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Governor
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BOARD OF COSMETOLOGY AND BARBER EXAMINERS

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Emily R. Carroll
Executive Director

Meeting Notice

**State Board of Cosmetology and Barber Examiners
Division of Professional Registration
Jefferson City, Missouri**

**Courtyard Marriott
1500 North East Coronado Drive
Blue Springs, MO 64014**

July 21-22, 2013

The Missouri State Board of Cosmetology and Barber Examiners will meet on Sunday and Monday July 21st and 22nd convening at 8:00 a.m. on Sunday the 21st and 8:00 a.m. on Monday the 22nd, at the Courtyard Marriott, located at 1500 North East Coronado Dr., Blue Springs, MO 64014. For individuals with special needs, notification should be forwarded to the Missouri State Board of Cosmetology and Barber Examiners, P.O. Box 1062; 3605 Missouri Boulevard, Jefferson City, Missouri or by calling (573) 751-1052 to ensure available accommodations. The text telephone number for the hearing impaired is 800-735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Cosmetology and Barber Examiners is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, and Chapter 324.001.8 and 324.001.9, RSMo.

The Board may go into closed session at any time during the meeting. If the meeting is closed the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please see attached tentative agenda for this meeting.

POSTED: 7/12/2013

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

**Courtyard Marriott
1500 North East Coronado Drive
Blue Springs, MO 64014**

July 21-22, 2013

TENTATIVE OPEN SESSION AGENDA

Sunday, July 21, 2013

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, July 22, 2013

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**
 - April 8, 2013
 - May 19-20, 2013
3. **Approval of Expense Accounts and Per Diem**
4. **Financial Report**

Executive Director Report – Emily Carroll

- Current Licensee Count
- NIC – Annual Conference

5. **Inspectors Report**

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

6. **President's Report – Wayne Kindle**

7. **National-Interstate Council of State Boards of Cosmetology, President's Report – Betty Leake**

8. **Proposed Rules Update**

- 20 CSR 2085-5.010
- 20 CSR 2085-7.010
- 20 CSR 2085-8.070
- 20 CSR 2085-11.020
- 20 CSR 2085-12.010
- 20 CSR 2085-12.020
- 20 CSR 2085-13.070

12:00 p.m. Recess for Lunch

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

9. **Languages of Examination –** Tabled at the May 2013 meeting for discussion at the July 2013 meeting.

10. **Inspection Report Revision -** Tabled at the May 2013 meeting for discussion at the July 2013 meeting.

11. **Review student kit regulations**

- 20 CSR 2085-12.040
- 20 CSR 2085-12.080

12. **2014 Legislative Proposals**

13. **PCS Examiner Training and Exam Overview**

14. **New Licensure System**

15. **Post-Secondary Education**

16. **State Law Test Update**

17. **Election of Officers**

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

Upon completion of Open Session, the Board will move into Closed Session.

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 meeting.

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

Adjournment*

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

**Courtyard Marriott
1500 North East Coronado Drive
Blue Springs, MO 64014**

July 21-22, 2013

The Missouri State Board of Cosmetology and Barber Examiners were called to order in open session by President Wayne Kindle at 8:03 a.m. on Sunday, July 21, 2013 at the Courtyard Marriott, 1500 NE Coronado Dr, Blue Springs, Missouri.

Sunday, July 21, 2013

Board Members Present:

Wayne Kindle, President
Betty Leake, Vice President
Jacklyn Crow, Secretary
Leata Price-Land, Member
Joe Nicholson, Member
Lori Glasscock, Public Member

Staff Present:

Emily Carroll, Executive Director
Emily Reinhard, Administrative Coordinator
Mallory Reinhard, Processing Technician II
Tina Crow Halcomb, Litigation Counsel

1. **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 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.

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

Monday, July 22, 2013

Board Members Present:

Wayne Kindle, President
Betty Leake, Vice President
Jacklyn Crow, Secretary
Leata Price-Land, Member
Joe Nicholson, Member
Lori Glasscock, Public Member

Staff Present:

Emily Carroll, Executive Director
Emily Reinhard, Administrative Coordinator
Mallory Reinhard, Processing Technician II
Earl Kraus, General Counsel
Tina Crow Halcomb, Litigation Counsel

8:06 a.m. Reconvened in Closed Session.

9:16 a.m. Board moved into Open Session.

