



**Oregon Health Licensing Agency
BOARD OF COSMETOLOGY
TELEPHONIC MEETING**



9:00 am Monday, November 9, 2009
700 Summer Street NE, Suite 320
Salem, Oregon

Minutes

MEMBERS PRESENT:

Mike Snook, Chair

MEMBERS BY TELEPHONE:

Sharon Wisner, Practitioner
Linda Bergmann, Practitioner
Shelley Couch, Practitioner
Patricia Hall, Practitioner
Debora Masten, Vice-Chair

MEMBERS ABSENT:

Herb Hirst, Public Member

STAFF PRESENT:

Randy Everitt, Director
Samantha Patnode, Policy Analyst
Sinnamon Harris, Board Specialist
Amanda Perkins, Board Specialist
Larry Peck, Licensing Manager

Public Attendees:

Kevin Harker, Attorney
Cindy Long

Call to Order

Mike Snook, Chair, called to order the meeting of the Board of Cosmetology at 9:05 am November 9, 2009, in the Directors Office of the Oregon Health Licensing Agency. The meeting was held by telephone conference. A roll call of present board members was taken.

The purpose of the meeting was to consider discontinuing the use of the National Interstate Council for State Boards of Cosmetology (NIC) examination and review possibilities of using the state-established and administered examination in accordance with OAR 817-030-0040.

Mike Snook, Chair, opened by stating that he would like to consider reinstating the state-prepared examination as the daily testing tool and have the NIC examination available on a limited basis. Debora Masten stated that she felt it was premature to have this meeting or a vote until the board had the opportunity to discuss the issue. Masten made a motion to postpone the meeting until there is a full board consensus and to look at the issues. There was no second.

Randy Everitt, OHLA Director, explained the purpose of the meeting was to have an open discussion about the testing issues. Everitt stated that following the breach in security the agency has been working with NIC to get the tests up and running, noting there has been difficulty because of all the restrictions placed on the agency by NIC. For example, NIC wants a \$35,000 indemnity clause for every initial breach of security where the test may be compromised. Everitt reported that at the 11/2/2009 board meeting, the discussion focused on reinstating the state-administer exam if it were modernized and cleaned-up. Everitt stated he understood there was no opposition to considering the plan. He noted the benefits of using a state administered/prepared examination is the ability to control the test and assure its quality and use of a much larger question bank. Everitt added that it places the cosmetology industry in the driver's seat as to how that test looks and how it is administered as opposed to fulfilling the requirements of a national organization that may not have our particular interests in mind. Masten stated that NIC has experts available for writing test questions. She voiced concern that the state prepared questions would not be as accurate if written by an item writing committee. Snook responded that in the past instructors have been utilized for item writing, however, now Milady and Pivot Point have tools which can be used to help create the questions. Snook also advocated contacting the Department of Education for help from its professional psychometricians. Snook stated that he would still want the NIC test available on a limited basis but that he advocates for going back to the state-prepared exam.

Masten asked why test scores are dropping from when the agency used the state prepared exams versus taking the NIC tests. Masten said she felt that school instructors are not the best candidates for test writers. Snook replied that the instructors Masten referred to are the same instructors who write for NIC, as any instructor can apply to be on the NIC committee. Samie Patnode, OHLA Policy Analyst, interjected that originally the agency did have a psychometrician review the questions and provide item writing training noting the agency still has that Power-Point training presentation.

Everitt spoke about the NIC subcontractor, Schroeder Measurement Technologies (SMT) that he has been dealing with directly. Everitt first met with SMT in August with an NIC representative Jackie Dahlquist. They reviewed security issues that the agency has since corrected. Everitt stated the list of issues continues to grow, making it impossible for the exams to be brought back online. Everitt stated that although the agency can fulfill many of the requests, some are not reasonable. For example, in the agency's computer testing area the agency has installed a full set of security cameras with sound. The agency can view the applicants on camera as well as hear if the applicants are talking. These are measures NIC/ SMT required the agency to do and the agency readily agreed Everitt stated. Other recommendations include frosting the windows and requiring a live person, sitting in the testing area, to monitor the exams. Everitt stated that this is an expensive request of approximately \$50,000 to \$60,000 a year. To date NIC/SMT has not moved off that request. Everitt stated that is why he brought the question to the board as it doesn't make sense to continue in this manner with NIC. As a side note, Everitt also voiced concerns about SMT when the Prevention Loss Representative of SMT, Greg Colton, made a presentation to the agency for his own security and testing mechanism, Examination Security Solutions.

Everitt remarked that he believes it is the agency's responsibility to get the best people to verify the test and to write the questions properly and the agency is prepared to do all these things. Everitt estimated that the agency could do the change over to the state test for less than \$5,000 and that the contract with NIC is a little over \$250,000. Brenda Hoxsey, contract exam writer, has been recommended as a person to review the test and in conversations with Hoxsey, she has stated that she is willing to do that.

Sharon Wiser stated she felt, as an instructor and a practitioner, that there is no advantage to anyone that fails the NIC test to take it over again as it is the basically the same test. Wiser stated that she supports changing to the state test. Shelley Couch agreed with Wiser and stated that she believed the state test would be a benefit and more secure. Linda Bergmann remarked on the cost difference and the NIC shuffling of the same questions over and over again. She stated she felt the quality of the students in the last few years have been low and that testing was a part of that problem. Bergmann stated she was in favor of the state-administered exam.

Public Comments

Kevin Harker, an attorney representing Portland Beauty School and Cindy Long, College of Hair Design owner, offered comments and concerns. Harker's concern was that the state test would not be offered in Vietnamese. Everitt stated that the test would be offered in both Vietnamese and Spanish as the agency needs to follow the same type of criteria that NIC follows. Long's comments were concerning reciprocity. Long stated that reciprocity was not as easy with an NIC test as she felt that school owners were led to believe by NIC. Long stated she contacts many states with NIC test to let them know that she has a student graduating who will be moving to that state. Long stated she has found that even though her students have 2300 hours most times they have to go back to school in another state, mainly because the students don't have a cosmetology license and the practical given here is not a NIC practical. Long stated that the only advantage that she sees at this point of an NIC test is for people who are moving to Oregon.

Motion:

A motion was made by Shelley Couch that the agency switch {from the NIC test} to a state examination for daily testing and keep the NIC test as an alternative for other languages. A second was made by Sharon Wiser. A roll call vote was taken with Sharon Wiser, Shelley Couch, Linda Bergmann, Patricia Hall, and Mike Snook voting aye and Debora Masten voting nay. The motion passed.
Telephonic meeting adjourned at 10:29 a.m.

Prepared by: Sinnamon Harris, Board Specialist