



Health Licensing Office
Board of Cosmetology



March 14, 2016
700 Summer Street NE, Suite 320
Salem, Oregon

MINUTES

MEMBERS PRESENT

Heidi Zuniga, chair
Mike Nurre
Roger Wert
Amber Starks
Michele Strobel

MEMBERS ABSENT

Peggy Zepp
Frank Whatley

STAFF PRESENT

Sylvie Donaldson, Interim Director and Division Manager
Bob Bothwell, Regulatory Operations Manager
Heather A. Vogelsong, Assistant Attorney General
Samie Patnode, Policy Analyst
Sarah Kelber, Communications Coordinator
Maria Gutierrez, Board Specialist
Janet Bartel, Investigator/ Inspector

GUESTS PRESENT

None

Call to Order

Heidi Zuniga called the meeting of the Board of Cosmetology to order at 10:08 a.m. Roll was called.

Items for Board Action

Approval of Agenda

MOTION:

Roger Wert made a motion with a second by Michele Strobel to approve the agenda. Motion passed unanimously.

Approval of Minutes

MOTION:

Mike Nurre made a motion with a second by Amber Starks to approve the minutes for October 12, 2015. Motion passed unanimously.

Adopt permanent administrative rules- civil penalties:

MOTION:

Roger Wert made a motion with a second by Michele Strobel to approve the permanent administrative rules for civil penalties. Motion passed unanimously.

Determine additional training requirements for retake examination:

Applicant number

Sylvie Donaldson, Interim Director and Division Manager, reported that it is necessary for member of the Board to determine additional training requirements for applicant number 099314 prior to the individual taking the Oregon Laws and Rules Written Examination for the eighth attempt. Information related to the applicant's examination history was provided.

Donaldson explained that due to applicant number 099314 failing the examination for the seventh attempt with an average failure rate of 38% the office recommended that the applicant complete 38% or 57 hours of the initial 150 hours of training in Oregon Laws and Rules as follows.

- 4% or 6 hours related to chemicals
- 4% or 6 hours related to definitions
- 4% or 6 hours related to examinations
- 2% or 3 hours related to facility operations
- 18% or 27 hours related to facility standards
- 6% or 9 hours related to licensing/ certification
- 0% or 0 hours related to practice standards

MOTION:

Michele Strobel made a motion with a second by Mike Nurre to adopt the recommendations as outlined for applicant number 099314. Motion passed with four ayes votes and one opposed vote from Roger Wert. Motion passed.

Applicant number 099314

It was explained that due to applicant number 099314 failing the examination for the seventh attempt with an average failure rate of 34% the office recommends applicant #099314 complete 34% or 119 hours of the initial 350 hours of training in Nail Technology as follows.

- 7% or 24.5 hours related to chemicals
- 1% or 3.5 hours related to standards
- 5% or 17.5 hours related to diseases
- 5% or 17.5 hours related to definitions
- 8% or 28 hours related to equipment
- 8% or 28 hours related to general

MOTION:

Michele Strobel made a motion with a second by Amber Starks to adopt the recommendations as outlined for applicant number 099314. Motion passed with four ayes votes and one opposed vote from Roger Wert. Motion passed.

Applicant number 103496

It was explained that due to applicant number 103496 failing the examination on the seventh attempt with an average failure rate of 31% the office recommends applicant #103496 complete 31% or 46.5 hours of the initial 150 hours of training in Oregon Laws and Rules as follows.

- 1% or 1.5 hours related to chemicals
- 8% or 10.5 hours related to definitions
- 1% or 1.5 hours related to examinations
- 3% or 4.5 hours related to facility operations
- 13% or 19.5 hours related to facility standards
- 6% or 9 hours related to licensing/ certification
- 0% or 0 hours related to practice standards

MOTION:

Amber Starks made a motion with a second by Michele Strobel to adopt the recommendations as outlined for applicant number 103496. Motion passed with four ayes votes and one opposed votes from Roger Wert. Motion passed.

