

## BOARD MEETING MINUTES

November 5, 2018

10:06 a.m.

2401 N W 23rd, Suite 84

Testing Center

Oklahoma City, Ok. 73107

Ken Young, Chair – Presiding

### 1. Call to order

Chair Young called the meeting to order. The agenda had been properly posted and agenda-ized.

### 2. Roll call

Quorum was established with a roll call. The following persons were present.

1. Ken Young, Chair
2. Jeff Sells, Vice Chair
3. LaFaye Austin
4. Peggy Avery
5. Anthony Baldini
6. Michelle Calliccoat
7. Bill Helton
8. Christy Mather
9. Tim Perdue
10. Bruce Waight, Sr

Note: Ms. Thao Nguyen-Pham was not present on this date.

### **BOARD'S LEGAL ADVISOR**

Grant Moak (Mr. Moak left early at 1:11 pm)

### **BOARD STAFF**

Sherry Lewelling, Executive Director

John Funderburk, Principal Assistant

Janelle Hastings, Administrative Assistant

Laura Bryce, Massage Therapy Department

Lauri Ann "LA" Gillette Examiner/Inspector

Latonca Dollarsen, Examiner/Inspector

Donnie Allen, Inspector/Examiner

Holli James, Inspector/Examiner

Elaine Klemme, Inspector/Examiner

Asrar Johnson, Inspector/Examiner

Camisha Green, Student Registrar

### **Visitors**

Mary Elizabeth LeBlanc, Shelby Broaddus, Ashley Wallace, Cherish Ferguson, Mattie McAlister, Dee Neicie, Kara Butler, Sabrina Miller, Maria Torres, Rachel Koszczwski, Trinity Spooner, Amanda Elkins, Cherokee Barber, Aidee Reyes, Bethany Crow, Krissy Miller, Daquanesha Jasper, Chelsea Pritchard, Steve Funck, Linda Wiist, Cara Ward, Pam Martin, Karen Harr, Jennifer Giehll, Katie Ausmus, Steve Schardein, Laura Grisso, Kelli Lene

Mr. Young welcomed Instructor Krissy Miller and her students from Southwest Tech Center and other visitors.

3. Discussion and possible action to approve or disapprove budget report (September 1, 2018 to October 31, 2018)- Steve Funck, OMES, Agency Business Services

Mr. Funck stated that all three departments, General Operations, Inspection Program and Data Processing, are all operating under budget.

A motion was made by Mr. Baldini and seconded by Mr. Sells to approve budget report (September 1, 2018 to October 31, 2018)

**Voting:**

1. Sells, yes; Austin, yes; Avery, yes; Baldini, yes; Calliccoat, yes; Helton, yes; Mather, yes; Perdue, yes; Waight, yes.

**Motion carried.**

8. Update on electronic inspection program- John Funderburk, OSBCB and Keith Mitchell, eTech

Mr. Funderburk and Keith Mitchell provided a detailed summary of progress on the electronic inspection program which is expected to roll out in the near future. This will allow inspectors to complete inspection reports on an iPad and check information on the office computer system and update information to the office server daily or anytime connected to WIFI. Inspectors will provide feedback on this system in a future board meeting. Inspection reports will be available online.

4. Public comment- Opportunity for the board to receive public comments. Each speaker is limited to three minutes.

Chelsea Pritchard a licensed Barber/Cosmetologist from Bartlesville asked for clarification regarding the use of a straight razor. The use of a straight razor to shave the face is restricted to barbers only, a cosmetologist is trained in the use of a straight razor with or without a guard, to trim or clean up the neckline.

