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# OHIO STATE BOARD OF COSMETOLOGY

1929 Gateway Circle

Grove City, Ohio 43123

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OFFICIAL BOARD MEETING MINUTES OF MAY 9, 2017

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.

**ATTENDANCE (Exhibit B):**

Thomas Taneff, Chairperson

Rowena Yeager

Luke Hanks

Tasha Sheipline

NeCole Cumberlander

Shalini Gupta, M.D.

**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:**

Elizabeth Murch, Ohio Salon Association

Angela Lute, Paramount Beauty Academy

Barb Bader, Brown Aveda Institute

Annie Radcliff, Aveda Institute, Columbus

Jessica Price, Massage Envy

Levetra Stata Radford, Warren County Career Center

Sherry Curry, Knox County Career Center

Sharon Babbert, Fairfield Career Center

Ron Williams, Ohio State Beauty Academy

Tim Hornsby, The Hornsby Group

Marty Gallagher, Suntan Supply

Deborah S. Moore, Paramount Beauty Academy

Angela Hodges, The Hornsby Group

Jill Wells, Jillians Salon

Gwen Holland, Sports Clips

Katt Marriott, OCCTA

Bunny Neal, CDAS

Melinda Williams, Madison Adult Career Center

Angela Ramsay, WCSCC/OCCTA

Emily Harrison, Kenneth's

Mike Batchelor, Mitchell's

Gina Griessdorn, Upper Valley Career Center

Paul Sites, WCSCC

Sheerre Masod

Patrick Thompson, Aveda Institute Columbus

Carey Ransom-Tocash, PCTC

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

Mr. Taneff called the meeting to order at 1:06 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 permit the Board to conduct business.

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 May 9, 2017. Ms. Cumberlander seconded the motion. Discussion: None. No further discussion. 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. Sheipline moved to approve the meeting minutes of April 11, 2017. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6– 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. Mr. Logsdon provided a brief verbal review of his report.

Mr. Logsdon stated that the Board was currently under budget. Mr. Logsdon stated that he presented three purchasing concerns and quotes were attached to his report. Mr. Logsdon reported that the purchases were needed to address facility security requirements based upon recent emphasis on active aggressor policy implementation and to improve examination security.

Next, Mr. Logsdon stated the Board was scheduled to testify on the 2018-2019 biennial budget recommendation before the Ohio Senate on May 11, 2017 at 9:00 a.m.

Next, Mr. Logsdon stated that S.B. 129 and H.B. 189 were recently introduced. Mr. Logsdon stated that these were mirror bills and proposed comprehensive changes to Chapter 4713 of the Revised Code. Mr. Logsdon stated that the bills do appear to incorporate most of the changes previously approved by the Board following the enactment of Am. Sub. S.B. 213. Mr. Logsdon stated that a full review of S.B. 129 and H.B. 189 had been completed and a list of recommended changes were compiled. Mr. Logsdon stated that the recommendations would be reviewed under new business and they did not constitute an opinion on the merits of the bills or any specific provisions in the bills.

Next, Mr. Logsdon noted meetings and travel incurred since the last Board meeting.

Mr. Logsdon reported on his attendance at the NIC Executive Director's meeting in Minneapolis, Minnesota on May 18 & 19, 2017.

Mr. Logsdon reminded members that 2016 Financial Disclosure forms must be filed on or before May 15, 2017.

Last, Mr. Logsdon recognized the Administrative Action staff working under the direction of Mr. Yaniko.

Motion #3: Ms. Shepline moved to approve the Executive Director's Report. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6- Yes.

Motion #4: Ms. Cumberlander moved to approve expense for procurements included in attachment #1 (Security glass, Accura unit lockers, and Combo cabinet w/storage and lateral file). Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6- Yes.

**Agenda item #4: COMMITTEE REPORTS**

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

Mr. Taneff asked Mr. Logsdon to present the Administrative Review Committee (ARC) report. Mr. Logsdon reported that the written report and recommendations of the Administrative Review Committee are presented as written.

*\*Names and identifying information was redacted from the Administrative Review Report. For the purposes 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 #5: Mr. Hanks moved to confirm the Administrative Review Committee (ARC) report, as referenced hereto by attachment to the minutes of the Board. Dr. Gupta seconded the motion. Discussion: None. Roll call vote taken - motion carried: 6 - Yes.

