

**State Board of Cosmetology and Barber Examiners
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, MO 65109**

September 18-19-20, 2011

TENTATIVE OPEN SESSION AGENDA

Sunday, September 18, 2011

8:00 a.m.

- a.) Call to order
- b.) Roll Call

1. Approval of Open Session Agenda

Closed Session – The Board will move into closed session pursuant to Section 610.021 Subsections (1), (3), (5), (7), and (14), RSMo, and Sections 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant, and discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney, for deliberation on discipline, for discussing hiring, firing, disciplining or promoting an employee of this agency, for discussing applicants for licensure, performance evaluations pertaining to individual employees, testing and examination materials, and for the purpose of approving the minutes of one or more previous meetings.

Monday, September 19, 2011

8:00 a.m. The Board will convene in Closed Session

- a) Call to order
- b) Roll Call

9:00 a.m. The Board will move into Open Session

2. Approval of Open Session Minutes
 - July 24-26, 2011
3. Approval of Expense Accounts and Per Diem
4. **Financial Report**

5. **Inspectors Report**
Report provided by Inspector Supervisor reflecting number of inspections conducted for the month.

President's Report – Wayne Kindle
Legislative Update

6. **Executive Director Report** – Emily Carroll
- **Current Licensee Count**
 - **Memo from PCS regarding Laser Grade to PSI**

Proposed Posting Notice/Flyers

7. **Flyer on Prohibited Practices** – Examples: Wax Pot in Salon without having a Licensed Cosmetologist/All or Esthetician, Unlicensed Activity, Etc.

Proposed Rules

8. **Rule 20 CSR 2085-8.070 (4)** – During the November 2010 meeting, the Board voted to table the review of Rule 20 CSR 2085-8.070 (4) until the January 2011 meeting. During the January 2011 meeting, the Board voted to table this discussion until the March 2011 meeting. At the July 2011 meeting the Board K1 – anything after licensure put in language
K2 – remove, as determined by the Board
K3 – remove B
K4 – change 90 days to 60 days before event
K5 – remove the 12 hours, due to this being previously noted
(2) add teaching methodology
And place on the September 2011 agenda further review and discussion.

9. **Rule 20 CSR 2085-11.020 (L)** – Violation if Notice on Prohibited Use of Razor-Type Callus Shavers Not Posted Within Shop (During the January 2011 meeting, the Board directed the Executive Director to prepare, for review during the March 2011 meeting, a draft proposed rule for review, for violation if notice on prohibited use of razor-type callus shavers not posted within a shop.) During the July 2011 meeting the Board voted to take out conspicuous place and replace with plain view and then after school add in public view for board representatives, clients and general public. Accept after appropriate changes are made.

10. **Rule 20 CSR 2085-12.060** – During the January 2011 meeting, the Board discussed the Change of Status Application and whether it could be used for students who were transferring from one school to another. The Board directed the Executive Director to review the Change of Status Form to see if it could be used for this purpose, if any amendments would be needed to the form, if there would need to be a potential rule change and the percentage of schools that would choose to use this form for this purpose and return for discussion during the March 2011 meeting. During the July 2011 meeting the Board voted directed the Executive Director to review the Change of Status Form to see if it could be used for this purpose, if any amendments would be needed to the form, if there would need to be a potential rule change and the percentage of schools that

would choose to use this form for this purpose and return for discussion during the March 2011 meeting. A motion was made by Joe Nicholson and seconded by Kim Marshall to table till September 2011 meeting in allow for the Board's general counsel to review the current statute.

11. **Rule 20 CSR 2085-12.035** - During the January 2011 meeting, the Board discussed the Change of Status Application and whether it could be used for students who were transferring from one school to another. The Board directed the Executive Director to review the Change of Status Form to see if it could be used for this purpose, if any amendments would be needed to the form, if there would need to be a potential rule change and the percentage of schools that would choose to use this form for this purpose and return for discussion during the March 2011 meeting. During the July 2011 meeting the Board directed the Executive Director to review the Change of Status Form to see if it could be used for this purpose, if any amendments would be needed to the form, if there would need to be a potential rule change and the percentage of schools that would choose to use this form for this purpose and return for discussion during the March 2011 meeting. A motion was made by Joe Nicholson and seconded by Kim Marshall to table till September 2011 meeting in allow for the Board's general counsel to review the current statute.

