

**South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., May 23, 2016
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina 29210**

1. Meeting Called to Order

- a. Public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.
- b. Rules of the Meeting Read by the Chairman
- c. Pledge of Allegiance

2. Introduction of Board Members and All Other Persons Attending

Chairman Melanie Thompson called the meeting of the S.C. Board of Cosmetology to order.

Other Board members participating in the meeting included:

- ❖ Eddie Jones
- ❖ Patricia Walters
- ❖ Selena Brown
- ❖ Laquita Clark-Horton
- ❖ Stephanie Nye

Staff members present included: Mary League, Advice Counsel; Shalon Genwright, Staff; Theresa Richardson, Administrator; Kathy Meadows, Office of Investigations and Enforcement (OIE); Kyle Tennis, Office of Disciplinary Counsel (ODC); Robbie Boland, Office of Investigations and Enforcement (OIE)

All Other Persons Attending:

Tina Behles, Court Reporter (Capital City Reporting); Gloria Smith; Ervin Smith; Robert MacElhiney; Colleen Large; Angela Morrison; Trina Greenwood; Queshanda Mauney; Key'ona Joseph; Doreshea Dye; Kimberly Graham; Debra Legrand; Chesley Phillips; John Ray; Janice Curtis; Nancy Poole

3. Executive Session for Personnel Issues

A motion was made by Mr. Eddie Jones for executive session to discuss legal matters and personnel issues. It was seconded by Ms. Stephanie Nye. The motion carried.

Mr. Jones made a motion to come out of executive session that was seconded by Ms. Laquita Clark-Horton and Ms. Selena Brown. The motion carried.

For the record, there no motions or votes made during the executive session.

4. Approval of Excused Absences

There were none.

5. Approval of Agenda

Ms. Brown made a motion for the approval of the agenda with the necessary corrections and deviations from the agenda. It was seconded by Ms. Clark-Horton. The motion carried.

6. Approval of Meeting Minutes

March 22, 2016

Chairman Thompson had several questions as she was not in attendance for the last Board meeting.

1. Page 3 of 10 (Item 8. a.) – She wanted to know if there was further explanation about the audio content for the continuing education class. It was purposely slowed down to accommodate the timeframe, which is unacceptable. There was no further explanation.
2. Page 4 of 10 – With the paragraph that starts with '*Ms. Walters stated'...'if it is known that a responsibility is needed with the Board, then the Board should be contacted'*. According to Ms. Walters, it was a discussion that her phones had been hacked and persons could not get in touch with her. Chairman Thompson stated that some clarity was needed with that statement from Ms. Walters
3. Page 7 of 10 (Item 9. j. ii.) – It was asked if it was a requirement that the school submit an updated contract to the agency. At the time, it was not a requirement by the Board, according to Ms. Theresa Richardson.
4. Page 8 of 10 (Item 10. iv.) – In the final paragraph, it was not a cosmetology course. It has to be a law or sanitation course. It should also say that Ms. Lee's license should be administratively suspended. Ms. Mary League believes that it was supposed to be a 3 (three) hour disciplinary law course, not cosmetology.
5. Page 9 of 10 (Item 12) – Mr. Jones stated that he conducted an inspection, but the type or name of inspection was not listed. It was an inspection of a school from March 9th with Ms. Jennifer Stillwell in Laurens, South Carolina. The name of the school needs to be on the record for the minutes. It was a final inspection.

A motion was made by Ms. Selena Brown to approve the minutes for March 22, 2016, with the questions pending and the notations for corrections. It was seconded by Mr. Jones and Ms. Clark-Horton. The motion carried.

7. Chairman's Remarks – Melanie Thompson

Ms. Clark-Horton was thanked for chairing the last Board meeting as the newly elected Vice Chairperson. Chairman Thompson attended the NIC regional meeting, which was very beneficial. A lot was learned and there were great presenters. There were also states in attendance for the first time.

