

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
JANUARY 31, 2011**

PRESENT: Janice Boeck, Rod Gottfredson, Susan Kolve-Feehan, Jeffrey Patterson, Howard Twait

CONFERENCE

LINE: Cheryl Pearse

EXCUSED: Laura Ruiz

STAFF: Brian Deschane, Bureau Director; Yolanda McGowan, Legal Counsel; Kimberly Wood, Bureau Assistant and other DRL Staff.

GUESTS: Lauri Thomas, Alexander Thomas Academy of Skin Care; Hafeezah Ahmad, Bureau of Apprenticeship Standards/Department of Workforce Development (BAS/DWD); Jagruti Khatri, Student – Alexander Thomas Academy of Skin Care

(Other guests were present, but did not sign-in on the meeting attendance roster.)

CALL TO ORDER

Janice Boeck called the meeting to order at 9:34 a.m. A quorum of 6 members was present.

APPROVAL OF AGENDA

MOTION: Cheryl Pearse moved, seconded by Rod Gottfredsen, to adopt the Agenda as published. Motion carried unanimously.

Amendments to the Agenda:

- Item “I” (closed session) Under the item titled “Case Closings and Case Status Report items received after the printing of the agenda” **ADD:**
 - 10 BAC 060

MOTION: Jeffrey Patterson moved, seconded by Rod Gottfredson, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 1, 2010

MOTION: Cheryl Pearse moved, seconded by Rod Gottfredson, to approve the Minutes of November 1, 2010 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT – BRIAN DESCHANE

Emergency Contact Form

The Board was advised that the Division of Board Services is currently updating its emergency contact information. The Board was asked to complete the emergency contact form included in today's meeting agenda materials, and to provide this information to the Department prior to the close of today's meeting.

Annual Policy Review

Brian Deschane reviewed the following Department policies with the Board:

- Deadline for submitting Agenda Items
- Late Agenda Additions
- Quorum Confirmation Policy
- Hotel Reservations
- Hotel Cancelations
- DOA Pocket Travel Guide
- Out-of-State Travel Policy
- Check Baggage Policy
- Deadlines for Travel Voucher and Per Diem Forms

Board Appointments

Janice Boeck made the following Board appointments:

Screening Panel: Cheryl Pearse, Janice Boeck, Jeffrey Patterson

Sanitation Committee: Janice Boeck, Jeffrey Patterson, Laura Ruiz, Rod Gottfredsen

Credentialing/Continuing Education Liaison: Jeffrey Patterson, Janice Boeck – alternate

Monitoring/Professional Assistance Procedure (PAP) Liaison: Rod Gottfredsen

MOTION: Cheryl Pearse moved, seconded by Howard Twait, to delegate Jeffrey Patterson to serve as credentialing liaison with Janice Boeck serving as alternate. Motion carried unanimously.

MOTION: Susan Kolve-Feehan moved, seconded by Jeffrey Patterson, to delegate Rod Gottfredsen as Monitoring/PAP Liaison. Motion carried unanimously.

The Board noted that it will appoint a replacement to serve on the Sanitation Committee in the seat currently occupied by Laura Ruiz once new members have been appointed.

SECRETARY MATTERS

Dave Ross, Department of Regulation and Licensing (DRL) Secretary; John Scocos, DRL Deputy Secretary and John Murray, DRL Executive Assistant; appeared before the Board to provide introductions. Secretary Ross and Deputy Secretary Scocos excused themselves after introductions; and John Murray remained with the Board to answer questions.

John Murray and the Board discussed topics related to publication of the Regulatory Digest and legislation for the purpose of creating a separate credential for barbers. The Board will discuss publication of the Regulatory Digest at its next meeting.

Michael Trepanier, Division of Board Services Administrator, introduced himself to the Board and briefly explained his role with the Department.

Brian Deschane took the opportunity to introduce himself to the Board as its new Bureau Director and outlined his professional background.

EDUCATION AND EXAMINATION ISSUES

Aaron Knautz joined the meeting to notify the Board that its current examination contract expires at the end of 2011. He took the opportunity to speak to the Board about the positive and negative aspects of the utilization of a vendors' examination for the purpose of obtaining professional credentials under the Board's purview. The Board discussed the use of a vendor's examination and took the following action.

