

1 **APPROVED MINUTES**

2 **South Carolina Board of Cosmetology**
3 **Conference Call**
4 **12:00 p.m., December 28, 2012**
5 **Kingstree Building, Conference Room 108**
6 **110 Centerview Drive, Columbia, SC 29210**

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8 **Meeting Called to Order**

9 Public notice of this meeting was properly posted at the SC Board of Cosmetology office, Synergy Business
10 Park, Kingstree Building and provided to all requesting persons, organizations, and news media in
11 compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

12 **Pledge of Allegiance**

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14 **Rules of the Meeting Read by the Chairperson**

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16 **Introduction of Board Members:**

17 Chairperson Melanie C. Thompson called the conference call meeting of the Board of Cosmetology to order.
18 Board members on the conference call included, Melanie C. Thompson, Cynthia T. Rodgers, Selena M.
19 Brown, Janice Curtis, and Stephanie Nye

20 **Staff Members Participating in the Conference Call Meeting:**

21 Sara McCartha, Advice Counsel, Tracey McCarley, Board Administrator, Doris Cubitt, Administrator,
22 Matteah Taylor, Administrative Staff, Cecelia P. Englert, Court Reporter

23 **All Other Persons Attending:**

24 Eleanor R. Glover, Steven Dawson, Annie Wilson

25 **Approval of Excused Absences – There were none**

26 **Approval of Regulations**

27 Ms. McCartha suggested the Board consider the citation section of the regulations first, since there were
28 minimal changes as highlighted on the copy given to board members. Section 35-6 (A) added the words “or
29 regulation”. Section 35-6 (C) (1) added a two hundred fifty dollar penalty for the first violation, for a second
30 violation, five hundred dollars and the word “third” citation must be sent to the board for action. The change
31 also sets a ten (10) day period for an appeal of the citation. The Board discussed changing the citation limits
32 whether to eliminate the three limits proposed. All agreed to remove the penalties, and revisit the guidelines
33 in January to give the Board more leeway to impose a citation. Ms. McCartha suggested the Board publish the
34 guidelines for the public information.

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36 **MOTION:**

37 Ms. Brown made a motion to remove the citation limits as discussed and update the guidelines for public
38 information. Ms. Curtis seconded the motion, which carried unanimously.

39 Section 35-15 regarding sanitation was covered next. Ms. McCartha stated that there is a requirement that
40 any changes to the sanitation section be vetted through the Department of Health first. The changes currently
41 do not contradict DHEC’s requirements. After the Board vote, Ms. McCartha will contact the DHEC and
42 ensure they review the information so there’s no conflict. Ms. McCartha reviewed the changes to Section 35-
43 15 (A) through Section 35-15 (H). There was some discussion regarding the photocopying of a license. Ms.
44 McCartha made changes according to the board’s requirements for having a recent photo attached to the
45 individual license, and a valid government issued identification document with a photo.

46 Ms. McCartha stated that small changes were made to Section 35-16 in addition to a small change was made
47 to Section 35-20 (A) through (P). There was discussion about whether or not a fish pedicure was allowed in a
48 salon. Ms. McCartha clarified that the restriction of animals being in a salon already covered the question
49 regarding animals not being allowed in a salon. The fish pedicure process was stricken from the changes.
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51 Ms. McCartha moved on to the regulations changes to the education Section 35-1 (A) through (H). The big
52 changes occurs with the addition of Section (I) regarding trade schools and post-secondary schools, and the
53 requirements for Title IV funding to remain valid. Ms. Thompson and board members agreed not to accept a
54 cosmetology transcript from another country for an initial application for license. The Board also discussed
55 licensed individuals wanting to endorse their license from another country into South Carolina. All agreed
56 that the education standards must be equal or superior to South Carolina with a review of their transcript in
57 order to get a license. Mr. Dawson stated that item four (4) regarding the initial licensing, does not pertain to
58 the student's entry into a school, and since it has nothing to do with the schools, it should be moved under
59 section 35-13. Mr. Dawson also stated that schools may not accept transcripts from another country. The
60 discussion continued. Ms. Brown disagreed and expressed her opinion that people from another country may
61 have superior standards in their school, in their country, and not accepting the transcript appeared to be
62 discriminatory. Ms. McCartha suggested each application from another country should be considered by the
63 Board on a case by case basis. Ms. McCartha suggested to strike item four (4) from the regulation changes.
64 Ms. Nye agreed and, Ms. Brown agreed to strike item four (4). Board members opposed to striking item four
65 (4) were Ms. Thompson, Ms. Rodgers and Ms. Curtis.
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67 Ms. Glover with the Department of Education stated that the secondary schools would not be able to comply
68 with leaving in item four (4). It would be considered discrimination, and could open the board and the
69 schools to law suits.
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71 Ms. Thompson suggested the board move on to the next section and discuss item 4 later during the meeting.