Chairman Thompson monitored the NIC practical examination on April 18th (morning) and April 25th (afternoon). On the 18th, there were 60 (sixty) cosmetology candidates and eighteen (18) candidates in the overflow room. The candidates did nails and esthetics in the afternoon. The number of candidates were not counted on the 25th. There will be a change of location coming soon as Chairman Thompson was overwhelmed with all of the issues within the facility.

On May 20, 2016, Chairman Thompson attended a task force summit for domestic violence. The collective group identified fifty (50) goals that they wanted to implement. Out of the goals, thirty (30) had been met and implemented. The Cosmetology Board was one of the first groups to jump on this with the CE providers including it in their classes. The Board was recognized several times in a very positive way, which was wonderful to see. The governor was also there and praised everyone. A new website that the Department of Labor, Licensing, and Regulation has created will have a full launch in July. The Department of Social Services have partnered with the Department of LLR and printed brochures that will be done by regions. The brochures will list your local resources on who to contact. Chairman Thompson has reached out the Ms. Richele Taylor, Agency Director of LLR, to ask if the Board could offer the resources given to the CE providers. The PowerPoint presentation gives the statistics of domestic violence by county and region. Horry County had the highest number for married couples. York County has a phenomenal solicitor, Mr. Kevin Brackett. They have a domestic violence resource officer. Every county in the state should clone what they have done in York County to be implemented immediately. They are doing an amazing job. This is positive news for the Cosmetology Board and this industry being recognized for being in the forefront.

The website will be titled 'Safe Place, South Carolina'. The governor has given a challenge to every county in the state to implement four (4) things:

1. The Sheriff must pledge to implement the domestic violence law and enforcement toolkit. They must also adopt an internal policy and conduct a needs assessment for domestic violence. Every Sheriff in the state has already met that goal.
2. The solicitor must hold a meeting of the community domestic violence coordinating council and must organize trained members of the domestic violence fatality review committee.
3. The county must adopt a human resources policy for domestic violence. A model policy may be found at www.governor@sc.gov.
4. The county must partner with a local domestic violence or batterers intervention non-profit to host community awareness events.

The county that does these things first will get special accolades and recognition.

8. Administrator's Remarks – Theresa Richardson

a. Budget – For Information

The budget is within the materials. Chairman Thompson had some questions, in which Ms. Richardson will be seeking responses from our finance department.

b. OIE Report – For Information - Sharon Wolfe – Kathy Meadows came in place of Ms. Wolfe. It shows the case status and the amount of cases that have been closed so far.

c. IRC Report – For Approval - Sharon Wolfe - Kathy Meadows came in place of Ms. Wolfe. Ms. Meadows is one of the investigators, along with Mr. Rodney Pigford. Chairman Thompson asked about the allegations of unlicensed practice with no violations. Mr. Pigford stated that all of the allegations were from an anonymous person online. With those, the investigators make unannounced visits to check all staff members to ensure licensure. If they are all licensed, a dismissal is recommended. Ms. Meadows added that they check identification, along with the licenses. They also ask questions about the identification cards. There is a follow-up in place for cease and desist issues.

Ms. Brown made a motion to accept the IRC report as written. It was seconded by Ms. Clark-Horton and the motion carried.

d. ODC Report – For Information - Kyle Tennis

There are currently 32 open cases.

- 2 (pending citation appeals)
- 1 (pending consent agreement draft)
- 1 (pending formal complaint draft)
- 11 (pending attorney review)
- 2 (pending hearings)
- 5 (pending Final Order hearings (3 will be heard on tomorrow))
- 1 (appeal by court appeals)
- 5 (pending rescheduling)
- 2 (pending IRC)
- 2 (pending advice action)

We have closed 47 cases between the beginning of the year and May 20, 2016.

Pending advice action means that those orders have been drafted and need to go through the processing protocol to be served.

e. Inspection Report – For Approval - Robbie Boland

Mr. Boland went over the inspection numbers from July 2015 through the end of April 2016. 4,474 inspections were conducted. There were 102 school inspections. As of May 12, 2016, there are 6,388 active salons. There are still 110 schools.