MOTION: Rod Gottfredsen moved, seconded by Susan Kolve-Feehan, to authorize the utilization of vendor examinations for the purpose of obtaining Barbering and Cosmetology licensing. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULES

Yolanda Mc Gowan invited the Board to discuss its licensing and curriculum changes and how to move forward with legislation respective of these issues.

The Board reviewed a document distributed by Susan Kolve-Feehan comparing the curriculum for barbering versus the curriculum for barbering and cosmetologists. The Board contemplated whether to create a separate barbering credential and discussed the ability of Wisconsin schools to support barbering curriculum requirements, in addition to the curriculum requirements for barbering and cosmetology, especially in smaller communities.

Angela Arrington, the Board's former Bureau Director, joined the Board to discuss the work of the Barbering and Cosmetology (B/C) Curriculum Committee. She provided handouts to the Board and made reference to materials in the agenda packet outlining recommendations provided to the B/C Curriculum Committee and the curriculum changes proposed by the Committee. She briefly reviewed the considerations of the Committee in making its recommendations.

The Board reviewed the curriculum proposals and discussed the increase of curriculum hours for obtaining the practitioner credential. Angela Arrington indicated that the curriculum hour increase was a result of the incorporation of hair braiding and natural hairstyling curriculum. The Board was informed by Jeffrey Patterson that concerns have been raised by schools on the northern areas of the state in terms of the ability for students to accumulate practical hours proposed by the Committee. He recommended that the Board revisit the idea of offering a specialty license for hair braiding and natural hairstyling as opposed to addressing this area through an increase in the practitioner curriculum hour requirements. Susan Kolve-Feehan also noted concerns in terms of the increase to the curriculum hour requirement because of a provision that was included in the federal health care legislation that affects private for profit schools. She explained that this provision disallows the cost of a program to exceed 8% of their income in the first three years of practice and an increase in curriculum hour requirements would result in an increase to the cost of the education. She indicated that this provision could permanently remove Title 4 funding for private for profit schools and could place Wisconsin schools in a precarious position.

The Board moved to discussion of the Committee's curriculum proposal for obtaining a barbering credential. The Board considered if a chemical component should remain a part of this curriculum. Jeffrey Patterson and Angela Arrington informed the Board of the thought process employed by the B/C Curriculum Committee in development of this curriculum.

The Board discussed whether there is a need for changes to the apprenticeship curriculum. Chairperson Boeck recognized comments from Ken Moore, Field Chief of the BAS/DWD. He indicated that whether the Board chooses to make changes to the current curriculum requirements or if the Board creates a separate barbering credential there will be significant changes to the apprenticeship curriculum. He requested that the Board allow him to participate, in an advisory capacity, in any Board discussion or consideration of changes to the existing apprenticeship curriculum requirements.

The members of the Board will submit feedback or change recommendations to the curriculum proposals of the B/C Curriculum Committee so that revisions can be made accordingly. The Board will continue discussion of this topic at its April meeting. Brian Deschane informed the Board that the next meeting of the curriculum committee has been scheduled to occur on a date that has been identified as a state furlough day (February 21, 2011) and explained that he will work to reschedule this meeting.

Review, Discuss and Approve Authorization to Publish Scope Statement Related to 2009 Wisconsin Act 189

Yolanda McGowan indicated that there has been a recent law change regarding who can supervise apprentices. She indicated that as a result of the statute change the Board will need to pursue rule writing to reflect the changes enacted by legislation. The Board reviewed a scope statement that will allow them to revise their rules to match changes pursuant to 2009 Wisconsin Act 189.

MOTION: Jeffrey Patterson moved, seconded by Howard Twait, to approve the scope statement related to 2009 Wisconsin Act 189 for publication as drafted. Motion carried unanimously.

