

These minutes have not been approved by the Board

MINUTES OF THE MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
April 1, 2024

1. ROLL CALL

The Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Vice Chair, Shannon Bingham, at 10:31 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower-Level Goldenrod Room, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby and posted 3.19.2024, with revisions 3.20.24

The following members were present and answered roll call:

Members Present (7):

Bridget Anderson, Member
Joann Williams, Member
Marie Nordboe, Member
Matt Bavougian, Member
Leslie Reed, Member
Shannon Bingham, Vice-Chair
Harold "Buddy" Sims, Secretary

Members Absent (5):

Kyoung Bonn, Member
Keri Fisher, Member
Ruth Lucas, Member
Jane Nims, Member
Pamela Rowland, Chair

Others Present:

Carrie Oldehoeft, Health Licensing Coordinator, Licensure Unit
TJ O'Neill – Assistant Attorney General
Abby Nissen-Assistant Attorney General
Danielle Sund, DHHS Attorney
Mark Meyerson, Andrea Cramer-Price -DHHS Investigation Unit
Lindsay Braddock-Unit Administrator Licensure Unit
Sean Loving-Program Manager, Licensure Unit
Anna Harrison, Compliance Monitor

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Anderson moved, seconded Sims, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bingham, Sims, Williams, Nordboe, Bavougian, Reed (7). Voting nay: None (0). Absent: Bonn, Fisher, Nims, Lucas, Rowland (5). Vacant positions (1). Motion carried.

3. APPROVAL OF MINUTES:

MOTION: Anderson moved, seconded Nordboe, to adopt the minutes with corrections of March 4, 2024. A voice vote was taken. Voting aye: Anderson, Williams, Nordboe, Bavougian, Reed (5). Voting nay: None (0). Absent: Bonn, Fisher, Nims, Lucas, Rowland (5). Abstain: Bingham, Sims (2) Vacant positions (1). Motion carried.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Anderson moved, seconded by Nordboe, to enter into closed session at 10:36 a.m. for the purpose

of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Rowland repeated the motion and purpose. A voice vote was taken. Voting aye: Anderson, Bingham, Sims, Williams, Nordboe, Bavougian, Reed (7). Voting nay: None (0). Absent: Bonn, Fisher, Nims, Lucas, Rowland (5). Vacant positions (1). Motion carried.

Oldehoeft closed the public call-in line and Investigations turned the sign to close

10:36am Fisher entered room
10:37 am Bingham exited room
10:43 am Bingham entered room
10:48 am Investigations exited room
11:08am Harrison exited room
11:18am Loving exited room
11:22am Loving entered room
11:36am Sims exited room
11:40 am Board Break

12:00pm Verbal agreement from all board members to enter into open session.

5. OPEN SESSION Application Review and Recommendations (Initial Licensure, Reinstatement, Convictions, Administrative Penalties, and Mail Ballot Reports)

Conviction Reviews and Board Recommendations:

Demetri Zephier

MOTION: Bavougian moved, seconded by Bingham, to recommend to deny the license. Based on: Failure to disclose convictions and failure to supply requested information and misrepresenting facts. A voice vote was taken. Voting aye: Anderson, Bingham, Sims, Williams, Nordboe, Bavougian, Reed (7). Voting nay: None (0). Absent: Bonn, Fisher, Nims, Lucas, Rowland (5). Vacant positions (1). Motion carried.

Ashley Alexandra

MOTION: Bavougian moved, seconded by Anderson to recommend issuing the license with a 1 year probation and no solo practice, quarterly employer reports. Basis conviction history. A voice vote was taken. Voting aye: Anderson, Bingham, Sims, Williams, Nordboe, Bavougian, Reed (7). Voting nay: None (0). Absent: Bonn, Fisher, Nims, Lucas, Rowland (5). Vacant positions (1). Motion carried.