#### Agenda item 4b: Curriculum Review Committee Report

Ms. Sheipline provided a verbal report of the Curriculum Review Committee business conducted prior to the regular Board meeting. Ms. Sheipline stated that the committee reviewed the advanced practice curriculum. Ms. Sheipline stated that Am. Sub. S.B. 213 required the Board to engineer an instructor examination within a two-year window. Ms. Sheipline stated that the committee looked at the advanced examination and noted that the only license that requires the advanced credential as a prerequisite was the instructor license. Based on this, the committee, she stated, felt the advanced curriculum should be reflective of instructional practices. Ms. Sheipline reported that the committee used Milady Master Educator, 3<sup>rd</sup> edition, as the basis for a curriculum outline for the advanced practice license.

Next, Ms. Sheipline reported that the committee looked at the academic component for career-technical schools. Specifically, the committee, she stated, would like to look at Esthetics curriculum since it was the only course of study that did not permit an academic component. The committee deferred any action on the matter at this time.

Ms. Sheipline proposed the Curriculum Review Committee meet again on June 13, 2017.

Discussion: Mr. Hanks inquired if Ms. Sheipline was saying the entire advanced curriculum would be geared toward instructors. Ms. Sheipline stated that the committee felt the curriculum would include some laws and rules training, some communication skill, and some ethics training, but that instructional practice would be more prevalent in the advance curriculum. Mr. Hanks stated that he would be highly opposed to the recommendation, stating that he thought the advanced license was put in place as an option for students to receive advanced training. Ms. Sheipline stated that she would consider this point.

Motion #6: Ms. Cumberlander moved to approve the Curriculum Review Committee report filed by Ms. Sheipline. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - motion carried: 5- Yes, 1 - No (Hanks).

#### **Agenda item #5: PUBLIC TESTIMONY (Exhibit G)**

- Jessica Price – Massage Envy

Mr. Taneff asked Ms. Price to provide her name and address for the record. Ms. Price stated she was representing Massage Envy, who had presented a proposal on chemical peels. Ms. Price stated she was representing her Ohio region in the matter. Ms. Price stated that it is true that chemicals such as, mycolic and lactic acids have a low pH and can be invasive; however, that does not take into consideration blended formulas containing other ingredients that affect the depth that the chemical can penetrate. In formulations available to estheticians, these types of products are manufactured to ensure safe use within the scope of esthetic practice, she stated. When used, as directed, these products, she continued, are superficial exfoliates that do not affect living tissue or work beyond the epidermis.

Ms. Price stated that esthetician strength, low pH products, while called peels, are actually rapid chemical exfoliates. At most, she stated, a person could expect a mild superficial flaking of the skin. Physician strength, produces blanching and deeper peeling of the skin.

Ms. Price stated that California recently changed their rules. California, she stated, used to have the same restrictions as Ohio, but has now changed the rule to state:

“Only the upper layer of the skin, known as the epidermis, may by any method or means be removed and then only for the purposes of improving the appearance of the skin. Skin removal techniques and practices which result in destruction of living tissue beyond the epidermis layer are prohibited. Only over-the-counter products that are not sold for physician use only may be

used for the purpose of skin exfoliation. All skin exfoliation products must be applied using the manufacturer's instructions for consumer health and safety."

Ms. Price stated that Connecticut recently enacted a similar rule change. Ms. Price stated that it is nearly impossible to police the products being used. Ms. Price stated that she found several locations in her locality that were using products that were outside of the parameters of the current rules.

Discussion: Ms. Yeager inquired about the product line being referred to. Ms. Price stated that she provided some information. Ms. Yeager asked what language California and Connecticut changed. Ms. Price stated that their rules were similar to Ohio's rules. Ms. Price stated that they removed the barrier of pH.

#### **Agenda item #6: UNFINISHED BUSINESS**

None.

#### **Agenda item #7: OLD BUSINESS**

None.

