

Board Meeting Minutes March 08, 2021

The Kansas Board of Cosmetology held a videoconference and teleconference Board meeting on Monday, March 08, 2021, at 9:30 a.m. The Board Secretary recorded the minutes.

Board Members Present:

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

Members of the Public:

Emily Winslow, Ergometrics
Hue Vo, Ergometrics
Paige Winslow, Cowley County Comm College

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:

Fran Oleen, General 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 9:40am

Laura Gloeckner, Executive Director, requested additions to the agenda: Executive Session, Biometric Screening – Ergometrics, and Hyaluronic Pens.

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

Approval of Minutes

Motion and second to approve minutes for February 08, 2021 made by Burgardt and Hines, respectively.
Motion passed by roll call vote.

Hyaluronic Pens

Laura Gloeckner, Executive Director, informed the Board of an increased number of inquiries regarding the use of Hyaluronic Pens. Ms. Gloeckner requested the Board's permission to develop and post a bulletin and newsletter article regarding their use and scope of licensure.

Motion and second to allow Ms. Gloeckner to work with Fran Oleen, Legal Counsel; David Yocum, Board Chair; and Ashley Rangel, Board Member to conduct further research and develop guidance to be reviewed at the April 2021 meeting made by Mancuso and Hines, respectively. Motion passed by roll call vote.

Written Practical Exam CIB Approval

Hue Vo, Ergometrics, provided the Board an overview of the new Candidate Information Bulletins for Cosmetology Profession Exams. The Board requested amendments be made including consistency in naming the written practical exam and providing profession relevant sample questions.

Motion and second to approve the updated Candidate Information Bulletins with amendments made by Mancuso and Hines, respectively. Motion passed by roll call vote.

Biometric Screening - Ergometrics

Emily Winslow, Ergometrics, informed the Board of National Testing Network's updates regarding biometric identification and security screenings of exam candidates. Ms. Winslow requested the Boards approval to change from fingerprinting, which is the current biometric identification method, to facial recognition.

Motion and second to allow facial recognition as biometric identification of exam candidates made by Blubaugh and Burgardt, respectively. Motion passed by roll call vote.

Cowley County Community College – HS Program

Michaela Ewing, Licensing Director, requested the Boards approval for the addition of a High School Cosmetology program for Cowley County Community College. The Board requested clarification of age requirements for the program be added to the application. Paige Winslow, Cowley County Community College, provided further clarification of program details.

Motion and second to approve the addition of a High School Cosmetology Program with amendments for Cowley County Community College made by Blubaugh and Rangel, respectively. Motion passed by roll call vote.

Electronic Records for Tanning

Kelly Robbins, Board Member, requested the Board's clarification regarding the use of electronic or digital records for K.S.A. 65-1921. Same; warnings. The Board discussed prior interpretations for electronic recordkeeping including K.A.R. 69-3-7 Student records.

Motion and second to interpret "in writing" as written in K.S.A. 65-1921 as including electronic formats made by Robbins and Burgardt, respectively. Motion passed by roll call vote.

Authority Under Disaster Declaration

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

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 made by Blubaugh and Burgardt, respectively. Motion passed by roll call vote.

Temporary Distance Education Approval Cut-Off

Mr. Yocum informed the Board that the previous approval to extend temporary practical distance learning expires April 30, 2021. Previous approval from the Board was adopted in accordance with NACCAS recommendations which has now changed. NACCAS has now extended approval until the national disaster declaration ends. Mr. Yocum requested discussion on adopting a cut-off date that coincides with the end of the state disaster declaration.

Mr. Yocum requested the item be tabled for the April 2021 meeting.

Body Art Practical Exam Rules and Regulations

Ms. Gloeckner reviewed current Statutes and Regulations related to exam requirements for Body Art Professions with the Board. Ms. Oleen advised the Board amendments to the regulations would be necessary prior to adopting a written practical exam for Body Art Professions. Dave Tucker, Board Member, requested an amendment be sought to allow for a written practical exam. Mr. Yocum requested an amendment be drafted and reviewed at the April 2021 meeting.

Motion and second to allow KBOC staff and legal counsel draft an amendment to allow a written practical exam for Body Art Professions made by Tucker and Burgardt, respectively. Motion passed by roll call vote.

Solid Partition and Separation Requirements

Ms. Oleen advised the Board of a need for staff guidance regarding the interpretation of 'solid partition' and separation requirements. Ms. Gloeckner requested the Board approve the provided guidance document.

Motion and second to approve Policy 001-21 – Separation Requirements for Cosmetology Profession Establishments made by Burgardt and Mancuso, respectively. Motion passed by roll call vote.

Recess

Motion and second to approve recess break until 11:32 a.m. made by Burgardt and Mancuso, respectively. Motion carried.

Call to Order

David Yocum Board Chair, called the meeting back to order at 11:32 a.m.

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, Fran Oleen, Assistant Attorney General, and litigation counsel, to seek legal advice on Executive Order 21-02. In addition, I move that Laura Gloeckner, Executive Director, Angela Stockdale Board Secretary, and Aubrie Pryer, Assistant Director, Michaela Ewing, Licensing Director, and Alexis Henderson, Compliance 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 11:47 a.m. via video conference and telephone conference call.” The motion was seconded by Dave Tucker, Board Member, and passed by roll call vote.

Call to Order

Mr. Yocum called the meeting back to order at 11:49 a.m.

EO 21-02

Mr. Yocum requested the item be tabled until the end of the meeting.

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.

Spring Newsletter

Ms. Gloeckner requested the Board provide direction and recommendations for topics to be included in the spring newsletter. Ms. Gloeckner reminded the Board that articles should be provided for Body Art, Tanning, and Cosmetology Professions and can be requested at any time.

Ergometrics Reports: January 2021

For Informational Purposes Only.

KBOC Cash Balance Reports: January 2021 & February 2021

For Informational Purposes Only.

EO 21-02

Dave Tucker, Board Member, made the following motion, “I move to clarify the Board’s policy pursuant to the Governor’s Executive Order 21-02 of January 26, 2021, extending Executive Order 20-39 of May 26, 2020 which required state agencies to extend renewal deadlines for occupational licenses, certificates, permits, or registrations that were in good standing as of March 12, 2020 or that expired or will expire during the State of Disaster Emergency. These Executive Orders also extend renewal deadlines for establishments, facilities, and shops. All late, delinquent, penalty, or expiration fees were waived. To clarify, however, while the deadlines were extended and the delinquent fees were waived, renewal fees themselves were not waived. For example, if a facility or licensee did not renew in 2020 because the deadline was extended pursuant to the Governor’s Executive Order, when they do renew in 2021, renewal fees for both years will be due. Licensees who were initially issued licenses after March 12, 2020 are eligible for the renewal deadline extension, however, their renewal fees will be due upon the expiration of the State of Disaster Emergency.

Expired on or before March 12, 2020 – not eligible for renewal extension

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Laura Kelly, Governor

In good standing on March 12, 2020 – eligible for renewal extension
Initial license after March 12, 2020 – eligible for renewal extension”
The motion was seconded by Christine Burgardt, Board Member, and passed by roll call vote.

Adjournment

Motion and second to adjourn the meeting at 12:20 p.m. made by Mancuso and Rangel, respectively.
Motion passed by roll call vote.