12. **20 CSR 2085-13.070** – During the January 2011 meeting, the Board voted for the Executive Director to draft amendments to Rule 20 CSR 2085-12.020 (2)(C) that would not require each barber work station be supplied with hot and cold water and to draft amendments to Rule 20 CSR 2085-13.070 (3)(D) excluding the requirement for a crossover school to have 2 janitor closets and to return to the March 2011 for Board review. During the July 2011 meeting the Board to revise 20 CSR 2085-12.010(4)(C) by removing shampoo bowl and back bar. Then review 20 CSR 2085-13.070 by removing hot and cold running water. Place on September 2011 agenda for further review and discussion.

13. **20 CSR 2085-7.010 & 2085.5010** -During the January 2011 meeting, the Board voted for the Executive Director to draft a proposed rule, for review at the March 2011 meeting, outlining that examination candidates must wear a smock or lab coat, no apron, and closed toed professional shoes to the practical examination. During the July 2011 meeting the Board for the Board's general counsel to draft language stating what clothing is prohibited at the examination site.

14. **Legislation** – Discussion of Any Legislative Proposals for 2013(The Board may go into Closed Session in order to give the Board an opportunity to review legal counsel recommendations.)

Reports

15. **Betty Leake, Vice President** – National-Interstate Council of State Boards of Cosmetology - National-Interstate Council of State Boards of Cosmetology Region Meeting - April 2-3, 2011, Nashville, Tennessee and Regional Conference – August 24-30, 2011, Fort Lauderdale, Florida

16. **Wayne Kindle, Secretary/Treasurer** – National-Interstate Council of State Boards of Cosmetology - National-Interstate Council of State Boards of Cosmetology Region Meeting - April 2-3, 2011, Nashville, Tennessee and Regional Conference – August 24-30, 2011, Fort Lauderdale, Florida

Board Discussion

17. **Reciprocity Requirements** – During the January 2011 meeting, the Board voted for the Executive Director to contact other states and determine what their requirements are for licensure via reciprocity and return to the March 2011 meeting.

18. **Federal Regulation 600.9**

19. **Dermpilaning**

Appointment – 10:30 a.m

20. Sean Colton, Iso-Quality Testing to discuss possibly contracting the written examination.

Open Discussion – Dialog with General Public Attending Open Session

- Missouri Association of Cosmetology Schools
- Associated Hairdressers and Cosmetologists of Missouri, Inc.
- National Hair Braiders Association

12:00 p.m. Recess for Lunch

1:00 p.m. The Board will reconvene in Open Session

1:00 p.m. Disciplinary Hearings

21. **Tuan Quoc Pham d/b/a J.C. Nails, SH114055, St. Louis, Case No. 09-1565 CB (Disciplinary Hearing)**

22. **Martin R. Hunter d/b/a DA' Rootz, BA2008013563, St. Louis, Case No. 10-0133 CB (Disciplinary Hearing)**

The Board may move immediately into Closed Session for completion of any unfinished business pursuant to Section 610.021 Subsections (1) (3) (5) (7) and (14), RSMo, and Sections 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant, and discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney, for deliberation on discipline, for discussing hiring, firing, disciplining or promoting an employee of this agency, for discussing applicants for licensure, performance evaluations pertaining to individual employees, testing and examination materials, and for the purpose of approving the minutes of one or more previous meetings.

Tuesday, September 20, 2011

8:00 a.m. The Board will convene in Closed Session

The Board will complete any unfinished business in Closed Session.
Upon completion of Closed Session, the Board will move into Open Session.

****Adjournment****

Open Meeting Minutes
Missouri State Board of Cosmetology & Barber Examiners
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri

September 18-19-20, 2011

The Missouri State Board of Cosmetology and Barber Examiners was called to order in open session by Wayne Kindle, President, at 8:01 a.m. on Sunday, September 18, 2011 in the Main Conference Room of the Division of Professional Registration Building, located at 3605 Missouri Boulevard, Jefferson City, Missouri 65109.

