

South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., July 13, 2020
Via Teleconference

1. Meeting Called to Order

- a. 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.
- b. Rules of the Meeting

2. Introduction of Board Members and All Other Persons Attending

Chairperson Melanie Thompson called the meeting of the S.C. Board of Cosmetology to order at 9:14 a.m. Other board members participating in the meeting were:

- ❖ LaQuita Clark-Horton
- ❖ Patricia Walters
- ❖ Marcia Delaney

Staff members present included: Mary League, Advice Counsel; Theresa Brown, Administrator; Shannon Beaudry, Staff; Patrice Deas, Staff; Charlie Gwynne, Office of Disciplinary Counsel; Jennifer Stillwell, Office of Investigations and Enforcement; Rodney Pigford, Office of Investigations and Enforcement; and Holly Beeson, Office of Communications and Governmental Affairs

All Other Persons Attending

Tina Behles, Court Reporter; Alan Ray; Alanda LeGrand; Amber Steedly Dasilva; Amy Williams; Angie Shuler; Beatriz Hernandez; Bille Hoang Le; Bobby Edwards; Catherine Stavler; Chesley Paige Phillips; Christene Howell; Colleen Large; DeLaine Mann; Diane Camp; Diane Fullerton; Dione Epling; Erica McKelvey; Eva Jackson; Gloria Smith; Holly Harrell; Jamie Treadaway; John Ray; Jordan and Nancy Poole; Judy Razor; Kayela Williams; Keshia Robinson; Kyea Sturkin; Lily Flay; Lindsey Wood; Lynn Martin; Michelle Hampton Furtick; Monica Rivers; Rebecca Teal; Regina Benton; Sandra Blue; Sandra Mullins; Scott Bills; Stephen Dawson; Tamara Palmer; Thi Cam Tu Ho; Tovah Lewis ; Vivian Cheppalla;

3. Approval of Excused Absences

Ms. Delaney made a motion to excuse the absences of Eddie Jones and Stephanie Nye. Ms. Walters seconded the motion and it carried.

4. Approval of Agenda

Ms. Clark-Horton made a motion to approve the agenda with any deviations necessary. Ms. Walters seconded the motion and it carried.

5. Approval of Meeting Minutes

March 9, 2020

Ms. Walters made a motion to approve the minutes for the March 9, 2020 meeting. Ms. Clark-Horton seconded the motion and it carried.

March 18, 2020 Special Called Meeting

Ms. Clark-Horton made a motion to approve the minutes for the March 18, 2020 special called meeting. Ms. Delaney seconded the motion and it carried.

- 6. Chair Remarks – Melanie Thompson** – Ms. Thompson started her remarks by stating she hopes everyone and their families have been remaining safe during the public health emergency. She thanked all staff from the board and LLR for their work during this time. She stated that any decisions that have been made regarding salon closures

and reopening was from the governor and not the board. She acknowledged that it has been a difficult time for everyone but stated she has heard of incidents of licensees calling to complain and being disrespectful to staff. She asked that everyone remember that staff have been working very hard and to remember to treat them how they would want to be treated.

She also stated the board received a request from AOPCES to receive written notice of meetings, which has been duly noted.

7. Administrator's Remarks – Theresa Brown

Note: After item 12, Ms. Brown made the following remarks:

Ms. Brown wanted to provide some information regarding the new testing service provider. Previously, the board used PCS who contracted with PSI for the theory exam. Now PSI will be the provider for both the theory and practical. There is a backlog of over 700 individuals who need to test. PSI sent out emails last week and this week to schedule people for the practical exam which will start on July 15th. PSI will have multiple test dates per month to clear the backlog.

The actual exam will be the same approved NIC exam that PCS gave as well. There will be a school overview on July 29th, and Ms. Brown is waiting on that login information for the webinar meeting.

There was new esthetics exam content that was approved to go live July 1 but was postponed until September. There will be training on the updated content for esthetics.

