
OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF AUGUST 9, 2016

REGULAR BUSINESS MEETING

TRANSCRIPTION NOTE (Exhibit A):

Anderson Reporting Service, 3242 West Henderson Road, Suite A, Columbus, OH 43220 was the transcription service for this meeting. Transcript is attached as Exhibit A.

MEMBERS IN ATTENDANCE (Exhibit B):

- Thomas Taneff, Chairperson
- Clara Osterhage, Vice Chairperson
- Valerie Benfer
- Steve Thompson
- Luke Hanks
- Tasha Sheipline
- Dr. Shalini Gupta (arrived at 1:17 PM)

Staff in attendance:

- Christopher H. Logsdon, Executive Director
- Lori Pearson, Deputy Director
- Lori Flanery, Program Administrator 1
- Charley Yaniko, Board in-house counsel

Assistant Attorney General in attendance:

Daniel Murry, Assistant Attorney General

Others in Attendance:

David Spellman, PMTS Cincinnati

Emily Harrison, Kenneth's

Matt Wells, ODE

Kim Osborn, Paramount

Deborah Moore, Paramount

Angela Hodges, The Hornsby Group

Tim Hornsby, The Hornsby Group

Liz Spencer, Moler Beauty Academy

Katt Mariott, OCLTA

Angela Ramsay, OCCTA

Jeff Geisinger, Skills

Michael Schul, Michael's Salon

Pat Dinh

Janet Bain

Tony Fiore, OSA

Agenda item #1: CALL MEETING TO ORDER

Mr. Taneff called the meeting to order at 1:00 p.m.

Agenda item 1a: Roll Call

Ms. Flanery took roll call and six members were present. Having noted a majority of members were present, Mr. Taneff proceeded to conduct business. Dr. Shalini Gupta and Charles Penzone were not present during roll call. Dr. Gupta later arrived at 1:17 p.m. bringing the total members present to seven.

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: Ms. Osterhage moved to approve the meeting agenda for 9/13/2016. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - carried: 6 – 0.

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

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

Motion #2: Ms. Osterhage moved to amend motion #16, page 12 of the meeting minutes from August 9, 2016 regular meeting by correcting as follows: strike #2, insert #1, and strike #4, insert #3. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken - motion carried: 5– Yes, 1 abstained (Mr. Taneff).

Motion #3: Ms. Osterhage moved to approve the meeting minutes of August 9, 2016, as amended. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken - motion carried: 5– Yes, 1 abstained (Mr. Taneff).

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. Mr. Logsdon provided a verbal review of his report.

Mr. Logsdon reported that the budget status was unremarkable, expenditures or disbursements were not unusual for the period. Next, Mr. Logsdon reported on the biennial budget. Mr. Logsdon stated that his report had been modified from the report sent to members prior to the Board meeting. Mr. Logsdon reported that elicence 3.0 cost estimates were lowered. A copy of the new fee estimates was provided to members. Mr. Logsdon reported that three issues drive the FY 2018/2019 budget: payroll projections, Elicence 3.0 costs and the increase in facility rent in the last two years. Mr. Logsdon reported the agency would be filing an Activity B funding request.

Next, Mr. Logsdon reported on Am. Sub. S.B. 213 implementation. Mr. Logsdon stated that staff has been moving forward with the implementation plan and that implementation is nearly complete. Mr. Logsdon reported that as of the effective date (today, September 13, 2106) everything that had been scheduled to be completed, has been completed. Mr. Logsdon stated that there are a few items that are not completed, such as the instructor examination; however, he must complete those items. Mr. Logsdon indicated that additional changes would be considered in time, such as the advanced practice curriculum. Mr. Logsdon thanked his staff for all of their hard work.

Mr. Thompson inquired how pursuing an instructor's license would currently work. Mr. Logsdon stated that it would be no different from current, until the new examination and curriculum have been completed. He stated the new law provides the Board with two years to complete these items.

Mr. Logsdon also noted that the Board sought and was provided an emergency Executive Order for rules, which is attached to his report.

Mr. Logsdon stated that he included public testimony in the member's packets addressing eyelash extension services. Mr. Logsdon recommended that the Board consider language similar to boutique service registration for the eyelash extension services. Mr. Logsdon stated that would be his recommendation.