On the citation report for March and April, there were 28 citations written; 26 of them dealt with licensing issues. Four of them dealt with sanitation issues.

Mr. Jones made a motion to approve the inspection and citation reports. It was seconded by Ms. Clark-Horton. The motion carried.

f. Administrator Approvals

SCALP

- Change #1- Request received March 1, 2016: APPROVED ADDITION of September 11th 6-hour Instructor class.
- Change #2- Request received March 1, 2016: APPROVED ADDITION of September 12th 6-hour Instructor class.
- Change #3- Request received May 6, 2016: APPROVED DATE CHANGE for a 6-hour esthetics class from September 20th to September 18th.

Chairman Thompson wanted clarification on whether the Board deemed two day segments (six hours each) or twelve (12) hours as one (1) class. Ms. Richardson has always submitted it as two (2) separate changes for instructors. After scrutinizing the regulations, it was discovered that they only needed the same amount of hours as a practitioner. In the past, it was always double hours needed for the instructors. The providers are still submitting twelve (12) hour classes over a two (2) day period or a long twelve (12) hour day. The Board members were in agreement that the twelve (12) hours be done over the course of two (2) days as one (1) change, instead of two (2) changes.

A motion was made by Ms. Brown to approve that the twelve (12) hours be done over the course of two (2) days as one (1) change, instead of two (2) changes. It was seconded by Ms. Clark-Horton. The motion carried. SCALP now only has two (2) changes.

CE VISKI

- Change #1- Request received April 30, 2016: APPROVED CANCELLATION of Instructor class for October 2, 2016.
- Change #2- Request received April 30, 2016: APPROVED ADDITION of a 6-hour cosmetology class for October 3, 2016.

These classes will remain in the same location with the same agenda and instructor.

SACS

- Change #1- Request received March 29, 2016: APPROVED DATE CHANGE for a 6-hour nail tech class from August 13 to August 15, 2016.
- Change #2- Request received March 29, 2016: APPROVED DATE CHANGE for a 6-hour esthetics class from October 1 to October 3, 2016.
- Change #3- Request received April 28, 2016: APPROVED DATE CHANGE for a nail tech class from August 15 to August 14, 2016.

VONTAE'S ADVANCED TRAINING

- Change #2- Request received April 13, 2016: APPROVED ADDITION of South Carolina instructor Tonya L. Jones (IRC 34702).

A BETTER YOU

- Change #3- Request received March 28, 2016: APPROVED ADDITION for a 6-hour cosmetology class for December 12, 2016.

Deviation to the agenda –

Ms. Janice Curtis was recognized with a plaque. Ms. Curtis was a member of the Board for many years as an Esthetician and is now a Mayor. She appreciates the plaque and everything that the Board members do and will do for the industry. The Board is very important and she looks forward to what the future has in store.

9. Old Business

a. Consideration of NIC Theory and Practical Examination Updates

NIC develops the licensing exam that the states offer to their candidates for licensure. It allows for better mobility from state to state. The exam has to be kept current. Every five (5) years at a minimum, each modality is examined and they do a job analysis survey. After the numbers are run from the results, there are proposals to the updates for the cosmetology exam. Approvals to adopt the updates then have to be made by the Board. Everything in black seen in the packet given at the last meeting is non-negotiable and lists core domain parts of the exam. Everything in red is considered additional or optional services. At the last meeting, the Board approved to take on everything, which would mean that the exam would be about six and a half hours long. Parts of the exam would be taking us back to the 1970's. State law always supersedes NIC. If state law requires it (NIC states), then NIC has to develop it for the exam. Chairman Thompson asks that the Board reconsider the vote taken at the last meeting and to pick and choose the sections that will be included in the updated exam. The recommendation from Chairman Thompson is to include 14 (manicure), 15 (nail tip), 18 (cleansing of face) 19, and 20 (both are for hair removal). With whatever the Board decides, examiners will be trained in June with the information. They are able to prep their students now before the exam is implemented. The implementation date for the exam is August 1st. They are not including the sculptured nail. Blow drying and styling is twofold. Safety aspects already have to be demonstrated. The facility would have to accommodate sixty blow dryers at the same time. Facial make-up adds an expense to the student because the mannequin already has make-up on it. Ms. Walters was concerned with the make-up demonstration in dealing with the sanitation of the brushes. Throughout the exam, they are looking at how they apply the make-up around the eyes and the mouth, which in her (Chairman Thompson) opinion, it has already been demonstrated in other segments. They will not be required to have a model, just the mannequin.