Reports

Director Report

Sylvie Donaldson, Interim Director and Division Manager, reported on the following:

- Update on transition to Public Health
- Update on future move to a different facility
- HECC update on upcoming meeting
- Update on reappointment of board members

Licensing and Fiscal Statistical Reports

Donaldson, presented an overview of statistics related to the board. Statistics include licensing statistics, license volumes and active license trends.

The statement of cash flow for the period 07/01/15 -3/08/16 was reviewed with an actual ending cash balance of 1,965,022.04.

Policy Report

Samie Patnode, policy analyst, reported on the following:

- Update on the Board of Certified Advanced Estheticians.
- Updated on 2016 legislation

Sarah Kelber, communications coordinator, reported on the following:

- Launch of the new web site, and the need for new pictures
- Updated on current social media page

Regulatory Report

Bob Bothwell, regulatory operations manager, reported on enforcement activity including:

2011-2013 Biennium

Between July 1, 2011 and June 30, 2013, 384 complaints were received. Of the 384 complaints 1 remain open. A summary of allegations received by type of complainant was provided as stated below.

Anonymous	Client	Other
81	97	206

2013-2015 Biennium

Between July 1, 2013 and June 30, 2015, 387 complaints were received. Of the 387 complaints 24 remain open. A summary of allegations received by type of complainant was provided as stated below.

Anonymous	Client	Other
79	103	205

2015-2017 Biennium

Between July 1, 2015 and June 30, 2015, 63 complaints were received. Of the 63 complaints 27 remain open. A summary of allegations received by type of complainant was provided as stated below.

Anonymous	Client	Other
22	11	30

Public Comment

No public comment was received

Executive Session

- The Board of Cosmetology entered executive session pursuant to ORS 192-660(2)(f) at 11:40 a.m. on March 15, 2016 for the purpose of considering information or records exempt from public inspection. Records to be considered related to investigation files.
- Executive session concluded and the board reconvened regular session at 1:55 p.m. It was noted that no decisions were made and no votes were made in executive session.

It was proposed that the board delegate authority to the chair to coordinate with the regulatory manager for the cases being discussed on March 14, 2016.

MOTION:

Michele Strobel made a motion with a second by Roger Wert. Motion passed unanimously.

Donaldson, and members of the board outlined the following recommendations:

In regards to investigation file 14-7394

- Civil penalty to be issued for \$7, 800.

MOTION:

Roger Wert made a motion with a second by Mike Nurre. Motion passed unanimously.

In regards to investigation file 15-7833

- Civil penalty to be issued for \$10, 000.
- 90 day suspension be issued

MOTION:

Roger Wert made a motion with a second by Michele Strobel. Motion passed unanimously.

In regards to investigation file 15-8009

- Civil penalty to be issued for \$5,000.
- 90 day suspension be issued

MOTION:

Mike Nurre made a motion with a second by Roger Wert. Motion passed unanimously.

In regards to investigation file 15-7834

- Civil penalty to be issued for \$2, 800.
- Take an 8 hour office approved training in laser safety within 6 months of the order.

MOTION:

Roger Wert made a motion with a second by Michele Strobel. Motion passed unanimously.

In regards to investigation file 15-8015

- Civil penalty to be issued for \$2, 800.
- Take an 8 hour office approved training in laser safety within 6 months of the order.

MOTION:

Roger Wert made a motion with a second by Mike Nurre. Motion passed unanimously.

Other Board Business

Donaldson, informed members that renewals online for Natural Hair Care should be working in the next couple of weeks.

Cancelation of the upcoming board meeting scheduled for April 4, 2016.

Members, would like to discuss possible rule change, and different requirements form individuals retaking the examinations for the eight attempt.

The meeting adjourned at approximately 2:08 p.m.

Minutes prepared by: Maria Gutierrez, Board Specialist