6. Christina Farahani-Wig stylist

Ms. Farahani present to the board information regarding the clarification for a wig stylist. Questions regarding the need for a person to be licensed when the wig is not on a person. Updated the board regarding her research and results. She learned there is not hands on wig only theories at schools.

Sims discussed with Ms. Farahani schools only have so much time to teach.

Board is here to protect public if not working on a live person not something board and work with.

Currently no apprentice salons in Nebraska.

Senator reviewed 38-1016 Cosmetology means the practice of performing for compensation any or all (1) of the acts of arranging, dressing, curling, waving, cleansing, cutting, bleaching, coloring, styling, or similar work upon the hair, wig, wiglet, or hairpiece of any person, by any means, with hands or a mechanical or electrical apparatus or appliance; (2) esthetics; (3) nail technology; and (4) other similar practices upon the hair, scalp, face, neck, arms, hands, feet, or nails of any person when performed for the purpose of beautifying or enhancing physical appearance or the teaching of any practice specified in this section for occupational purposes.

Statue indicates that if compensation is received not allowed.

12:32pm Braddock exited room

7. UPDATES/FOLLOW UP

- a. Body Art-Bavougian has no updates
 - b. Ethics course-no updates
 - c. Cosmetology-virtual event April 27, Annual conference October 11-14 in Salt Lake City, UT
 - d. Electrology-No report
 - e. Esthetics -Williams has no updates
 - f. Nail Technology- No updates
 - g. Indoor Tanning Facilities-no updates
 - h. Legislation-Galvin gave an update, see attached
 - i. Statistics: Examinations, Licensing, Disciplinary/Non-Disciplinary Information, and Renewals (report attached to agenda)- Board concern regarding exam results
8. **Public comment**-Oldehoeft read email from public and concerns regarding the requirements for a home salon. Board discussion regarding statues and suggested they speak with a Nebraska Senator for changes.
9. **Legislative committees**—board deferred to next meeting.

10. ADJOURNMENT

Bingham announced the next meeting is scheduled for 5.6.24 and declared the meeting adjourned at 1:00 p.m.

Submitted,

Pam Rowland, Chair
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
Summarized by the Licensure Unit

LB561 - Adopt the Cosmetology Licensure Compact: establishes a multi-state licensing program for licensed cosmetologists in member states. It will increase mobility for said licensed cosmetologists within the member states of the compact while ensuring safe and reliable services to the public. Carryover bill. Floor debate Jan 9th with AM2071 filed. Recommend board follows LB561 and associated amendments.

LB16 - Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction, provide and change requirements regarding applicants with a criminal conviction, provide for jurisprudential examinations and appeals, change requirements for membership of the State Electrical Board, and adopt the Interior Design Voluntary Registration Act. Carryover bill, Feb 2nd Final Reading, then Enrollment and Review. Recommend board tracks LB16 and associated amendments.

LB951 - Adopt the Public Officials on Private Boards Open Meetings Act. No impact on Cosmetology Board. No further action by board.

LB955 requires any person, firm, partnership, association, limited liability company, corporation, or other business entity that sells gift cards or gift certificates to provide notice at the location where the sale occurs alerting customers to protect themselves from gift card scams. The notice will assist consumers in being more aware of gift card scams and will encourage vulnerable consumers to alert law enforcement if they believe they are being scammed. Recommend tracking.

LB961 prohibits noncompete agreements for employees making less than one hundred thousand dollars annually. No action.

LB 993 creates the Apprenticeship Grant Act assists individuals who are underemployed and receive economic assistance to become fully employed and self-sufficient by providing grants to qualified businesses who are partnered with a registered apprenticeship program and who provides on-the-job training and classroom instruction to the employee(s) enrolled in the program. Placed on general file Feb 13th with AM2373. Track

LB1009 removes the limit of attempts allowed for the Barber Board Examination. Previously if an individual failed the examination three times, they would not be allowed to have additional attempts. LB1009 also aligns existing statute. No impact, licensure unit does not license or regulate barbers.