2. **Approval of Open Session Minutes**

A motion was made by Betty Leake and seconded by Joe Nicholson to approve the Open Session Minutes of the April 8, 2013 meeting. Motion carried with all members present and participating.

A motion was made by Betty Leake and seconded by Joe Nicholson to approve the Open Session Minutes of the May 19-20, 2013 meeting. Motion carried with all members present and participating.

3. **Approval of Expense Accounts and Per Diem**

A motion was made by Joe Nicholson and seconded by Jacklyn Crow to approve the expense accounts and per diems as submitted. Motion carried with all members present and participating.

4. **Financial Report**

Emily Carroll, Executive Director, reported on the FY2013. The Beginning Fund Balance for FY 2013, was \$6,107,224.79. As of May 31, 2013 our total revenue received was \$548,898.59. Of the Expense and Equipment

Appropriation there has been \$143,267.61 expended. Total transfers as of May 31, 2013 are \$1,303,177.44. Leaving the current Fund Balance as of May 31, 2013 of \$5,209,678.33.

Executive Director Report – Emily Carroll

- Current Licensee Count
- Renewals were mailed July 1, 2013
- Postcards and Paper renewal forms are available
- Schools now have the ability to renew the school license online
- An email consent has been added to the renewal for the Board to collect licensee email addresses for informational purposes only
- NIC – Annual Conference, Betty Leake will be present
- All Inspectors will be meeting at the Board office on August 5, 2013 to pick up their new blackberry cell phones and receive training on the equipment. The Executive Director will research the ability of installing Lifestyle 360 on each phone as a safety measure for the Inspectors while they are out in the field.

A motion was made by Jacklyn Crow and seconded by Betty Leake to have the Executive Director seek approval for Emily Carroll, Executive Director and Leata Price-Land to attend the NIC – Annual Conference

5. **Inspectors Report**

This is an informational item. Of the 16,153 Establishment inspections due to be inspected a minimum of 1 time annually by October 30th there are 5,752 remaining.

6. **President's Report** – Wayne Kindle

- Board has created ad hoc committees to review the entire law book and make any necessary changes.

7. **National-Interstate Council of State Boards of Cosmetology, President's Report** – Betty Leake

- Looking forward to the NIC, annual conference this September 2013
- Looked over and made changes to all of the Cosmetology and Barber laws that she was assigned at the May 2013 meeting
- The Board will be provided with the suggested changes for review

8. **Proposed Rules Update**

- 20 CSR 2085-5.010 – in review by Division
- 20 CSR 2085-7.010 – in review by Division
- 20 CSR 2085-8.070 – waiting on approval from Governor's office
- 20 CSR 2085-11.020 – effective August 30, 2013
- 20 CSR 2085-12.010 – waiting on approval from Governor's office

- 20 CSR 2085-12.020 – waiting on approval from Governor's office
- 20 CSR 2085-13.070 – waiting on approval from Governor's office

9. Languages of Examination – Tabled at the May 2013 meeting for discussion at the July 2013 meeting.

- Missouri currently offers the written examination in English, Spanish and Vietnamese.
- Missouri has been established as an English speaking state
- Possibility of only offering the written examination in English only
- Questions on whether the translation to Spanish and Vietnamese are in the correct dialect
- Betty Leake will have additional documentation and information for the Board to review at the September 2013 meeting
- Shelly Heavilin (member of the public) agrees with only offering the written examination in English. Suggests that there be Proctors available to assist if the Board decides to offer Vietnamese and Spanish at the practical examination that are knowledgeable of the languages offered in order to better assist candidates taking the examination
- James Means (member of the public) watched the state of California deteriorate after offering the voting ballots in various different languages
- Only offering the written examination in English may increase the level of cheating
- Licensees are still held accountable for any violations regardless of their knowledge of the English language
- Missouri schools are currently only teaching all training in English
- Possible availability of all documents and exams be available in other languages
- Wanye Kindle would like to table the discussion for further discussion at the September 2013 meeting to gather more information and consider all options

10. Inspection Report Revision - Tabled at the May 2013 meeting for discussion at the July 2013 meeting.

- Tabled for further review at the September 2013 meeting

11. Review student kit regulations

- 20 CSR 2085-12.040
- 20 CSR 2085-12.080
- Shelly Heavilin (public member) – student kits will be destroyed if given at the beginning of training. Currently they are given a new kit to be used in preparation for their state board examinations. If given

upon enrollment, replacing damaged equipment may be difficult for the students.

