resolved.

Ms. Singletary was advised that the board would be unable to grant her request to waive the practical exam to reinstate her license. Mr. Jones accompanied Ms. Singletary to give her instructions as to how to apply to take the exam.

MOTION

Ms. Webb moved for a 10-minute recess. Ms. Thompson seconded the motion and it carried.

Approval of Waiving Late Fees for Barbara Jordan

Ms. Thompson asked how many CE classes Ms. Jordan had completed. Ms. Dantzler explained that Ms. Jordan had one class in 2003 but it does not appear she has had any classes in 2004 or 2005. Ms. Kinley said it was her feeling that Ms. Jordan should complete her classes, renew her license and pay the late fee as required, and then petition the board for a refund of the late fee if she so chooses.

MOTION

Ms. Thompson moved that the board deny Ms. Jordan's request to waive the late fee since she is not eligible for renewal at this time. Ms. Settles seconded the motion. The motion carried.

Board Member Reports

Rosanne Kinley

Ms. Kinley advised that she had typed up the recommendations from the committee meeting November 29, 2004 on continuing education changes and will submit them to Ms. Dantzler.

Ms. Kinley congratulated Ms. Thompson on her re-appointment to the Board.

Ms. Kinley recalled that at the January board meeting it was brought up that in a December continuing education class a licensee stated repeatedly that she had purchased her license. She asked Chesley Phillips, the CE provider if the name of that licensee had been given to the Cosmetology staff and Ms. Phillips stated that it had been. Ms. Kinley asked Mr. Jones about the status and he answered that he was not aware of having been given the name. Ms. Phillips advised that a letter was sent by her administrative assistant but she did not have a copy of the letter with her. Ms. Kinley asked that the staff follow up on the matter.

Ms. Kinley asked if there was a manual of policies adopted by the board. Mr. Jones advised that he had reviewed the board minutes and found some instances where the board adopted policies. Ms. Kinley asked that those be compiled into a manual. Mr. Jones stated that because of renewals and other matters the staff did not have time to work on a policy manual at this time, but would do so as time permits.

Ms. Kinley noted that Ms. Furtick had submitted a report on a CE class that she had monitored. Ms. Kinley commended Ms. Furtick for an excellent job monitoring a class for the first time.

Ms. Kinley advised the board that in talking with the inspectors, she felt it would be advisable to name a DRC officer from the Columbia area. Ms. Kinley asked Alan Ray if he would accept the position, which he did.

Melanie Thompson

Ms. Thompson noted that her reappointment was confirmed by the Senate and she looks

forward to serving another four year term on the board.

Ms. Thompson read a letter from Sherry H. Todd, St. James High School, regarding the fact that she had taken the cosmetology exam administered by PCS Testing Service in order that she might know what her students could expect when they sat for the test. Ms. James was very pleased with the manner in which the exam was administered and felt that PCS did a very professional job. Ms. James stated in her letter that she looks forward to many years of working with the State Board and PCS.

Ms. Thompson stated that after the last board meeting, she called Horry-Georgetown Tech in regards to the Health Spa Technician program at the school. She said that after speaking with numerous people, she finally spoke with someone who knew something about the program and said they would send her some information on the program. She never received the information so she called the school again and asked to make an appointment with someone about the program. She was told that someone would return her call but no one ever did. Ms. Thompson subsequently visited the school's web site and found that information regarding the Health Spa Technician program no longer appeared on the website.

Ms. Beach advised that the class was in progress with eight students. One of the students had come to the Myrtle Beach Campus of SC Massage and Esthetics Institute and talked with the school director. The student was very distressed that she had been told by Horry-Georgetown Tech that when she was certified in the course she would be able to become employed at spas in the area and do body treatments. However, when she visited the spas, she was told that she must be a licensed cosmetologist or esthetician in order to perform such treatments. Ms. Beach stated she had tried to contact numerous people regarding the matter, including the Commission on Higher Education, because she feels these students are being misled.

Ms. Thompson brought up the matter of using social security numbers when signing in for continuing education classes. She asked if the board mandates that a social security card be a required form of ID.

Mr. Lochridge advised that to his knowledge a social security card has never been a requirement. Ms. Thompson said she has gotten calls from providers who say they have been reprimanded for not requiring a social security card. Ms. Kinley said she thought the board had decided in the past to require the social security card. Ms. Phillips noted that the meeting minutes for the past few years are not posted on the website, making it difficult to know for certain, but she does remember the matter being discussed.

