

The Oklahoma State Board of Cosmetology and Barbering met on Monday January 8, 2018 at 2401 NW 23rd Street, Suite 84, Testing Center, Oklahoma City OK 73107 at 10:09 a.m. The following persons were present:

BOARD MEMBERS

Ken Young, Chair
Anthony Baldini, Vice Chair
LaFaye Austin
Peggy Avery
Michelle Calliccoat
Bill Helton
Christy Mather
Gretchen Payne
Jeff Sells
Max Thomas
Bruce Waight, Sr.

BOARD'S LEGAL ADVISOR

Grant Moak, Assistant Attorney General

BOARD STAFF

Sherry G. Lewelling, Executive Director
John Funderburk, Principal Assistant
Janelle Hastings, Administrative Assistant
Donnie Allen Jr, Inspector
Elaine Klemme, Inspector
Holli Jamison, Inspector
Asrar Johnson, Inspector
Donna Glasper, inspector
Laura Bryce, Massage Therapy Dept.

VISITORS –Note: some names were difficult to read.

Shantell Jennings, Erin Pierce, Melissa Smith, Olivia Grider, Laura Hickman, Derek Ball, Emily Harder, Addie Haag, Caitlin Riley, Morgan Goff Malorie Gulikers, Liliana Reza, Angel Celiz, Chuck Louder, Darrien Reinschmidt, Wendy Dunez, Jena Macy, Jennison Weger, Audrey Ellis, Abby Gray, Renata Davis, Cynthia Tacker, Journee Humphries, Rachel James, Brandi Millsap, Nathasha Shipley, Steve Funck, Lauriann Gillette, Mary Elizabeth LeBlanc, Darrin Gibson, Deanna Christian, Camisha Green, Sara McDermitt, Riley Noble, Heather Gray, Linda Wiist, Laura Grisso, Theresa Schroeder, Cynthia Atchico, Pamela Matherly, Valerie Brown, Kimberly Johnson, Karen Harr, Alyssa Hale.

1. Call to Order

Chair Young called the meeting to order at 10:05 am. (the meeting had been properly posted and agenda-ized.)

2. Roll Call

Quorum was established with roll call. The following persons answered roll call:

1. Ken Young, Chair
2. Anthony Baldini, Vice Chair
3. LaFaye Austin
4. Peggy Avery
5. Michelle Callicoa
6. Bill Helton (Note: Mr. Helton had to leave at 12:16 pm)
7. Christy Mather
8. Gretchen Payne
9. Jeff Sells
10. Max Thomas
11. Bruce Waight Sr.

3. Public Comment – Opportunity for the Board to Receive Public Comment – Each speaker is limited to three minutes. Comments must be related to items listed on the agenda

Karen Harr, licensed Massage Therapist of 28 years spoke in favor of a public seat with a neutral person, she also spoke for Richard Forney MT who is not in favor of CEU's unless it is for those who are grandfathered in based on experience.

Chantel Jennings, MT stated that she would like clarity on CEU providers, should be simple and not too costly. Mr. Moak said the Board would be voting today, then the process would continue with public comment and public hearing before being sent to the Governor.

Jennifer Gill licensed MT and Esthetician indicated her concerns had been previously address by Karen Harr.

Malorie Gulikers- Cosmetologist and Salon Owner expressed concerns over de regulation and was in favor of raising industry standards.

Valerie Brown, MT expressed that education would take the profession out of the perceived prostitution realm and into the education realm.

4. Discussion and Possible Action To Approve or Disapprove Budget Report (November 1, 2017 to December 31, 2017) – Steve Funck, OMES--Agency Business Services

Mr. Funck reported that all three departments, General operations, Inspection department, and IT, are operating under budget.

A motion was made by Mr. Thomas and seconded by Ms. Austin to approve the budget report as presented.

Baldini, yes; Austin, yes; Avery, yes; Callicoat, yes; Helton, yes; Mather, yes; Payne, yes; Sells, yes; Thomas, yes; Waight, yes.