Sunday, September 18, 2011

Board Members Present:

Wayne Kindle, President
Betty Leake, Vice President
Kimberley Marshall, Secretary
Leata Price-Land, Member
Jacklyn Crow, Member
Joe Nicholson, Member

Staff Present:

Emily Carroll, Executive Director
Emily Reinhard, Executive I
Kara Rhoades, Administrative Office Support Assistant
Jennifer Luebbert, Senior Office Support Assistant
Tina Crow Halcomb, Litigation Attorney

Approval of the Open Session Agenda

A motion was made by Betty Leake and seconded by Leata Price-Land to approve the Open Session Agenda as submitted. Motion carried.

Closed Session

A motion was made by Betty Leake and seconded by Jacklyn Crow to move into closed session pursuant to Section 610.021 Subsections (1), (3), (5), (7), and (14), RSMo, and Sections 324.001.8 and 324.001.9, RSMo. for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant, and discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney, for deliberation on discipline, for discussing applicant for licensure, performance evaluations pertaining to individual employees, testing and examination materials, and for the

purpose of approving the minutes of one or more previous meetings. Roll call vote:

Wayne Kindle	aye	Betty Leake	aye
Kim Marshall	aye	Joe Nicholson	aye
Leata Price-Land	aye	Jacklyn Crow	aye

Motion carried.

6:40 p.m. The Board recessed in closed session and will reconvene on Monday, September 19, 2011, at 8:00 a.m.

Monday, September 19, 2011

The Board convened in Closed Session at 8:06' a.m. in the Main Conference Room of the Division of Professional Registration Building, located at 3605 Missouri Boulevard, Jefferson City, Missouri 65109.

Board Members Present:

Wayne Kindle, President
Betty Leake, Vice President
Kimberley Marshall, Secretary
Joe Nicholson, Member
Leata Land-Price, Member
Jacklyn Crow, Member

Staff Present:

Emily Carroll, Executive Director
Emily Reinhard, Executive I
Kara Rhoades, Administrative Office Support Assistant
Jennifer Luebbert, Senior Office Support Assistant
Earl Kraus, Division Senior Legal Counsel
Tina Crow Halcomb, Litigation Attorney

9:00 a.m. The Board moved into Open Session

Approval of Open Session Minutes

A motion was made by Betty Leake and seconded by Kim Marshall to approve the Open Session minutes of the July 24-26, 2011 meeting as submitted. Motion carried with all members present and participating.

Approval of Expense Accounts and Per Diem

A motion was made by Betty Leake and seconded by Leata Price-Land to approve the expense accounts and per diems as submitted. Motion carried with all members present and participating.

Financial Report

Emily Carroll, Executive Director, reported on the FY2012. The Beginning Fund Balance for FY 2012 was \$4,519,045.00. As of August 31, 2011 our total

revenue received was \$1,193,548.25. Of our Expense and Equipment Appropriation we have expended \$22,712.92. Total transfers as of August 31, 2011 is \$238,654.54. Leaving our ending Fund Balance as of August 31, 2011 of \$5, 451,225.79

A motion was made by Leata Price-Land and seconded by Kim Marshall to approve the financial report as provided. Motion carried with all members present and participating.

Inspectors Report

Emily Carroll, Executive Director, discussed the Inspection Summary Report with the Board for first inspections only. Of the 15,244 beauty and barber establishments inspected a minimum of one (1) visit annually there are only 2,061 establishments pending due by October 31, 2011; the inspectors are on target to finish up the year with all establishments inspected a this year. A motion was made by Betty Leake and seconded by Kim Marshall to approve the inspectors' report. Motion carried with all members present and participating.

President's Report

Wayne Kindle, Board President, informed all members and the public that he and Betty Leake attended the NIC Conference August 25-28, 2011 in Fort Lauderdale, Fl They discussed great topics at the conference. There was a session regarding Legislative issues. It was discussed how many states are having difficulty getting legislation reviewed and passed.

Executive Director's Report

Current Licensee Count – Emily Carroll, Executive Director, provided the Board with the current count of licenses as of 8/31/2011.

