

## Board Meeting Minutes January 10, 2022

The Kansas Board of Cosmetology held a videoconference and teleconference Board meeting on Monday, January 10, 2022, at 9:30 a.m. The Board Secretary recorded the minutes.

### **Board Members Present:**

David Yocum, Chair  
Nichole Hines, Vice Chair  
Ashley Rangel, Member  
Kimberley Mancuso, Member  
Dave Tucker, Member  
Kelly Robbins, Member  
Mary Blubaugh, Member

### **Members of the Public:**

Duany Goyes, Missouri State University

### **Staff Present:**

Laura Gloeckner, Executive Director  
Aubrie Pryer, Assistant Director  
Michaela Kesler, Licensing Director  
Alexis Henderson, Compliance Director  
Angela Stockdale, Board Secretary

### **Board Legal Counsel Present:**

Sarah Shipman, General Counsel  
Jane Weiler, Litigation Counsel

### **Public Comment**

No public comment.

### **Call to Order / Approval of Agenda** (Additions/Deletions/Changes)

David Yocum, Board Chair, called the meeting to Order at 9:36am

Mr. Yocum requested addition to the agenda: Distance Education for Cosmetology Profession Schools.

Motion and second to approve the agenda with additions made by Mancuso and Rangel, respectively.  
Motion passed by roll call vote.

### **Approval of Minutes**

Motion to approve minutes for December 13, 2021 made by Mancuso and Blubaugh, respectively.  
Motion passed by roll call vote.

### **Translation dictionaries for exams/exams in other languages presentation Duany Goyes**

Duany Goyes, Missouri State University, presented to the Board regarding equity in languages and exams.

The Board again discussed the use of translation dictionaries for exams. Mr. Yocum requested the item be included in the Exam Selection Subcommittee discussion.

### **Board Elections**

Nichole Hines, Board Member, nominated David Yocum for Board Chair.

Ashley Rangel, Board Member, nominated Nichole Hines for Vice Chair.

A roll call vote was held to approve nominations and passed by majority.

**Disciplinary Panel**

Kimberley Mancuso, Member, volunteered for the Disciplinary Panel.  
David Tucker, Member, volunteered for the Disciplinary Panel.  
David Yocum, Chair, volunteered for the Disciplinary Panel.

Motion and second to approve Kimberley Mancuso, Member, David Tucker, Member, and David Yocum, Board Chair, for the Disciplinary Panel made by Blubaugh and Robbins, respectively. Motion passed by roll call vote.

**Annual Authorization to Delegate**

Mr. Yocum presented the following annual delegation motions to the Board:

**Motion #1**

I move that, pursuant to K.S.A. 2018 Supp. 77-529 of the Kansas Administrative Procedure Act, the Board designate and delegate to the Chairperson and/or the Vice Chairperson its authority as agency head to review, decide, and issue any orders concerning petitions for reconsideration and motions for stay filed with the Board and taking any other action related thereto until further action by the Board.  
Motion and second to approve Motion #1 made by Tucker and Blubaugh, respectively. Motion carried.

**Motion #2**

I move that the Executive Director shall sign any pleadings on behalf of the Board as directed by the agency head or presiding officer.  
Motion and second to approve Motion #2 made by Blubaugh and Rangel, respectively. Motion carried.

**Motion #3**

I move that the Board designate and delegate to the Board Chairperson the Board's authority to act as Presiding Officer pursuant to K.S.A. 2018 Supp. 77-514(g) and 77-551(a) and (c) and amendments thereto, of the Kansas Administrative Procedures Act, to conduct emergency proceedings and issue an order as required by K.S.A. 2018 Supp. 77-536 on all matters that are being or have been investigated for any alleged violation of or compliance with the Kansas Cosmetology, Tanning, Body Arts Acts or regulations adopted thereunder, unless the Chairperson determines the emergency proceeding should be conducted and decided by the Disciplinary Committee.  
Motion and second to approve Motion #3 made by Tucker and Blubaugh, respectively. Motion carried.

**Motion #4**

Subject to motion number 3 regarding delegation to the Board Chairperson, I move that if the Chairperson is not available to act as described in motion number 3, the Vice Chairperson of the Board is so designated and delegated to act as described in motion number #3.  
Motion and second to approve Motion #4 made by Mancuso and Hines, respectively. Motion carried.

**Motion #5**

Subject to motion number 3 regarding delegation of emergency proceedings, I move that the Board designate and delegate to the Chairperson the authority to select members to: (1) Conduct hearings, enter into settlements, issue decisions, and assess fines regarding an allegation that a person granted a license to practice cosmetology, tanning, or body arts has a violated or not complied with the Kansas Cosmetology,

Tanning, Body Arts Acts and or regulations adopted thereunder: (2) Act as Presiding Officer pursuant to K.S.A. 2018 Supp. 77-514(g) and 77-551(a) and (c) and amendments thereto, of the Kansas Administrative Procedures Act, to review, decide and issue any orders on all matters in cases that have been investigated for any alleged violation of or compliance with the Kansas Cosmetology, Tanning, Body Arts Acts or regulations adopted thereunder.