- a. **Budget/Drawdowns** – For Information – The budget was presented to the board for review.
- b. **OIE Report** – For Information - Rodney Pigford – The report is dated July 13, 2020. It shows the total yearly OIE investigations from the past few years; in 2017, there were 330; in 2018, there were 346; and in 2019, there were 448, 1 of which is still active. So far in 2020, there have been 188 investigations, 43 of which are still active. There are a total of 44 active investigations.
- c. **IRC Report** – For Approval - Rodney Pigford – The first IRC report is dated April 29, 2020. Based on this IRC meeting, the committee recommends 14 cases for dismissal, 1 case for dismissal - cease and desist, and 1 case for reconsideration of dismissal.

Ms. Delaney made a motion to approve the IRC report dated April 29, 2020. Ms. Walters seconded the motion and it carried.

The second IRC report is dated July 2, 2020. Based on this IRC meeting, the committee recommends 18 cases for dismissal, 2 cases for dismissal – cease and desist, 3 cases for formal complaint, 1 case for letter of caution, and 1 case for reconsideration of dismissal.

Ms. Walters made a motion to approve the IRC report dated July 2, 2020. Ms. Clark-Horton and Ms. Delaney seconded the motion and it carried.

- d. **ODC Report** – For Information – Charles S. Gwynne, Jr. – The report is dated as of July 2, 2020. There are currently 36 open cases. There are 4 cases pending attorney review, 1 case pending Consent Agreement/Memorandum of Agreement, 2 cases pending Formal Complaint, 6 cases pending Panel Hearing, 1 case pending Board Action, 3 cases pending Final Order Hearing, and 19 cases pending Citation Appeal Hearing.
 - e. **Inspection Report/Citation Report – For Approval** – Jennifer Stillwell presented in place of Eric Thompson – In March, there were 368 inspections, 2 of which were schools. In April, there were 14 inspections, 13 of which were schools. In May, there were 327 inspections, 1 of which was a school. In June, there were 779 inspections, 1 of which was a school. There were 12 citations issued in March, 2 citations issued in May, and 5 citations issued in June.
 - f. **Legislative Updates** – Ms. Holly Beeson, Office of Communications and Governmental Affairs, presented legislative updates to the board.
-

Ms. Beeson stated that the legislative session ended on March 24 and that they came back for a week in April, May, and June.

She stated that the new continuing education regulations passed and became effective the last Friday in June. The new CE requirements will begin with the next licensure period and not the one we are currently in.

She also shared that there is a bill that just passed which will assist military spouses stationed in SC with obtaining an expedited license. If certain criteria are met, then the military spouse is eligible to receive the license. Individuals who are seeking to obtain the expedited license must be coming from a home state where the requirements are substantially similar or greater than the SC requirements. This license would not be permanent and will only be active while they are stationed here. After that time period, they will have to meet the full licensure requirements if they want the SC license.

8. Old Business – There was no old business for this meeting.

9. New Business

a. Ratification of Board Chair Decisions Regarding Public Health Emergency

Ms. Thompson clarified that decisions regarding the public health emergency were made by herself as well as Vice Chair LaQuita Clark-Horton.

Decisions made included allowing distance learning, extending the timeframe for distance learning, and expanding the parameter of the content allowed with distance learning for all theory and basic practical hours. In addition, new hearing officers were approved – Doris Cubitt, Roseanne Kinley, and Sankinah Curtis Merriweather.

Ms. Delaney made a motion to ratify all decisions made by the chair and vice chair regarding the public health emergency. Ms. Walters seconded the motion and it carried.

b. Consideration of Licensure

i. Cam Tu Thi Ho

Cam Tu Thi Ho was representing herself and was asked to appear before the board regarding her endorsement application. During the application process, board staff received a verification that staff considered to be questionable. The verification looks like it came from the state of Utah but was mailed from Wisconsin. When staff looked at Utah's licensee lookup page, the license number did not match Ms. Ho's name.