<u>Active - Expire 9/30/11</u>	
"Class CA-hairdressing and manicuring"	24207
"Class CH-hairdresser"	621
"Class MO-manicurist"	2763
"Class E-estheticians"	2833
Cosmetology Instructors	564
Beauty Shops	8545
Cosmetology Schools	57
Satellite Classrooms	2
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Total Active Licensee Count	39,592

<u>Inactive – Expire 9/30/11</u>	
"Class CA-hairdressing and manicuring"	1405
"Class CH-hairdresser"	45
"Class MO-manicurist"	188
"Class E-estheticians"	209
Cosmetology Instructors	184
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Total Inactive Licensee Count	2,031

<u>Active - Expire 9/30/13</u>	
"Class CA-hairdressing and manicuring"	17019
"Class CH-hairdresser"	509
"Class MO-manicurist"	3680

"Class E-estheticians"		2160
Cosmetology Apprentice	99	
Cosmetology Students		3689
Cosmetology Instructors	164	
Beauty Shops		4713
Cosmetology Schools		25
Satellite Classrooms		0
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Total Active Licensee Count		32,058

<u>Inactive – Expire 9/30/13</u>		
"Class CA-hairdressing and manicuring"	1517	
"Class CH-hairdresser"	60	
"Class MO-manicurist"	164	
"Class E-estheticians"		113
Cosmetology Instructors	76	
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Total Inactive Licensee Count		1,930

**BARBER CURRENT LICENSEE COUNT
 8/31/2011**

<u>Active – Expire 9/30/11</u>		
Barber Shops		852
Barber		1763
Barber Instructor	41	
Schools	7	
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Total Active Licensee Count		2,663

<u>Inactive – Expire 9/30/11</u>		
Barber		4
Barber Instructor	0	
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Total Inactive Licensee Count	4	

<u>Active – Expire 9/30/13</u>		
Barber Shops		565
Barber		1320
Barber Instructor	17	
Barber Apprentice		5
Student Barbers	227	
Schools	1	
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Total Active Licensee Count		2,135

<u>Inactive – Expire 9/30/13</u>		
Barber		22
Barber Instructor	1	
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Total Inactive Licensee Count	23	

CROSSOVER CURRENT LICENSEE COUNT

8/31/2011

Active – Expire 9/30/11

Crossover Establishment	171	
Crossover Schools		6
Crossover Instructors		18
Crossover Operators		47
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Total Active Licensee Count		242

Inactive – Expire 9/30/11

Crossover Instructors		1
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Total Inactive Licensee Count	1	

Active – Expire 9/30/13

Crossover Establishment	95	
Crossover Schools		1
Crossover Instructors		9
Crossover Operators		41
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Total Active Licensee Count		146

Inactive – Expire 9/30/13

Crossover Instructor		1
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Total Inactive Licensee Count	1	

**BOARD TOTALS
 8/31/2011**

Active		76,836
Inactive	3,990	
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Total Active/Inactive License Count		80,826

Executive Director provided the memo from Professional Credential Services ("PCS") that was sent to all Missouri Schools on August 15, 2011 regarding the transition of the written test from LaserGrade System to PSI system. The new system is up and running with no concerns reported.

Executive Director provided the memo from PCS that was sent out September 16, 2011 to all Missouri Schools regarding the return of the school reports to the PCS website. PCS will continue to mail this to each school monthly but these will also be available on the website at any time. There was an additional site added in Warrensburg (Administration Bldg, Rm. 102, South Street & Business Hwy 13). Further, PSI is seeking an additional site in St. Louis per the Board's request.

The Examiner Training is scheduled for Saturday, October 15th and Sunday, October 16th in St. Louis. The Missouri School Overview is scheduled for Monday, October 17th. These events will be held in St. Louis, Missouri.