Mr. Jones made a motion to accept the recommendations of Chairman Thompson based on observations of the errors made in justifying why we are keeping the recommendations. It was seconded by Ms. Clark-Horton and the motion carried.

Ms. Brown made a motion for a 10 minute comfort break. It was seconded by Mr. Jones. The motion carried.

Ms. Stephanie Nye left the meeting during the break. A motion was made by Ms. Brown to excuse Ms. Nye's absence for the remainder of the meeting. It was seconded by Ms. Clark-Horton and Mr. Jones. The motion carried.

10. New Business

a. Pampered Beauty Association

i. Addition of Out-of-State Instructor

Ms. Key'ona Joseph represented Pampered Beauty. The instructor is Ms. Felicia Pollard of Charlotte, North Carolina. Ms. Pollard is a licensed instructor in North Carolina. Various products were listed on Ms. Pollard's resume, but Ms. Joseph stated that she told Ms. Pollard that she could not mention Dudley or any other products. Ms. Pollard works for Dudley part-time. Ms. Pollard would like to teach a coloring class. The date given for the class was July 12th. It would be held in Rock Hill at the Marriott. Chairman Thompson cautioned her that products should not be mentioned and if so, it will reflect negatively on Ms. Joseph.

Mr. Jones made a motion to approve Ms. Felicia Pollard as an instructor for the July 12th class with Pampered Beauty. It was seconded by Ms. Clark-Horton. The motion carried.

The original motion was withdrawn with a motion by Mr. Jones and seconded by Ms. Clark-Horton. The motion carried. A new motion was made by Mr. Jones to approve Ms. Felicia Pollard as an instructor upon approval of the date by the Administrator. It was seconded by Ms. Clark-Horton. The motion carried.

b. Consideration of Resolution Guidelines Committee

Ms. League stated that there were some question marks on the old guidelines. She asked Chairman Thompson to put together a small committee to go over guidelines as drafted now. The committee will consist of Chairman Thompson and Ms. Clark-Horton.

A motion was made by Ms. Brown to approve Ms. Clark-Horton and Chairman Thompson as members of the resolution guidelines committee. It was seconded by Ms. Walters. The motion carried.

c. Consideration to Use Mannequins for the Practical Examination

South Carolina is one of the few states that require a live model for exams. It creates a bunch of issues for the candidate. Chairman Thompson asks the Board to consider changing that and allowing mannequins to be used, instead of live models. Ms. Brown did not like the idea of using the mannequins, but understood the point of view that the mannequin cannot refuse services. Mr. Jones thinks that mannequins should be used because of the inconveniences and the candidates having so many things going against them.

Mr. Jones made a motion that we accept estheticians utilizing mannequins to perform the examination because of the variations of concerns. It was seconded by Ms. Clark-Horton. The motion carried.

The implementation date will be July 1st for the mannequins. The August 1st implementation date is specific to the cosmetology exam and gives the instructors time to be trained. Ms. Richardson can send out an e-blast to schools on tomorrow to let them know. There is no option to use a live model. The exam has to be standardized. The mannequin will be a requirement.

A motion was made by Ms. Brown to approve the July 1st date for the use of mannequins. This is for the esthetics exam. It was seconded by Ms. Clark-Horton and the motion carried.

d. Consideration Of Updated Citation Forms

The main portion of the update is the yellow highlighted portion. "Including unlicensed persons" will be stricken from the form, which was the only change noted other than the highlighted areas.

A motion was made by Ms. Brown to approve the citation form for salons with the pending corrections. It was seconded by Mr. Jones and the motion carried.

