

1 **APPROVED MINUTES**
2 **South Carolina Board of Cosmetology**
3 **Conference Call**
4 **4:00 P.M., March 8, 2013**
5 **Synergy Business Park**
6 **Kingstree Building, Conference Room 105**
7 **110 Centerview Drive, Columbia, SC 29210**

8 **View the Board Meeting On-line at www.llr.state.sc.us/POL/Cosmetology**

9 **Meeting Called to Order**

10 Public notice of this meeting was properly posted at the SC Board of Cosmetology office, Synergy Business
11 Park, Kingstree Building and provided to all requesting persons, organizations, and news media in
12 compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

13 **Rules of the Meeting Read by Advice Counsel**

14
15 **Introduction of Board Members on Conference Call:**

16 Chairperson Melanie C. Thompson called the regular meeting of the Board of Cosmetology to order. Other
17 Board members present for the meeting included, Stephanie Nye, Cynthia T. Rodgers, Selena M. Brown, and
18 Janice Curtis

19 **Staff Members Participating in the Conference Call Meeting:**

20 Sara McCartha, Advice Counsel, Tracey McCarley, Administrator, Matteah Taylor, Roz Bailey-Glover,
21 Administrative Staff, Dean Grigg, Deputy Director, Charlie Ido, Assistant Deputy Director, OBS, and
22 Cecelia P. Englert, Court Reporter

23
24 **All Other Persons Attending:**

25 Chesley Phillips, Lisa Sox, Charles Blake, Gloria Smith, Steven Dawson, Betty Dixon

26 **Approval of Excused Absences – There were none.**

27
28 **Chairman’s Remarks –Melanie Thompson – There were none.**

29
30 **Administrator’s Remarks – Tracey McCarley – There were none.**

31
32 **Approval of Agenda**

33 **MOTION:**

34 Ms. Curtis made a motion to approve the agenda as written. Ms. Nye seconded the motion, which carried
35 unanimously.

36
37 **New Business**

38 **Board Clarification Regarding Statutes and Regulations**

39
40 **35-13 Out of State Applicants**

41
42 Mr. Grigg thanked the Board for having the meeting. Mr. Grigg stated that an email was sent to each Board
43 member from LLR Director, Holly Pisarik. Ms. Brown, Ms. Nye and Ms. Curtis stated they did not receive
44 the email. Ms. McCartha sent the email to those members during the meeting. For the benefit of those
45 waiting to receive the email, Mr. Grigg read the following regulation.

49 **35-13 Out of State Applicants:** *A person currently licensed or certified to practice in another state or*
50 *territorial possession of the United States, or the District of Columbia, whose license is in good standing,*
51 *maybe issued a license if the person has satisfactorily passed a nationally recognized examination for entry*
52 *into the profession.*

53
54 Mr. Grigg stated that the issues and concerns were outlined in the email. Mr. Grigg stated that LLR is asking
55 for clarification of the Boards current interpretation, that even if the person has met the national examination
56 requirement, and is licensed in good standing from another state, staff is operating from the understanding
57 that they still need to request proof of education whether it's an equivalency or 10th grade education or
58 additional classroom hours, because maybe the state they are coming from requires fewer hours than South
59 Carolina.

60 Mr. Grigg stated that LLR is requesting the Board to allow applicants for endorsement that are in good
61 standing in another state, without discipline, and have taken the national exam to be able to be licensed under
62 the plain language of section 35-13 by staff. Ms. Thompson explained that historically the Board has asked
63 for additional information for out of state applicants due to the amount of fraud in the industry. There are
64 diploma and license mills that sell the documents. When the fraud became an epidemic the Board began
65 requesting transcripts, and additional information for licensure. Ms. Rodgers agreed. Ms. Brown stated that if
66 the individuals have met the requirements and have taken and passed the national exam the Board should
67 recognize it and she does not have a problem with the law as written. Ms. Thompson stated that the
68 regulation means that out of state applicants need to provide additional information. People from out of the
69 country should come before the Board and be handled on an individual basis. A discussion ensued.

70

71 **MOTION:**

72 Ms. Curtis made a motion to let the interpretation stand at the current interpretation, where applicants must
73 prove their education and passed the national examination along with their hours of education. Ms. Rodgers
74 seconded, the motion carried. Ms. Nye was opposed.

