

MINUTES

**COSMETOLOGY AND ASSOCIATED PROFESSIONS LICENSING
BOARD**

Monday, December 7, 2020

9:15 A.M.

ELECTRONIC MEETING

CONVENED: 09:10 a.m.

ADJOURNED: 12:15 p.m.

DOPL STAFF PRESENT:

Allyson Pettley, Bureau Manager
Ernie Gamonal, Board Secretary
Sicily Hill, Compliance Specialist
Lynne Anthony, Investigator

Elisa Campbell, Investigator
Jenna Mayne, Testing Program Manager
Carolyn Dennis, Management Analyst

BOARD MEMBERS PRESENT:

Julianne R. Young, Board Chair
Meagan DeLange
Jackie Lynn McKay
Christine Heathman

Shanna Gilchrist
Meredith Taylor
Sherri L. Steele
Darlene Durraunt

BOARD MEMBERS ABSENT:

Fred Martinez

GUESTS:

Brenda Scharman
Candace Daly

Dr. Tony Mirando
Daniel McCarthy, on behalf of Huyen Dao

ADMINISTRATIVE BUSINESS:

Read and Approve Minutes

Ms. DeLange made a motion to accept the minutes from October 5, 2020 with one correction; seconded by Ms. Durrant. The motion passed unanimously.

COMPLIANCE UPDATE:

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

NEW ORDER:

Carissa Henline:

Ms. Young interviewed Ms. Henline. Ms. Henline provided information about her recent criminal convictions and the steps she has taken to improve herself and her community involvement. She provided updated employment information for two salon locations. Ms. Pettley spoke about her interaction with Ms. Henline from her previous probation and from an interview conducted by Ms. Pettley and Ms. Anthony. She was previously a model probationer and a good citizen in her community. Ms. Henline will come back before the Board on February 1, 2021.

COMPLIANT

APPLICATION REVIEW:

Kristie Napoli:

Mr. Gamonal reported to the Board about the application Ms. Napoli submitted for a Master Esthetics license so she could perform laser tattoo removal. Ms. Napoli spoke to the Board about her qualifications and experience. She told the Board that the pandemic has made it impossible to work in her home state and she had hoped that she would be able to start a business in Utah. Ms. Heathman told Ms. Napoli that the Board is supportive but it cannot recommend a license if the candidate does not meet the requirements prescribed by law. Ms. Napoli thanked the Board for their time and consideration.

APPOINTMENTS:

Huyen 'Kevin' Dao:

Ms. Young interviewed Mr. Dao and asked him how things were going. Mr. Dao reported that he was working part time at Top Nails (school) and part time in a nail salon. Mr. Dao had no additional questions for the Board. Mr. Dao's attorney, Daniel McCarthy was also in attendance.

Mr. Dao will come back before the Board at the June 7, 2021 meeting.

COMPLIANT

Jody Robb

Ms. Young interviewed Ms. Robb and asked her how things were going. Ms. Robb reported that she was working and things were going well. Ms. Robb did not have any questions for the Board.

Ms. Robb will come back before the Board at the April 5, 2021 meeting.

COMPLIANT

DISCUSSION ITEMS:

Competency Based Licensing

Ms. Pettley reviewed with the Board information from a meeting with Brenda Scharman, Candace Daly, and Dr. Tony Mirando from NACCAS. Ms. Pettley informed the Board that she felt as though further discussion should take place at today's meeting.

Dr. Mirando said that NACCAS is willing to work on a pilot competency-based program with Ms. Scharman and he spoke about some of the considerations that would need to be taken into account to be approved by the US Department of Education.

Ms. Pettley read the Utah Code 58-1-301 (5). She spoke about the processes that may be required to implement competency-based licensing. Ms. Scharman told the Board that she will willing to work on piloting the process.

Ms. Daly told the Board that over a year ago she was called to a meeting of lobbyists for licensed professions held by Representative Norman Thurston. The purpose of the meeting was to introduce competency-based education as a pathway to licensure. Ms. Daly was unable to attend and Ms. Scharman attended in her place. During the meeting, Ms. Scharman learned that there are several legislators who are sponsoring a similar bill across the country.