The second form is directly for schools. It was asked by Chairman Thompson that clock hours be added instead of the credit hours.

The school citation form would have the same correction with deleting 'unlicensed persons' and approving the highlights, as stated by Ms. League.

A motion was made by Mr. Jones to accept the school citations form with pending corrections. It was seconded by Ms. Clark-Horton. The motion carried.

e. Proposed Board Meeting Dates for 2017

- January 9 (Kingstree Rooms 108 & 107)
- January 10 (Kingstree Rooms 105 & 107)

- March 13 (Kingstree Rooms 108 & 107)
- March 14 (Kingstree Rooms 105 & 107)

- May 8 (Kingstree Rooms 105 & 107)
- May 9 (Kingstree Rooms 105 & 107)

- July 10 (Kingstree Rooms 108 & 107)
- July 11 (Kingstree Rooms 108 & 107)

- September 18 (Kingstree Rooms 108 & 107)
- September 19 (Kingstree Rooms 108 & 107)

- October 16 (Continuing Education Review) (Kingstree Rooms 105 & 107)
- October 17 (Continuing Education Review) (Kingstree Rooms 105 & 107)
- November 20 (Kingstree Rooms 108 & 107)
- November 21 (Kingstree Rooms 108 & 107)

A motion was made by Ms. Clark-Horton to approve the Board meeting dates. It was seconded by Mr. Jones. The motion carried.

f. Consideration of Translators for Examination Purposes and Consideration of Time Extension for Non-English Speaking Applicants

According to Ms. Richardson, there is an individual who contacted their Senator or Representative. The individual is having a hard time with the English language. The Chief Advice Counsel asked the Board to consider using a translator or interpreter, along with extending the time period when someone cannot pass the examination. Chairman Thompson stated, "The only time that an extension will be accommodated is when an ADA request is involved. In this industry, we are required by OSHA (federally) to have SDS sheets, which are only printed in English. When 911 is called, they only speak to you in the English language. The General Assembly established that the official language of South Carolina is English. The FAA requires that even their international pilots speak English, so according to the FAA, the international language is English." Chairman Thompson's opinion is that, "Candidates need to be able to read, write, and understand the English language. There are chemicals in salons and not all of them have other languages printed on them with directions or warnings. All of the chemicals have English printed on them." Her opinion is that the Board needs to stick with English. Chairman Thompson stated further, "If the Board allows for one person, then they have to allow for everyone and that would be opening Pandora's Box. The Board, industry, and the public would be placed in great harm and will be doing a huge disservice to the public by letting individuals who cannot speak or understand the English language to be practicing on the public. We would not be doing what we are upheld to do as Board members with protecting the public. In addition, we also have to consider the integrity and security of the test when using translators for a language that we don't speak. We have no idea what they are saying to that individual. If we were to even consider it, the State would have to pay for the state certified or qualified services. If we allowed additional time, it opens up an unending list of possibilities for what people can request additional time for. The whole purpose of the national exam is for standardization, so that everybody who takes the test takes the same exam the same way and if you start changing things up, it loses the standardization. Oklahoma can be confident on how South Carolina is being tested and South Carolina can be confident on how North Carolina is being tested." Chairman Thompson asked each Board member their own opinion and every Board member agreed with Chairman Thompson's opinions given.

Mr. Jones made a motion that the official opinion of the Board is that they will not consider utilizing translators or interpreters or allow an extension for time during the examination process. It was seconded by Ms. Clark-Horton. The motion carried.

11. Discussion

None.

12. Public Comments

Trina Greenwood – She was really concerned with how long the test will be with the August 1st implementation date and the add-ons. It looks like 3-4 client changes. There will be a one client change. Everything that happens after that will be considered the same client. With removing the additional client, it will shorten the exam already. There is only one client change in the core domain content. Ms. Greenwood referenced the CIB and the way it reads with everything being grouped into one. It would all be the same client with a two client set-up. It was proposed that the blood test and the predisposition strand test be timed. On May 25, the proposal will be voted on. The virgin relaxer application will still remain untimed. They are removing the additional client changes. Hopefully, the committee will vote to change the untimed portions to timed portions. All states and vendors will be notified immediately after the vote.