#### **Agenda item #8: NEW BUSINESS**

Agenda item 8a: Discussion on rule language on performing chemical peels (Exhibit H)

Mr. Logsdon presented a summary of his research on laws or rules from other states concerning administering skin peels under the scope of esthetics, which he researched in light of Ms. Price's prior presentations. Mr. Logsdon noted that the research was based upon laws and rules he could find and identify. In reference to performing skin peels, chemical peels or other similar searches did not find any language. Mr. Logsdon noted that many states have regulations that limit skin (chemical) peels to the epidermis or dermis for esthetics. In some cases, he stated, state(s) would limit the effect of the skin (chemical) peel, but not mention any specific percent solution or concentration of solution that was acceptable. Mr. Logsdon recommended that any modification of the agency's existing rules should be based upon established safety standards and the educational preparation of persons engaged in exfoliation or chemical skin peels.

Discussion: Ms. Cumberlander inquired if the Board had any information from the Ohio State Medical Board. Mr. Logsdon stated that the Board had not received any information. Mr. Logsdon stated that Dr. Gupta's input into the matter would be critical to the discussion. Since, he stated, the Revised Code is not definite, the Board must determine what is and is not appropriate safe practice based on the foundational training received in esthetics.

No action taken.

Agenda item 8b: Resolution on "internship hours allowed toward total clock hours for graduation (Exhibit I)

Mr. Logsdon reviewed the matter.

Ms. Sheipline stated that she had no problem with the resolution, but found the use of the word, "graduation" to be concerning. Ms. Sheipline asked if the word "graduation" could be changed to "completion of the program" or similar. Mr. Taneff asked if Ms. Sheipline would move to approve the resolution if it was amended to state completion of a program or something similar.

Motion #7: Ms. Sheipline moved to approve resolution 5-9-2017 8b on the “internship hours allowed toward total clock hours for completion of a program.” Mr. Hanks seconded the motion. Discussion: None. Motion carried: 6-0.

Agenda item 8c: Proposed amendment to rule 4713-6-02 of the Administrative Code (Exhibit J)

Mr. Logsdon introduced draft rule 4713-6-02, which he explained was being amended to include language addressing the amount of clock hours that could be earned by a student in an internship program.

Discussion: Mr. Logsdon inquired if the phrase “graduation from” in new paragraph (B) should be amended to state “completion of.” Mr. Taneff asked if Ms. Sheipline would move the draft rule if amended in the manner stated. Ms. Sheipline affirmed.

Motion #8: Ms. Sheipline moved to approve proposed rule 4713-6-02, as amended, and file the proposed rule with the office of Common Sense Initiative after obtaining stakeholder comments, followed by filing with JCARR pending an affirmative CSI recommendation, and including final filing and/or refiling of the rule as may be necessary. Ms. Yeager seconded the motion. Discussion: None. Motion carried: 6-0.

Agenda item 8d: Policy Review (Exhibit K collective)

**Policy #3.26: Active Aggressor Policy and Policy #3.27: Workplace Investigation Policy**

Mr. Logsdon was asked to explain the proposed policies. Mr. Logsdon stated that each state agency is now required to have an Active Aggressor Policy. Mr. Logsdon stated that the attached policy was reviewed and approved by the Ohio Department of Administrative Services. Next, Mr. Logsdon explained the Workplace Investigation Policy. Mr. Logsdon stated that the policy was being reviewed, but that it was being presented in its current form for approval. If the office makes any substantive changes, Mr. Logsdon stated he would seek additional approval from the Board. Mr. Logsdon stated that the Workplace Investigation Policy is intended to create a consistent response to any complaint filed with the Board.

Mr. Hanks asked that “school owners/administrators” be added to the list in paragraph labeled “1” in the Workplace Investigation Policy (see Procedure: paragraph 1).

Motion #9: Mr. Hanks moved to approve policy #3.26: Active Aggressor Policy and policy #3.27: Workplace Investigation Policy with amendment. Ms. Sheipline seconded the motion. Discussion: None. Motion carried: 6-0.

Agenda item 8e: Form Approval (Exhibit L)

Motion #10: Mr. Hanks moved to approve the Internship Enrollment Form – COS067 and the Internship Record of Hours Form – COS068. Dr. Gutpa seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 – Yes.

