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# OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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Lakshmi Prasad, OPQC

Jay Iams, M.D., OPQC

Patti White, Morgan COS

Sherry Curry, Knox Co. Career Center

Emily Harrison, Kenneth's

**Agenda item #1: CALL MEETING TO ORDER**

Mr. Taneff called the meeting to order at 1:01 p.m.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and seven members were present. Having noted a majority of members were present, Mr. Taneff proceeded to conduct business. Dr. Gupta was not in attendance when roll call was completed, but later arrived at 1:04 p.m.

Agenda item 1b: Pledge of Allegiance to the Flag of the United States of America

Following the roll call, Mr. Taneff asked members to stand and recite the Pledge of Allegiance to the Flag of the United States of America. Members and audience rose and recited the Pledge of Allegiance.

Agenda item 1c: Approval of Meeting Agenda (Exhibit C)

Motion #1: Mr. Hanks moved to approve the meeting agenda for the May 10, 2016 Board meeting. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - carried: 7 – 0.

**Agenda item #2: APPROVAL OF PREVIOUS MEETING MINUTES (Exhibit D)**

Agenda item 2a: Approval of Previous Meeting Minutes (Exhibit D)

Motion #2: Ms. Sheipline moved to approve the April 12, 2016 meeting minutes. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7– Yes.

**Agenda item #3: OFFICER AND STAFF REPORTS (Exhibit E)**

Agenda item 3a: Chairperson's Report

Mr. Taneff had no report.

Agenda item 3b: Executive Director's Report (Exhibit E)

Mr. Logsdon filed a written report, stating the report was brief and it will stand as submitted.

Motion #3: Mr. Thompson moved to approve the Executive Director's Report (note report included approval of capital expenditure for IT programming). Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7-Yes.

Mr. Logsdon stated that Mr. Taneff was asked to participate in an interview process and if the Board wishes those duties to be recognized as official duties, the Board should consider a separate motion.

Mr. Hanks inquired if the Board needs to take action on the interview process. Mr. Logsdon recommended doing so. Member Hanks clarified the motion.

Motion 4: Mr. Hanks moved to approve as an official duty for Mr. Taneff being involved in the hiring process for the Attorney IV position. Ms. Sheipline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 8- Yes.

Dr. Gupta arrived at 1:04 p.m.

**Agenda item #4: COMMITTEE REPORTS**

Agenda item 4a: Administrative Action Committee Report (Exhibit F)

Mr. Taneff asked Mr. Logsdon to present the Administrative Review Committee (ARC) report. Mr. Logsdon reported that the ARC met on May 3, 2016. Mr. Logsdon then reviewed each case listed in the ARC report. Discussion: Ms. Sheipline inquired if the Board definition for "certification" states the theory and clinical examination needs to be specific. Ms. Pearson addressed the question stating a student must pass a theory and practical test for a specific service and the student is authorized to perform those services on patrons. Mr. Logsdon followed up with an example of an examination that would be problematic. Mr. Logsdon advised members that if the word "certification" needs to be better defined, then the place to start is the rule. Mr. Taneff inquired about the agency's testing process, asking if the testing process were revised to require a passing score on each section, wouldn't the Board be implementing unnecessary impediments to entering the workforce. Mr. Logsdon stated that the rule in question is related to the educational process and providing services on the clinic floor during the educational process. Mr. Logsdon stated any process that considers combining different services under a single examination would need to determine the student is meeting the standard. Mr. Taneff noted his concern over any process that would interfere with a person's ability to realize their dreams. Mr. Hanks stated, applying the same logic to licensure examinations, would the board prevent a person from providing services for any section of the examination not passed. Ms. Sheipline stated that the current rules are broad enough and permit a school to retest as many times as needed. Ms. Sheipline stated that she is on the fence on the issue of the need to certify, but the current rules give her the freedom to teach and retest as often as needed. No further discussion.

*\*Names and identifying information was redacted from the Administrative Review Report. For the purpose of discussion, matters were referred to only by case number and referenced by case number verbally. Identifying information based upon the correlating case number was added during the writing of the minutes where specific reference or motion is entered upon the board's journal.*

Motion #4: Ms. Osterhage moved to confirm the Administrative Review Committee (ARC) report, as referenced hereto by attachment to the minutes of the Board, and Mr. Taneff's actions taken on behalf of the Board contained therein pursuant to his authority under resolution #1, March 10, 2015. Dr. Gupta seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 8 - Yes.

**Agenda item #5: PUBLIC TESTIMONY**

None.

