

MINUTES
South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., January 11, 2016
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina 29210

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

Rules of the Meeting Read by the Chairman

Introduction of Board Members and All Other Persons Attending

The board members introduced themselves. Melanie Thompson, Janice Curtis, Selena Brown, LaQuita C. Horton, Patricia Walters and Eddie Jones

Staff members present: Mary League, Advice Counsel; Sharon Wolfe, OIE; Theresa N. Richardson, Administrator; Roz Bailey-Glover, Administrative Staff; and Gary A. Haygood, Court Reporter, Richele Taylor, LLR Director, Alex Imgrund, Disciplinary Counsel

All Other Persons Attending:

Michelle Hampton-Furtick, Gloria Smith, Cassandra Risher, Steven Dawson, Colleen Large, Kate Shelton, Erica P Horton, Kimberly Graham, Joe Grimaud, Kathleen McDaniel, Sherrie Todd, Gina Shelley, Qweshandra Maury, Charmaine Green, and Chesley Phillips

Approval of Excused Absences

MOTION:

Ms. Curtis made a motion to excuse the absence of Stephanie Nye. Mr. Jones seconded the motion which carried unanimously.

Approval for the Minutes for the Following Meetings: November 2, 2015 and November 3, 2015

MOTION:

Mr. Jones made a motion to approve the meeting minutes for November 2, 2015 with corrections as follows: Line 78 and 80, correct the word IRC members. Lines 189 and 193 add "outside of scope of practice". Ms. Brown seconded the motion which carried unanimously.

MOTION:

Ms. Brown made a motion to approve the meeting minutes for November 3, 2015 with the following correction: Line 205 add "attorney set-up bogus insurance companies. She continued to help the companies even after she found out the companies were bogus". Line 269 add Steven Dawson. Ms. Horton seconded the motion which carried unanimously.

Approval of Agenda

MOTION:

Ms. Curtis made a motion to approve the agenda with any deviations necessary. Mr. Jones seconded the motion which carried unanimously.

Administrator's Remarks –Theresa Richardson, Administrator

Financial Monthly Report – October-November 2015 - For information only.

Ms. Richardson asked the Board members to review the financial report and submit any questions they may have to her via email for the Finance Department's reply.

Ms. Thompson had several questions about a \$50,000 increase in the budget. She questioned the increase in administrative advice, and why there were no draw-downs since October 2015.

OIE Report – Office of Investigations and Enforcement – Sharon Wolfe

Ms. Wolfe stated the OIE report covered through December 31, 2015, and there was no data for January 2016. There was 1 Active Complaint, 18 Closed cases, 117 Do Not Open cases, 8 Opened cases, 10 Pending Board Action, and 2 Pending IRC. Ms. Wolfe explained that cases marked Do Not Open were initially reviewed by the department's complaint analyst to determine if a violation has been made. Ms. Wolfe concluded that 194 cases were closed for a total of 319 cases for 2015.

IRC Report – Sharon Wolfe

Ms. Curtis wanted to know if cease and desist orders are followed-up or tracked in any way. Ms. Thompson stated that she wants to know if there's a mechanism to ensure that cease and desist orders are being followed. Mr. Robbie Boland explained that the investigators make recommendations to the IRC. Cases are placed on the inspection list for follow-up. If, however, the violation is happening at a residence, the inspectors cannot knock on someone's door since they have no jurisdiction to do so. Further discussion ensued. In the case of non-compliance, the complaint could either goes back to the IRC or the Administrative Law Court.

Ms. Curtis questioned IRC case 2015-131 involving unlicensed practice in a beauty supply store. Ms. Wolfe explained that a cease and desist order was issued to the store for providing eyelash services without a salon license.

MOTION:

Mr. Jones made a motion to accept the IRC report as presented. Ms. Horton seconded the motion which carried unanimously.

ODC Report – Office of Disciplinary Counsel – Andrew Rogers

Mr. Rogers reviewed the ODC report with the board members stating there were 175 open cases. There were 2 pending, 18 awaiting attorney review, 2 COA/MOA, 6 pending board action, 3 pending hearings, 8 final order hearings, 2 appeals, and 7 closed cases. The board accepted the report as information only. Mr. Rogers explained that both hearing officers were present at the last IRC meeting mainly for training purposes.

Inspection Report – Approval of Inspection Report – Robbie Boland

Mr. Boland reviewed the Inspection report with the board. Between July and December, 2015 there were 2,338 inspections done to-date, 47 of those inspections were schools. There are currently 6,271 active salons as of January 4, 2016. There were 26 citations issued in three months with 5 sanitation issues. Ms. Thompson asked Mr. Boland to check case #1580 with the \$500 fine as that may be a typographical error. Mr. Boland will get back to the Board later today.