75

76 Mr. Grigg moved on to the next item, section 35-23, and read the regulation for the benefit of those who did
77 not have the email.

78

79 **35-23 Continuing Education Requirements; Expired Licenses**

80 *(A) All persons licensed by the board as cosmetologists, nail technicians and estheticians must show*
81 *satisfactory evidence of twelve (12) contact hours of instruction during the preceding licensing year. At least*
82 *three (3) hours of instruction shall be in sanitation or health and safety for clients.*

83

84 Mr. Grigg stated that the issue has been with the interpretation of the preceding licensing year. Licensees
85 must complete 12 hours of CE credit from March 11 (of the odd numbered year of renewal) to December 31
86 (of the even numbered year prior to renewal) in order to renew a license. However, there are no classes
87 available to take the months of February and March.

88

89 Mr. Grigg gave a broad overview of the requests for the Board. He stated that there were three questions that
90 needed clarification. First, Mr. Grigg requested that the Board interpret the above language to mean that
91 licensees have from March 11th to March 10th, the entire licensure period, to complete the 12 required CE
92 hours. The current interpretation of a licensing year, meaning the current interpretation is Dec 31st. Mr.
93 Grigg asked the Board to consider the interpretation to be March 11 to March 10 of the following year.

94

95 Second, if the Board agreed on part one that the Board also allow a grace period of 30 days to allow licensees
96 to catch up on their CE hours without any repercussion during this renewal period. And third, Mr. Grigg
97 requested the Board to clarify for staff whether licensees can carry forward CE hours from one licensing
98 period to the next.

99

100 Ms. Thompson stated that it is her understanding from staff that the computer system currently used is not
101 able to bank hours, and has been an issue. Mr. Grigg did not know this was a past issue, and offered to fix the
102 problem with the Information Technology Office (IT). Ms. Rodgers explained that she no longer qualifies for
103 the CE exemption because she was late with her payment, by a week and her years started over. So why

104 change the process now? Mr. Grigg stated that the cut-off period is the Board's interpretation and not an IT
105 problem. A discussion ensued. Mr. Grigg asked for a vote on items one and two.
106

107 Mr. Grigg stated that the issue has been with the interpretation of the preceding licensing year. Licensees
108 must complete 12 hours of CE credit from March 11 (of the odd numbered year of renewal) to December 31
109 (of the even numbered year prior to renewal) in order to renew a license. There are no classes available to take
110 the months of February and March. Mr. Grigg again requested that the Board interpret the language to mean
111 that licensees have from March 11th to March 10th, the entire licensure period, to complete the 12 required CE
112 hours. Discussion ensued. Ms. Thompson stated that in years past (2007 or prior), staff asked the Board to
113 not have classes in February and March in order to catch up to the renewal applications. Ms. Thompson stated
114 that former staff member, Ms. Wider, originally requested not having classes in February and March. Ms.
115 Thompson asked Board members for their interpretation of the following that:

116 *All persons licensed by the board as cosmetologists, nail technicians and estheticians must show satisfactory*
117 *evidence of twelve (12) contact hours of instruction during the preceding licensing year.*
118

119 Ms. Brown stated that she thought they had the entire year up until December 31. Ms. Rodgers agreed. Ms.
120 Curtis thought the same and Ms. Nye, however, stated that it would be a full year from March 10 to the next
121 year and not end on December 31.
122

123 **MOTION:**

124 Ms. Brown made a motion to leave the interpretation as it stands and require licensees to take their classes by
125 December 31st of the preceding year.
126

127 Ms. Brown was disconnected from the call. Ms. McCartha called for someone else on the Board to make a
128 motion.
129

130 **MOTION:**

131 Ms. Curtis made a motion to leave the interpretation as it stands and require licensees to take their classes by
132 December 31st of the preceding year. Ms. Rodgers seconded the motion, which carried. Ms. Nye was
133 opposed.
134

135 Mr. Grigg stated the Board should take a vote on the 30 day grace period. Ms. Thompson stated that
136 technically there was already a grace period granted from January 1 to January 31, 2013. Mr. Grigg asked for
137 a grace period for this February and March, and moving forward. Ms. Thompson stated that the Board could
138 not vote on a grace period. A brief discussion ensued.
139