During the July Board meeting the Board asked that the Executive Director conduct an audit of all Missouri cosmetology examination sites prior to the September Board meeting. Emily Carroll audited the practical site in Independence, Missouri. During this audit there were no site concerns noted. The newest written site in Lee's Summit was audited. This site is located inside an airport hanger and not easily accessible. This examination site is set up on the second floor of the building and not handicapped accessible. This written examination site is available for testing on Wednesday and Saturdays only. The written site in Overland Park, Kansas, was also not easy to find as there was no indication this site was inside a mall. Once inside this site there were no concerns and this site is available Monday-Friday from 8am-5pm. The Olathe, Kansas, written examination site was in an airport and was easy to find. There were no concerns with this site and it is available Monday through Saturday from 8am-6pm. The written examination site in Kirksville was in the high school and was easily located. There were no concerns and this site is available Monday-Friday 8am-3pm. The Springfield practical examination site was clean and no concerns noted during this examination. The Aurora written examination site seemed far away for the number schools located in the Springfield area. This site is in an airport and the proctor indicated little interest in continuing to proctor this examination due to the effort required for the number of candidates that are tested in this location. This written site was disorganized. This site is available Monday-Saturday 8am-4pm. The written examination site in Cape Girardeau site was also in an airport there were no concerns with this site. This site is available Monday-Saturday 8am-6pm. The practical site in Jefferson City was audited. There is no seating near the examination area or registration area and while present I witnessed a candidate waiting for the instructor examination sitting on the floor trying to review her information prior to the test. The site was not clean and had a very unpleasant smell throughout. Concerns were reported with this examination site. The written site in Fulton was in an airport. Upon entering a large dog was found present inside the facility; this site smelled of dog. This site was not easy to find. This site is available Monday -Saturday 8am-3pm. The practical site in St. Louis was audited and this site was hard to find. There was minimal parking available. During the examination there were fifty cosmetology candidates present and the air conditioner was not working. The drinking water in this site was kept outside and testers had to sign in and out one at a time to get a drink of water. There were wasps present in all examination rooms. The tables used for the cosmetology examination caused many issues for testers; I witnessed many candidates upset and distracted by their mannequin stands not staying on attached to the table. One examiner from the Esthetics examination the next room came to attempt to assist these individuals. I reported this to PCS immediately as this was unacceptable. Further, a memo from PCS was provided as a handout regarding these incidents. The written site in St. Louis was audited. This site was not easy to find and was very unclean. This site reported to be very busy as it sees usually 6 testers at a time for cosmetology on Saturdays at 8am and 10am. This site is available Monday-Saturday.

A motion was made by Betty Leake and seconded by Kim Marshall for the Board to bring back the approval process of all examination applications to the Board office. This process will begin January 1, 2012. Motion carried with all members present and participating.

A motion was made by Betty Leake and seconded by Kim Marshall for the Executive Director to write to PCS regarding their concerns and request the appear at the November 2011 meeting to further discuss this concerns. Motion carried with all members present and participating.

A motion was made by Betty Leake and seconded by Kim Marshall for the Executive Director and the Board's General Counsel to update the contract between the Board and PCS. Motion carried with all members present and participating.

Just a brief update on where the Board is currently in this renewal period. Of the 78,143 renewals mailed on July 1, 2011 – 42,770 have renewed to date. There are about 1800 paper renewals backlogged in CRR as of Friday. Of the 42,770- 24,813 have renewed online leaving 17,957 renewed via paper renewal. We have about 2 more weeks of renewals and I expect our office to be extremely busy with the remaining 34,473 licensees that will be renewing.

A motion was made by Kim Marshall and seconded by Leata Price-Land to approve the Executive Directors report. Motion carried with all members present and participating.

Dialog with Board's Legal Counsel

No report this meeting.

Appointment – 10:30 a.m.

Sean Colton, Iso-Quality Testing to discuss the testing services available for the written examination – A motion was made by Jacklyn Crow and seconded by Kim Marshall for the Executive Director to contact Sean Colton and request a written contract and/or written documents as to what Iso-Quality Testing will provide for the State of Missouri. Upon receipt schedule a conference call for this item to be discussed further.

Proposed Posting Notice/Flyers

Flyer on Prohibited Practices – Examples: Wax Pot in Salon without having a Licensed Cosmetologist/All or Esthetician, Unlicensed Activity, Etc. A motion was made by Betty Leake and seconded by Kim Marshall to approve the Prohibited practice flyer once the () have been placed around the 2. Once the necessary changes have been made place on the Board's website. Motion carried with all members present and participating.

Proposed Rules

Rule 20 CSR 2085-8.070 (4) – During the November 2010 meeting, the Board voted to table the review of Rule 20 CSR 2085-8.070 (4) until the January 2011 meeting. During the January 2011 meeting, the Board voted to table this

discussion until the March 2011 meeting. At the July 2011 meeting the Board K1

– anything after licensure put in language

K2 – remove, as determined by the Board

K3 – remove B

K4 – change 90 days to 60 days before event

K5 – remove the 12 hours, due to this being previously noted

(2) add teaching methodology

And place on the September 2011 agenda further review and discussion.