**Agenda item #6 UNFINISHED BUSINESS**

None.

**Agenda item #7: OLD BUSINESS**

None.

**Agenda item #8: NEW BUSINESS**

Agenda item 8a: Ohio Collaborative to Prevent Infant Mortality – Dr. Jay Iams

Mr. Taneff welcomed Dr. Iams.

Dr. Iams introduced the organization he appeared on behalf of – the Ohio Collaborative to Prevent Infant Mortality. Dr. Iams stated Ohio is ranked 46<sup>th</sup> in infant mortality. The Ohio Collaborative to Prevent Infant Mortality, he stated, was created under Governor Strickland. The Ohio Collaborative, he stated, is a group of people representing public health, insurance, hospitals, doctors, nurses, and health providers, who are trying to effect infant mortality. Dr. Iams introduced his colleague, Lakshim Prasad, the project manager for the Ohio Perinatal Quality Collaborative, which he described as an action organization. Dr. Iams stated his organization is using quality improvement methods, like those used by industry, for care of the pregnant woman during pregnancy around the time of birth. Dr. Iams described the works of his group as, “hopeful.” Dr. Iams stated that most people do not know that premature delivery, especially more than eight weeks before the due date, is the number one cause of infant death in Ohio. Dr. Iams stated that an intervention that provides for supplemental progesterone at the right time reduces rates of infant mortality.

Dr. Iams stated that the problem is tracking down eligible women who had prior pre-mature deliveries. Many women, about 35 – 40 % are not eligible, because the healthcare system does not see them until it is too late. Treatment, he stated should begin around the halfway point. Dr. Iams stated that they cannot find these people, because it is not worthwhile to them or it is too expensive. Dr. Iams stated that his organization needs to go where the candidates are located.

Dr. Iams stated that the culture needs to be changed by getting medical care to women as soon as possible in the pregnancy. Dr. Iams stated that the very same women are not going to health care providers, but do go to salons. Dr. Iams stated that he is appearing before the Board to assess the Board’s interest in pursuing a plan, asking a group of owners, staff, and patrons how they might feel about having – whether a video or informational handout, or someone available. Dr. Iams stated that he did not know exactly how to do it, but thinks there is an opportunity here that would reflect well on the Board.

Discussion: Mr. Penzone expressed concern that many seek to have their causes before salon customers due the volume of services provided by the industry. Mr. Penzone stated that, in his opinion, he would be opposed to taking on another cause. Dr. Iams stated that he expected such a response, because he had spoken with Mr. Logsdon who informed him that it was a concern. Dr. Iams responded that he was interested in opening doors and testing it out to see if salons would be interested. Dr. Iams asked to learn from it, not to have something adopted for the entire state, but perhaps a special project.

Ms. Osterhage suggested to Dr. Iams that the path would need to be figured out and that she would be willing to work with him. Ms. Osterhage stated her salons are chain salons with different demographics. Ms. Osterhage stated most of her customers are men, but it is her stylists that may be interested in seeing what the project could look like and she would be willing to work with him. Dr. Iams responded by providing an example of previous methodologies that worked well in big health care systems, but took much longer in smaller health systems. Dr. Iams suggested developing a plan that would be accountable and would help them decide if the project would work or not. Ms. Osterhage indicated that most of her licensees are women and that might be an audience to start with. Ms. Osterhage also suggested sharing information as part of their health plan.

Mr. Taneff asked if there was a motion to approve cooperative assistance with the Ohio Collaborative to Prevent Infant Mortality.

Motion #5: Ms. Shepline moved to approve cooperative assistance with the Ohio Collaborative to Prevent Infant Mortality. Mr. Hanks seconded the motion. Discussion: Mr. Penzone inquired how the Board was going to collaborate and if it would be a mandate. Dr. Iams responded that he has no authority to require it and that it would be voluntary. Dr. Iams stated that a past project took many years and working with salons, he thought, would be a slower process. Dr. Iams indicated that Ohio Collaborative project would not be forced on anybody. Dr. Gupta inquired what specific demographic was being targeted. Dr. Iams stated women of reproductive age, who don't hear much about premature birth. Dr. Iams stated his organization would like to raise the issue of risk with reproductive-age women from any background. Dr. Iams stated he would not imagine his organization coming into a salon and doing anything that they weren't invited to do. Mostly, it would be providing educational material, he stated. Dr. Gupta stated it might make sense to take a preventative approach and target more than just women who are at risk. Dr. Iams reiterated that his organization is trying to change the culture.