MOTION:

Ms. Curtis made a motion to approve the Inspection Report pending information from Mr. Boland regarding case #1580. Ms. Horton seconded the motion which carried unanimously.

2016 National Interstate Counsel (NIC) Regional Meeting

Ms. Thompson stated that the Administrator would be attending the NIC regional meeting April 2-3, 2016 and would need one board member to attend. Ms. Thompson will also attend but her travel expenses would not be covered by the Board.

MOTION:

Ms. Curtis made a motion to approve the Administrator, Theresa Richardson to attend the NIC regional meeting. Ms. Horton seconded the motion which carried unanimously.

MOTION:

Ms. Curtis made a motion to approve Board member, Ms. LaQuita Horton to attend the NIC regional meeting. Ms. Jones seconded the motion which carried unanimously.

June 25-27, 2016 - Examiner Training and School Overview with Professional Credential Services (PCS)

Ms. Thompson announced that the 2016 Examiner Training and School Overview would take place at the Inn at USC in Columbia, SC. All Board members are encouraged to attend a few hours each day to see what PCS provides for the NIC examinations. Ms. Thompson expressed disappointment with last year's poor turnout of only forty-five school owners. This is an important program and it's imperative that school owners attend the training to learn about the new examination preparation.

Approval for a March 2016 Board Meeting

MOTION:

Ms. Curtis made a motion to change the March meeting to March 21-22, 2016. Mr. Jones seconded the motion which carried unanimously.

Domestic Violence Taskforce

Director Richelle Taylor and Alex Imgrund, Disciplinary Counsel, appeared before the Board and thanked the members for participating in the Governor's taskforce. Director Taylor stated that LLR's website contains a link to domestic violence handouts and resources for reproduction. Ms. Thompson asked Mr. Imgrund if he could define or recommend resources to victims, per county, that would let them know their legal rights. Victims have no place to go for help. Maybe a county by county list of resources and counselors would be helpful. Documents like restraining orders, and where victims could file for one. Receiving conflicting information is a problem for victims who speak out. Mr. Imgrund stated that guidelines exists through law enforcement and that there is a contact in Horry County. Other resources have been contacted and are ready to assist. Hospitals are also listed as resources. Ms. Thompson wanted to know what parents should do about stalking and harassment cases. Ms. Taylor stated that DSS and other resource contacts may be able to answer some of Ms. Thompson's questions.

Mr. Imgrund gave the board a handout and stated that he has an e-blast he wants the board to approve which will be sent to their licensees. Ms. Thompson commended the continuing education (CE) providers for including domestic violence information in their programs. Mr. Imgrund stated that the work of the board is to be commended, and that CE providers can use the pre-prepared materials available on the website now. Further discussion ensued.

MOTION:

Ms. Curtis made a motion to include domestic violence information on the website and to approve the e-blast to licensees. Ms. Horton seconded the motion which carried unanimously.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice for licensing and disciplinary conditions. The Board will also break for lunch and return at 12:15 p.m. Ms. Horton seconded the motion which carried unanimously.

MOTION:

Ms. Curtis made a motion to return to public session. During executive session, no motions were made or votes taken. Mr. Jones seconded the motion which carried unanimously.

Old Business

Consideration of Continuing Education Association Changes and Corrections

A But'Y'ful U Cosmetology Association – Charmaine H. Green

Continuing Education classes for 2016 were deferred at the November 2015 meeting. Ms. Green did not attend the meeting and no one was available to answer the Board's questions. Ms. Thompson reviewed the corrections requested by the Board and let Ms. Green know that nothing prohibits the instructors from providing a hands-on class. The hand-on class should be titled as a hands-on class so the attendees know the class is not just a lecture. The Board required the following changes be made to the CEU Submission packet for 2016:

- Title your "hands on" eyelash classes as such so attendees know there will be a demonstration, and they will receive credit for participation.
- Page 14, item #3, change "sanitize" tweezers to "disinfect".
- Page 15, item #6 change "sanitize" to "disinfect".
- Page 15, explain the changes you will make to the course outline.
- Page 22, change "sanitize" to "disinfect".
- Page 24, item #5, explain "pencil sharpeners for sanitation". Disinfection for the sharpener, use barbercide? Not clear.
- Page 25, item #2, change "sanitize" to "disinfect".
- Change VISUAL AIDS to VISUAL AIDES
- Section stating "25-100% proper sanitation and safety will be observed" is misleading, so omit the text. Instead, you can state: "safety and disinfection will be observed all day during the class, as need".
- Page 35, Biohazard Bags - remove biohazard bags as they are not needed, and only required for a blood spill.
- Page 52 could not read the license for Katrina N. Judge. Staff checked ReLAES, the license is current. Update copy for materials.
- Page 69 – change "sanitize" to "disinfect".
- Page 73-74 clarify MSDS slides.
- Page 75-76 slides are incorrect. We do not use tuberculocidal chemicals in salons.
- The Board members could not tell what information or materials were new!

