

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., September 10, 2007
Greenville Technical College
Engineering Technology Building, Room ET 142
506 South Pleasantburg Drive
Greenville, South Carolina

Meeting Called to Order

Rosanne Kinley, Chairman, of Anderson, called the regular meeting of the SC Board of Cosmetology to order at 10:00 a.m. Other board members present included: Melanie Thompson, Vice Chairman, of Myrtle Beach; Michelle Hampton-Furtick, of Columbia; Delores Gilmer, of Charleston; Ruth Settles, of Greenville; and Katherine Webb, of Easley.

Staff members participating in the meeting included: George Barr, Inspector; Harlon Campbell, Inspector; Larry Hall, Inspector; Connie Huffstetler, Administrative Assistant; Eddie Jones, Administrator; Matteah Taylor, Administrative Specialist; and Shirley Wider; Program Assistant.

Members of the public attending the meeting included: Tami Bice, DeAnn DiGenova, Jeff D. Genwa, Anthony Hobson, Betty Jones, Melissa Jones, Mike McGee, Robert Nguyen, Chesley Phillips, Carolyn Porter, Dr. Betty Staggs, Joey Thompkins

Mrs. Kinley 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

Mrs. Kinley read the rules of the meeting.

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 Excused Absences

Kristy McMillan, of Summerville, was not present for the meeting and her absence was unexcused.

Approval of the July 9, 2007 Meeting Minutes

MOTION

Mrs. Thompson moved the minutes be approved as presented. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Agenda

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb and unanimously carried, that the Board approve the agenda with any deviations deemed necessary.

Chairman's Remarks – Rosanne Kinley

Mrs. Kinley stated she attended the NIC conference in Rapid City, South Dakota. Mrs. Kinley stated Mrs. Webb also attended the meeting. She noted LaFaye Austin of Oklahoma was elected president of NIC. She went on to say the 2008 annual conference would be held in Jackson Hole, Wyoming and the 2009 conference would be held at the Island Vista Resort in Myrtle Beach. She stated the tentative dates are September 24-26, 2009 pending contract negotiations with the hotel.

Administrator's Remarks, For Information – Eddie Jones

Advisory Opinions, If Needed, Office of General Counsel

Legislative Update, If Needed, Legislative Liaison Office

There were no advisory opinions or legislative update.

Mr. Jones stated Mrs. Kinley is now past president of NIC.

Mr. Jones stated he had reported during the July meeting that letters pertaining to the continuing education audit would be mailed by August 1, 2007. He went on to say the letters in regard to the audit have not yet been printed due to a glitch in the program. He further stated the letters should be mailed by October 1, 2007. He asked the members to refer any calls they may receive regarding the audit to him so he could properly answer the questions.

Mr. Jones stated the renewals have now slowed down tremendously; however, staff is still getting a lot calls because individuals have not received their licenses. He noted the calls resulted from licensee's not notifying staff of address changes.

Number of Inspections

Mr. Barr briefed the Board on the Inspection Report. He stated staff completed 480 inspections and 734 inspections during August 2007. He further stated staff conducted one routine school inspection and three complaint inspections. He noted the complaints were all unfounded. He said the number of year to date inspections for this fiscal year 1,218.

Number of Open Complaint Cases

The number of open complaint cases was unavailable for this meeting.

Unfinished Business

There was no unfinished business for discussion.

New Business

1. Approval of DRC Reports – August 6, 2007 and August 27, 2007

Mr. Barr and Mr. Hall briefed the Board members on the DRC reports of August 6, 2007 and August 27, 2007.

MOTION

Mrs. Hampton-Furtick moved the Board approve the DRC Reports of August 6, 2007 and August 27, 2007. Mrs. Thompson seconded the motion, which carried unanimously.

2. Approval of Consent Agreement

The Board reviewed a consent agreement drawn up in reference to Nails Plus in Columbia, South Carolina. The consent agreement was signed by the respondent

MOTION

Mrs. Gilmer moved the Board approve the consent agreement. Mrs. Webb seconded the motion. Following a brief discussion, Mrs. Gilmer withdrew her motion.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board discuss the consent agreement in executive session.