Motion and second to approve Motion #5 made by Tucker and Hines, respectively. Motion carried.

#### **Motion #6**

I move that the Board designate and delegate to the Chairperson or the Executive Director its authority to provide testimony to the Legislature or answers to Legislators or Legislative Committees, during the 2022 Legislative Session, on policies that have been decided by the Kansas Board of Cosmetology. Further, I move that the Chairperson and Executive Director is required to notify and report to the Board the testimony or answers that were provided at the next meeting.

Motion and second to approve Motion #6 made by Tucker and Robbins, respectively. Motion carried.

#### **Motion #7**

I move that the Board designate and delegate to the Chairperson, or the Vice Chairperson in the absence of the Chairperson, its authority to provide testimony or answers to Legislators or Legislative Committees, during the 2022 Legislative Session, on policies that have not been finally determined by the Board but requires an immediate response by the Board to the requestor. Any testimony or answers to Legislators or Legislative Committees from the Chairperson, or the Vice Chairperson as the case may be, may be conveyed to the requestor through the Executive Director. Further, I move that the Chairperson, or the Vice Chairperson as the case may be, is required to notify and report to the Board the testimony or answers that were provided at the next meeting. If the Board approves of the testimony or answers provided, the Chairperson, or the Vice Chairperson shall obtain ratification by the Board. If the Board disapproves of the testimony or answers provided, the Chairperson, or the Vice Chairperson shall immediately withdraw the prior testimony or answers and shall immediately provide the requestor with the Board's approved policy.

Motion and second to approve Motion #7 made by Tucker and Blubaugh, respectively. Motion carried.

#### **Motion #8**

I move to authorize the Executive Director of the Kansas Board of Cosmetology or the Board Chair to take action on emergent requests of the Board in the event of any disaster emergency declared by the Governor pursuant to K.S.A. 48-924 or K.S.A. 48-924b in which the Board is unable to meet. A full report of all actions taken by the Chair or the Executive Director must be provided the Board immediately upon meeting again.

Motion and second to approve Motion #8 made by Blubaugh and Mancuso, respectively. Motion carried.

#### **Body Art Apprentice/Trainer License**

Laura Gloeckner, Executive Director, addressed the Board regarding expiration dates for Body Art Apprentice and Trainer licenses. Ms. Gloeckner requested the Board update the language used on the applications regarding expiration dates and valid license status.

Motion and second to allow office staff to update the application language made by Blubaugh and Rangel, respectively. Motion carried.

**Body Sculpting (Invasive Services/Misleading Sales Tactics)**

Sarah Shipman, Legal Counsel, advised the Board regarding consumer protection. Ms. Gloeckner requested the Board approve a FAQ for office staff to use in response to inquiries.

Mr. Yocum requested the item be tabled for review at the February 14, 2022 meeting.

**Inspection Program**

Mr. Yocum requested the item be tabled for review at the March 14, 2022 meeting.

**Distance Education for Cosmetology Profession Schools**

Mr. Yocum requested the Board discuss the continuing impact of Covid on Cosmetology Profession Schools, including a temporary approval of practical distance learning.

Motion and second to approve Ms. Gloeckner to draft letter for school use if needed by accrediting agencies verifying distance learning requirements made by Mancuso and Rangel, respectively. Motion carried.

Motion and second to approve temporary practical distance learning for 45 days; on manikins only; and only for students affected by Covid quarantine requirements made by Rangel and Hines, respectively. Motion passed by roll call vote.

**KAPA Hearings**

Motion and second to grant continuance for Case No. SPO\_2021-00798 made by Blubaugh and Rangel, respectively. Motion carried.

**Executive Session**

Kimberley Mancuso, Board Member, made the following motion, “In order to protect a matter protected by the attorney-client privilege pursuant to K.S.A. 75-4319(b)(2), I move that the Board recess into executive session for consultation with our legal counsel, Sarah Shipman, Deputy Attorney General, and litigation counsel, to seek legal advice on Shawnee County District Court Case No. 20-CV-0595 and Court Case No. 2021-CV-652. In addition, I move that Laura Gloeckner, Executive Director, Angela Stockdale Board Secretary, and Aubrie Pryer, Assistant Director, who are part of the client circle, be present in the executive session to aid the Board in their discussions. The Board will reconvene the open meeting at 11:50 a.m. via video conference and telephone conference call provided on the Board agenda.” The motion was seconded by Ashley Rangel, Board Member, and passed by roll call vote.

**Call to Order**

Mr. Yocum called the meeting back to order at 11:51 a.m.

Motion and second to delegate Mr. Yocum for deposition in Shawnee County District Court Case No. 20-CV-000595 made by Blubaugh and Hines, respectively. Motion carried.

**Director’s Report**

Ms. Gloeckner provided the Board with an overview of pending legislation, agenda items, and assignments currently in progress at the Board office.

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Laura Kelly, Governor

**Ergometrics Reports: November 2021**

For Informational Purposes Only.

**KBOC Cash Balance Reports: November 2021**

For Informational Purposes Only.

**Adjournment**

Motion and second to adjourn the meeting at 12:03 p.m. made by Burgardt and Hines, respectively.

Motion carried.