MOTION:

Ms. Curtis made a motion to approve the CE classes with the corrections requested. All corrections are to be submitted directly to the Board Administrator, Theresa Richardson for approval. Mr. Jones seconded the motion which carried unanimously.

Medical Hair Restoration – Cassandra Risher

Continuing Education classes for 2016 were deferred at the November 2015 meeting. The Board recommended the following corrections be made to the CEU Submission Packet for 2016:

1. Remove the reference to receiving a trichology diploma.
2. On the instructor page 9, third paragraph, remove the sentence “to treat almost any hair and scalp disorders such as those suffering from Alopecia, or any medical hair loss issue”. This is outside of the scope of practice for cosmetology.
3. Licensees cannot diagnose and cannot treat patients. You can say “customize service for customer needs, but you must remove the words “treat them”.
4. Remove the terms “patient client”. You can use the term “client” by itself. Be very careful of the terminology used.
5. Either strike out page 9 altogether or revise it.

MOTION:

Mr. Jones made a motion to approve the CE classes with the corrections requested. All corrections are to be submitted directly to the Board Administrator, Theresa Richardson for approval. Ms. Walters seconded the motion which carried unanimously.

PCES – Mr. Joe Gramaud and Ms. Kathleen McDaniel

The 2016 Online Class submission were deferred from the November 2015 meeting due to the inaudibility and poor quality of the video audio. Ms. Curtis stated that in November, she spoke with Shelia Reid and informed her that customers complained that PCES mispronounced words on the audio which was very unprofessional and gave a poor representation. Mr. Gramaud stated that the audio was removed and that the customers could read the information instead. He also stated that PCES changed from the old voice to electronic audio clips. Ms. McDaniel stated that sample clips were submitted for the Board. Ms. Thompson stated that the Board must be able to review the entire program content and the entire audio, not clips. Ms. Thompson stated that she listened to the computerized version and the words were still not quite right, for example the word esthetician is mispronounced. Ms. Thompson stated that the Board needs access to the online materials for the entire year. None of the board members were able to access the online program since the October meeting. PCES must submit the log-in access code to the Board Administrator, Theresa Richardson for each board member to access the information.

MOTION:

Ms. Curtis made a motion to defer action regarding CE Online classes for PCES. Ms. Horton seconded the motion which carried unanimously.

Vontae’s Advanced Training – Michelle Hampton-Furtick

The 2016 Online Class submission were deferred from the November 2015 meeting pending content corrections.

MOTION:

Ms. Horton made a motion to approve CE classes for Vontae’s with the corrections requested. All corrections are to be submitted directly to the Board Administrator, Theresa Richardson for approval. Ms. Walters seconded the motion which carried unanimously.

MOTION:

Ms. Curtis made a motion to take a comfort break and to also excuse the absence of Board Member, LaQuita Clark-Horton for the remainder of the meeting. Mr. Jones seconded the motion which carried unanimously.

PCES – Mr. Joe Gramaud and Ms. Kathleen McDaniel

The Board returned from deferral to review the notes provided to PCES from the October 2015 original review. A discussion ensued regarding the changes that were not made to the audio and the board members inability to access the online programs. Ms. Thompson stated she would be willing to take the packet corrections with her and give a final review on tomorrow, but other board members must be able to access the information as well. There's currently nothing for the board to vote on until the materials are reviewed. Board members will have to review the material on their own time and PCES may have to wait until the March 2016 meeting for a decision.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice. Mr. Jones seconded the motion which carried unanimously.

MOTION:

Ms. Curtis made a motion to return to public session. Mr. Jones seconded the motion which carried unanimously.

Ms. Thompson stated that during executive session, no motions were made or votes taken.

MOTION:

Ms. Curtis made a motion to defer the audio content to the March, 2016 meeting since the audio would need adjustment. Mr. Jones seconded the motion which carried unanimously.

Domestic Violence Content as Part of CE Classes

As part of a six hour program, just providing the attendees with tools to access resources would be enough. Any additions of domestic violence content to classes will not be counted as a change.

MOTION:

Ms. Curtis made a motion to add domestic violence content as part of the CE classes. Mr. Jones seconded the motion which carried unanimously.

Consideration of Consent Agreement Parameters – Topic already covered during executive session. No further action.