Linda Wiist, licensed Facialist and Salon Owner from Oklahoma City asked for clarification regarding the serving of alcohol in a salon. Per the ABLE commission, is a salon is serving liquor the salon has to have a liquor license and they have to sell at 6% above the cost, but they can serve if for an invited party or open house in a salon

Pam Martin, Clary Sage College asked about changes to the cosmetician license and was told those would be addressed later in item #17 on the agenda

5. Director's report- Sherry G. Lewelling

NIC (National-Interstate Council of State Boards of Cosmetology) and NABBA (National Association of Barber Boards of America) Conferences

Ms. Lewelling said other board members attended the NIC and NABBA conferences and would let them report on that later in the agenda, she went on to say she attended the two day NIC administrators' conference and reported that their three year project on best practices for inspections and safety and sanitation was submitted to and approved by the NIC executive board and should be posted on the NIC website soon. Ms. Lewelling also introduced new Massage Therapy Advisory Board member Kelly Lene.

## 6. Massage Therapy report- Laura Grisso

Ms. Grisso, chair of the MTAB also recognized new board member Kelly Lene, she has had 27 years experience, 16 of those in Oklahoma and is the owner/operator of Time Well Spent salon in Tulsa.

Ms. Grisso and Ms. Bryce attended the FSMTB (Federation of State Massage Therapy Boards) conference in Salt Lake City in October. She said other states are facing the same issues as Oklahoma with respect to deregulation, human trafficking, and establishment licensing. Tennessee provided a report on how they are using establishment licensing to follow human trafficking and work with authorities. The minutes from FSMTB will soon be available on their website.

## 7. Discussion and possible action to approve or disapprove massage therapy legislative changes.

Among some of the change were:

An establishment owner who already has a Cosmetology Establishment license would not be required to also have a massage therapy establishment license as a 2<sup>nd</sup> establishment license would be considered a burden.

Fee of Massage therapy for establishment lowered to \$30

The makeup of the Massage Advisory Board to have a total of seven (7) members: four (4) Massage Therapist, one (1) establishment member, one (1) educator and one (1) public member who has no direct interest in Massage therapy except as a consumer.

Submit to a National criminal history record check instead of OSBI

Extending the grandfather period to August 1, 2020

Striking the requirement for liability insurance

Allowing a one-time permit to work under a Massage Therapist licensee while waiting to take the national exam

A motion was made by Mr. Helton and seconded by Mr. Baldini to approve massage therapy legislative changes.

### **Voting:**

Sells, yes; Austin, yes; Avery, yes; Baldini, yes; Calliccoat, yes; Helton, yes; Mather, yes; Perdue, yes; Waight, yes.

**Motion carried.**

9. NIC report- Jeff Sells, Peggy Avery, LaFaye Austin, Machele Calicoat, Christy Mather

Mr. Sells reported that his first visit to NIC was quite interesting, with topics including micro blading and micro-pigmentation. He said Bill Helton was re-elected as president of the NIC board

He added that LaFaye Austin received the prestigious Aurie J. Gosnell award which is the highest award given by NIC and must be unanimously voted upon by the executive board.

10. NABBA report- Bruce Waight

Mr. Waight said it was his first time to attend the week-long conference which included Pivot Point labs, new men's hairstyling, infection control, there was good communications between boards, the common theme again was de-regulation. Ms. Lewelling, who also attended NABBA said our board was well represented by Mr. Waight.

11. Discussion and possible action to approve or disapprove the establishment of regularly scheduled OSBCB meetings in 2019, every other month on the second Monday of the month at 10:00am

2019 Dates would be as follows:

January 14th

March 11th

May 13th

July 8th

September 9th

November 11th (Veterans Day)

A motion was made by Mr. Helton and seconded by Mr. Baldini to approve the establishment of regularly scheduled OSBCB meetings in 2019 and change the November 11 meeting to November 4, 2019.

**Voting:**

1. Sells, yes; Austin, yes; Avery, yes; Baldini, yes; Calicoat, yes; Helton, yes; Mather, yes; Perdue, yes; Waight, yes.

**Motion carried.**

\*NOTE: This item was re opened in item #11, to meet on January 7, 2019 instead of January 14, 2019.