Status Update Related to Continuing Education Rule

Yolanda McGowan reported to the Board regarding the status of its continuing education (CE) rules. She indicated that the original CE rules presented issues in terms of the Department's administration of CE. She indicated that an emergency rule was promulgated to address the administration issues posed to the Department and noted that the Board will now need to complete the rule process to implement a permanent rule. Legal Counsel McGowan informed the Board that she anticipates that a public hearing on the CE rule will occur at the April meeting.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Consumer Concern Regarding Non-Regulation of Hair Braiders

Yolanda McGowan informed the Board of correspondence that was received from a member of the public who expressed concerns about the lack of regulation for hair braiding. She indicated that this correspondence was included in the Board's meeting materials to alert the Board of the concerns being voiced by the public in relation to hair braiding. She acknowledged that the Board is aware of such issues and noted that it is taking steps to improve regulation of hair braiding and natural hairstyling.

SANITATION COMMITTEE REPORT

Jeffrey Patterson reported that the Sanitation Committee did not meet today due to lack of quorum.

BARBERING AND COSMETOLOGY CURRICULUM ADVISORY COMMITTEE REPORT

The Board addressed this topic under the agenda item titled "Legislation/Administrative Rules."

PRACTICE ISSUES

Brazilian Blowout

Yolanda McGowan discussed concerns that have been raised regarding the "Brazilian Blowout," a new hair smoothing treatment. She indicated that there have been concerns at the national level as this treatment contains formaldehyde, a chemical that could pose concerns in terms of customer safety. Additionally, Legal Counsel McGowan informed the Board that similar products are being manufactured and are represented as being formaldehyde free, but contain this ingredient under a different name. She indicated that there are currently no regulations in Wisconsin prohibiting the use of this product, but felt the Board should be aware of this issue

going forward. The Board noted that several jurisdictions are considering whether to ban the use of this product.

Janice Boeck suggested that an article regarding this treatment be included in the Board's regulatory digest as salons should be aware of the chemical contents of this product. She noted that salons should request and maintain Material Safety Data Sheets (MSDS) for all chemicals that are kept on premise. Brian Deschane and Yolanda McGowan will work to obtain additional information regarding the "Brazilian Blowout" and research how this issue is being addressed by other jurisdictions.

PUBLIC COMMENTS

Kathy Shower, Waukesha Technical College, provided comments relating to the make-up of the B/C Curriculum Committee. She also commented on the Board's discussion of separation of the barbering and cosmetology license, its discussion relating to hair braiding and natural hair styling, and noted concerns about the Brazilian Blowout.

Lauri Thomas, Alexander Thomas Academy of Skincare, provided favorable comments to the Board regarding the assistance of Aaron Knautz, Office of Education and Examinations, in facilitation of training for Prometric examination raters. She provided suggestions to the Board about its approach to legislation, encouraged the Board to review instructor requirements, and provided comments opposing esthetician hour requirement increases.

Hafeezah Ahmad, BAS/DWD, provided comments in favor of the Board's review of booth rental requirements. She noted that she will be conducting a workshop about the importance of paying unemployment insurance on March 1, 2011 in Milwaukee.

CONVENE TO CLOSED SESSION

MOTION: Susan Kolve-Feehan moved, seconded by Jeffrey Patterson, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Janice Boeck-yes; Rod Gottfredsen-yes; Susan Kolve-Feehan-yes; Jeffrey Patterson-yes; Cheryl Pearse-yes; and Howard Twait-yes. Motion carried unanimously.

Open Session recessed at 12:01 p.m.

RECONVENE IN OPEN SESSSION

MOTION: Rod Gottfredsen moved, seconded by Susan Kolve-Feehan, to reconvene in open session at 12:38 p.m. Motion carried unanimously.

EXAMINATION ISSUES

Prometric Barbering Exam Information

The Board was provided with copies of the Prometric barbering examination. Aaron Knautz, Office of Education and Examinations, reviewed this exam with the Board. The Board discussed the examination content. At the advice of Yolanda Mc Gowan the Prometric barbering examination document was collected from the members of the Board owing to the need to maintain the integrity of the questions within.