3. Ratification of Mail Ballot – Hickory Mart Show

On June 25, 2007 the Board received documentation from the NC State Board of Cosmetic Art Examiners. On July 9, 2007 staff presented the Board members with the documentation regarding the trade show. The members were also presented a mail ballot and were asked review the documentation and to vote in approval or disapproval of the show. The members were asked to fax their mail ballot to Mr. Jones or to Mrs. Dickert no later than July 13, 2007. The members were notified that the mail ballot would be ratified during the September 10, 2007 meeting.

MOTION

Mrs. Thompson moved the Board ratify the ballot regarding the Hickory Mart Show. Mrs. Gilmer seconded the motion, which carried unanimously.

4. Approval of Cosmetology License – Betty D. Hurst

On July 9, 2007 the Board received a letter from Betty Hurst asking the Board to review a letter she had previously sent. In a letter dated March 21, 2007 Ms. Hurst stated she would be retiring as a social worker and was interested in returning to the cosmetology profession. She held a valid South Carolina teaching certificate in cosmetology that expired in 1995. She taught cosmetology at Cheraw High School for over ten years as a teacher, not as an instructor. She is not seeking to teach cosmetology; but she would like a cosmetology license. She does not feel of the requirements listed on the Board's website apply to her situation and hopes that her knowledge of the subject matter, teaching experience and her college degree would be considered.

Ms. Hurst did not appear at this meeting.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Gilmer and unanimously carried, that the Board deny Ms. Hurst's request.

5. Approval of Instructor's License

a. *Tami L. Bice*

On August 27, 2007 the Board received a letter from Kitty Clouse, Director of the Academy of Cosmetology, in regard to Tami Bice. Ms. Bice has been employed with the Academy of Cosmetology for over four and one-half years and has been working toward her cosmetology license and received that license in August 2007. Ms. Clouse is asking that the Board exempt her from the student instructor's hours and be allowed to take the exams. Ms. Bice was notified by letter dated September 4, 2007 to appear before the Board to discuss this matter and answer any questions the Board may have.

Tami Bice appeared before the Board at this time and answered questions from the Board members.

MOTION

Ms. Settles moved the Board defer this matter to executive session. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

b. *Casey Todd*

On August 15, 2007 the Board received a letter from Casey Todd who is interested in receiving her instructor's license in cosmetology. She has held a nail technician license since September 2003. She returned to school and received her cosmetology license in 2006. She has applied for a position with the Career and Technology Center in Williamston, South Carolina for the nail and esthetics programs and is required to have her instructor's license to teach. According to a conversation with staff she is required to have her cosmetology license for two years or to complete an additional 750 hours of instruction. She is asking the Board to consider her previous three years as a licensed nail technician along with her cosmetology license and grant her permission to take the instructor's exams.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb and unanimously carried, that the Board deny Ms. Todd's request.

6. Approval of Methods of Teaching Instructor

a. *Kimberly Riley*

On August 31, 2007 the Board received a letter from Linda Beach of the South Carolina Massage and Esthetics Institute seeking the Board's approval of Kimberly Riley as a Methods of Teaching instructor. Ms. Riley holds a Master's Degree in Education from USC and is a licensed esthetician. Ms. Beach included a copy of Ms. Riley's resume with her letter.

MOTION

Mrs. Webb moved the Board approve Ms. Riley as a Methods of Teaching instructor. Mrs. Gilmer seconded the motion, which carried unanimously.

b. Karen D. Stacks

On August 20, 2007 the Board received a letter from Karen Stacks who is seeking the Board's approval to teach the Methods of Teaching course. Ms. Stacks has been a licensed cosmetologist for approximately 15 years and a licensed instructor for three years with the Columbia Beauty School. She holds a Master's Degree in Education and her teaching certificate is currently being processed by the South Carolina Department of Education. She has completed the 600 hours of internship. She included her transcript from South Carolina State University, a copy of her Master's Degree and a 45-hour cosmetology instructor syllabus.

MOTION

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Gilmer and unanimously carried, that the Board approve Ms. Stacks as a Methods of Teaching instructor with the stipulation that the Board inform her she should remove the word 'cosmetology' from the certificate.