72 Ms. McCartha read the changes made to Section 35-2 (A) regarding school requirements, and the addition of
73 section (G) regarding general equipment. The Board discussed the changes and agreed. Ms. McCartha moved
74 on to Section 35-3 (A) regarding the school curriculums through subsection (C). The Board discussed the
75 threading technique, and hair removal issues in the esthetics curriculum. Threading is mentioned in the
76 school text books, and is a technique used. Further discussion ensued and further changes were made. Minor
77 changes were made to the nail technology curriculum. The Board moved on to Section (C) (4) where
78 threading is included under hair removal for a total of 50 hours. Section (C) (4) now reads; Hair Removal, 50
79 hours as the heading and subcategories as: depilatories, tweezing, waxing, threading, and unassigned: specific
80 needs. No other issues were discussed.
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82 Ms. Thompson had a concern about secondary schools and the number of total cosmetology hours required.
83 Ms. Glover stated the document she submitted to Ms. McCartha who sent the emailed document to board
84 members yesterday. The first page of the document from the Department of Education provided justification
85 for the change in hours. Ms. McCartha suggested a future meeting to resolve the 1,000 hour requirement.
86 Ms. Glover stated that she had concerns about public school students being unable to complete the curriculum
87 requirements, and transfer to private schools, and the cosmetology hours are different. Ms. McCartha stated
88 that if the cosmetology hours are different or short, the student would be required to complete the hours at the
89 private school. Only the cosmetology school hours are transferrable. The academic hours are not transferrable.
90 Mr. Dawson stated that at his private school, the students are tested in each area to ensure the student is
91 qualified to receive credit. This is Kenneth Shuler's policy. Ms. Glover stated she is planning to develop
92 guidelines for the public schools to make it clear that if you transfer from a public school to a private school
93 that the 1,500 hours must be met for cosmetology. There are currently no set guidelines available for the
94 public schools to follow for cosmetology, but it is needed to make things consistent statewide. Ms. Glover
95 stated the 500 hours are coming from the academic hours, and the 1,000 hours are for cosmetology. Ms.
96 Brown agreed that if students are able to pass the examinations and have earned the standard hours, they
97 should be licensed. Ms. Glover volunteered to bring some statistics to the Board during another meeting to
98 show how well students are doing with their training and passing the examinations. Ms. Rodgers
99 disconnected from the conference call. The Board agreed that this is a good starting point in adjusting the
100 curriculum.

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Ms. McCartha moved onto Section 35-4 regarding the instructor qualifications. Nothing was removed, but text was added to (A) (7) regarding failing the instructor examination more than twice, and being required to take the methods of teaching course. The Board members had no concerns about the changes. Ms. McCartha moved on to Section 35-5 regarding examinations. Nothing was eliminated, only the sections were adjusted with minor text changes. The TOFEL examination and testing in the English language was added. The finger scan was also included. The Board discussed the finger scan and identity theft problems the State recently experienced. Mr. Dawson stated that the finger scan would be an issue with the legislature, and if the Board wants the regulation changes to be approved, the finger scan change should be removed. The Board took a vote.

MOTION:

Ms. Curtis made a motion to remove item (I) under section 35-5 regarding finger scans. Ms. Nye seconded the motion, which carried unanimously.

Ms. McCartha asked for an amended motion since section (I) contained the requirement for a photograph on the license.

MOTION AMENDMENT:

Ms. Curtis made a motion to remove from item (I) under section 35-5 the change regarding the finger scan only. Ms. Nye seconded the motion, which carried unanimously.

The Board discussed the TOFEL examination and testing in the English language. Ms. McCartha rewrote the change and moved on to Section 35-7. The Board decided to come back to this section change later during the meeting.