A motion was made by Betty Leake and seconded by Kim Marshall to remove the word "postgraduate". Motion carried with all members present and participating.

A motion was made by Jacklyn Crow and seconded by Betty Leake to change 12 hours to 8 hours of continuing education. Motion carried with all members present and participating.

A motion was made by Betty Leake and seconded by Jacklyn Crow that once all necessary changes are made to proceed with the rule making process. Motion carried with all members present and participating.

Rule 20 CSR 2085-11.020 (L) – Violation if Notice on Prohibited Use of Razor-Type Callus Shavers Not Posted Within Shop (During the January 2011 meeting, the Board directed the Executive Director to prepare, for review during the March 2011 meeting, a draft proposed rule for review, for violation if notice on prohibited use of razor-type callus shavers not posted within a shop.) During the July 2011 meeting the Board voted to take out conspicuous place and replace with plain view and then after school add in public view for board representatives, clients and general public. Accept after appropriate changes are made. A motion was made by Kim Marshall and seconded by Jacklyn Crow to accept changes and processed with the rule making process. Motion carried with all members present and participating.

Rule 20 CSR 2085-12.060 – During the January 2011 meeting, the Board discussed the Change of Status Application and whether it could be used for students who were transferring from one school to another. The Board directed the Executive Director to review the Change of Status Form to see if it could be used for this purpose, if any amendments would be needed to the form, if there would need to be a potential rule change and the percentage of schools that would choose to use this form for this purpose and return for discussion during the March 2011 meeting. During the July 2011 meeting the Board voted directed the Executive Director to review the Change of Status Form to see if it could be used for this purpose, if any amendments would be needed to the form, if there would need to be a potential rule change and the percentage of schools that would choose to use this form for this purpose and return for discussion during the March 2011 meeting. A motion was made by Joe Nicholson and seconded by Kim Marshall to table till September 2011 meeting in allow for the Board's general counsel to review the current statute. A motion was made by Joe Nicholson and seconded by Betty Leake to not proceed with changes to 20 CSR 2085-12.060. Motion carried with all members present and participating.

A motion was made by Leata Price-Land and seconded by Joe Nicholson to direct the Board's General Counsel to research if a student can be in the school and not be receiving hours. Place on November 2011 agenda for further review and consideration. Motion carried with all members present and participating.

Rule 20 CSR 2085-12.035 - During the January 2011 meeting, the Board discussed the Change of Status Application and whether it could be used for students who were transferring from one school to another. The Board directed the Executive Director to review the Change of Status Form to see if it could be used for this purpose, if any amendments would be needed to the form, if there would need to be a potential rule change and the percentage of schools that would choose to use this form for this purpose and return for discussion during the March 2011 meeting. During the July 2011 meeting the Board directed the Executive Director to review the Change of Status Form to see if it could be used for this purpose, if any amendments would be needed to the form, if there would need to be a potential rule change and the percentage of schools that would choose to use this form for this purpose and return for discussion during the March 2011 meeting. A motion was made by Joe Nicholson and seconded by Kim Marshall to table till September 2011 meeting in allow for the Board's general counsel to review the current statute. A motion was made by Joe Nicholson and seconded by Betty Leake to not processed with changes to 20 CSR 2085-12.035. Motion carried with all members present and participating.

20 CSR 2085-13.070 – During the January 2011 meeting, the Board voted for the Executive Director to draft amendments to Rule 20 CSR 2085-12.020 (2)(C) that would not require each barber work station be supplied with hot and cold water and to draft amendments to Rule 20 CSR 2085-13.070 (3)(D) excluding the requirement for a crossover school to have 2 janitor closets and to return to the March 2011 for Board review. During the July 2011 meeting the Board to revise 20 CSR 2085-12.010(4)(C) by removing shampoo bowl and back bar. Then review 20 CSR 2085-13.070 by removing hot and cold running water. Place on September 2011 agenda for further review and discussion. A motion was made by Leata Price-Land and seconded by Jacklyn Crow to remove the wording shampoo bowls from 20 CSR 2085-12.010(4)(C). Then create and (l) and add Six (6) shampoo bowls equipped with hot and cold running water plus chairs. Further, accept all changes made to 20 CSR 2085-13.070. Motion carried with all members present and participating.

