

**Arkansas Department of Health
Cosmetology Technical Advisory Committee**

November 22, 2010

9 a.m.

Freeway Medical Building
5800 W. 10th Street, Little Rock, AR

Cosmetology Technical Advisory Members:

Present:

Susan Collins-Burrough, Chair
Nellie Hopper, Secretary
Jacquelyn Reynolds

Tracy Akard, Vice-Chair
Cathy Caver
Jim Butenshoen

Not Present: Kathy Havner

ADH – Cosmetology Staff Members:

Present:

Kelli Kersey, Section Chief
Michelle Rudolph, Admin. Asst.
Lavonne Lester, Inspector
Rose Horner, Inspector
Renee Mallory, Branch Chief

Rick Hogan, ADH Attorney
Brenda Morgan, Inspector
Pat Jackson, Inspector
Vera Wood, Inspector

Proceedings:

· *Meeting called to order* at 9:02 a.m. by Chair, Susan Collins-Burrough and Secretary, Nellie Hopper did the roll call as member Kathy Havner would not be present for the meeting due to a prior commitment.

· July 2010 meeting minutes were approved by the committee

NIC Conference Report provided by Chair, SusanCollins-Burrough:

· Susan Collins-Burrough, Kelli Kersey, and Kathy Havner attended the NIC Conference in Seattle in August and gave a brief summary of their trip. They informed the committee that it was a very educational meeting that offered information from human trafficking to security measures for exams. The Arkansas Department of Health – Cosmetology Section received a first place award for Best Newsletter.

Violations and Hearings provided by ADH Attorney, Rick Hogan:

· The Committee approved 64 violations that had been paid and entered into the session for hearings. The minutes for the hearings are attached and were recorded by Court Reporter, Susan Whitson.

Student Hours provided by ADH Attorney, Rick Hogan:

· Attorney Hogan discusses student hours that was brought to his attention that was given to him in a letter on July 9, 2010. He explains the repeal of Arkansas Code 17-26-416 that was repealed in 2007 on the law and partial credit of student hours. He states that if the student has obtained

hours prior to 2004 the hours would be considered expired and anything after 2004 is not considered expired.

Committee Member Akard states that she was confused regarding the matter as to she felt that students would never lose their hours and gives an example of a student who was moving from Texas and under the law if her hours were transferred after 2004 they would be considered expired and she would not be able to transfer to Arkansas. She also stated that our records could only go back three years. She mentions that the law could be worded wrong and that the hours should be used forever. She states that the Attorney General's office worked with them regarding this matter and that maybe they could give an opinion on the subject.

Committee members and the public asked several questions referring to scenarios from is there a statute of limitation on hours to retention schedule of records in the office. The conclusion of the subject was to acquire more information regarding the matter from committee members and it would be discussed at the next meeting.

Use of Class II Laser provided by ADH Attorney, Rick Hogan:

· Attorney Hogan discusses can a licensed cosmetology/esthetician work with a Class II laser under the supervision of a physician. He reads Cosmetology Rule No. 12 (A)(2), which states: (2) Equipment classified by the FDA as a Class II device shall not be used in the cosmetology industry. Examples of a Class II device are intense pulse light (IPL), blue light LED, ultrasound and laser. Attorney Hogan and Attorney Robert Brech spoke with the Arkansas Medical Society and they explained that you would have to forfeit your cosmetology/esthetician license to administer laser hair removal under the supervision of a physician.

School Owner Chris Strawn asked why would you forfeit your license to work with a physician and can you not hold a cosmetology/esthetician license and use the equipment. Attorney Hogan stated that the Arkansas Medical Society and the attorneys agreed on the interpretation of the rule and that you cannot hold a license from the ADH Cosmetology Section and administer the equipment.

The conclusion was to have Attorney Robert Brech appear at the next meeting for further discussion.

Threading provided by ADH Attorney, Rick Hogan:

· Attorney Hogan discusses the issue of regulating kiosks that have threading. He researched several states that regulate this practice as well as those that have rejected giving a license for this practice. Attorney Hogan talks about the lawsuit against the state of Texas that is pending from 2008 regarding threading. He stated that the official Milady textbook shows that the practice is shown in chapter seven and it has not been taught or trained in the state of Arkansas. He asks the committee if they felt that was there a health risk and was it an invasive procedure.

School Owner Chris Strawn states that the act of tweezing can be considered the same thing as threading and that it was a part of our industry and it was considered another technique. She also stated that the implements cannot be immersed to be sanitized.

Committee Member Collins-Burrough explained the information in the textbook and stated that there are health issues and it is just a technique.

Committee Member Jacquelyn Reynolds states that a client experienced a bad reaction after visiting a kiosk that offered threading. The client had received an infection from the saliva and his hands.

The conclusion was to visit this issue at the next meeting.

Program Update provided by Cosmetology Section Chief, Kelli Kersey:

- Section Chief Kersey stated that we would not discuss the matter regarding Vocation Schools and we would visit the subject at a later date.

Section Chief Kersey discussed the new software that would enable practitioners and salon owners renew licenses online. The online software would replace our current computer program, but it would take a while for all phases to be implemented and we would be working out of several systems until migration is complete.

Section Chief Kersey talked about the regional meetings that were around the state between August and November. She stated that there were around 100 people in total that attended the meetings. She stated that the biggest issues discussed were the fee increase, laser hair removal, dual licenses (cosmetologist and instructors), and threading. Committee Chair Susan Collins-Burrough attended all but 2 of the meetings.

Section Chief Kersey talked about our office being short-staffed as Gordon Bell, Business Specialist had resigned. She stated that at the present time we have temporary and extra help working in the office and they are managing around 150 calls a day as well as other pertinent duties. She stated that we have hired a school liaison that will begin working the beginning of January. She is currently in the process of hiring a full-time receptionist as she is going through 300 applicants.

Committee Chair, Collins-Burrough stated that she had received several phone calls regarding the renewal periods. Committee Member Butenshoen asks about the number of licensees that we currently have. Section Chief Kersey stated that she will have a comparison of 2008 vs. 2010 at the January 2011 meeting.

Public Comments:

- School Owner Chris Strawn asks about the word “forfeit” for laser hair removal, and Section Chief Kersey states that you have to follow Cosmetology Rule No. 12 (A) (2).

- Meeting adjourned at 11:30 a.m.

- Minutes submitted by Administrative Specialist III, Michelle Rudolph.