

MINUTES

COSMETOLOGY AND ASSOCIATED PROFESSIONS LICENSING BOARD

Monday, April 6, 2020

9:00 A.M.

TELEPHONIC MEETING

CONVENED: 09:01 AM

ADJOURNED: 12:18 PM

DOPL STAFF PRESENT:

Allyson Pettley, Bureau Manager
Ernie Gamonal, Board Secretary
Sicily Hill, Compliance

Lynne Anthony, Investigator
Elisa Campbell, Investigator

BOARD MEMBERS PRESENT:

Julianne R. Young, Board Chair
Meagan DeLange
Marti Frasier
Jackie Lynn McKay
Meredith Taylor

Shanna Gilchrist
Christine Heathman
Sherri L. Steele
Fred Martinez

GUESTS:

Daniel McCarthy

ADMINISTRATIVE BUSINESS: (Part 1: 00:01:46)

Read and Approve Minutes

The minutes from the December 2, 2019 meeting were reviewed. Ms. Frasier made a motion to approve the minutes as written, seconded by Ms. Heathman. The motion passed unanimously.

COMPLIANCE UPDATE: (Part 1: 00:02:37)

Ms. Hill presented the compliance report for today's appointments. Questions were asked and answered.

APPOINTMENTS:

Lynna Dao (Part 1: 01:19:30)

Ms. Dao told the Board that she has 5 apprentices associated with her Instructor license. However, two of the students have completed their training and are waiting for testing to resume after the COVID-19 restrictions are lifted. Ms. Dao asked about, and received answers about, the newly amended cosmetology rule with respect to instructors and disciplinary action within three years.

COMPLIANT

Fletcher Jacobs (Part 1: 00:18:55)

Mr. Jacobs is not currently working. His shop is in Salt Lake County and they are not working in adherence to the County Health Department order with respect to the coronavirus pandemic. He said that he loves his job and he is building a great clientele. He is working on home projects during his down time. He told the Board about his failed UA test. He expressed his regret. The Board is

recommending that a citation be issued for \$251. Ms. Pettley noted that Mr. Jacobs misrepresented his positive test to the Division.

Ms. Frasier made a motion to issue Mr. Jacobs a second citation for \$251, seconded by Ms. Steele. The motion passed unanimously. The Board will meet with Mr. Jacobs at the June 1, 2020 meeting.
NON-COMPLIANT

Jennifer Lamb (Part 1: 00:32:25)

Ms. Lamb was laid-off the preceding week due to the coronavirus pandemic. She is checking in with her Probation Officer, filing for unemployment and looking for other income opportunities. Ms. Lamb is still receiving therapy over the phone. She expressed some concerns about the costs of testing. She is worried about coming up with the funds to cover costs of testing while people are unable to work under the current Health Department orders. The Board made some suggestions about pursuing some alternatives to testing based on income.
COMPLIANT

Jaelyn Page (Part 1: 00:51:40 & 01:42:40)

Ms. Page didn't answer when the Board called. Her voice mailbox was full. She was not interviewed by the Board. Ms. Heathman made a motion to issue Ms. Page a citation for \$250, seconded by Ms. Frasier. The motion passed unanimously. The Board will meet with her at the June 1, 2020 meeting.
NON-COMPLIANT

Huyen Dao (Part 1: 00:52:20)

Mr. Dao was joined by his attorney Daniel McCarthy. Ms. Young told Mr. Dao and Mr. McCarthy that as long as Mr. Dao is compliant with his order. His probation will not be tolled due to unemployment from the coronavirus pandemic. Mr. McCarthy told the Board about the communication he has received from NACCAS about Mr. Dao teaching at the school. Ms. Young reminded Mr. Dao that he cannot work alone in this industry. Mr. McCarthy indicated that Mr. Dao understood. Mr. Dao will meet with the Board on August 1, 2020.
COMPLIANT

Nicole Searle (Part 1: 00:57:35 & 01:43:00)

Ms. Searle didn't answer when the Board called. She was not interviewed by the Board. Ms. Pettley will follow up with Ms. Searle to see if there are circumstances preventing her participation.
NON-COMPLIANT

NEW ORDERS

Heather Dore (Part 1: 01:00:00)

Ms. Young introduced the probationary process to Ms. Dore. Ms. Dore described her criminal history. Probation is tolling because Ms. Dore hasn't begun working. Ms. Gilchrist asked about Ms. Dore's sobriety programs and supports, for which Ms. Dore provided. Ms. Dore is checking in daily. The Board will meet with Ms. Dore at the August 1, 2020 meeting.
COMPLIANT

Alfredo Mendoza (Part 1: 01:18:32 & Part 2: 00:23:25)

Mr. Mendoza didn't answer when the Board called. Ms. Young left a message. He was not interviewed by the Board.