Motion carried.

Mr. Young asked Ms. Lewelling to introduce new board members, Peggy Avery of Ardmore-District 2, Mabelle Callicoat of Atoka -District 6, Jeff Sells Private School representative, and Bruce Waight, Sr. Barber representative.

5. Discussion and Possible Action To Approve or Disapprove Board Meeting Minutes from November 13, 2017.

A motion was made by Mr. Helton and seconded by Ms. Payne To Approve Board Meeting Minutes from November 13, 2017

Baldini, yes; Austin, yes; Avery, yes; Callicoat, yes; Helton, yes; Mather, yes; Payne, yes; Sells, yes; Thomas, yes; Waight, yes.

Motion carried.

6. Director's Report – Sherry G. Lewelling
New Staff at OSBCB and legislation update

Ms. Lewelling welcomed Chisholm Trail Instructor Brandi Millsap and students and introduced and welcomed new staff members Laura Bryce, Massage Therapy Dept; Camisha Green, student department, (Inspector Asrar Johnson has been temporarily assigned to the student department) and Ms. Donna Glasper Inspector.

Ms. Lewelling informed us that Senator AJ Griffin has reserved Senate Bill 812 (SB812) from 2017 session but so far we do not yet have any language posted and will be our Massage Therapy bill.

Ms. Lewelling was contacted by Senator Bergstrom about separate bills regarding the expansion of the grandfather clause and the other regarding establishment authority, Senator Griffin has it in one bill

Ms. Lewelling received a call from Rep Todd Russ in reference to electrology which is regulated by the Medical Board and the article he had received from the 1889 Institute (<http://www.1889institute.org/>) that recommended that electrology not be regulated at all. Sherry said she planned to meet with him but needed time to do some research with Leslie Roste infection control expert with King research.

Ms. Lewelling read from the Professional Beauty Association report on the Oklahoma salon industry. Which generates 485 million in reported income in Oklahoma 2016, based just on salons with salaried employees and provided statistics that showed salon industry jobs outperformed the state's overall private sector in recent years, including businesses owned by women and minorities.

Linda Wiist asked about the Governor Fallin's occupational task force –Ms Lewelling said she had not yet seen the report, she was told by one senator that it may not be in the form of a bill this year but would probably be next year.

Chair Young stated the threat of deregulation has been around for several years but recently gained steam in recent years, recommend one go to the Institute for Justice website (<http://www.ij.org/>) they are against anything that prevents anyone from working, they have the ear of legislators along with unlimited resources.

Bill Helton, Board Member and current president of NIC, (National Interstate Council of State Boards of Cosmetology <https://nictesting.org/>) gave some more details-Institute for Justice was given over 900 million dollars to look at various professions that require a license, they look at rules and regulations and loopholes, educational requirements, are educational loans being repaid, and if now, why? Is it because they cannot find a job? They look at all these areas to see if we are causing undue hardships or problems.

Ms. Austin also pointed out that most of the law suits involved hairbraiders and reminded us that the hairbraider course initially required 600 hours in order to appease school owners who wanted to qualify for federal funding. It is noted that the hairbraiders course was reduced from 600 hours required training to only 40 hours.

7. Discussion and possible action to submit Notice of Rulemaking Intent to Office of Administrative Rules for publication in the Oklahoma Register for the purpose of permanent rulemaking.

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING

CHAPTER 1. ADMINISTRATIVE OPERATIONS

Subchapter 1. General Provisions [AMENDED]

CHAPTER 10. LICENSURE OF COSMETOLOGISTS, BARBERS, SCHOOLS AND RELATED ESTABLISHMENTS

Subchapter 3. Licensure of Schools [AMENDED]

Discussion was primarily over fine assessment and whether those fines should be implemented with each expired license or just those who practice with no training or license. Ms. Lewelling said it was not the intent that anyone working on an expired license be fined but Mr. Moak pointed out that the law must apply to all and is black and white. It was clarified that anyone caught working on an expired license be given 30 days from date of violation to get in compliance and have the fine dismissed. A motion was made by Mr. Thomas and seconded by Mr. Helton to approve as discussed and amended.