Ms. Ho answered the board's questions and gave background on her application. Ms. Ho stated that she does not have a firm grasp of English; as such, her husband, Bille Hoang Le, also provided information to the board.

Ms. Clark-Horton made a motion to go into executive session to garner legal advice. There was no second and the motion died.

Ms. Walters made a motion to deny licensure based on the information that was submitted, which reflected discrepancies in the application and verification and witness testimony. Ms. Delaney seconded the motion and the motion carried.

Mr. Lee inquired as to whether Ms. Ho is allowed to re-apply and the board stated yes.

ii. Amber Dasilva

Amber Dasilva was representing herself and requested to appear before the board regarding her reinstatement application. Ms. Dasilva's license lapsed on March 10, 2017; the deadline to have her application received or postmarked was March 10, 2020. Her application was postmarked on March 12, 2020.

Ms. Dasilva answered the board's questions and gave background information on her reinstatement application.

Ms. Thompson stated that the regulations indicate that a licensee has three years to reinstate a license; this regulation cannot be circumvented by the board.

Ms. Clark-Horton made a motion to go into executive session to garner legal advice. Ms. Walters seconded the motion and it carried.

Ms. Delaney made a motion to come out of executive session. Ms. Walters seconded the motion and it carried. No motions were made or votes taken during the executive session.

Ms. Clark-Horton made a motion to deny licensure since the application was postmarked after the three-year deadline for reinstatement and the board must abide by the regulations. Ms. Walters seconded the motion and it carried.

c. Consideration of Approval to Retest

i. Dione Epling

Dione Epling was representing himself and requested to appear before the board to request approval to take the NIC theory exam again. Mr. Epling used the services of a translator, Vivan Cheppalla, as he indicated he has difficulty understanding English.

Mr. Epling was barred from taking the exam again after a monitor witnessed Mr. Epling using an electronic device during the exam. Mr. Epling answered the board's questions and provided background information with the assistance of the translator. He stated that the incident was due to a miscommunication and that he was using his device to translate.

Ms. Delaney made a motion to go into executive session to garner legal advice. Ms. Clark-Horton seconded the motion and it carried.

Ms. Clark-Horton made a motion to come out of executive session. Ms. Delaney seconded the motion and it carried. No motions were made or votes taken during executive session.

Ms. Delaney made a motion that per NIC, candidates are allowed to retest after 6-12 months of an incident and that June 2020 was the one-year mark of this incident; as such, Mr. Epling is approved to retake the theory exam. Any issues with ADA accommodations would need to be addressed with the exam provider. Ms. Clark-Horton seconded the motion and it carried.

d. Consideration of School Changes

i. Paul Mitchell the School Charleston and Paul Mitchell the School Columbia

Mr. Scott Bills appeared before the board representing Paul Mitchell the School Charleston and Columbia regarding their requests to add new esthetics programs. In addition, Paul Mitchell the School Columbia was requesting approval for relocation.

Ms. Clark-Horton made a motion to approve both esthetic programs and the relocation of Paul Mitchell the School Columbia's relocation pending final inspection. Ms. Delaney seconded the motion and it carried.

e. Consideration to Teach Specialized Hours

i. Brandon Sykes/ Southeastern Esthetics Institute

Mr. Brandon Sykes indicated that he could not attend the meeting and had requested that this item be deferred until a later meeting.

Ms. Delaney made a motion to defer this item to a later meeting. Ms. Clark-Horton seconded the motion and it carried.

f. Consideration of Methods of Teaching Through Distance Learning

i. Chesley Phillips

Ms. Chesley Paige Phillips appeared before the board to request approval to offer the Methods of Teaching course via online/distance learning during the public health emergency.

Ms. Phillips answered the board's questions and provided explanation of why she would like to offer the class through distance learning.

