

MINUTES

South Carolina Board of Cosmetology

10:00 A.M., July 11, 2005

Board Meeting

Synergy Business Park

Kingstree Building

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Rosanne Kinley, Chairman, of Anderson, 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; Ruth Settles, of Greenville; and Katherine Webb, of Easley.

Staff members participating in the meeting included: Ronnie Blackmon, Inspector; Raymond Lee, Inspector; Jim Kyzer, Inspector; George Barr, Inspector; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Randall Bryant, Assistant Deputy Director - LLR; Shirley Wider, Program Assistant; Donna Barnhard, Administrative Assistant; and Connie Huffstetler, Administrative Assistant.

Members of the public attending the meeting included: Mike Cartee, Nail Tech Academy of Easley; Janie Ginn, Beaufort-Jasper Academy for Academic Excellence; Colleen Large, SC Esthetics Association; Chesley Phillips, Nails, Skin & Hair of America; Cathy Hagen, Midlands Tech; Barbara Parker, Trident Tech; Ruth Ott, Trident Tech; Shirley Long Johnson, Horry-Georgetown Tech; Florence-Darlington Tech; Anjenette Milligan, Forence-Darlington Tech; Janelle Hicks, Tri-County Tech; Shirley von B, Aiken Tech; David Cresswell, Trident Tech; Martha Vann, Trident Tech; Steve Valand, Greenville Tech; Geri Martin, Allendale County Schools; Ken Lochridge, Carolina College of Hair Design; Teresa Lee, N2Hair; Catherine Stabler, NCASC; Shirley L. Butler, Horry-Georgetown Tech; Jay Lacy, Palmetto Professionals in Cosmetology; Linda Beach, SC Massage & Esthetics Institute; Cody Lidge, USC Academic Enrichment & Conferences; Carolyn Talley-Porter, Greenville Tech; Julie Conlon, Greenville Tech; Claire Carter, Greenville Tech; Delores Rush, Professional Credentials Services; Claus Lang, Professional Credentials Services; Deborah C. Harris; and Pat Oberhausen, ACTIVE.

Meeting Called to Order - 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. Kinley read the rules of the meeting for all present.

Introduction of Board Members and All Other Persons Attending

All present at the meeting introduced themselves.

Approval of the May 9, 2005 Meeting Minutes

Ms. Kinley noted that a correction should be made to the minutes to show that she is from Anderson.

MOTION

Ms. Thompson moved to approve the minutes as corrected. Ms. Gilmer seconded the motion, which carried.

Approval of Agenda

MOTION

Ms. Gilmer moved to approve the agenda for the July 11, 2005 meeting. The motion was seconded by Ms. Webb and carried unanimously. Ms. Thompson moved to amend the motion to approve the agenda with any changes deemed necessary. The motion, as amended, carried.

Chairman's Remarks - Rosanne Kinley

Ms. Kinley advised that USC introduced the new Continuing Education Class evaluation form, effective July 1, 2005. She said that all CE providers should have the new form.

Ms. Kinley noted that on May 18, she had attended the meeting of the SC Board of Medical Examiners. Recommendations of the Cosmetology Board and the Medical Board regarding micro-pigmentation, or permanent make-up, were finalized. The procedure must be done in a doctor's office with a physician on site.

Ms. Kinley remarked that she had accompanied Mr. Lee on the final inspection of Carolina College of Hair Design in Anderson.

Ms. Kinley attended the PCS examiner training and school overview held in Columbia. She stated that they have a very large group of qualified examiners for the practical exam.

Ms. Kinley monitored a CE class held by the International Spa Institute.

Administrator's Remarks - Randall Bryant, Assistant Deputy Director

Mr. Bryant noted that Eddie Jones was not in attendance at the meeting due to his recent hospitalization. He was now home recuperating and hoped to return to work soon.

Mr. Bryant advised the Board members and others present that within LLR there is an agency-wide initiative to go to on-line renewals for all licenses. Notices will be mailed to licensees with pin numbers and instructions for on-line renewals for the next cosmetology renewal period.

Mr. Bryant informed the members that another inspector is being hired for cosmetology and barber inspections.

Mr. Bryant asked if there were any questions from the Board. Ms. Webb noted that she has received several calls from licensees who are concerned about on-line renewals because they don't have computers. Mr. Bryant explained that on-line renewals are more efficient and will reduce the time required by staff to process the renewals, which would reduce the delays sometime experienced by licensees during the renewal period.

Ms. Kinley noted that there had been previous discussion of publishing a newsletter to be posted on the Board website. Mr. Bryant suggested that Ms. Kinley appoint a newsletter committee.

Legislative Update, If Needed

There were no legislative updates for the July 11, 2005 meeting.

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions for the July 11, 2005 meeting.