12. Budget committee report- Jeff Sells

Mr. Sells said some adjustments were needed to fund some IT projects, including the paperless system, electronic inspection program, modification of the AS400, preparation for online testing, he said the fees were reasonable, with the total of \$63,900 and round that up to \$65,000

13. Discussion and possible action to approve or disapprove budget revision request.

A motion was made by Mr. Baldini and seconded by Mr. Waight to approve budget revision request.

**Voting:**

1. Sells, yes; Austin, yes; Avery, yes; Baldini, yes; Callicoa, yes; Helton, yes; Mather, yes; Perdue, yes; Waight, yes.

**Motion carried.**

14. Rules committee report- Anthony Baldini

Mr. Baldini said the Rules committee was making slow but steady progress and specifics would be addressed later in item #15.

15. Discussion and possible action to approve or disapprove the rules committee recommendations.

No action was taken on this item-tabled until January 2019

16. Legislative committee report- Jeff Sells

Some changes include:

Changing Hairbraiding license to Hairbraiding Certification

Threading Certification

Cosmetician to Cosmetician/Stylist

Changing the Quarterly submission of hour reports to Monthly

Allowing a shampoo certificate after 150 hours of cosmetology training, enabling a student to work in a salon during non-school hours.

Striking language requiring completion of review hours for license that has been expired for a period exceeding five (5) years and allowing licensee to renew with past fees and penalties up to a maximum of \$500.

17. Discussion and possible action to approve or disapprove the legislative committee recommendations.

A motion was made by Ms. Calliccoat and seconded by Mr. Helton to approve legislative committee recommendations.

**Voting:**

1. Sells, yes; Austin, yes; Avery, yes; Baldini, yes; Calliccoat, yes; Helton, yes; Mather, yes; Perdue, yes; Waight, yes.

**Motion carried.**

18. Discussion and possible action to approve or disapprove making the safety and sanitation test available online.

The open book safety and sanitation exam is required for reciprocity applicants from out of state and those applying for demonstrator licenses, and was considered to possibly create a hardship for applicant who had to drive all the way to Oklahoma City from distant parts of the state.

A motion was made by Mr. Helton and seconded by Mr. Baldini to approve making the safety and sanitation test online.

**Voting:**

1. Sells, yes; Austin, yes; Avery, yes; Baldini, yes; Calliccoat, yes; Helton, yes; Mather, yes; Perdue, yes; Waight, yes.

**Motion carried.**

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

Vote to enter open session

Discussion and possible action on matters discussed in executive session.

A motion was made by Mr. Helton and seconded by Mr. Balidini to enter into executive session

**Voting:**

1. Sells, yes; Austin, yes; Avery, yes; Baldini, yes; Calliccoat, yes; Helton, yes; Mather, yes; Perdue, yes; Waight, yes.

**Motion carried.**

**EXECUTIVE SESSION**

A motion was made by Mr. Helton and seconded by Mr. Baldini to re-enter into regular session

**Voting:**

1. Sells, yes; Austin, yes; Avery, yes; Baldini, yes; Calliccoat, yes; Helton, yes; Mather, yes; Perdue, yes; Waight, yes.

**Motion carried.**

20. Director's evaluation report- LaFaye Austin

Ms. Austin said Ms. Lewelling meets and exceeds all standards and her efforts are appreciated by the entire board. Ms. Mather asked that Ms. Lewelling's future reports include information such as number of students tested, and number of salons inspected and any areas of concern.

21. New business which could not have been reasonably foreseen prior to posting of meeting agenda 25  
O.S. sec.311 (A)(9)

No new business was heard.

22. Board adjournment (at 4:54 pm)

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Ken Young, Chair

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Jeff Sells, Vice Chair

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LaFaye Austin

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Peggy Avery

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Anthony Baldini

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Machelle Callicoa

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Bill Helton

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Christy Mather

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Tim Perdue

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Bruce Waight, Sr.