New Business

2016 Disciplinary Class Submissions

ACE – Steven Dawson

Mr. Dawson appeared before the Board seeking approval for 2016 Disciplinary Class Submissions for ACE Association. Ms. Thompson requested the following corrections: For objective #1, add disinfection after sanitation. Add HPV and Merser information. Item #11, change to SDS.

MOTION:

Ms. Curtis made a motion to approve the disciplinary classes with the changes as stated. All corrections are to be submitted to the Board Administrator, Theresa Richardson for approval. Mr. Jones seconded the motion which carried unanimously.

MOTION:

Ms. Curtis made a motion to defer the audio content to the March, 2016 meeting since the audio would need adjustment. Mr. Jones seconded the motion which carried unanimously.

Hair Heirs LLC – Sheri H. Todd

Ms. Todd appeared before the Board seeking approval for 2016 law and sanitation classes. Chairperson, Ms. Melanie Thompson recused herself from the proceedings. Ms. Curtis presided over the meeting.

MOTION:

Mr. Jones made a motion to approve the disciplinary classes for Hair Heirs. Ms. Brown seconded the motion which carried unanimously.

Chairperson, Ms. Thompson returned to the Board.

Nails, Skin and Hair of America – Chesley Phillips

Ms. Phillips appeared before the Board seeking approval for 2016 Disciplinary Classes. The Board decided to amend the agenda and hear both of Ms. Phillips agenda items together at the end. The Board moved on to the next case.

SCACS – Gloria Smith

Ms. Smith appeared before the Board seeking approval for SCACS 2016 Disciplinary Class Submission. The Board reviewed the program content and requested the following corrections: To lesson objective #, add disinfection. Consider adding content concerning merser and HPV, and consider removing the content concerning HIV.

MOTION:

Mr. Jones made a motion to approve the disciplinary classes for Hair Heirs. Ms. Brown seconded the motion which carried unanimously.

Vontae’s Advanced Training – Michelle Hampton-Furtick

Ms. Furtick appeared before the Board seeking approval for Vontae’s 2016 Disciplinary Class Submission. The Board reviewed the program content and requested the following corrections: Add sanitation and disinfection to the title page.

MOTION:

Ms. Curtis made a motion to approve the disciplinary classes for Vontae’s to include the addition of sanitation to the materials. Ms. Walters seconded the motion which carried unanimously. Ms. Furtick asked the Board members if they would object to her inviting local law enforcement officers to a class to discuss domestic violence. Ms. Thompson stated that Ms. Furtick must obtain Board approval first.

Consideration of Class Submissions

Closed Session Hearing: Nails, Skin and Hair – Chesley Phillips

Ms. Phillips appeared before the Board to discuss continuing education class attendance information not submitted to USC for August 16, 17, 2015, September 27, 28, 2015, October 11, 25, 2015 and November 8, 2015. In addition to the following classes not submitted by N2 Skin to USC for July 21, 2015, October 11, 2015, October 12, 2015, November 8, 2015 and November 9, 2015. Ms. Phillips explained her circumstances to the Board.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice. Mr. Jones seconded the motion which carried unanimously.

MOTION:

Ms. Curtis made a motion to return to public session. Mr. Jones seconded the motion which carried unanimously.

Ms. Thompson stated that during executive session, no motions were made or votes taken.

MOTION:

Ms. Brown made a motion to allow Nails Hair and Skin to continue as a continuing education provider contingent upon three things, provide the Board with a police report statement, bathroom sign-out roster, and meet with USC by January 19, 2016 by noon with the missing meeting reports. Mr. Jones seconded the motion which carried unanimously.

Ms. Phillips must show the Board that her website is secured and she will present that information to the board at the March meeting.

MOTION:

Mr. Jones made a motion to return to public session. Ms. Curtis seconded the motion which carried unanimously.

MOTION:

Ms. Curtis made a motion to defer the 2016 disciplinary classes for Nails, Skin and Hair until the March 2016 Board meeting. Mr. Jones seconded the motion which carried unanimously.

Add Bond Language

Regarding school bonds, board members were asked to take a vote to include language from the code of regulations to be included in the existing bond form. There was some discussion.

MOTION:

Ms. Curtis made a motion to direct the Administrator, Theresa Richardson, to include language from the code of regulations to be included into the bond form. Mr. Jones seconded the motion which carried unanimously.

Discussion – There was none.

Public Comments – There were none.

Adjournment: 5:28 p.m.

MOTION:

Ms. Curtis made a motion to adjourn the meeting. Ms. Brown seconded the motion which carried unanimously.

The next meeting of the SC Board of Cosmetology is scheduled for March 22, 2016