Mr. Logsdon recommended amending the motion to state that the Board would explore cooperative assistance in a path of creating a least intrusive plan. Mr. Logsdon stated the directive would permit staff to develop a more concrete plan that would consider all options, including addressing some of the concerns being discussed. Mr. Penzone inquired if a motion was needed at all, recommending that they [the Ohio Collaborative] could contact salon chains or organizations within the industry and each could voluntarily choose to embrace the idea. Mr. Penzone reiterated his concern that passing the motion may lead to others with good causes coming before the Board, stressing that it is not the Board's role to champion causes of outside organizations. Dr. Iams understood Mr. Penzone's perspective, but indicated his goal was nothing more than having an endorsement to explore the matter. Mr. Thompson added that his salon has supported different causes for different reasons and each has been accessed without having gone through the Board. Mr. Thompson stated that he agrees with all parties, but felt it could be a "slippery slope" for the Board. Mr. Thompson recommended starting with Ms. Osterhage. Mr. Taneff recommended that rather than imposing upon the Board member's salons, place an informative piece on the Board's Facebook. Ms. Osterhage responded that Mr. Taneff's idea would fit into Mr. Logsdon's suggested revision to the main motion.

Motion #6: Ms. Osterhage moved to amend the main motion by stating the Ohio State Board of Cosmetology would explore opportunities with the organization [the Ohio Collaborative]. Ms. Shepline seconded the motion to amend. Discussion: Mr. Penzone reiterated that it was not within the Board's scope. No further discussion. Roll call vote taken - motion carried: 5 – Yes, 3 – No (Benfer, Thompson, Penzone).

Agenda item 8b: Rule Amendments: proposed OAC 4713-7-01, 4713-7-11, and 4713-8-08 (Exhibit G)

Mr. Logsdon was asked to review the matter. Mr. Logsdon stated that the three rules under consideration had previously been reviewed by the Board. The rules, he stated, had been amended to address the new e-licensing system requirements, alignment with the enabling statute, and removing language that was not consistent with amplification of the Ohio Revised Code. Mr. Logsdon stated that the background information was provided to the members in their meeting material.

Motion #7: Ms. Shepline moved to approve the amendments to proposed rules OAC 4713-7-01, 4713-7-11, and 4713-8-08. Ms. Osterhage seconded the motion. Discussion: Mr. Hanks wanted clarification on the Board's ability to vote, because the

item was not on the agenda five days in advance. Mr. Logsdon stated the item was on the agenda five days in advance, but the explanatory coversheet was added for informational purposes. Roll call vote taken - motion carried: 8 – Yes.

#### Agenda item 8c: Petition filed by CTC Schools (Exhibit H)

Ms. Osterhage asked for some time to read through the material. After, Mr. Logsdon indicated that the counter position he included in the Board's material was to inform members why the prescheduling procedure was discontinued. Mr. Logsdon stated that examination prescheduling was not a rule and it was not law. Mr. Logsdon stated that examination prescheduling was a service that was offered. Mr. Logsdon stated that he did not think prescheduling would be possible with the new licensing system. Mr. Logsdon thought group scheduling might be if applications came in together, but did not know. Mr. Logsdon stated the office would try to accommodate as many things as possible and that he would be happy to consider anything the Board wished to advance. Mr. Logsdon iterated that the Board would need to see what the new era of technology offers before knowing what opportunities the agency will have.

Discussion: Ms. Osterhage confirmed that no changes would be possible this spring and if next spring would be possible. Mr. Logsdon stated the agency addresses prescheduling on a regular basis. Ms. Osterhage asked if it was because prescheduling involved block scheduling. Mr. Logsdon stated that prescheduling secured an examination seats in advance of the application process. The new system, he stated, will require individuals to individually apply for a license examination on-line. He stated that he is not sure if the staff could identify group applications in the new system, if persons apply together. Mr. Logsdon reiterated that he does not know what the full capabilities of the new system will be and that core functionality is being built for 27 different boards. Mr. Logsdon stated he would be happy to report back to the Board on the system capabilities.

Ms. Sheipline stated that she did not read that they [CTC Schools] were asking for prescheduling, but instead, they are asking if multiple applications were filed at the same time, could the testers be scheduled on the same day for transportation purposes. Ms. Sheipline understood that the new system capabilities would not accommodate prescheduling, but if the school was diligent and followed through on making sure students applied on the same day and at the same time, she [Ms. Sheipline] feels it's not impossible to schedule the testers on the same day. Ms. Sheipline expressed faith the Executive Director would determine the system's capabilities and, if possible, make it happen. Ms. Sheipline stated that the issue was a customer service issue. She [Ms. Sheipline] stated it was a transportation issue for schools and it makes sense fiscally to transport testers on one bus. Ms. Sheipline stated the issue extends to private schools that transport students.