Ms. Clark-Horton made a motion to approve all Methods of Teaching courses to be taught via distance learning until December 31, 2020. This approval will be revisited in November to determine if the approval should be extended. The courses must be in a live interactive format. Ms. Delaney seconded the motion and it carried.

g. Consideration of CE Provider Packet

i. Hickory Mart

Ms. Diane Camp and Ms. Judy Razor appeared before the board representing Hickory Mart. They were requesting approval of their CE class packet for 2020.

Ms. Thompson stated that no brand names can be mentioned in the classes.

Ms. Delaney made a motion to accept the Hickory Mart CE packet for 2020. Ms. Clark-Horton seconded the motion and it carried.

h. Consideration of Additional CE Content

i. The Esthetic Learning Center

Ms. Tamara Palmer appeared before the board representing The Esthetic Learning Center. At the March 2020 meeting, the board had indicated that there was not enough content to review and they were instructed to submit additional content.

The board reviewed the additional content and instructed Ms. Palmer to remove specific brand names from her content. Ms. Palmer answered the board's questions. The board stated that they will need to see this additional content added to the entire packet previously submitted. After the entire packet is put together, some members of the board can do a final review.

Ms. Clark-Horton made a motion to approve the content presented upon final review by board members of the full packet and removal of the brand name from the content. Ms. Walters and Ms. Delaney seconded the motion and it carried.

ii. Cosmetic Arts Institute II

No one appeared to represent Cosmetic Arts Institute II. The board confirmed with staff that they were properly noticed.

Ms. Delaney made a motion to defer this item until the next meeting when someone from Cosmetic Arts II will be present. Ms. Clark-Horton seconded the motion and it carried.

10. Consideration of 2021 Board Meeting Dates

The proposed board meeting dates for 2021 were presented to the board for review.

Ms. Clark-Horton made a motion to approve the 2021 board meeting dates. Ms. Walters seconded the motion and it carried.

Ms. Thompson asked that board members go ahead and put these 2021 dates on their calendar.

11. Consideration of Distance Learning During Public Health Emergency

Ms. Thompson stated that this topic was addressed several times because the situation with the public health emergency is changing frequently and has required flexibility.

Most recently, it was approved to allow distance learning for all theory hours and basic practical skills hours. The deadline for that previous approval was July 20, 2020. Unfortunately most schools are still trying to figure out what they are going to do for the school year. Ms. Thompson suggested removing the deadline for the time being.

Ms. Clark-Horton made a motion to approve distance learning for all theory hours and practical hours for basic skills indefinitely, to be reassessed at the November board meeting. Ms. Delaney and Ms. Walters seconded the motion and it carried.

12. New CE Requirements and CE Submission Processes

The new requirement for just 4 CE hours in infection control will begin with the March 2021-March 2023 licensure period; the 4 hours will be able to be taken online. For instructors, CE hours will still be geared towards teaching. Until then, for the current licensure cycle, licensees still need 12 CE hours, 6 in person. The board was presented with updated materials (CE Provider Packet and Check Lists) for the 4-hour CE review process.

There will be a transition period where 6 CE hour classes have to continue to be offered, such as for individuals who need to reinstate. What has been proposed is that providers who come before the board in October will be those who want 4 hour content to be approved. The 4-hour classes can be approved for the entire licensing period until 2023, but providers can choose to resubmit additional or edited content in 2022.

When CE providers submit this year for the October review, their previously approved 6 or 12 hours classes can be submitted for continued approval; they would rename these reinstatement classes, to designate the difference between the old classes and the new classes. The 6- and 12-hour classes could be offered until December 2021.

The new CE submission deadline will be September 30th. CE packets will need to be postmarked by that date.

Ms. Clark-Horton made a motion to approve the new CE review form. Ms. Delaney seconded the motion and it carried.

Ms. Walters made a motion to approve the CE transition plan as stated. Ms. Clark-Horton seconded the motion and it carried.

13. Adjournment

Ms. Delaney made a motion to adjourn the meeting at 2:03 p.m. Ms. Clark-Horton and Ms. Walters seconded the motion. The motion carried.

The next meeting of the S.C. Board of Cosmetology is scheduled for September 14, 2020.