140 Mr. Grigg moved on to section 40-13-250 and read the regulation for those who did not have a copy.
141

142 **40-13-250 Biennial Renewal of Licenses; Expiration; Reinstatement; Reexamination; Inactive License**
143

144 *(A) The holder of an individual license issued by the board biennially, on such date as may be designated by*
145 *the board, shall renew his license and pay the renewal fee and furnish proof to the board that he has*
146 *completed continuing education approved by the board. A person who has held a license for at least fifteen*
147 *consecutive years and is sixty years of age or older or who has held continuous licensure for at least thirty*
148 *years, is fifty years of age, and who has not been disciplined by the board is exempt from taking continuing*
149 *education courses. Upon approval by the board and submission of an attendance form prescribed by the*
150 *board, a person may obtain continuing education credit by attendance at trade show cosmetology-related*
151 *instructional programs.*
152

153 Mr. Grigg stated that LLR has received multiple complaints regarding the above highlighted section. He
154 asked the Board to consider the following request:
155

156 **REQUEST:** We respectfully request the Board to grant the CE exemption to anyone whose license has
157 lapsed solely due to the lack of CE credits based on the Board's past interpretation of 35-23 and otherwise

158 meets the exemption requirements. And, please clarify whether someone can qualify for the CE exemption
159 mid-licensure period.

160
161 Ms. Thompson stated that based on the request, it's referring to someone who did not have to take CE credits.
162 Mr. Grigg clarified stating that in the situation where there's a licensee scheduled to take a class in February
163 and for whatever reason (class was canceled, licensee was ill etc.,) that was the last opportunity for them to
164 get credit. Now March 10, rolls around and the licensee is short one course. The license will lapse until they
165 can take a class in April, and then get reinstated. But what that did to individuals is it removed their
166 opportunity to become exempt if they were previously eligible for an exemption. This is a problem with the
167 February and March period where there are no classes available. There's nothing in the statute that states the
168 licensee can't wait until the last minute to take a class. Ms. Thompson stated the Board had no part in creating
169 this statute as it is written. Mr. Grigg stated that the grace period LLR has asked for would have allowed for
170 any of the situations to be resolved. 40-13-250 ties directly into 35-23 so all three go hand in hand. Ms.
171 Thompson wanted to know how staff handles paper renewals that come in when staff is backlogged and the
172 deadline has passed. Staff member, Ms. Glover stated that the renewals that are post dated are honored when
173 staff is backlogged with applications. Many paper applications still come in even with the online renewal
174 option.

175
176 Mr. Grigg clarified that the vote on 35-23 would have to be corrected in order for this request to help the
177 licensees. Mr. Grigg stated that he is advocating on behalf of the Agency and that the Board should refer to
178 their Advice Counsel for assistance. A discussion ensued.

179
180 Ms. Rodgers stated that in her situation, her CE credits were not late, but that the check was mailed in late
181 with the renewal form around the 15th of March. She is now unable to have the exemption. Mr. Grigg
182 explained that as it currently stands licensees do not have 24 months to get their CE credits, because the
183 Board has taken away two months, February and March, which gives them only 22 months to complete their
184 CE credits. Ms. Thompson asked the Board to make a determination about the exemption candidate. Ms.
185 Brown and Ms. Rodgers agreed that there should be a grace period. Mr. Grigg stated that the Board would
186 have to revise the motion for 35-23 before they can make a motion on 40-13-250. Mr. Grigg stated that the
187 way it stands now, the cutoff for CE credits is December 31. If you change the licensing year to reflect March
188 11 to March 10 that would mean you acknowledge the prior interpretation is correct.

189
190 Ms. Brown stated that the change would probably pose a nightmare for LLR staff and could not agree with
191 the change. Mr. Grigg stated that the real issue is to provide service to the licensees. Ms. Thompson agreed
192 with Ms. Brown to leave the December 31, date in place. Ms. Rodgers also agreed to leave the interpretation
193 of 35-23 the way it is.

194
195 Mr. Grigg stated that the Board has to take a vote on the request presented for section 40-13-250.