Ms. Thompson said she recalled a discussion that the numbers should be covered up if they were used, but does not remember a decision to require the use of the social security card. Mr. Lochridge stated that he regularly attends board meetings and does not remember such a decision being made. He further stated that as a provider, he does not require social security numbers. Mr. Lochridge advised that he was told by Mike Kelly of USC that it was not required and since that time he has used only the last four digits on the sign-in sheet.

Ms. Dantzler advised that under SC law, a social security card or an alien ID card for licensure in the state of SC. She noted that LLR uses the social security or Alien ID card to track licensees for purposes of continuing education, disciplinary matters and many other reasons. She suggested that it is in the best interest of the board to have a record of the number for tracking purposes but it is not necessary for the licensee to provide the card as a form of ID.

Ms. Thompson asked for clarification that if a provider wanted to require the social security card, it could, but as for the board requirements, a photo ID and one other ID would be accepted. Ms. Dantzler advised that is correct.

Ms. Adams reiterated that if the social security is used on the class sign-in sheet, it is to be covered.

Ms. Gilmer suggested that the board make it a policy to use only the last four digits of the social security number.

Mr. Ray said he has no problem with the whole number being given to a state agency but does not see that it is necessary for providers to require more than the last four digits.

Ms. Dantzler explained that LLR must have the whole number in order to grant a license. What is used as identification must relate to the social security number in order to differentiate between licensees with the same name. She said it is up to the school owners to determine if they can meet their responsibilities without the full social security number.

Ruth Settles

Ms. Settles had nothing to report.

Michelle Furtick

Ms. Furtick said that she had misunderstood that the social security card was required as identification and had inadvertently misinformed a provider.

Delores Gilmer

Ms. Gilmer presented the reciprocity reports for the months of January and February. In January 2005 the Board licensed 23 cosmetologists, 3 estheticians and 1 nail technician by reciprocity. In February 2005 the Board licensed 17 cosmetologists, 4 estheticians and 1 nail technician by reciprocity.

Kathryn Webb

Ms. Webb stated that she had accompanied Mr. Lee on an inspection of Nail Tech Academy of Easley.

Region Meeting

The Region One and Two meeting for the National Institute of Cosmetology is scheduled for April 30 - May 2 in St. Louis, Missouri. Ms. Thompson explained that LLR would pay the expenses for one board member and one staff member to attend the meeting. She said that in the past the money for a board member had been split between the board members who wanted to attend the meeting and the remainder of the expenses would be the responsibility of the attending board members. Ms. Thompson estimated that approximately \$920.15 would be the amount allotted for the board members to attend. Ms. Webb, Ms. Adams, Ms. Kinley, Ms. Settles, Ms. Furtick stated that they would be unable to attend. Ms. Thompson said she could attend. Ms. Gilmer was uncertain but would let Ms. Thompson know by the end of the week. Ms. Thompson will submit the travel voucher.

Discussion Items

False and Misleading Advertising Among Cosmetologists and Cosmetologists Being Allowed to Perform Advanced Esthetic Procedures - Susan Zavell, RN

Ms. Zavell appeared before the board to express her concerns about cosmetologists performing microderm abrasion and chemical peels. She does not feel that cosmetologists have enough training to recognize certain skin disorders and contraindications to these procedures. Ms. Zavell recognized that there are training classes provided by companies who provide the tools for these procedures, but feels there is no standard for this training. She suggested that standards should be mandated for the training of cosmetologists to be allowed to perform these procedures, in order to prevent harm to the public. Ms. Zavell stated she is currently treating a client who had microderm abrasion. The client suffers from Rosacea, which is a contraindication of the treatment.

Ms. Zavell expressed concerned over some of the designations that some licensees are claiming, such as a licensed paramedical esthetician. She presented two advertisements as an example of such designations.

