

**ARKANSAS
STATE BOARD
OF COSMETOLOGY**

BOARD MEETING

MINUTES

JUNE 16, 2008

Arkansas State Board of Cosmetology

Board Members Present: Tracy Akard, Scottie Burchett, Cathy Caver,
Susan Collins-Burrough, Acie Foreman, Nellie Hopper, Ann Philyaw,
Joyce Smith, Barbara Ward

Board Members Absent: Patricia Turman

Staff Present: Erika Gee, Maurice Shirley, Sheila Caudle, Lavonne Green,
Rose Horner, Pat Jackson, Brenda Morgan

Other Participants: Bob Philyaw, Ina Scott, Kerrie Lauck, Angela Bragg,
Chris Strawn, Paul Louthian

Minutes

The Arkansas State Board of Cosmetology held a meeting today in the South Basement Conference Room of the Main Street Mall building located at 101 E. Capitol in Little Rock, Arkansas. Board President Cathy Caver called the meeting to order at 9 AM.

Roll Call: Tracy Akard & Barbara Ward were not present at beginning of the meeting but arrived shortly afterward; Pat Turman did not attend meeting.

Maurice Shirley, Director, reported to the board that Mrs. Turman had informed him of her impending resignation from the board.

Director's Report

Mr. Shirley reported on the following items: Access Database, IKON copier issue, Renewals, office Accounting Controls, New Staff, Lasergrade and PCS testing issues, NIC training schedule, and Budget issues

- Mr. Shirley reported that a switch in the computer system has been replaced with one borrowed from Department of Information Systems and has greatly improved the speed of the database. If it continues to function properly and with the improved speed we will purchase new one at a cost of \$200 – 300. Also, we will be moving a computer from the testing center into the office and using it as our office server. This is expected to further improve the functional speed of our intra-office network. These changes resolve a major issue but do not eliminate all issues with the database and the issuance of the plastic ID card as licenses. We will continue to work and report on progress.
- The IKON copiers are still in the office at a cost of approximately \$9000 every 3 months. The Department of Finance & Administration (DFA), Office of State Procurement is assisting in terminating this contract. The final payment will be determined at a later date.
- The DFA staff last day in the office was June 3rd. They have finished their work on all the backlog of renewals from the first of the year. Since the June 1st deadline for renewal has passed we continue to

receive 40 – 100 renewals per day. The office staff, one position vacant, has continued to process these renewals. Inspectors Sheila Caudle and Brenda Morgan have come into the office and provided back-up on the vacant position and one staff on vacation last week.

- Leslie McCullough, an experienced Document Examiner, will begin work tomorrow in the office. She has experienced a high-intensity office environment coming to us from a Department of Human Services county office. She will not “freak-out” over the level or volume of work in this office.
- Mr. Shirley reported that he has been called for Jury Duty at the Federal Court beginning tomorrow morning and Sheila Caudle will be covering the office supervision while he is on jury duty.
- DFA has been working hard with us on establishing office accounting controls. Maggie Garrett from DFA has designed a process that has been reviewed several times and we are working to implement needed changes. We have secured the blank ID cards and distribute them in limited quantity to each employee as needed to print licenses.
- At the May meeting the board decided to discontinue paying \$30 to Lasergrade for each student who registers to take the exam. This change will be effective beginning July 1, 2008.

Last Monday, 83 students took the exam administered by PCS. This resulted in 5 sessions that concluded at 9:30PM. We are looking at having the testing available on 2 separate dates rather than going so late on one day. There have been issues from students taking the test and we have reported to PCS on these issues. One issue was a test administrator asking a student what school they attended. The other issue was from another student who called and reported difficulty in following the requirement of using a towel to protect the surface of the work area when her mannequin was designed with suction cups. The towel is not necessary when the mannequin has suction cups and we have communicated this to PCS. Another report came from a student at Lee’s School of Cosmetology who was concerned about the types of shoes some of the administrators were wearing. This issue has been reported to PCS.

Ms. Burchett expressed concern about the testing facility, the late hour of the testing and that one test administrator was observed sitting in a chair by the women for an extended period of time while a test was underway.

Ms. Collins-Burrough asked what the contract with PCS required and Sheila Caudle responded that it requires professional attire. Brenda Morgan reported that a student had asked if she could take her examine while wearing flip-flops and was told she could as long as she had a white lab coat.

Ms Burchett asked if the coordinator was present throughout the test. Mr. Shirley responded that she was present throughout the day.

Ms. Burchett then reported that another student had stated that the overall attitude of the examiners made them feel very uncomfortable and thinks that the student will put this concern in writing

- We have talked to NIC about moving the rater training and school overview to possible dates of September 20 – 22 or November 1 – 3. The board selected the November dates by consensus.
- A summary of the Budget for FY09 was distributed to the Board members for review. Mr. Shirley briefly discussed this handout. It is unknown how much income will be generated over the next 12 months. Mr. Louthian advised the board that at some point the income must be certified to DFA and that if insufficient income is available budget cuts must be made. He further recommended looking at the test administration to determine the cost of outsourcing versus taking it back to the staff to administer. Questions were raised about the legal issues and ramifications of terminating the existing testing contracts. It was requested that this issue be researched and brought back to the board for further discussion.

Following the director's report with board discussion and action as needed the board took a break.