7. Approval of Continuing Education Instructors

a. Jon K. Osborne

On August 29, 2007 the Board received an e-mail from Sheila Dickson, Lacy Cosmetology School, Palmetto Professionals of Cosmetology, seeking the Board's approval of Jon Osborne as a continuing education instructor. Mr. Osborne is a licensed cosmetologist, barber and barber instructor. Mr. Osborne's resume and a course outline were attached with the request.

MOTION

Ms. Settles moved the Board approve Mr. Osborne as a continuing education instructor. Mrs. Gilmer seconded the motion. Following a brief discussion, Ms. Settles withdrew her motion.

MOTION

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Thompson and unanimously carried, that the Board deny Mr. Osborne as a continuing education instructor.

b. Carol Toney

On August 21, 2007 the Board received a letter from Vilma Cobb, ACSP FEC Chairman, seeking the Board's approval of Carol Toney as a continuing education instructor.

MOTION

Mrs. Thompson moved the Board approve Ms. Toney as a continuing education instructor. Mrs. Webb seconded the motion, which carried unanimously.

Recess

MOTION

Mrs. Hampton-Furtick moved the Board take a ten minute break. Mrs. Webb seconded the motion, which carried unanimously.

Return to Public Session

8. Approval of Instructor's License Without Diploma

a. Jennifer Reese

Mrs. Webb stated she was contacted by Jennifer Reese in regard to obtaining an instructor's license. She further stated her high diploma is in storage and she would have to go through

boxes to locate it. She is unsure how long she has been licensed as an esthetician in South Carolina, which means that she had to produce documentation that she has received a tenth grade education.

Mrs. Webb recused herself from voting in this matter.

MOTION

Mrs. Gilmer made a motion, seconded by Mrs. Thompson, that the Board approve Ms. Reese's instructor's license without diploma. The motion carried unanimously.

9. Approval of Examination and Licensure Application

a. *Phuong N. Nguyen*

On August 3, 2007 the Board received an Application for Examination and Licensure from PCS on behalf of Phuong Nguyen. Mr. Nguyen has applied for a nail technician licensure. Mr. Nguyen answered 'yes' to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" The SLED Report reflects he has been convicted of burglary. Since Mr. Nguyen's application contained a 'yes' answer it could not be processed in a routine manner. Mr. Nguyen was notified in writing by a letter dated September 4, 2007 that he must appear before the Board to answer any questions the members may have.

Phuong Nguyen appeared before the Board at this time and offered the following testimony. He attended school in Virginia; however, he did not become licensed in Virginia as his family lives in South Carolina. He got into trouble when he was a teenager when he and his friends broke into a bike shop and stole dirt bikes and other items. He admitted to the crime, served his time, paid his restitution and has completed probation. He is now attempting to better his life. He now has two children and is trying to get ahead. He has not been arrested since 1996. He has been offered employment in Myrtle Beach if he is approved for licensure.

MOTION

Mrs. Webb moved the Board approve licensure for Mr. Nguyen. Mrs. Settles seconded the motion. Mrs. Thompson amended the motion to approve the application; however, that he submit a SLED Report at his expense for the next four years. Mrs. Hampton-Furtick seconded the amendment. The amended motion carried with a majority vote. Mrs. Settles voted nay.

10. Review of SLED Report – Melissa Jones

On August 23, 2007 the Board received a letter from Melissa Jones. Ms. Jones is currently a student at the Carolina College of Cosmetology. Her SLED Report reflects a felony conviction of a financial institution crime as well as a misdemeanor charge of driving under suspension and unlawful neglect of child or helpless person. She was sentenced to two years in prison for the felony conviction of a financial institution crime, which was suspended to four years of probation. She completed her probation and was released on July 8, 2007. She is asking the Board to review her SLED Report to see if she is investing her time and money wisely.

Melissa Jones appeared before the Board at this time and offered the following testimony. She was originally charged with driving under suspension because she did not know her license had been suspended due to an individual driving her vehicle without a valid driver's license. She also took the blame for driving a vehicle when her husband had been drinking and they had been in an accident. Her child had been in the vehicle when they were involved in the accident.