20 CSR 2085-7.010 & 2085-5.010 -During the January 2011 meeting, the Board voted for the Executive Director to draft a proposed rule, for review at the March 2011 meeting, outlining that examination candidates must wear a smock or lab coat, no apron, and closed toed professional shoes to the practical examination. During the July 2011 meeting the Board for the Board's general counsel to draft language stating what clothing is prohibited at the examination site. A motion was made by Betty Leake and seconded by Jacklyn Crow to accept all changes made and processed with the rule making process. Motion carried with all members present and participating.

12:50 p.m. The Board recessed for lunch.

1:28 p.m. The Board reconvened.

1:00 p.m. Disciplinary Hearings

Tuan Quoc Pham d/b/a J.C. Nails, SH114055, St. Louis, Case No. 09-1565 CB - Disciplinary Hearing – The Board held a disciplinary hearing in open session at 1:41 p.m. for Tuan Quoc Pham d/b/a/ J.C. Nails, cosmetology establishment. Tuan Quoc Pham was present during the disciplinary hearing and represented by Elkin Kestner. Tina Crow-Halcomb represented the State of Missouri and Earl Kraus served as the Board's legal advisor. Board members present were Wayne Kindle, Betty Leake, Kim Marshall, Leata Price-Land, Jacklyn Crow and Joe Nicholson. At the conclusion of the Disciplinary Hearing the Board held its deliberation in Closed Session.

Martin R. Hunter d/b/a DA' Rootz, BA2008013563, St. Louis, Case No. 10-0133 CB - Disciplinary Hearing – The Board held a disciplinary hearing in open session at 1:30 p.m. for Martin Hunter d/b/a DA' Rootz, barber operator license. Martin Hunter was not present for the Disciplinary Hearing and no one appeared on their behalf. Tina Crow-Halcomb represented the state of Missouri and Earl Kraus served as the Board's legal advisor. Board member present were Wayne Kindle, Betty Leake, Kim Marshall, Leata Price-Land, Jacklyn Crow and Joe Nicholson. At the conclusion of the Probation Violation hearing the Board held its deliberation in Closed Session.

Legislation – Discussion of Any Legislative Proposals for 2012 (The Board may go into Closed Session in order to give the Board an opportunity to review legal counsel recommendations.) A special Legislative meeting will be scheduled for the first part of 2012 at the November 2011 meeting.

Reports

Betty Leake, Vice President – NIC All Regions Meeting in Nashville, TN - The NIC all regions meeting started off with a lush welcome reception and was enjoyed by all. The welcome reception gave us an opportunity to catch up with old friends, and introduce ourselves to all new people. The conference started on Saturday, April 2, 2011 with Sean Colton, IQT, talking about individuals who cheat to get into exams or how to cheat once they start the exams. "Sanctions-What 's the appropriate discipline" by the Arizona State Board of Cosmetology Chairperson discussed several violations and what the discipline is for each. However, Arizona has fining authority. The speaker also expressed how important it is to post a sign stating which agency is responsible for regulating that business, such as medical or cosmetology. It is just as important to give thorough definitions of each scope of practice. "Lawful Presence and Forms of ID" was presented by Betty Abernathy of Wyoming. All documents can be fraudulent at some point. All regulatory agencies should contact Homeland Security to find out what to look for on fraudulent documents. To back up what Betty Abernathy talked about, Kay Kendrick from Georgia presented "Fraudulent

Document Detection". We have higher rates of human trafficking now more than ever before. 20,000 victims are brought into the United States each year. Due to the Cosmetology population explosion all over the US, most states are banning state endorsement and require all candidates to enter by examination and in English as well. The thought now is that all candidates must be able to reach each State Law Book and manufacturer's directions. Leslie Roste, RN with Barbicide closed the day by talking about the high risk client. Who should be treated in our salons and who not to treat? Sunday began with "Cheaters". Jackie Dahlquist from South Dakota and NIC immediate past president, walked through the process of catching a cheater, the importance of documenting and what to do to finish up the examination. Rosanne Kinley from South Carolina and NIC past president finished our conference by talking about services that are offered in salons and how dangerous they can be. Betty handouts and copies of PowerPoint presentations if anyone is interested in looking over the information.