Mary Daniels of Premier Cosmetic Laser Center in Florence acknowledged that the advertisement was for their center and offered to explain. Ms. Daniels stated that she trains and certifies cosmetologists and estheticians and places them in the medical field. Ms. Thompson asked for an explanation of the term "paramedical esthetician". Ms. Daniels responded that it is a designation for cosmetologists and estheticians, who have received training by a physician and have passed a test in order to receive a certificate. Ms. Daniels said as a licensed cosmetologist, it was her understanding that she could be referred to as an esthetician as long as it did not say "licensed" esthetician. Ms. Thompson noted that in the ad it listed a licensed esthetician and a certified esthetician. Ms. Daniels explained that one ad did appear with licensed esthetician used in error and that it was immediately corrected and has not been used again. Ms. Thompson asked if these individuals were licensed by the board and certified under these other programs. Ms. Daniels said that was correct. Ms. Thompson asked if the center operated under a salon license. Ms. Daniels answered that the nail room operates under a salon license and is inspected by the State Board, but the rest of the office operates under a medical license.

Ms. Zavell again expressed concern over the designation "certified" and feels the public is being misled.

Mr. Ray said that he was familiar with the situation because, as a salon owner, he had looked into laser equipment for his salon. His understanding is that according to the companies that sell the laser equipment, the FDA requires certification to operate the equipment. Mr. Ray further stated that he sees an opportunity for the cosmetology industry and the medical community to work together.

Ms. Kinley stated that the issue at hand is advertising as a board certified esthetician. Ms. Daniels explained that board certified appears above her name and RC by her name. Everything else in the ad refers to medical designations.

Ms. Beach stated that receiving a certificate does not make one certified and questioned who is certifying the certifiers. She feels that it should be clear in the advertising that the certification is from the medical board, although Ms. Beach noted that Ms. Daniels is not, in fact, board certified,, but rather the doctor is board certified.

Ms. Dantzler stated that an individual advertising issue was being mixed with a very broad-based public issue. She said the issue for the board to consider is the question of whether or not the current statute and regulations adequately addressed the developing aspect of the practice. She suggested that the board consider appointing a study committee to consider the scope of practice of the different licenses granted by the board.

Ms. Kinley stated that she would form a study committee, as suggested by Ms. Dantzler.

Mr. Shuler, observed that he could find no statute that gave the board authority to regulate advertising. He further noted that in fact a cosmetologist is licensed to perform the same functions as an esthetician or nail technician.

Ms. Kinley stated that because of the many changes in the industry in the past 20 years, she feels it is time to further consider the scope of practice. She noted that the state of Virginia recently implemented a two-tier esthetics license.

Public Comments

Mr. Lochridge noted that the meeting had been very interesting.

Ms. Phillips advised the board of a discrepancy in the name of a licensee who attended a continuing education class last May. The licensee's identification showed she was Rosemary Ngueyn, but her immigration papers, social security card and state board license were in the name Nan Thuy Tran. In March of 2005 the licensee contacted Ms. Phillips regarding receiving credit for the class. Ms. Phillips asked the person to meet her at the board prior to today's meeting. The licensee and her daughter met with Ms. Phillips

and the matter has been resolved but the licensee is now subject to a \$50 late fee. Ms. Phillips asked the board to consider waiving the late fee. Ms. Phillips was advised the board would vote on the matter by mail ballot.

Ms. Phillips requested to reschedule classes that were cancelled in February. The board advised her to submit new dates for the classes and it would be handled by mail ballot.

Ms. Beach expressed concern that at an NIC meeting last year statements were made about a national exam, which she now finds not to be correct. She asked if anyone else attended the meeting and remembered what was stated. Mr. Jones suggested that she contact Kirby regarding the matter, as he was the representative at the meeting.

Mr. Lochridge suggested the esthetics study committee seriously consider whether or not they want to be involved in regulating advertising.

Mr. Lochridge stated that he did not get the same understanding from the NIC meeting as Ms. Beach. He felt it was being presented as "when" or "if" this came to pass, not that it was currently in effect.

Executive Session

MOTION

Ms. Adams moved the board enter executive session after a 10-minute recess. Ms. Thompson seconded the motion and the motion carried unanimously.

Return to Public Session to Report on Executive Session

MOTION

Ms. Thompson moved the Board return to public session and Ms. Webb seconded the motion. The motion carried unanimously.

DRC Reports

MOTION

Ms. Thompson made a motion, seconded by Ms. Webb, to approve the April 2005 and March 2005 DRC Reports. The motion carried unanimously.

Adjournment

MOTION

Ms. Gilmer moved to adjourn the meeting. Ms. Webb seconded the motion, which carried unanimously.

There being no further business, the March 14, 2005 meeting of the SC Board of Cosmetology was adjourned.