She spent 53 days in jail for writing checks from her aunt's checking account. She was sentenced to two years and four years of probation. She has successfully completed the probation upon payment of restitution. She has successfully gone through drug rehabilitation.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb and unanimously carried, that the Board approve Ms. Jones to complete her schooling and to sit for the exam.

11. Approval of Proposed 2008 Board Meeting Dates

The Board reviewed the following proposed meeting dates for 2008.

January 14, 2008	March 10, 2008	May 12, 2008
July 14, 2008	September 8, 2008	November 10, 2008

MOTION

Mrs. Gilmer moved the Board approve the proposed meeting dates for 2008. Mrs. Webb seconded the motion, which carried unanimously.

Discussion Item(s)

1. Cosmetology and Massage in South Carolina – DeAnn DiGenova

On August 31, 2007 the Board received a letter from DeAnn DiGenova asking to discuss issues concerning cosmetology and massage in South Carolina. In a letter dated September 4, 2007 staff notified Ms. DiGenova that she had been placed on the agenda.

DeAnn DiGenova appeared before the Board at this time and made the following presentation.

Ms. DiGenova received her cosmetologist license ten years ago in Ohio and was in the process of receiving her manager's license when she contacted South Carolina to see if her license would transfer. However, the hours she was obtaining in education would not transfer. She was informed her 1,500 hours could be transferred by reciprocity. Her first place of employment was in a spa that offers microdermabrasion. Ohio offered continuing education classes in microdermabrasion. She again contacted staff and informed staff she was being trained in reflexology pedicure. She asked if there is a continuing education class for this procedure. Staff informed her there is nothing governing reflexology pedicures. Staff did inform her that any out of state classes she took would not be counted as continuing education in South Carolina. She learned a microdermabrasion pedicure procedure in a continuing education class in Ohio. She found employment in a different spa that has full time benefits. She had also taken a continuing education class in Ohio on relaxing body treatment. She presented the members with a copy of a 2001 newsletter which reflects she could not perform massages as a cosmetologist. In Ohio and Pennsylvania, students in cosmetology school receive an extra 30 hours of training in massage so they would know their limit.

Mrs. Kinley stated Section 40-13-20 gives the definition of cosmetology.

Mrs. Thompson stated the Board can send a letter to the spa where she is employed and inform her employer what she is licensed to perform. She went on to say if, however, Ms. DiGenova is asking to perform bodywork then she cannot perform that procedure as that is not in her scope of practice.

Mrs. Kinley stated Ms. DiGenova is within her scope of practice to perform a facial massage if she is doing a facial.

Mrs. Carolyn Porter, chairman of the Massage Therapy/Bodywork Panel, stated if an individual wanted to obtain 500 of public training in massage therapy and pass a national certification exam, that individual could become a massage therapist.

Mrs. Kinley stated Ms. DiGenova's employer should contact Mr. Eddie Jones and ask for a written statement on what she is allowed to perform.

Mrs. Thompson stated Ms. DiGenova is licensed to do massage on the parts of the body that are under the scope of practice for her license.

Mrs. Kinley stated she contacted Mr. Kevin Miller in Ohio and asked what the cosmetologists in that state are allowed to do. She went on to say Mr. Miller stated cosmetologists in Ohio are strictly for relaxation, but not for therapeutic purposes.

Mrs. Porter stated Ms. DiGenova could appear before the Massage Therapy Panel at which time the Panel would review her training. She further stated a massage therapy school would probably accept her training in massage therapy but she would have to receive extra hours to complete the required 500 hours of training.

Ms. DiGenova asked if the Board is going to send a letter to employer stating what the law states. Mrs. Kinley stated the law states what is in her scope of practice.

Board Member Reports

Michelle Hampton-Furtick

On August 20, 2007 Mrs. Hampton-Furtick monitored the PCS testing. She conducted a school inspection at Heyward Career Center on September 6, 2007.

Ruth Settles

Ms. Settles monitored the PCS exam on July 18, 2007. She monitored the SCSCA continuing education class on September 9, 2007.

Melanie Thompson

Mrs. Thompson is thrilled that Myrtle Beach won the bid for the 2009 annual conference.

Delores Gilmer

Mrs. Gilmer gave the following reciprocity report.