Mr. Logsdon also reported that the NIC national conference was being held and that, based on available funding, the Board send no more than one to two persons to represent the agency. Mr. Taneff suggested that the Board send Ms. Osterhage, Ms. Sheipline, and the Executive Director, if typical, because there was a two-day meeting prior to the general conference.

Mr. Logsdon reported that the agency would be initiating the license renewal period in October 2016. He stated that the Board is prepared to mail notification forms to all licensees addressing the online process and the requirements to maintain a license. Mr. Logsdon stated that all license types were scheduled to expire on January 31, 2017 and that the agency would not be transitioning to the new licensing system for this renewal. Mr. Logsdon stated that the renewal process should be nearly identical to past renewals.

Mr. Taneff inquired if a motion was needed to approve the Executive Director's report. Mr. Logsdon indicated he would also ask the Board to consider a motion to authorize staff to pursue statutory language as recommended in his report.

Ms. Osterhage inquired about emailing the renewal information. Mr. Logsdon stated that emailing renewals would come when Elicense 3.0 is started.

Motion #4: Ms. Osterhage moved that the Executive Director explore statutory amendments that would provide the Board with additional flexibility and authority in defining other special locations or events where licensees may provide limited services within their scope and define other services that may fall into the category of boutique services. Ms. Sheipline seconded the motion. Discussion: Mr. Hanks inquired if the motion was related to eyelash extension services. Mr. Logsdon stated that eyelash extensions are an example. Mr. Logsdon stated that the motion addresses flexibility to consider additional services, but not a need to adopt any specific service not already defined in statute. Mr. Hanks inquired why the Executive Director requires a motion to engage in this activity at any time. Mr. Logsdon stated that he would never suggest changes to policymakers that were not already supported by the Board. Mr. Hanks asked Ms. Osterhage to read her motion again, which she did. Ms. Osterhage expressed her position on supporting the motion, which she characterized as helping businesses in the state of Ohio. Ms. Osterhage summarized the concept as pursuing authority to explore whether or not something like eyelash extensions could safely be a boutique service.

Dr. Gupta arrived at 1:17 p.m.

Mr. Taneff stated the motion was to explore statutory amendments. Mr. Hanks stated that he understood. Mr. Hanks stated there was testimony at one point that discussed the worst things that could happen during applying eyelash extensions. Ms. Osterhage stated that exploring new statutory language was great, because of the other side of the issue, which is manufacturer-based training. Ms. Osterhage stated that the motion does not commit the Board to anything and that it is just looking at options.

No further discussion: Roll call vote taken - motion carried: 6- Yes.

Motion #5: Ms. Osterhage moved to approve the Executive Director's Report. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6- Yes.

Mr. Logsdon noted that Dr. Gupta's vote was not recorded.

Record corrected to show the motion carried: 7 – Yes.

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 September 7, 2016. Mr. Logsdon then reviewed the ARC's recommendation for each case listed in the ARC report. Discussion: None.

**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.*

Ms. Osterhage inquired about case #2016-387 concerning the allegation of sleeping in a room within a facility. Mr. Logsdon stated that the matter was not cited and was not considered a matter of fact in the allegation cited. Ms. Osterhage asked if it should be removed from the report. Mr. Logsdon stated that it was a matter of the complaint and it is a public record.

Motion #6: Mr. Thompson moved to confirm the Administrative Review Committee (ARC) report, as referenced hereto by attachment to the minutes of the Board. Mr. Hanks seconded the motion. Discussion: None. No further discussion. Roll call vote taken - motion carried: 7 – Yes.

Agenda item 4b: Rules Committee Report - Clara Osterhage (Exhibit G)

Ms. Osterhage filed a written report. Ms. Osterhage provided the following verbal review of her report:

Ms. Osterhage stated the Rules Committee met and considered three different rules. In attendance were herself, Mr. Hanks, Mr. Logsdon, Ms. Pearson, Ms. Flanery, and Mr. Yaniko. The following proposed changes were reported:

- 4713-3-01: Remove paragraph (A)(8) concerning requiring a school to file a statement of financial responsibility.
- 4713-13-02: Insert paragraph (B) concerning fees for independent contractor's licenses.
- 4713-21-06: Insert paragraph (C) from the original version approved by the Board.

Mr. Hanks voiced his appreciation for the member's comments, and others on the committee. Mr. Hanks stated the changes were good and the committee recommended moving to approve the rules presented.

