

The Oklahoma State Board of Cosmetology and Barbering met on Monday March 12, 2018 at 2401 NW 23<sup>rd</sup> Street, Suite 84, Testing Center, Oklahoma City OK 73107 at 10:02 a.m. The following persons were present:

## **BOARD MEMBERS**

1. Ken Young, Chair
2. Anthony Baldini, Vice Chair
3. LaFaye Austin
4. Peggy Avery
5. Michelle Callicoat
6. Christy Mather
7. Gretchen Payne
8. Jeff Sells
9. Max Thomas (Mr. Thomas left at 12:21 pm)
10. 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

Inspectors: Donnie Allen, Donna Glasper, Hollie James, Asrar Johnson, Elaine Klemme

Examiner: Cynthia Atchico

Camisha Green, Student Department

## **VISITORS**

Erin Pierce, Wendy Lee, Jerry Eugils, Laura Grisso, Mary Elizabeth LeBlank, Linda Wiist, Laura Hickman, Steven Funck, Lauri Ann Gillette, Terra Close, Thao Nguyen Pham, , Shonna White, Elaine Klemme, Shalonda Carter, Carleta Burton, Noell Share.

## **1. CALL TO ORDER**

Chair Young called the meeting to order.

(The meeting agenda 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 Callicoat
6. Christy Mather
7. Gretchen Payne
8. Jeff Sells
9. Max Thomas
10. Bruce Waight Sr.

New Board Members Peggy Avery and Bruce Waight, Sr. were sworn in by Chair Young.

3. Discussion and Possible Action to Approve or Disapprove Budget Report (January 1, 2018 to February 28, 2018) – Steve Funck, OMES, Agency Business Services.

Mr. Funck gave a verbal and written report that stated all 3 departments (General Operations, Inspection Program and IT Budget) were all operating under budget.

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

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

Motion passed.

4. 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

No requests to speak had been received.

5. Discussion and Possible Action to Approve or Disapprove Board Meeting Minutes from January 8, 2018 Board Meeting

A motion was made by Mr. Thomas and seconded by Ms. Payne to approve board meeting minutes from January 8, 2018 Board Meeting

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

Motion passed.

6. Director's Report-Sherry G. Lewelling

Legislative Update

Ms. Lewelling announced there would be a meet and greet with refreshments immediately after the board meeting to get to know our two new board members, the public was invited and there would be no board business discussed.

Ms. Lewelling went on to give legislative updates-

**SB 1312** by Senator Dahm, the deregulation bill. When we met with Dahm he said his intent was to reform, but the bill says nothing about reform it specifically states repeal. When in committee he'd made 2 amendments one was about the old barber statute regarding the removal of criminal sanction division, removing jail time from barber and cosmetology act. It's currently a misdemeanor with a "fine of not less than Fifty Dollars (\$50.00), nor more than One Hundred Fifty Dollars (\$150.00), or by imprisonment in the county jail for not more than thirty (30) days imprisonment" and the proposed amendment would strike the jail time. Went to Business, Commerce and Tourism committee meeting, it did pass thru committee. She has reached out to dahm and he has not gotten back with her. Sen stephanie Bice challenged him saying it was a far cry from original bill and asked him to explain and asked to work with him

SB 1174 Sen David freedom to work, free license to all first time licensees, anyone considered to be low income, anyone between the ages of 18-25 yrs old, and military, she noted that we already work with the military and have for years.

This appeared last year and now it's back this year, it is her opinion that it's intent is to weaken license agencies and to consolidate all license distribution in one place, if we get to a point that we need appropriations then that is all they need to do away with us. Mr. Sells also pointed out this would affect all licensing agencies not just cosmetology and barbering and bill would be effective as soon as it passes. Discussion continued.

Rep Mike Osborn—sponsored to de regulate hair braid, Ms Lewelling request they leave it at 40 hours, they left the definition in act so we can set standards in rules.

7. Advisory Board on Massage Therapy update-Laura Grisso  
Senate Bill 1063

Ms. Laura Grisso provided a chronological summation of the progress made on SB 1063 since January 8, 2018 authored by Senator Bergstrom and Representative West and added that SB1063 is #2 on the Senate Floor agenda for today, March 12, 2018.

Mr. Moak reminded board members that before they contact your legislator as a member of the Board you must first register as a legislative liaison and follow the process set by the Ethics Commission, pay \$100 fee and submit monthly reports in June and December or risk a fine.

8. Discussion and Possible Action regarding tests administered by Lasergrade/PSI in languages other than English.

Chair Young announced this item was for discussion only and no vote would be taken. Several people expressed there is a need for foreign language exam, NIC and PSI currently offer the written exam in English, Spanish, Vietnamese and Korean.

Mr. Moak advised that he would need to do some additional research on this issue since English was approved as the official language of Oklahoma in a state wide vote several years ago.

9. Discussion and Possible action regarding quarterly reports of student hours as required by Board Rule OAC 175:10-3-60(g).

This item was placed on the agenda for discussion only and no vote was taken.

Mr. Sells asked if this rule could be amended for clarification and be submitted at standard quarterly time, no later than January 10, April 10, July 10, and October 10 of each year. It was also discussed that submission of apprentice hours be required as well. Mr. Moak said any proposed rule change would have to take place next year.

10. Discussion and Possible Action for Executive Director, Sherry Lewelling, to attend the NIC Executive Directors Meeting April 19<sup>th</sup> – 20<sup>th</sup>, 2018.