NIC 56th Annual Conference, Fort Lauderdale, Florida – The annual conference began with human scavenger hunt at the new member orientation and led into the welcome reception with great hors de voirs and visiting. Jeff Tobe, Author of Coloring Outside The Lines, and spoke on "Let's Get Engaged". What a great speaker. He talked about customer service and how to be engaged in all we do, whether at a salon, school or board meeting. The afternoon was filled with Human Trafficking in our industry or modern day slavery. Desperate and poor victims are forced to work and live in terrible and abusive conditions. We were informed to not take it into our own hands but to turn it over to the authorities to resolve. The second half of the afternoon was spent with Leslie Roste, RN from King Research/Barbicide and she spoke on "Infection Control". She warned that we should avoid performing manicure and pedicure services on clients with diabetes, cancer and women with mastectomy. Sunday began with break out sessions. I attended "How To Present Yourself to the Legislature" with Betty Abernathy from Wyoming. I have the information with me for anyone interested. My second half of the break out sessions was spent with Gerard McAvey from Milady, talking about "The World of Hybrid Learning". The power point presentation brought out the advantages of hybrid learning and how it is monitored. After lunch, Special Agent Brian LeBlanc from the Miami FBI gave a presentation on "Weapons of Mass Destruction in the Beauty Industry". He explained that our industry has chemicals and products available from purchase that can be used in the making of bombs and other weapons. The next presentation was a skit by several NIC members on "Proper Board Protocol". The skit was hilarious and gave the audience an opportunity to participate on the correct ways to have a meeting. The day concluded by the election of officers. The election went as follows: President-Kay Kendrick of Georgia; V. President-Betty Leake of Missouri; Secretary/Treasurer-Wayne Kindle of Missouri; Region I Director-Melanie Thompson of South Carolina; Region II Director-Tracy Smith of Alabama; Region III- Bill Helton of Oklahoma; Region IV Director-Marti Frasier of Utah; and Board Administrator-Betty Abernathy of Wyoming. Our last day of the annual conference began with the "Legislation and Regulation Update: by Robyn Barineau from Florida. Robyn discussed the legislative changes from all states. The report was passed out to each state or the Administrator that attended to keep each of us up to date. It is available from preview online also. Bill Helton

from Oklahoma brought our agenda to a finish from the day by talking about "Expanding Our Beauty Industry Viability in the Community". He gave us ideas on community involvement to expand our businesses. The 56th Annual Conference was concluded by the Banquet and Installation of Officers. The conference was brought to a close by our President Kay Kendrick.

Wayne Kindle, Secretary/Treasurer – Mr. Kindle stated that he will provide his National-Interstate Council of State Boards of Cosmetology report at the November 2011 meeting.

Board Discussion

Reciprocity Requirements – During the January 2011 meeting, the Board voted for the Executive Director to contact other states and determine what their requirements are for licensure via reciprocity and return to the March 2011 meeting. A motion was made by Joe Nicholson to request all individuals that are applying for reciprocity to meet with the Board prior to licensure. Motion failed due to lack of second.

Federal Regulation 600.9 – A motion was made by Betty Leake and seconded by Jacklyn Crow that schools will need to submit a written request. Upon receipt of the request a letter will be provided to the school advising that the Board has approved them for post education via the Federal 600.9 and that the entity name they are licensed by. Motion carried with all members present and participating.

Derma Planning – A motion was made by Jacklyn Crow and seconded by Betty Leake to direct the Board's general counsel to do some research into this procedure and determine what scope of practice can provide this service. The inspector will continue to not violate establishments until this is researched further. Motion carried with all members present and participating.

Open Discussion – Dialog with General Public Attending Open Session

- Missouri Association of Cosmetology Schools
- Associated Hairdressers and Cosmetologists of Missouri, Inc.
- National Hair Braiders Association

7:28 p.m. There being no further business, the meeting was adjourned.

Respectfully submitted,

Emily R. Carroll

Executive Director

March 11, 2012

Date