Ratification of Mail-In Ballots

Ballot 1 - Methods of Teaching Approval for SC Massage and Esthetics Institute, Linda Beach

Ms. Thompson asked that the members be allowed to clarify what it is that Ms. Beach is requesting. She asked if Ms. Beach was asking for approval of a Methods of Teaching Class or a Teacher Training Class. Ms. Beach explained that she had submitted two separate requests. The first request was for the required curriculum and procedure for offering the Methods of Teaching course. Her second request was for approval of a 750 hour teacher training class.

Ms. Thompson asked that the matter be referred to Executive Session in order to allow the members time to review the request and garner legal advice. Ms. Beach inquired as to what action would be taken on her request for information on the requirements for a Methods of Teaching Class. Ms. Kinley advised that the Board would obtain that information and present it to her later in the meeting.

Ballot 2 - Approval of Final School Inspection for Carolina College of Hair Design

Ms. Kinley noted that not all board members received the mail ballot for this matter. She stated for the record that she had accompanied Mr. Lee on the final inspection for the school and found everything to be in order.

MOTION

Ms. Thompson moved to ratify Mail Ballot 2 to give final approval for Carolina College of Hair Design. Ms. Webb seconded the motion and it carried unanimously.

Ms. Thompson asked if a procedure could be implemented to expedite the opening of a

school after a final inspection. Ms. Dantzler advised that the Board could vote to allow a school to open after a satisfactory final inspection. Ms. Thompson asked Mr. Lee what he would do if a school did not pass a final inspection. Mr. Lee explained that he had never had a school that did not pass a final inspection, but that in such an event, he would refer the matter to the Board before allowing the school to open. Currently, if everything is found to be in order, the school is allowed to open after it is inspected and before the mail ballot is approved. Ms. Thompson said her concern had been that the school openings were being delayed while awaiting Board approval. Ms. Dantzler suggested that, according to the Board's wishes, a motion could be made for the record.

MOTION

Ms. Thompson moved that the Board allow a school to open, after a satisfactory final inspection by a Board member and an inspector. Ms. Furtick seconded the motion, which carried.

Ms. Kinley stated that she had been told that the self-inspection report, which is required for a salon to open, is not posted on the website. Mr. Blackmon explained that it is included as part of the application along with as instructions for completing the application.

Presentation to Pat Adams

Mr. Bryant remarked to all present that Ms. Adams had served the Board for eight years, holding the position of Chairman for two and a half years. He thanked Ms. Adams for her leadership and dedication to the Board and the cosmetology industry. Mr. Bryant presented Ms. Adams with a plaque in appreciation of her service to the Board.

Ms. Adams expressed her appreciation to the staff for their assistance during her years of service. She noted that she was proud to have her mother in attendance at the meeting, since it was her mother and father who had instilled in her an ethic for hard work and to be fair and honest to everyone.

Old Business

H.3781

Ms. Kinley noted that the members had been given for their review a copy of H.3781, which would amend the Engine Bill. Mr. Bryant advised that he would answer any questions that the members might have about H.3781 and asked that the Board take a position either in support of, or opposition to, the bill.

Ms. Thompson asked if the legislation would eliminate any board or licensing. Mr. Bryant answered that it does not.

Ms. Dantzler explained that most of the changes in the legislation are simply to make the bill easier to read and understand. She noted that in the comparison provided to the members, where language is struck through, it is not removed from the bill but is generally placed somewhere else in the new version.

Ms. Dantzler said that the bill is mostly a reorganization, rather than actual changes that would affect how the board operates.

Ms. Thompson asked if the proposed legislation included a provision that an individual could not serve in an official capacity of a professional organization and on the Board at the same time. Ms. Dantzler noted that Section 40-1-60 states that a Board member may not serve at the same time as an officer of an organization whose members are regulated by the Board.

MOTION

Ms. Thompson made a motion that the Board go on record in support of H.3781 with the exception of Section 40-1-60. Ms. Webb seconded the motion. The motion carried, with Ms. Settles abstaining.

Recess

The Board took a brief recess at this time.

New Business

DRC Report

Mr. Blackmon presented the DRC reports for May and June 2005. The members reviewed the reports and received clarification on some points from Mr. Blackmon.

MOTION

Ms. Thompson moved to approve the DRC reports for May and June 2005. Ms. Gilmer seconded the motion, which carried.

N2Hair

Ms. Appeared before the Board to ask for that the members determine whether or not they find that she is in violation in regards to her salon being located in the same building as a residential apartment. The building entrance, which is used to access the salon, also leads to a staircase to the upstairs apartment.

The inspector, Mr. Kyzer, presented photographs and his findings in the matter for the Board's consideration.

MOTION

Ms. Thompson moved to defer the matter to Executive Session. Ms. Webb seconded the motion. The motion carried, with Ms. Settles voting nay.