Motion #7: Mr. Thompson moved to approve the Rules Committee report. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

Curriculum Committee: No report.

Agenda item #5: PUBLIC TESTIMONY

Agenda item 5a: Sally Houze

Mr. Taneff noted a letter received from Sally Houze regarding eyelash extensions.

Agenda item #6: Unfinished Business

None.

Agenda item #7: Old Business

None.

Agenda item #8: NEW BUSINESS

Agenda item 8a: Resolution Budget Language (Exhibit H)

Motion #8: Ms. Osterhage moved to approve resolution 09-2016, item 8-a, attached hereto by reference as an Exhibit to the Board's journal. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 – Yes. Ms. Sheipline stepped out of the meeting at 1:32 pm and returned approximately 40 seconds later. The vote was taken during her absence.

Agenda item 8b: Forms Approval (Exhibit I collective)

Ms. Osterhage noted a few typographical errors on each form.

Motion #9: Mr. Hanks moved to approve the following forms, as corrected. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes

Forms approved:

1. COS053 Advanced License Application Based on Work Experience
2. COS055 Apprentice Instructor DT
3. COS060 Authorized Representative Change Form
4. COS052 Boutique Salon Application
5. COS051 Boutique Service Registration Application
6. COS056 Career Technical DT
7. COS027 IC Application
8. COS050 Instructor Application Based on Work Experience
9. COS024 Out-of-State License
10. COS057 Salon License Application
11. COS061 School License Application

12. COS058 Tanning Facility Application
13. COS062 Temporary Event Location Change Form
14. COS054 Temporary Event Salon Application

Agenda item 8c: Eyelash Extension Discussion (Exhibits J)

Mr. Taneff inquired if Mr. Murry had any reminder for the membership. Mr. Murry stated that the members received an attorney-client privilege memorandum and that it was his recommendation that the members not discuss the information contained therein, because it is protected by attorney-client privilege. Mr. Murry stated that the Board could choose to waive the privilege, but that he would not recommend doing so.

Mr. Logsdon presented the agenda item. Mr. Logsdon stated that item 8c is a policy statement concerning the Board's enforcement of the new provisions of Chapter 4713. Mr. Logsdon referenced the background information contained in the member's meeting material.

Motion #10: Ms. Osterhage moved to approve the following policy statement on eyelash extension services:

The Ohio State Board of Cosmetology is now tasked with regulating the practice of eyelash extensions, which has been added to the scope of practice of esthetics. Statute now requires individuals providing eyelash extension services to be licensed as estheticians or cosmetologists, and requires that these services only be performed in facilities licensed by the Board. The Board recognizes, however, that there are a number of individuals and businesses who will be significantly impacted by these changes. Accordingly, the Board will focus initial enforcement on efforts to communicate requirements to such businesses and individuals, as they are made known to the Board, on education of the laws and rules, and on the issuance of compliance warnings, as warranted, for a period of time to be determined by the Board.

Ms. Shepline seconded the motion. Discussion: Mr. Hanks inquired about the last sentence contained in the policy statement regarding the indefinite time. Mr. Logsdon stated that the time to maintain the policy is per Board discretion. Mr. Hanks inquired if Mr. Logsdon had a recommendation. Mr. Logsdon stated the Board would likely choose a time subject to a period of educating and communicating information to affected persons. Mr. Thompson suggested one year. Ms. Benfer inquired if the time needed to be addressed at all. Mr. Hanks indicated that he was not pleased with not having an end date for the policy statement.

Subsidiary Motion #11: Ms. Osterhage moved to modify her motion by including the words "as warranted for a period of six months." Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

Vote on the main motion as amended: Discussion: None. Roll call vote taken - motion carried: 7 – Yes.

Agenda item 8d: Duplicate License Policy (Exhibits K)

Mr. Taneff asked Mr. Logsdon to discuss the agenda item. Mr. Logsdon stated that he provided some background information in the member's packet concerning issuing duplicate licenses and a recommendation was provided. Mr. Logsdon read the policy statement.

Motion #12: Mr. Hanks moved to approve the following policy statement on duplicate licenses issued:

It is the Board's policy to permit all licensees, boutique registration holders, and permit holders to obtain one duplicate credential per renewal period, by applying online on the Board website and paying the appropriate fee, if applicable.