Ms. Greenwood votes for the sculptured nail for time purposes and to take out the manicure and the tip blending. She also mentioned 30 hours for nail services and 30 hours tweezing/waxing services and other things and the curriculum may have to be reevaluated, now that they are being tested on it. Those hours are very minimal. The cosmetology license, as it stands now, allows the cosmetologist to do all the same things that a nail technician and esthetician can do.

Lastly, Ms. Greenwood would like to require sterilization of metal instruments through autoclaves. Autoclaves are not completing the process, according to Chairman Thompson. Chairman Thompson would prefer everything disposable. The general group of licensees would treat the autoclave in the same manner as they did with the UV sterilizer, which was essentially just a box that held stuff.

Chesley Phillips – She wanted to go on record to state that after the last meeting, they had the most hacking with phones, e-mails, and accounts. She was advised to cut her internet and her phones off. Ms. Phillips then went down to one telephone number. Her phone number has already provided to the Board. Ms. Phillips wanted clarification on the training for the NIC workshop. The examiner training is the 25th and 26th of June; the school overview is on that Monday (27th). The continuing education review will be held in October of this year.

Nancy Poole – She is concerned about the additions that are in the core that she did not know about, plus what was added today. There are students at 1300 and 1400 hours that were only exposed to nail tips. They have more hours under anatomy. They do not do enough of what will be needed for students to be prepared for the exam. They were not notified of drastic changes that would start right away. The students will only be doing a tip and that will begin on August 1st, according to Chairman Thompson. Students should have been exposed to everything else discussed. The basic facial and manicure was already in the old exam. Essentially, only tip blending and hair removal of the eyebrow with soft and hard wax was added. Chairman Thompson can give statistics in the future on the job analysis survey. Most students are only there for hair and can go on to further their education if they really want to get into it. They are not tested on nail tips. Only a small amount of hours are allocated and they do not have those hours in the curriculum. The Board needs to address the amount of hours. More hours are seen in threading than for waxing currently. It is hard to follow a state mandated curriculum and do what needs to be done to help students pass the exam and become licensed. There is a service log for students that track the number of services completed, but it is not state mandated. The mandate is based upon the hours in that particular area. There are twenty (20) unspecified hours. Ms. Poole allows the students to use those areas for their interest or passion. Chairman Thompson referred to the curriculum to address hours for cosmetology, which stated that nail technology is 25 hours and facial /skin care, make-up, and hair removal consists of 40 hours. There is no breakdown of how many hours you must designate to threading in the cosmetology curriculum. Ms. Poole stated the former chairperson stated that 10 hours for esthetics were placed in the regulations. Threading was only specified for esthetics. The current information was printed off on last year. It is for esthetics and not cosmetology. In July of 2013, the section was updated. The minutes will be looked at from then.

Bob McElbe (sp) – He agrees with Ms. Poole that it was ten (10) hours.

Key'ona Joseph – As a nail technician and an instructor, she has seen several cosmetologists that do not want to pursue doing hair anymore and want to do nails and waxing. With the cosmetologists doing so, they come in and butcher clients. More hours are needed for them under cosmetology. It is not fair for persons that specialize in that area and they are unaware of the ins and outs of the area.

Kimberly Graham – Her understanding is that the student has 1500 hours of cosmetology. If you are in a classroom setting, you should be able to adjust and not necessarily go by the criteria that may be old.

Gloria Smith – For informational purposes, on the PCS website, threading is seen on the training affidavit still showing ten (10) hours.

An update will have to be made with PCS and an update needs to be made with what they have on their website.

13. Adjournment

A motion to adjourn was made by Ms. Brown and seconded by Ms. Clark-Horton. The motion carried.

The meeting adjourned at 12:10 p.m.

The next meeting of the S.C. Board of Cosmetology is scheduled for July 11-12, 2016.