Sarah Hewitt (Part 1: 01:28:15)

Ms. Young introduced the probationary process to Ms. Hewitt. Ms. Hewitt told about her previous criminal charges and drug dependency. She also told the Board about her 8 months of sobriety and what she's doing to maintain her sobriety. Ms. Hewitt is not currently working in the industry but now will explore opportunities in Washington County. Ms. Heathman asked about Ms. Hewitt's support system which she said was family and non-drug using friends. Ms. Young will come back before the Board for June 1, 2020 by telephone.

COMPLIANT

APPLICATION REVIEW

Rachelle Lindsay Walker (Part 1: 01:47:10)

Ms. Pettley interviewed Ms. Walker about the two-year surrender of her license and the history that led up to it. Ms. Walker was working outside her scope of practice by administering injectable fillers and Botox. Ms. Walker told the Board that she learned about the procedure from a nurse who supplied her with the fillers and Botox. One client was upset by the amount of filler she used, thinking that she should use more. Ms. Walker thinks this complaint opened the investigation which led to the surrender of her license. Ms. Pettley will work with the attorney general's office to write a stipulation for a 2-year probationary supervised license.

DISCUSSION ITEMS:

Criminal history determination matrix and application review (Part 2: 00:25:52)

Ms. Pettley reminded the Board about previous discussions about criminal history determinations and she asked the Board to make recommendations for any adjustments to the matrix. She explained the application process. She explained the criminal history determination process. Questions were asked and answered.

Exam vendor update - Jenna Mayne (Part 2: 00:00:55)

Ms. Mayne told the Board about the April 1, 2020, change in examination vendors. The contract with the previous vendor was due to expire and the State published a Request for Proposal (RFP). The company awarded the contract was Prov, Inc. in Sandy, Utah. They will provide testing across Utah at 18 local college and university testing centers. There will be 6 practical testing locations, the four that are ready are in Layton, Sandy, Provo, and Saint George, Utah. Once the Governor eases the social distancing directive, Prov testing will be ready to administer all of the Cosmetology and Associated Professions licensing examinations. The Estheticians examination has been updated by NIC and Prov will be administering the new test when testing resumes.

Proctors and graders were scheduled for a training with NIC, but the training was canceled due to the social distancing directive. Both written and practical examinations are currently available in Saint George. Ms. Mayne told the Board that the registration website for examinations is: provexam.com. Ms. Pettley gave an overview of the work Ms. Mayne has done to make the transition to the new provider as soon as possible.

Ms. Mayne will work with the schools to get the schools the needed reports for their Accreditation.

Rule R156-11a. Cosmetology and Associated Professions Licensing Act Rule. (Part 2: 00:43:45)

Ms. Pettley recapped the background of the rulemaking process. Ms. Pettley went through each of the changes that went into effect March 24, 2020.

Legislative Action Update (Part 2: 00:52:00)

Ms. Pettley reviewed SB23 and how its passage will affect the Cosmetology and Associated Professions Licensing Act. Specifically, SB23 rewrote the endorsement provision to require one year of licensure in another state, citation writing authority timeframes, and aiding and abetting unlicensed practice is now unlawful conduct for all professions. She told the Board that there will need to be a new amendment to the rule to accommodate the new statutory apprenticeship path to licensure for Hair Designers and also the legislature removed the length of time required from the cosmetology paths to apprenticeship.

TENTATIVELY SCHEDULED MEETINGS:

June 1, 2020

August 3, 2020

October 5, 2020

December 7, 2020

ADJOURN: 12:18 PM (no motion required)

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessary shown in the chronological order they occurred.

Date Approved

Chairperson — Cosmetology and Associated Professions

Date Approved

Bureau Manager—Division of Occupational & Professional Licensing

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6.1.2020 Julianne R. Young
Date Approved Chairperson — Cosmetology and Associated Professions

June 1, 2020 Allyson Pettley
Date Approved Bureau Manager—Division of Occupational & Professional Licensing