Temporary Approval of Jacqueline Duncan as Instructor

Ms. Beach appeared before the Board to ask that Ms. Duncan be approved as an instructor for her school in Bluffton on a temporary basis for thirty days. Ms. Settles asked what the emergency was that would require such an approval. Ms. Beach explained that the school was scheduled to open and there was no class available for Ms. Duncan to take prior to the opening date.

MOTION

Ms. Thompson moved to approve Ms. Duncan as a temporary instructor for a period of thirty days. Ms. Gilmer seconded the motion. The motion carried with Ms. Furtick and Ms. Settles voting nay.

Approval of Geri Stafford as Instructor

Ms. Beach asked that the Board approve Ms. Stafford's application to become an instructor.

MOTION

Ms. Thompson moved to approve Ms. Stafford as an instructor. Ms. Gilmer seconded the motion, which carried.

New School Application for SC Massage and Esthetics Institute

Ms. Beach presented plans to the Board for a new school in Bluffton.

MOTION

Ms. Gilmer moved to approve that an initial inspection be conducted by Mr. Lee. Ms. Settles seconded the motion, which carried.

Updated Floor Plan for SC Massage and Esthetics Institute at Myrtle Beach

Ms. Beach presented plans to the Board to redesign the space at the Myrtle Beach school, which will add 2000 square feet and will allow the esthetics students to have a separate entrance and facilities from the massage students.

MOTION

Ms. Thompson moved that Mr. Lee conduct an initial inspection of the expansion of the school in Myrtle Beach. Ms. Settles seconded the motion, which carried.

Ms. Beach asked what procedure to follow to get approval for instructors for the school in Bluffton. She was advised to send the necessary applications and qualifications to the staff, in order that a mail ballot can be sent out to Board members.

Ms. Beach then asked the Board about questions that appear on the written test for esthetics about subject matter that is not in the approved curriculum for esthetics. Ms. Kinley explained that the test used is from NIC and that there is an information bulletin on the website that would say from which books the question are taken.

Ms. Beach expressed concern that at a recent practical exam, the proctor could not correctly pronounce the names of some of the massage strokes. Ms. Kinley advised that the situation had been brought to her attention and had already been addressed.

Approval of Cosmetology Program at Allendale-Fairfax High School

Mr. Lee noted that the school had previously had a cosmetology program that had not been closed out properly, leading to some problems obtaining transcripts for students in the program. He said he knew of no reason that the school should not be allowed to reopen the program, but would recommend that perhaps the school should be inspected twice a year to ensure compliance with the rules and regulations.

MOTION

Ms. Thompson moved to approve the school pending a satisfactory final inspection, with semi-annual inspections of the school after that. Ms. Gilmer seconded the motion, which carried.

Approval of Esthetics Program at Beaufort-Jasper Academy for Excellence

Janie Ginn appeared on behalf of the school to request approval of the esthetics program. Mr. Lee advised that he had inspected the space for the new program and found it to be in order.

MOTION

Ms. Webb moved to approve the addition of an esthetics program at the school. The motion was seconded by Ms. Gilmer and carried.

Approval of Cosmetology Program at Horry-Georgetown Tech

Mr. Lee stated that everything is in order at the school and recommended approval by the Board.

MOTION

Ms. Thompson moved to approve the school application for Horry-Georgetown Tech. Ms. Gilmer seconded the motion, which carried.

Approval of Cosmetology Program at Greenville Technical College

Mr. Lee advised the Board that he had inspected the school and recommended approval by the Board.

MOTION

Ms. Gilmer moved to approve the school application for Greenville Tech. The motion was seconded by Ms. Thompson and carried.

Approval of Esthetics Program at Trident Technical College in Charleston

Mr. Lee noted that Trident Tech already has a very successful program at its Moncks Corner campus and wants to expand the esthetics program to its Charleston campus. He recommended approval by the Board.

MOTION

Ms. Gilmer moved to approve the expanded esthetics program for Trident Technical College. Ms. Furtick seconded the motion, which carried.

Review of Status for Academy of Hair Technology

Mr. Lee advised the Board that the school is requesting that the required inspections of the school be reduced to twice a year. Mr. Lee said that he feels improvements in the program warrant a decrease in the number of inspections conducted at the school. He noted that Mr. Barr had inspected the school on numerous occasions.

MOTION

Ms. Thompson moved to refer the matter to Executive Session in order to review the consent order in the case and to garner advice from legal counsel. Ms. Gilmer seconded the motion, which carried.

State Law Exam

Ms. Kinley noted that applicants are currently required to take a state law exam. She would like to discontinue the state law exam and instead, have the applicant sign an affidavit to the effect that they have read and understand the state law. It was noted that

the staff no longer sends out copies of the state law, but that it is available on-line.