Agenda item 8f: Review and Recommendations on S.B. 129/H.B. 189 (Exhibit M)

Mr. Logsdon explained that he had mentioned this matter in his report. Mr. Logsdon stated that he and staff have gone through the bills and several recommended changes were identified. Mr. Logsdon reiterated that the recommendations provided are not designed to look at the merits of the legislation, but rather the clarity and functionality of the language.

Discussion: Ms. Yeager asked why he was recommending “wigs” be removed from the bill under Section 4713.01. Mr. Logsdon responded that wig application was already excepted or exempted under ORC section 4713.16.

Motion #11: Ms. Shepline moved to approve the recommended changes to S.B. 129/H.B. 189 as the official recommendation of the Board. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 4 – Yes, 2 – No (Ms. Yeager and Mr. Hanks).

Agenda item 8g: Hearing Officer Reports

**R&R – 1: In the matter of Annette Cheeseman, MANA.061002, Case #2016-628 (Exhibit N)**

Motion #12: Mr. Hanks moved to approve the hearing examiner's findings of fact in the matter of Annette Cheeseman, MANA.061002, Case #2016-628. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #13: Mr. Hanks moved to approve the hearing examiner's conclusions of law in the matter of Annette Cheeseman, MANA.061002, Case #2016-628. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #14: Mr. Hanks moved to approve the hearing examiner's recommended Order of the Board in the matter of Annette Cheeseman, MANA.061002, Case #2016-628 to impose a \$125.00 fine. Ms. Shepline seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

The Order will be entered upon the Board's journal and attached hereto as an exhibit to the proceedings.

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.

**R&R – 1: In the matter of Dominique Boyd, ESTA.079622, Case #2016-629 (Exhibit O)**

Motion #15: Mr. Hanks moved to approve the hearing examiner's findings of fact in the matter of Dominique Boyd, ESTA.079622, Case #2016-629. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #16: Mr. Hanks moved to approve the hearing examiner's conclusions of law in the matter of Dominique Boyd, ESTA.079622, Case #2016-629. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

Motion #17: Mr. Hanks moved to approve the hearing examiner's recommended Order of the Board in the matter of Dominique Boyd, ESTA.079622, Case #2016-629 to impose a \$125.00 fine. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6 – Yes.

The Order will be entered upon the Board's journal and attached hereto as an exhibit to the proceedings.

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 8h: Correction to Previously Approved Orders of the Board

None.

Agenda item 8i: Board Orders to Enforce Notices of Opportunity for Hearing (Items #1 - #10) – (Exhibit P collective)

Motion #18: Ms. Shepline moved to approve Orders of the Board as listed as items #1 through item #10 on the Administrative Action Report dated 5-9-2017 and the Orders to be journalized and attached hereto as exhibits. Ms. Cumberlander seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 - 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 8j: Board Orders to Approve Consent Agreements (Items #11- #47) (Exhibit Q collective)

Motion #19: Ms. Shepline moved to approve the Consent Agreements as items #11 through item #47 on the Administrative Action Report dated 5-9-2017 and enter them upon the Board's journal as an Order of the Board and attached hereto as exhibits. Ms. Yeager seconded the motion. Discussion: None. Roll call vote taken - Motion carried: 6 - 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.

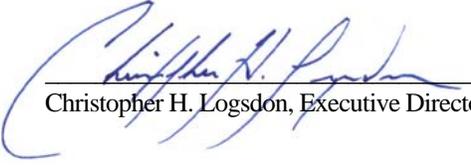
## **Agenda item #10 ADJOURNMENT**

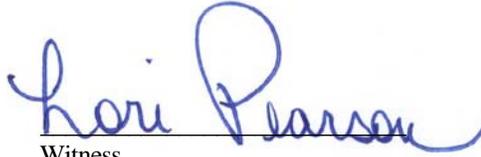
Motion #20: Ms. Cumberlander moved to adjourn. Mr. Hanks seconded the motion. Discussion: None. Roll call vote taken. Motion carried: 6- Yes.

The meeting adjourned at 1:51 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 13, 2017.

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Ohio State Board of Cosmetology  
Meeting Minutes  
May 9, 2017

  
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Christopher H. Logsdon, Executive Director

  
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Witness