A motion was made by Mr. Baldina and seconded by Ms. Austin to approve Executive Director, Sherry Lewelling, to attend the NIC Executive Directors Meeting April 19<sup>th</sup> – 20<sup>th</sup>

**Voting: Baldini, yes; Austin, yes; Avery, yes; Calliccoat, yes; Mather, yes; Sells, yes; Thomas, yes; Waight, yes.**

Note: Ms. Payne was out of the board room during this vote.

Motion passed.

11. Discussion and Possible Action for Executive Director, Sherry Lewelling, and Massage Therapy department personnel, Laura Bryce, to attend the 2018 FSMTB Member Board Executive Summit April 12<sup>th</sup> – 13<sup>th</sup>

A motion was made by Mr. Baldini and seconded by Mr. Sells to approve Executive Director, Sherry Lewelling, and Massage Therapy department personnel, Laura Bryce, to attend the 2018 FSMTB Member Board Executive Summit April 12<sup>th</sup> – 13<sup>th</sup> in Kansas City.

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

Motion passed

12. Discussion and Possible Action to approve renewing contract with the Attorney Generals Office for continued legal counsel.

A motion was made by Mr. Thomas and seconded by Ms. Austin to approve renewal of contract with the Attorney Generals Office for continued legal counsel.

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

Motion passed.

13. Discussion and possible action regarding micro-dermabrasion.

Again, this item was for discussion and clarification only. Cosmetologists CAN do micro-derma-brasion with a Level one micro-dermabrasion machine affecting only the stratum corneum or outer most layer of dead cells on the skin. Dermabrasion goes deeper than the stratum corneum, draws blood and must be done by a physician.

14. Discussion and Possible Action regarding possible legislation to amend the Cosmetology and Barbering Act including changes in the number of hours required for licenses issued by the Board; changes in curriculum requirements for licenses; and the number and type of licenses issued by the Board.

This item was placed on the agenda for discussion in the interest of openness and clarity, and to give Ms. Lewelling the ability possibly negotiate with lawmakers in the event there is no time to contact board members. Some ideas that were suggested were to possibly lower hours required for cosmetology which could be done in rules and possibly lower hours for barbering which would require a law change, and possibly adding a license for eyebrow threading and a license for make up artistry.

Note: Mr. Thomas left the meeting at 12:21 pm.

15. Discussion and possible action to adopt permanent rules pursuant to 75 O.S. sec. 303.  
OAC 175. State Board of Cosmetology and Barbering  
Chapter 1. Administrative Operations  
Subchapter 1. General Provisions  
175:1-5-6. Investigation of alleged violation [AMENDED]  
175:1-5-15. Schedule of Fines [AMENDED]

A motion was made by Mr. Sells and seconded by Ms. Callicoat to adopt permanent rules pursuant to 75 O.S. sec. 303.

**Voting: Baldini, yes; Avery, yes; Callicoat, yes; Mather, yes; Payne, yes; Sells, yes; Waight, yes.**

Note: Ms Austin was out of the room during this vote.

Motion passed.

Chapter 10. Licensure of Cosmetologists, Barbers, Schools and Related Establishments

Subchapter 3. Licensure of Schools

Part 1. Initial School Licensing

175:10-3-3 [AMENDED]

Part 3. Student Registration and Entrance Requirements

175:10-3-16 [AMENDED]

Part 5. Equipment and Curriculum Requirements

175:10-3-34 [AMENDED]

175:10-3-37 [AMENDED]

175:10-3-38 [AMENDED]

175:10-3-39 [AMENDED]

175:10-3-41 [AMENDED]

175:10-3-42 [AMENDED]

175:10-3-43 [AMENDED]

175:10-3-44 [AMENDED]

175:10-3-45 [AMENDED]

175:10-3-46 [AMENDED]

Part 7. General Operations and Licensing Requirements

175:10-3-55 [AMENDED]

A motion was made by Mr. Baldini and seconded by Ms. Mathers to adopt rules pursuant to Chapter 10; Subchapter 3.

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

Motion passed.

- Chapter 20. Massage Therapy
  - Subchapter 5. Licensure of Massage Therapists
    - 175:20-5-1 [AMENDED]
    - 175:20-5-2 [AMENDED]
    - 175:20-5-5 [AMENDED]
  - Subchapter 7. Continuing Education
    - 175:20-7-1 [AMENDED]
  - Subchapter 9. Standards of Professional Conduct
    - 175:20-9-1 [AMENDED]
    - 175:20-9-2 [AMENDED]
  - Subchapter 11. Grounds for Discipline
    - 175:20-11-1 [AMENDED]
  - Subchapter 13. Complaints and Hearings
    - 175:20-13-1 [AMENDED]

A motion was made by Mr. Sells and seconded by Ms. Calliccoat to adopt rule changes pursuant to Chapter 20. Massage Therapy Subchapter 5. Licensure of Massage Therapists

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

Motion passed.

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

No new business was heard.

17. Board Adjournment

Ken Young, Chair \_\_\_\_\_ Anthony Baldini, Vice Chair \_\_\_\_\_

LaFaye Austin \_\_\_\_\_ Peggy Avery \_\_\_\_\_

Michelle Calliccoat \_\_\_\_\_ Christy Mather \_\_\_\_\_

Gretchen Payne \_\_\_\_\_ Jeffrey Sells \_\_\_\_\_

Max Thomas \_\_\_\_\_ Bruce Waight Sr \_\_\_\_\_