Dr. Mirando informed the Board that Ms. Scharman reached out to him about two years ago to see if the competency-based education could be authorized under NACCAS accreditation. He said that it could be up to a year before a competency-based pilot could be implemented. Dr. Mirando added that the procedures for an accreditor and US Department of Education are complex, and that there will be multiple steps in the process. Before they begin this long approval process, NACCAS and Cameo Beauty College needed assurance that the Board is supportive of this school to develop a pilot program. In the competency-based model, the training would be modular and could be completed faster than the current time-based education and licensing requirements in Utah. Both Dr. Mirando and Ms. Scharman wanted

to be sure that if they pursued this new educational pathway that the Division's licensing process would be in place for when the student completes the competency-based education.

Ms. Young asked Ms. Scharman about the program development and if there would be any other schools involved. At this time, no other schools are involved in this process. Ms. Pettley asked that during the development of the accredited competency-based educational pathway that they report back to the Board with progress or other updates.

Dr. Miranda said that he believes that Utah is the only state that currently allows competency-based licensing. He went on to say that in order for a student to qualify for Title 4 funding, the school must get approval from the US Department of Education and the accrediting body. He said that NACCAS would like to move forward with supporting the competency-based education pilot.

Ms. Young called for a motion.

Ms. Durrant indicated that she was uncomfortable moving forward because she did not feel she had enough information vote in favor of the competency-based pilot proposal.

Dr. Miranda reiterated that students would complete education based on competency rather than clock hours. Additional questions were asked and answered.

Ms. DeLange moved to allow NACCAS and Ms. Scharman's staff to begin the process of obtaining accredited approval for competency-based education. Ms. Taylor seconded the motion. After a brief discussion, the motion passed unanimously.

Ms. Young asked Ms. Scharman and Ms. Daly to come back to update the Board on their progress at the February 7, 2021 meeting.

Community Outreach

Ms. Pettley spoke to the Board about providing DOPL educational information with students currently enrolled in school or at any salon. Ms. Pettley added how much she and Ms. Anthony enjoy working with students and new licensees to get them started on the right foot.

Testing Update

Ms. Mayne presented her November aggregate test results report. Ms. Young, Ms. Durrant, and Ms. Gilchrist all mentioned that some of their students are not getting examination results in a timely manner and have had to contact Prov, Inc. directly to obtain their scores. Ms. Mayne said that Prov currently is utilizing a score certification process through NIC. She will also look into this process and any other issues. She will report her findings to the Board.

Licensure by Endorsement:

Ms. Dennis reported to the Board that she has done a significant amount of research on esthetician and master esthetician scopes of practice, education, and exam requirements in other states and US territories. She also included research information provided by Ms. DeLange. Ms. Dennis presented a map for the Board to consider for licensure by endorsement applications. Currently, Michigan, Wisconsin, and South Carolina require 350 hours and Pennsylvania only requires 300 hours for esthetics education. She noted that exams and education are separate from one another and may not align with scopes of practice. The other cosmetology associated professions were briefly reviewed.

Ms. Young reminded the Board that the endorsement provision in the law was designed to be inclusive and encourage portability for licensees.

Ms. Dennis explained that for licensing by endorsement, the Division would first consider the scope of practice. If the scope of practice is less inclusive than Utah's requirements, then the Board may advise the Division to include additional requirements for licensure. The NIC examination is not necessarily an indicator of the scope of practice for any of the cosmetology and associated professions.

Ms. Dennis will work with Ms. Pettley, Ms. Anthony, and Ms. Campbell to do further research and report back to the Board at the February 1, 2021, meeting.

TENTATIVELY SCHEDULED MEETINGS:

February 1, 2021
April 5, 2021

June 7, 2021
August 2, 2021

October 4, 2021
December 6, 2021

ADJOURN: 12:15 p.m. (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 necessarily shown in the chronological order they occurred.

2.1.2021
Date Approved

Julianne R. Young
Chairperson — Cosmetology and Associated Professions

February 1, 2021
Date Approved

Allyson Pettley
Bureau Manager — Division of Occupational & Professional Licensing