196
197 **MOTION:**

198 Ms. Rodgers made a motion to leave section 40-13-250 as it is. Ms. Brown seconded the motion, which
199 carried. Ms. Nye opposed the motion based on the earlier interpretation.

200
201 Mr. Grigg asked the Board to consider the last sentence of the request where it states: "And, please clarify
202 whether someone can qualify for the CE exemption mid-licensure period." For example, if a person renewed
203 on March 2011, and three (3) month later turned 50 years old and is now qualified for the exemption, would
204 that person still be required to wait for the next renewal, complete two years worth of CE credits now when
205 they've already reached the exemption age? Mr. Grigg stated that the complaint is, why would a licensee of
206 exemption age have to complete two full years of CE credits when they qualify for exemption now?

207
208 Ms. Thompson stated that if they have a current license for two months and renewed they need the full two
209 years of CE credits completed. Ms. Thompson stated that this was done when there were one year renewals.
210 Mr. Grigg asked the Board if they would amend this interpretation in any way, and allow licensees to get at
211 least 6 CE credits only.

212

213

214 **MOTION:**

215 Ms. Brown made a motion to leave section 40-13-250 regarding someone who qualified for the CE exemption
216 mid-licensure period as it is. Ms. Curtis seconded the motion, which carried unanimously.

217

218 **Discussion – There was none.**

219

220 **Public Comments**

221 Ms. Chesley Phillips stated that out of the twenty plus continuing education providers that there are fewer
222 than five providers present at today's meeting. Also, the process of not taking CE credits in February and
223 March goes back to 2001, when she started providing CE hours, and was requested by Ms. Wider, and was
224 accepted by the Board due to the amount of people who wait until the last minute to take classes. Anything
225 beyond 22 months is a hassle for LLR, the University of South Carolina, providers and staff. Ms. Phillips
226 stated that providers cannot simply cancel classes unless there are no participants at all. So classes are not just
227 canceled. They must have at least one or two people registered. Regarding the extension that occurred
228 between January 1 and January 31, 2013, providers did not find out about the extension until December 27,
229 2013. LLR did not communicate the extension of CEU's to providers so it made it difficult for providers to
230 situate classes when it was thrown upon them. Ms. Phillips stated that you can't get through to LLR because
231 of all of the calls and full mail boxes. If the Board opens the option for 24 months, in her opinion, this would
232 be a problem for providers and it should not be extended. Banking of hours has not been allowed in the past
233 either.

234

235 Ms. Gloria Smith stated that the request to allow 24 months for CE credits is not a good idea. She also stated
236 that the website is set up incorrectly and there are issues with renewing online. People have lost their jobs
237 because they could not renew online. Ms. Thompson stated that the computer now stops you if your date of
238 birth is not in the system. It would have been nice if licensees would have known that prior to trying to renew
239 the license online and getting abruptly kicked out. Hopefully this will be the only year this will happen. Ms.
240 Smith wanted to know how the public will be made aware of changes. Mr. Grigg let Ms. Smith know that
241 nothing has changed based on today's meeting. Ms. Thompson stated that nothing has changed today from
242 what the previous Boards interpretation has been.

243

244 Ms. Lisa Sox with the Senate LCI Committee addressed the Board. Ms. Sox stated that several senators
245 asked her to attend today's meeting and there would likely be three new bills filed on Monday or Tuesday to
246 undo what the Board has done today. In addition, the LCI Committee would like for the entire Board to
247 appear before the LCI Committee because many senators have received multiple calls from constituents
248 stating the Board is going above and beyond their statutory authority. Notice will be given to the Board
249 members about the LCI Committee meeting.

250

251 Ms. Chesley Phillips had another concern regarding people who were allowed to take online CE credits in
252 January 2013. Ms. McCartha stated that this is public comments time and that any other suggestions must be
253 submitted to the Board in writing. Ms. Phillips stated that more people would have taken advantage of the
254 online classes in January, 2013 had they known about the extension. Ms. Taylor stated individuals who were
255 unaware should have contacted LLR.

256

257 Ms. Smith stated the website does not explain the exemption options. Ms. McCarley stated the law is on the
258 website regarding the exemption. Ms. Grigg stated that the minutes from each Board meeting is placed on the
259 website for all to review.