Ms. Osterhage seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Agenda item 8e: NIC Annual Conference (Exhibits L)

Mr. Taneff stated that it was his recommendation that the Board authorize Ms. Osterhage and Ms. Sheipline to attend with Mr. Logsdon. Ms. Sheipline declined. Mr. Taneff recommended Mr. Hanks. Mr. Hanks declined. Ms. Benfer and Mr. Thompson declined. Mr. Taneff recommended Ms. Osterhage and Mr. Logsdon. Dr. Gupta also declined. Mr. Taneff then recommended either Mr. Logsdon or Ms. Pearson. Mr. Thompson noted that the first two days was an administrative meeting. Mr. Logsdon stated that it was important to attend since part of the budget request was considering funding to move the Board back toward the NIC examination for basic licensing. Learning more about the NIC process would be very helpful, he stated. Ms. Osterhage inquired about attending the Thursday and Friday meeting, because it included an examination committee meeting. Mr. Logsdon stated that he would look at including Ms. Osterhage.

Motion #13: Ms. Osterhage moved to authorize herself and Mr. Logsdon or Ms. Pearson to attend the National Interstate Council of State Boards meeting. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Agenda item 8f: Draft Board Order Templates (Exhibit M collective)

Mr. Logsdon stated Mr. Yaniko prepared the draft templates. Mr. Logsdon stated the templates modify the Board's existing Board order templates for individuals and businesses. The new language, he stated, would include notifying licensees of the new requirements under Am. Sub. S.B. 213.

Motion #14: Ms. Osterhage moved to approve the Board Order templates for businesses and individuals, attached hereto by reference as an Exhibit to the Board's journal. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Agenda item 8g: Rule Review (Exhibit N collective)

Motion #15: Ms. Sheipline moved to approve the following proposed rules incorporated herein and to file the proposed rule with the office of Common Sense Initiative after obtaining stakeholder comments, followed by JCARR pending an affirmative CSI recommendation, including refiling of rules as may be necessary:

4713-3-01 Opening school package.
4713-13-02 Independent contractor.
4713-21-06 Applying for inactive licensure status and temporary work permit.

Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7– Yes

Agenda item 8h: Hearing Officer Report and Recommendation

None.

Agenda item 8i: Correction to Previously Approved Orders of the Board

Motion #16: Ms. Osterhage moved to approve an Order to Vacate the Order of the Board in the matter as listed on "COS – Issue Report NOV Business + Credential" dated 7/25/2015 to 7/25/2016 as items #9 and approve CORR-1, case 2016-104, listed on "COS – Issue Report NOV Business + Credential" dated 8/23/2015 to 8/23/2016. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7 – Yes.

Agenda item 8j: Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 - #6) – (Exhibit N collective)

Motion #17: Ms. Osterhage moved to approve Orders of the Board as listed on “COS – Issue Report NOV Business + Credential” dated 8/23/2015 to 8/23/2016 as items #1 through item #6, the Orders to be journalized and attached hereto as an exhibit entered upon the Board’s journal. Ms. Benfer seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 - 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 8k: Board Orders to Approve Settlement Agreements (Items #7- #16) (Exhibit O collective)

Motion #18: Ms. Shepline moved to approve the Settlement Agreement Orders of the Board as listed on “COS – Issue Report NOV Business + Credential” dated 8/23/2015 to 8/23/2016 as items #7 through item #16 and the Orders to be attached hereto as an exhibit entered upon the Board’s journal as Orders of the Board. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 7 - 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

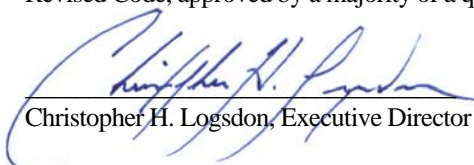
None.

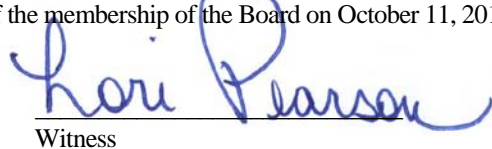
Agenda item #10 ADJOURNMENT

Motion #19: Mr. Hanks moved to adjourn. Mr. Thompson seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 7- Yes.

The meeting adjourned at 1:52 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 October 11, 2016.


Christopher H. Logsdon, Executive Director


Witness