Ms. McCartha moved on to Section 35-8 on instructor reciprocity or endorsement. The biggest change is that every applicant is required to pass an examination regardless of the number of years and text was added about the methods of teaching course. There were no changes from the Board. Ms. McCartha moved on to Section 35-10 (A) through (K). Section 35-10 (A) (3) regarding the school contract had a big change and subsection (D) was also changed. Both subsection (E) and (F) were changed. The Board briefly discussed the inspection of schools. Mr. Dawson stated that if the Board lock themselves into inspecting the schools yearly it could cause problems if inspections are required annually, and the inspections are not done. LLR may not have the staff to accomplish an annual inspection. Further discussion ensued. The Board agreed to remove the annual inspection text. Mr. Dawson explained that the schools had not been asked in the past to provide school transcripts to the Board and that the sentence now making a yearly inspection a requirement should be removed. A discussion ensued and changes were made regarding the transcripts, not being sent to the Board. The finger scan text was also removed, along with additional wording changes. There was no further discussion on the changes.

Ms. McCartha moved on to Section 35-13 regarding out of state applicants. Significant changes were made to this section. Text was added to include work experience credit per credential for those applicants from another state with fewer education hours than required. Mr. Dawson stated that establishing residence in South Carolina was a previous issue, because people living on the boarder should not have to move in order to obtain a license in South Carolina. Mr. Dawson suggested the requirement be eliminated as it posed an issue previously. The Board discussed the problem. Ms. McCartha made changes to the text to include the text "bordering" states.

Ms. McCartha moved on to Section 35-23 (A) to (E) regarding the continuing education requirements which include expired licenses. The Board discussed requiring newly licensed individuals to be required to complete a minimum of six (6) continuing education hours after the first year of licensing. In addition the Board discussed requirements for examination after a license has lapsed. Mr. Dawson stated that he preferred the practical examination because it tested on theory and sanitation. Ms. Thompson stated that the Board already agreed and voted for the theory examination. After three (3) years they must take an exam which will be the theory, after four (4) years it would be the theory and practical. The Board discussed the change to

157 continuing education hours for instructors to now reflect twenty-four (24) hours instead of twelve (12). The
158 words “contact hours” were also removed. Subsection (F) was added. Ms. Thompson stated that the section
159 on inactive license does not benefit anyone. Ms. McCartha stated it should probably be removed, and the
160 Board agreed.

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162 Ms. McCartha moved on to Section 35-24 (A) through (G) covering continuing education programs and the
163 text changes. Subsections (C), (H) and (I) were added to cover sanctions. The Board briefly discussed
164 striking the changes regarding approved methods of teaching instructors teaching a full continuing education
165 program. The Board agreed to handle each on a case by case basis.

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167 Ms. McCartha moved back to the regulation changes to the education section 35-1 (A) through (H) regarding
168 out of country transcripts. Anyone from another country, who only has a transcript, and was not issued a
169 license in their country, cannot obtain a license with the out of country transcript. Ms. McCartha
170 recommended the text be stricken to avoid confusion. Ms. Thompson disagreed. Ms. Glover stated that
171 leaving in the text would cause problems for the secondary public schools, because a student will eventually
172 arrive from another country, and the public secondary school will be required to review their transcript, and
173 there’s no way the secondary public schools can exclude that student from submitting their transcript for
174 consideration. The secondary schools look at both the cosmetology transcripts and the academic courses as
175 well. Ms. Glover stated leaving in the language will cause big problems for the secondary public schools. Mr.
176 Dawson stated leaving in the text will cause controversy and may jeopardize approval for the entire package.

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178 **MOTION:**

179 Ms. Curtis made a motion to go into executive session for legal advice. Ms. Nye seconded the motion, which
180 carried unanimously.

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182 The Board returned from executive session where no votes were taken.

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184 **MOTION:**

185 Ms. Curtis made a motion to go back into public session. Ms. Nye seconded the motion, which carried
186 unanimously.

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188 **MOTION:**

189 Ms. Curtis made a motion to approve the entire packet as reviewed. Ms. Brown seconded the motion, which
190 carried unanimously.

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192 Ms. McCartha stated her office will submit the packet to the Administrative Law Court & the State Registrar.

193 **Discussion – There was none.**

194 **Public Comments – There was none.**

195 **Adjournment**

196 **MOTION:**

197 Ms. Curtis made a motion to adjourn. Ms. Nye seconded the motion, which carried unanimously.
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199 **The next meeting of the SC Board of Cosmetology is scheduled for January 14 & 15, 2013.**

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