260

261 Ms. Betty Dixon, instructor at Kenneth Shuler stated that she just lost her job today, because she met the
262 exemption age and was not given the CE exemption, but was instead told that she needed CEU's because she
263 did not request the exemption and felt this was not right, and not in the statute. There's nothing on the
264 website either. Ms. Dixon said she sent in a letter the last time and has a copy of what she sent in. Ms. Dixon
265 also stated that another instructor just lost his job today too for the same reason. Where does it state that the
266 exemption must be requested? Ms. Taylor stated that she must check the renewal form and request the
267 exemption. Ms. Dixon stated that she did check the renewal form this time around. Ms. McCarley asked Ms.
268 Dixon if she had completed her CE credits this time around. Ms. Dixon stated that she checked the form and

269 did not complete CE credit and now because she did not complete the CE hours, she can't renew and has lost
270 her job. Ms. Dixon stated that Ms. Glover told her the letter was not in the file. Ms. Dixon brought what she
271 said was a copy of the letter she mailed in and that Ms. Glover stated that because LLR did not have the letter
272 previously, she did not know where the letter came from and it could have been written recently. Ms. Dixon
273 stated that she was offended by the comment. Ms. Glover stated that she spoke with Ms. Dixon and explained
274 to her that on her last renewal forms she checked no, that she was not eligible for the exemption. Ms. Glover
275 explained that the exemption was not previously requested so it was not granted at that time. Now Ms. Dixon
276 is requesting the CE exemption without completing the CE hours as the Board just voted against. Ms. Glover
277 stated that she followed the interpretation of the Board for CE hours required when it comes to the exemption.
278 Ms. Glover stated that she did discuss Ms. Dixon's situation with the Board Administrator and the same
279 conclusion was determined (the CE hours are required before the exemption is granted). Ms. Glover stated
280 that if Ms. Dixon is eligible for the exemption today, she must complete the CE hours and submit the renewal
281 form with the exemption request checked yes. Nothing has changed. Ms. Glover asked the Board members
282 to clarify the interpretation to ensure LLR staff has it correct as there are thousands of people who are in the
283 same situation as Ms. Dixon. Mr. Grigg clarified that the Board has the final decision as to how their statutes
284 are written and interpreted. Today's meeting was to ask the Board to reconsider some of the interpretations
285 because the Agency saw confusion in the law and that's what today's meeting addressed. Today, the Board
286 has made their decision known. Ms. Dixon stated that this is not fair. She is out of a job and does not have a
287 license now. Ms. Dixon stated that she will write a letter to the legislature because this is not right.

288
289 Mr. Charles Blake stated that he is in the same situation. However, Mr. Blake took twelve more hours. This
290 year he renewed the license with the form and is now confused because he did not submit a letter to become
291 exempt. Ms. Glover clarified that someone at LLR did tell Ms. Dixon to send in a letter to request the
292 exemption, but somehow the letter was not recorded or acted upon. However, Mr. Blake's situation was
293 different. If he completed 12 CE hours and the following year qualified for the exemption, he is exempt. Mr.
294 Blake stated that he has been exempt for three years. Ms. Glover stated that if Mr. Blake was already exempt,
295 there's no reason to request the exemption by letter or take additional CE hours. Mr. Blake simply had to
296 renew the license which apparently is what he did. Mr. Blake just did not receive the renewed license yet.
297 Staff took down Mr. Blake's phone number and will locate his paper renewal and contact him when it has
298 been processed.

299
300 Ms. Curtis asked Ms. Glover, how is staff working to complete the renewals by March 10th. Ms. Glover
301 stated that LLR staff is working quickly and over the weekends to complete the paper renewals. Ms.
302 Thompson stated that other departments have been working several weekends to complete the renewals too.
303 Ms. McCarley confirmed that staff and other departments have been assisting with renewals and the licenses
304 will be sent out as soon as possible and the inspectors will not penalize anyone for an expired license because
305 they know staff is behind in processing.

306
307 **Adjournment**

308
309 **MOTION:**

310 Ms. Curtis made a motion to adjourn the meeting. Ms. Brown seconded the motion, which carried
311 unanimously.

312

313 **The next meeting of the SC Board of Cosmetology is scheduled for March 11, 2013**