Baldini, yes; Austin, yes; Avery, yes; Callicoat, yes; Helton, yes; Mather, yes; Payne, yes; Sells, yes; Thomas, yes; Waight, yes.

Motion carried.

8. Discussion and possible action to submit Notice of Rulemaking Intent to Office of Administrative Rules for publication in the Oklahoma Register for the purpose of permanent rulemaking.

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING
CHAPTER 20. MASSAGE THERAPY
Subchapter 5. Licensure of Massage Therapists [AMENDED]
Subchapter 7. Continuing Education [AMENDED]
Subchapter 9. Standards of Professional Conduct [AMENDED]
Subchapter 11. Grounds for Discipline [AMENDED]
Subchapter 13. Complaints and Hearings [AMENDED]

Ms Grisso said it was recommended that we revisit the issue of Continuing Education so an ad hoc committee comprised of members of the continuing education committee and legislative committees met at the end of November. On average, 10 hours of CE is required by 35 states in the US. Each member of the adhoc committee stated their preferred number of hours which was between 4-6 hours so we split the difference and that is how we arrived at 5 hours.

Board members Mather and Helton feel that continuing Ed should be up to the individual licensee and not enforced by the board, adding that professional development is a choice while basic licensure is necessary

A motion was made by Ms. Payne and simultaneously seconded by Mr. Baldini and Ms. Callicoat to approve and submit Notice of Rulemaking Intent to Office of Administrative Rules for publication in the Oklahoma Register for the purpose of permanent rulemaking.

Baldini, yes; Austin, yes; Avery, yes; Callicoat, yes; Helton, yes; Mather, abstained; Payne, yes; Sells, yes; Thomas, yes; Waight, yes.

Motion carried.

NOTE: Mr. Helton left at 12.16 pm.

9. Discussion and possible vote to enter into executive session pursuant to 25 O.S. §307(B)(2) to discuss performance review of Executive Director.

Vote to enter open session.

Discussion and possible action on matters discussed in executive session.

A motion was made by Ms. Austin and seconded by Ms. Callicoat to enter into executive session.

Baldini, yes; Austin, yes; Avery, yes; Callicoat, yes; Mather, yes; Payne, yes; Sells, yes; Thomas, yes; Waight, yes.

Motion carried.

After executive session a motion was made and seconded to enter into regular session.

Baldini, yes; Austin, yes; Avery, yes; Calliccoat, yes; Mather, yes; Payne, yes; Sells, yes; Thomas, yes; Waight, yes.

Motion carried.

10. Director's Evaluation Report- Max Thomas

Mr. Thomas reported that the Board gave Ms. Lewelling a very good evaluation and suggested that she look into ways that she and all eligible staff members could be given raises or stipends.

Mr. Thomas left at 1:23 p.m.

11. Discussion and Possible Action to Approve Special Session to replace November 12, 2018 regular scheduled OSBCB Meeting.

Monday November 12, 2018 conflicted with observation Veteran's Day, a state/federal holiday.

A motion was made by Mr. Sells and seconded by Ms. Payne to replace regular scheduled meeting on November 12, 2018 with Monday November 5, 2018

Baldini, yes; Austin, yes; Avery, yes; Calliccoat, yes; Mather, yes; Payne, yes; Sells, yes; Waight, yes.

Motion carried.

12. New Business Which Could Not Have Been Reasonably Foreseen Prior To Posting Of Meeting Agenda 25 O.S. (A) (9)

13. Board Adjournment

Chair Young announced the meeting to be adjourned.

Ken Young , Chair

Anthony Baldini, Vice Chair

LaFaye Austin

Peggy Avery

Michelle Calliccoat

Bill Helton

Christy Mather

Gretchen Payne

Jeff Sells

Max Thomas

Bruce Waight, Sr.