MOTION

Ms. Thompson moved to discontinue the requirement of a state law exam and amend the application to include an affidavit that the applicant has read and understands the law. Ms. Webb seconded the motion, which carried.

Board Member Reports

Ms. Gilmer

Ms. Gilmer reported that she attended CE classes on May 15 in Hilton Head and on June 19 in Charleston and found them to be very well done.

Ms. Gilmer presented the Reciprocity Reports for May and June 2005. In May, there were 42 cosmetologists, 1 nail tech and 6 estheticians licensed by reciprocity. In June, there were 29 cosmetologists and 5 estheticians licensed by reciprocity.

Ms. Thompson

Ms. Thompson stated that she monitored an exam on May 16 for the first time since PCS began giving the exam. She reported that the exam went very smoothly and she was pleased with what she observed.

Ms. Thompson noted that at the May 9 Board Meeting, she had asked for letters of congratulations to be sent to students of the Academy of Hair Technology who had placed in a competition. She said to her knowledge, it had not been done. Ms. Wider said that she thought Mr. Jones was waiting on a list of names of the students to whom the letters should be sent. Ms. Wider made a copy of the names given to her by Ms. Kinely. Donna Barnhard will draft the letters to the students.

Ms. Settles

Ms. Settles expressed concern at what she observed at the June 20th exam. She found the examiners very unprofessional, especially in their appearance. She also stated that the candidates finished as early as 12:00 noon and waited until 4:00 p.m. before being told that they would not be given the results of their exams or their certificates, because of problems with the scanners.

Ms. Thompson asked Ms. Wider how long it usually takes and what the process is for presenting the certificates. Ms. Wider explained that she takes to the exam site a certificate for everyone taking the exam. She must then wait for the results from PCS to know to whom she should present the certificates. She said sometimes it takes two hours; sometimes it takes much longer. The Board members expressed their dissatisfaction at the fact that the person proctoring the test is the one who must also scan and give the results, causing a long wait for the candidates.

Ms. Webb

Ms. Webb advised that she had attended the PCS Examiners training class June 12-14.

Ms. Furtick

Ms. Furtick reported that she had attended the second day of the PCS Examiners training class and found it to be very enlightening.

Public Comments

Mr. Lochridge asked if there were any changes on the exam. Ms. Kinley noted that there would be changes effective January 1, 2006 on the esthetics portion of the exam.

Colleen Large noted that she received her license by reciprocity and felt that it should have been brought to her attention that she had a short period of time to complete her CE requirements before renewing her license. She also stated that she was appalled at the techniques taught in a class she attended.

Ms. Phillips noted that the renewal form indicates for cosmetologists that there is both a late fee and a penalty if the deadlines are not met for CE and renewal. However, for instructors, only one additional fee of \$50 is listed. Ms. Wider explained that due to a limited number of classes for instructors, the Board decided not to impose a penalty for missing the deadline for CEU.

Ms. Phillips stated that she had delivered a package for approval of classes that did not appear on the agenda. She said she would fax the information to the staff and asked that a mail ballot be sent out in order to expedite approval of the classes.

Mr. Lacy stated that he also had submitted classes for approval that were not on the agenda. Ms. Kinley advised that the Board would handle his request by mail ballot.

Ms. Hicks from Tri-County Tech advised the Board that she had submitted a request for approval of an Instructor Training Program that did not appear on the Agenda. Ms. Thompson advised that Ms. Wider would check during Executive Session to make sure the instructor was licensed and the Board could approve it after returning to Public Session.

Executive Session

MOTION

Ms. Thompson moved the Board enter Executive Session. Ms. Webb seconded the motion and it carried unanimously.

Return to Public Session

Ms. Kinley noted for the record that no motions were made or votes taken during Executive Session.

Approval of Teacher Training Course at SC Massage and Esthetics Institute

MOTION

Ms. Thompson moved to approve the 750-hour teacher training course. The motion was seconded by Ms. Webb and carried.

Ms. Beach was also advised that Board policy is that a masters in education or a masters in teaching is required to teach the methods of teaching. The Board has a list of approved instructors. Ms. Beach asked for further explanation of the requirement. Ms. Dantzler stated that in the absence of a masters in education or a masters in teaching, the applicant must present to the Board sufficient evidence to show that he or she should be allowed to teach the methods of teaching.

N2Hair, Theresa Lee

MOTION

Ms. Thompson moved to dismiss the citation issued to Ms. Lee and that she be allowed to continue to operate her salon at its present location with no changes required by the Board. Ms. Settles seconded the motion, which carried.

Academy of Hair Technology

MOTION

Ms. Gilmer moved that the consent order be modified to reduce the number of inspections required to twice a year. Ms. Webb seconded the motion, which carried.

Adjournment

There being no further business to conduct at this time, Ms. Thompson moved that the meeting be adjourned. Ms. Gilmer seconded the motion, which carried.