Motion #8: Ms. Osterhage moved to approve a directive that board staff determine if group scheduling for career-technical and private schools of Cosmetology could feasibly be performed under the configuration of the new E-license 3.0 system and that within three months of experimentation, Mr. Logsdon will report to the Board on system's capabilities. Mr. Thompson seconded the motion. Discussion: Mr. Hanks stated that the problem in the past was setting aside blocks of seats and people would not show up, which made it difficult for students to get in and test, because the seat was blocked and unfilled if the person did not show for the examination. Mr. Hanks asked if group scheduling is feasible, that the service be monitored for a while to determine if it is a hindrance to the testing process. Mr. Penzone asked if the motion was to approve a feasibility study. Mr. Logsdon stated, yes, that the staff would need to look at the feasibility within the context of the technology the agency would have. Mr. Taneff called the question. Roll call vote taken - motion carried: 8 – Yes.

#### Agenda item 8d: Hearing Officer Report and Recommendations

None.

Agenda item 8e: Correction to Previously Approved Orders of the Board (Exhibit I)

**CORR – 1: In the matter of Cassandra M. Washington, COSM.862242, Case #2016-67**

Motion #9: Ms. Osterhage moved to **approve** an Order to Vacate the Order of the Board in the matter listed on “COS – Issue Report NOV Business + Credential Cnty” dated 3/18/2015 to 3/18/2016 report as item 26, April 12, 2016 and approve CORR-1, case 2016-67, listed on “COS – Issue Report NOV Business + Credential” dated 4/27/2015 to 4/27/2016 report as item CORR-1 approving settlement agreement with the following agreed terms of \$750.00 with \$375.00 stayed pending no repeat violations within twelve months of the issue date of the Order. The agreement will be journalized and attached hereto as an exhibit. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8 – Yes.

Agenda item 8f: Board Orders to Enforce Notices of Opportunity for Hearing (Items #2 - #15) – (Exhibit J collective)

Motion #10: Ms. Osterhage moved to approve Orders of the Board as listed on “COS – Issue Report NOV Business + Credential” dated 4/27/2015 to 4/27/2016 as items #2 through item #15 and the Orders to be journalized and attached hereto as an exhibit entered upon the Board’s journal. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 8 - Yes

The Orders of the Board shall become effective upon the date of mailing of the Orders.

SO ORDERED

The language contained therein will be incorporated by reference into the Board's journal in this case and attached as an exhibit to the minutes.

Agenda item 8g: Board Orders to Approve Settlement Agreements (Items #16– #50) (Exhibit N collective)

Motion #11: Ms. Osterhage moved to approve the Settlement Agreement Orders of the Board as listed on the “COS – Issue Report NOV Business + Credential” dated 4/27/2015 to 4/27/2016 as items #16 through item #50 and the Orders to be attached hereto as an exhibit entered upon the Board’s journal as Orders of the Board. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 8 - Yes.

The Orders of the Board shall become effective upon the date of mailing of the Order.

SO ORDERED

The language contained therein will be incorporated by reference into the Board's journal in this case and attached as an exhibit to the minutes.

**Agenda item #9**

**EXECUTIVE SESSION**

None.

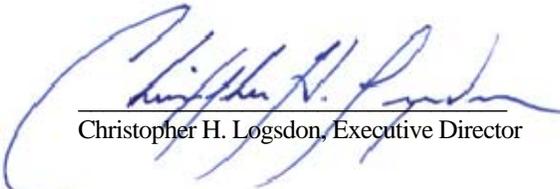
**Agenda item #10**

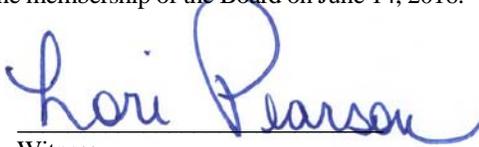
**ADJOURNMENT**

Motion #12: Ms. Osterhage moved to adjourn. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 8- Yes.

The meeting adjourned at 2:04 p.m.

Executive Director's Certification: These are a true account of the proceedings in accordance with Section 121.11 of the Ohio Revised Code, approved by a majority of a quorum of the membership of the Board on June 14, 2016.

  
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Christopher H. Logsdon, Executive Director

  
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Witness