- The Board currently does not regulate when the students are given the student kits
- Possibility of taking out the word “kit” from the regulations
- Currently five (5) different regulations include the usage of the word “kit”
- Also may address the word “new” in the regulation to include “in good working order”
- Revisions to these regulations will be reviewed during the ad hoc committee discussion on revisions to all of the regulations

12. **2014 Legislative Proposals**

- Information will be sent out to each Board member for review of possible revisions to submit for the 2014 legislative session
- All proposals must be turned in to Andy Briscoe by August 2, 2013
- Board discussion and potential approval will be scheduled as soon as possible in order to make the current deadline of August 2, 2013
- An open session conference call will tentatively be scheduled for Thursday, July 25, 2013 at 7:00 p.m.

13. **PCS Examiner Training and Exam Overview**

- School Overview – Monday, September 16, 2013, Branson, Missouri
- Examiner Training – Saturday and Sunday, September 14-15, 2013, Branson, Missouri
- PCS will be sending invitations to all Missouri schools

14. **New Licensure System**

- Decision is currently pending on the provider the Division will hire
- The Board has committed to paying a total of \$429,410 to be paid over a period of two (2) years

15. **Post-Secondary Education**

- Emily Carroll, Executive Director and Earl Kraus, general counsel spoke by phone with Dr. Sophia McArdle, US Department of Education on June 10, 2013.
- To be in compliance each school will have to submit a letter stating that they are in the process of establishing a process to ensure future compliance
- There is no definition for what terms need to be met in order to be considered Post-Secondary
- The Board can submit their interruption of the definition and their resolution to be in compliance to Sophia McArdle for review
- Emily Carroll, Executive Director has spoken with the Department of Higher Education and was directed to an application that would

allow for the Department of Higher Education to certify that the school is recognized by the state as a Post-Secondary institution.

- Possible rule change to define the vocational schools as a secondary institution
- Shelly Heavilin (public member) will forward the list of states that have been approved as being in compliance
- Investigation into the process the state of Iowa went through in becoming exempt from compliance
- Possibility of making a rule change that requires all cosmetology and barber students submit proof of a high school education prior to enrollment
- Contact Department of Higher Education to see how they are able to assist

A motion was made by Joe Nicholson and seconded by Leata Price-Land 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 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.

Roll Call Vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

1:02 p.m. Board moved into Open Session.

16. State Law Test Update

- At the May 2013 meeting the Board requested the state law test only be conducted in the Jefferson City, MO Board office
- Currently the test is open book without any time constraints
- A rule change would be necessary in order to place a time limit given for the open book state law test
- If the open book state law test was administered by a vendor, the vendor would be able to establish a fee and time limit for each examination without the Board proposing a rule change

- The vendor would have the state law books available for use during the test

Board Directive

Have the Executive Director check with accounting to confirm whether the bid process will be required prior to the open book state law test being administered by a vendor.

Open Discussion – Dialog with General Public Attending Open Session Present – Shelly Heavilin and James Means

- James Means – currently running an establishment in Silver Dollar City that offers braided halo's to the public. Would like to know why he should be required to employ only licensed cosmetologist to offer this service.
Leata Price-Land – compared the braided halo to that of hair braiding and believes it is only a style. Individuals offering these services to the public need to know about different scalp conditions. Exceptions cannot be made to rules.
Earl Kraus – The Board is required to enforce the law. Changes to the law would involve a legislative change.
Shelly Heavilin – Believes the issue as being different from that of hair braiding. Mr. Means is only seeking a seasonal license/approval.
Wayne Kindle – The Board is responsible for protecting the public in all instances. Education and training is necessary.
- Shelly Heavilin – State Competition will be in Jefferson City on September 8, 2013. The Missouri Association of Cosmetologist is currently looking for qualified judges.
- The Board held a moment of silence in memory of Mr. Robert Bruner

A motion was made by Jacklyn Crow and seconded by Betty Leake to have the Executive Director notify every school advising that a detailed description of all circumstances involved in all convictions prior to review of the application will be required.

1:53 p.m. The Board moved into Closed Session

2:03 p.m. The Board moved into Open Session

17. Election of Officers

President – Wayne Kindle

Vice President – Betty Leake

Secretary – Jacklyn Crow

A motion was made by Betty Leake and seconded by Lori Glasscock 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 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.

Roll Call Vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

2:39 p.m. There being no further business in open, the meeting was adjourned.



Executive Director

Approved on September 30, 2013