In July the Board licensed 51 cosmetologists and 8 estheticians. In August the Board licensed 43 cosmetologists and 14 estheticians.

Kathy Webb

Mrs. Webb attended the NIC conference in August 2007. She stated she is so proud of Mrs. Kinley for being the president of NIC for the past two years.

Mrs. Kinley stated Jerry Gardner has asked that he be placed on the agenda for the January 2008 meeting. She further stated he would be making a presentation in regard to on-line continuing education. She went on to say the current regulations do not provide for on-line

continuing education, however, draft regulations would provide for this type of continuing education.

Mr. Jones commended Mrs. Webb for her professionalism and the job she performed for the installation during the NIC conference.

Public Comments

Ms. Bice asked if her five years of teaching experience would supplement for the 750 hours of internship. Mrs. Kinley stated the Board would be discussing that issue during executive session.

Mrs. Thompson stated that they, as Board members, agree on several occasion with what individuals say during the meeting. However, unfortunately and fortunately, the Board must uphold the statute.

A continuing education instructor, on behalf of Ms. Pearl Clark stated they are furious about braiders. She went on to say they are opening salons as beauticians when they have not been trained as barbers or cosmetologists. Mrs. Kinley stated she should immediately contact the Barber staff and file a complaint.

Mrs. Kinley stated the bill allowing braiders to use extensions did not pass, which makes the use of extensions illegal. She further stated staff must be contacted for an inspection to happen.

Mrs. Thompson stated she and Mrs. Kinley attended a session on fragmented licenses during the 2001 annual NIC conference. She further stated over the next several Board meetings they attempted to have the Board develop legislation for braiders and had a lot of opposition. She went on to say the Barber Board took it over and had legislation introduced that provides six hours of certification because no one could agree.

Mr. Jones stated because it is regulated by the Barber Board, that Board does have jurisdiction. He went on to say that because of a proviso passed through the legislature, a braider is allowed to enter a barber shop, a salon, their homes or even on the street. He further stated the Barber Board has no jurisdiction over where the individuals work because the bill does not address that issue. He said there is nothing staff can do until a complaint is filed.

Chesley Phillips stated she is a licensed braider, nail technician and esthetics instructor and performs some modalities of massage therapy, nothing that is regulated by the Massage Therapy Panel. She took the braiders class because she is not a cosmetologist and wanted to learn more. She said one of the problems with the specifics is even though the braiders are informed they are only certified the document says 'license'.

Mrs. Phillips stated she has received the revised verification forms from USC and was happy to see that the form requires a license number. She further stated the cover letter with the form states that USC is phasing out the use of social security numbers. She said the only problem would be letting the licensees know they will need their license number to properly complete the paper work.

Eric McGee, of USC, presented the members with the revised verification form and briefed the members on the revisions. He said USC would continue to use social security numbers until such time all of the license numbers have been obtained. He further stated a letter would

probably be mailed in early 2008 to notify licensees that license numbers are now required for continuing education classes.

Mrs. Kinley asked Mr. McGee if USC is statistics on how many individuals are active and inactive. Mr. McGee stated USC is not currently compiling that information; however, it could be built into the database.

Executive Session

MOTION

Mrs. Thompson moved the Board enter executive session following a ten minute break. Mrs. Gilmer seconded the motion, which carried unanimously.

Return to Public Session

Mrs. Kinley noted for the record that no motions were offered or made during executive session.

Approval of Instructor's License – Tami L. Bice

MOTION

Mrs. Hampton-Furtick moved the Board deny approval of an instructor's license for Ms. Bice. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Consent Agreement

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb and unanimously carried, that the Board decline the Consent Agreement and that the following conditions be added: 1) owner is to successfully complete a board approved sanitation class at his own expense, 2) bi-monthly inspections at the owner's expense with swabs; and 3) re-evaluate inspection schedule after six consecutive bi-monthly inspections with negative lab results from the Department of Health and Environmental Control, at the owner's expense.

Mrs. Thompson asked that a representative of the Academy of Hair Technology be present at the November meeting to discuss the August 12, 2007 continuing education class.

Adjournment

MOTION

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

The September 10, 2007 meeting of the SC Board of Cosmetology adjourned at 1:45 p.m.