Upon calling the meeting back to order, President Caver then took the board into Executive Session with Paul Louthian of DFA. Upon concluding its session with Mr. Louthian the board called Maurice Shirley, Director, into the meeting. Upon concluding the Executive Session the Board recessed for lunch.

Upon returning from lunch, President Caver called the meeting to order. Upon motion by Susan Collins-Burrough and second by Ann Philyaw the board approved conducting the remainder of this meeting as Committee of the Whole to permit discussion and revision to board regulations. Attorney Erika Gee then lead the board through a review of the proposed rule revisions as submitted by its various working committees.

Motions and board decisions regarding rule changes are as follows:

- Motion by Tracy Akard and second by Nellie Hopper to increase the license renewal fee to \$40 per year. Motion failed on 3 – 5 vote. (Rule 1.8.c)
- Motion by Joyce Smith and second by Barbara Ward to increase the practitioner license renewal fee to \$50 bi-annually for 2009 & 2010 renewals, increase the license renewal fee to \$60 bi-annually for 2011 & 2012 renewals, and increase the license renewal fee to \$80 bi-annually for 2013 & 2014 renewals. Motion approved. (Rule 1.8.c)
- Motion by Scottie Burchett and second by Nellie Hopper to increase the enrollment fee to \$20 per enrollment. Motion approved. (Rule 1.8.a)
- Board discussed and agreed to eliminate Rule 1.7, Collection of Fees. The Cosmetology law addresses fee collection and the board decided not to keep this redundant rule.
- Board discussed and agreed to strike the language designating payment to a private-testing entity and approved increasing the written testing fee to \$50 payable by the student. (Rule 1.8.b)
- Board discussed and approved a \$90 one-time fee for reciprocity (Rule 1.8.d)
- Board discussed and approved a \$100 fee for new establishment, including new and relocations. (Rule 1.8.e)

- Board discussed and approved a \$40 annual fee for the renewal of an establishment. (Rule 1.8.f)
- Board discussed and approved a \$1000 one-time fee for a new school license. (Rule 1.8.g)
- Board discussed and approved a \$200 annual renewal fee for renewal of school license. After extended discussion by the Board, Ann Philyaw made a motion and second by Tracy Akard to remove the school bond requirement at Rule 1.8.h, Rule 6.45 and Rule 6.6.5. Motion approved.
- Board discussed and approved a \$40 fee for change of school name and/or ownership. (Rule 1.8.i)
- Board discussed and approved a \$40 fee for change of establishment name and/or ownership. (Rule 1.8.j)
- Board discussed and approved a \$20 fee for issuance of a duplicate license. (Rule 1.8.k)
- Board discussed and approved a \$25 fee per license for certification of board records. (Rule 1.8.l)
- Board discussed and approved a reinstatement fee of 50% of the renewal fee, in addition to the regular renewal fee, for any practitioner, salon, or school license not renewed within 30 days of the licensee's birthday or by January 31 for establishment licenses renewed on an annual basis. (Rule 1.8.m, Rule 1.8.n, Rule 1.8.o)
- Board discussed and approved no cost for the first lifetime license and \$20 fee for any subsequent or duplicate license. (Rule 1.8.p)
- Board discussed and approved eliminating Rule 1.8.q, Rule 1.8.r, and any specific requirement to charges for copies. Board directed that requests for list of establishments be referred to the board website with any actual costs for printing to not include charges for staff time.
- Board discussed and approved \$25 service charge plus all applicable bank fees on returned checks. (Rule 1.8.s)
- The Board directed Erika Gee to re-write this section to apply to any licensed cosmetology establishment and bring back to the board for review. (Rule 2.3, Demonstrator)
- The Board discussed proposed changes and approved revisions with the elimination of any specific reference to "Testing Providers" and eliminating the procedures in Section c. (Rule 3.1, Eligibility)
- Board discussed and approved eliminating Rule 3.2., 3.3, 3.4 regarding the procedures to be followed in the application, registration, and testing administration. These administrative issues

will be set by testing company and/or office procedures via development of testing handbook.

- Board discussed and approved leaving the definitions of Salon or Cosmetological Establishment and Student in the list of definitions as they are defined in the cosmetology law. Also, definition of Gross Malpractice is revised to include failure to follow manufacturer's instructions. (Rule 4.1)
- Board discussed and approved striking the requirement that practitioners and instructors wear photographic licenses on their person. (Rule 4.2.B.2)
- Board discussed and approved requiring "sufficient" light on the working area or clinical area. (Rule 4.2.C.11)
- Board discussed and approved leaving the language "properly labeled receptacle" Rule 4.2.C.22.c and "covered place" in Rule 4.2.C.2.d.
- Board discussed and approved deleting the word "vibrator" in Rule 4.2.C.22.e.
- Board discussed and approved retaining Rule 5.3., Inspection of Facilities.
- Board discussed and approved to eliminate Rule 5.5.A requiring the display of sign.
- Board discussed and approved eliminating the minimum floor space requirement in Rule 5.5.E.

All other changes to Rules 1, 2, 3, 4, and 5 recommended to the Board by its various committees, as presented and reviewed today were approved this date.

There being no further business, President Caver adjourned the meeting at 4:10 PM.

Respectfully submitted,


Maurice Shirley, Jr., Director

July 21, 2008
Date