CASE CLOSINGS AND CASE STATUS REPORT

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| <ul style="list-style-type: none"> • 08 BAC 005 • 08 BAC 207 • 09 BAC 004 • 09 BAC 030 • 09 BAC 057 • 09 BAC 060 • 09 BAC 061 • 09 BAC 073 | <ul style="list-style-type: none"> • 09 BAC 088 • 09 BAC 089 • 09 BAC 109 • 09 BAC 126 • 10 BAC 006 • 10 BAC 060** • 10 BAC 119 |
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MOTION: Howard Twait moved, seconded by Susan Kolve-Feehan, to approve case closings for case numbers 08 BAC 005, 08 BAC 207, 09 BAC 004, 09 BAC 030, 09 BAC 057, 09 BAC 060, 09 BAC 061, 09 BAC 073, 09 BAC 088, 09 BAC 089, 09 BAC 109, 09 BAC 126, 10 BAC 006, 10 BAC 060, and 10 BAC 119 according to recommendations by the Division of Enforcement. Motion carried unanimously.

*(** Denotes items added after printing of the agenda.)*

CITATIONS

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| <ul style="list-style-type: none"> • 09 BAC 083 • 09 BAC 115 • 10 BAC 020 | <ul style="list-style-type: none"> • 10 BAC 040 (x3) • 10 BAC 090 |
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MOTION: Jeffrey Patterson moved, seconded by Cheryl Pearse, to approve citations for case numbers 09 BAC 083, 09 BAC 115, 10 BAC 020, 10 BAC 040 (x3), and 10 BAC 090, according to recommendations of the Division of Enforcement. Motion carried unanimously.

PROPOSED STIPULATIONS

- 08 BAC 163 – Sesso Bella Spa, Inc. and Kim Wahl-Ruppenthal
- 08 BAC 245 – Regal Nails, Vie N. Phag and Ngoc Houng T. Hguyen
- 09 BAC 004 – Flair Designs, LLC and La Tanya S. Peel
- 09 BAC 013 – Katherine L. Butler
- 09 BAC 046 – Yolanda Eason
- 09 BAC 088 – Martha’s Hair, Skin, Nails & Boutique and Martha J. Watts

MOTION: Rod Gottfredsen moved, seconded by Howard Twait, to accept the Stipulations, Findings of Facts, Conclusions of Law and Orders in the matters concerning 08 BAC 163 – Sesso Bella Spa, Inc. and Kim Wahl-Ruppenthal; 08 BAC 245 – Regal Nails, Vie N. Phag and Ngoc Houng T. Hguyen; 09 BAC 004 – Flair Designs, LLC and La Tanya S. Peel; 09 BAC 013 – Katherine L. Butler; 09 BAC 046 – Yolanda Eason; and 09 BAC 088 – Martha’s Hair, Skin, Nails & Boutique and Martha J. Watts. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNINGS

09 BAC 106 T.L.H. AND E.S. & M.S.

MOTION: Susan Kolve-Feehan moved, seconded by Rod Gottfredsen, to issue an Administrative Warning against T.L.H., E.S. and M.S. in the matter of case # 09 BAC 106. Motion carried unanimously.

ORDER FIXING COSTS

PHUNG K. HUYNH

MOTION: Howard Twait moved, seconded by Jeffrey Patterson, to adopt the order fixing costs in the matter of Phung K. Huynh, Respondent, Division of Hearing and Appeals Case # DRL-10-0055; DRL Case # 07 BAC 016. Motion carried unanimously.

MONITORING

SHAY BENITEZ

MOTION: Howard Twait moved, seconded by Rod Gottfredsen, to refer the monitoring matter concerning Shay Benitez to the Division of Enforcement pursuant to the recommendation of the Department Monitor. Motion carried unanimously.

CONSULTING WITH LEGAL COUNSEL

Yolanda McGowan, Legal Counsel, was available throughout the duration of closed session proceedings to provide consultation to the Board as needed.

**DOE – SIGNATURES FOR PROPOSED STIPULATIONS, ORDERS, AND
ADMINISTRATIVE WARNINGS**

Signatures were collected for all required documentation.

ADJOURNMENT

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to adjourn the meeting at 1:04 p.m. Motion carried unanimously.