

## **MINUTES**

South Carolina Board of Cosmetology

10:00 A.M., March 13, 2006

### **Board Meeting**

Synergy Business Park

Kingstree Building

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Rosanne Kinley, Chairman, of Anderson, called the regular meeting of the SC Board of Cosmetology to order at 10:20 am. Other board members present included: Michelle Furtick, of Columbia; Delores Gilmer, of Charleston; Ruth Settles, of Greenville; and Katherine Webb, of Easley.

Melanie Thompson, Vice Chairman, of Myrtle Beach, was granted an excused absence.

Staff members participating in the meeting included: Ronnie Blackmon, Inspector; Sharon Dantzler, Deputy General Counsel; Ed Farnell, Office of Investigations and Enforcement; Connie Huffstetler, Administrative Assistant; Eddie Jones, Administrator; Mark Sanders, Inspector; Brett Sims, Investigator; and Shirley Wider; Program Assistant.

Members of the public attending the meeting included: Linda Beach, Bill Bradberry, Lavonia Brown, Julie Conlon, Linda Daniel, Lisa Dangerfield, Cathy Hogan, Shirley Long Johnson, Michael Kelly, Jay Lacy, Ken Lochridge, Cody Lidge, Kayce McGee, Amanda Mitchell, Sarah Moorer, Thao Nguyen, Jennifer Norman, Ruth Ott, Barbara Eggers-Parker, Chesley Phillips, Julia Poole, Jamie Rowe, Catherine Stabler, Dee Warden, and Chelsey Winford

### **Meeting Called to Order**

Ms. Kinley announced that public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

### **Pledge of Allegiance**

All present recited the Pledge of Allegiance.

### **Rules of the Meeting Read by the Chairman**

Ms. Kinley read the rules of the meeting for all those present.

### **Introduction of Board Members and All Other Persons Attending**

The Board members, staff and all persons attending the meeting introduced themselves.

### **Approval of the January 9, 2006 Meeting Minutes**

Ms. Settles noted one change to page two. She indicated 'Mr. Thompson' should read 'Ms. Thompson'. Ms. Webb stated Delores Rust should read Delores Rush on page one and that on page four under Board Member Reports, it should be noted that Melanie Thompson gave her report under Chairman's Remarks.

### **MOTION**

Ms. Gilmer moved that the Board approve the minutes as amended. Ms. Webb seconded the motion, which carried unanimously.

## **Approval of Agenda**

### **MOTION**

Ms. Settles made a motion, seconded by Ms. Gilmer, to approve the agenda. Ms. Webb amended the motion to include any deviation necessary. The motion and amendment carried unanimously,

## **Chairman's Remarks – Rosanne Kinley**

Ms. Kinley welcomed everyone present and thanked Ms. Linda Beach for bringing her students to the meeting.

Ms. Kinley stated she attended a NIC executive board meeting in Phoenix, Arizona in January 2006. She thanked the Board for giving her the opportunity to advance to through the executive board at the national level. She indicated it has been an awesome experience and she has enjoyed the diversity as being president of NIC. She further stated the South Carolina Board has a lot going on with several bills being introduced in the General Assembly and new schools opening. She said the future is looking very well for South Carolina in the cosmetology industry and related areas.

Ms. Kinley stated she would still like for the Board to pursue the implementation of an advanced esthetics degree. She believes the time has come and that there is a very strong need for the basic 450-hour curriculum. She continued by saying that Utah and Virginia has gone to the 450-hour curriculum. She indicated there are a lot of individuals who want to do just skin care. She noted that South Carolina was one of the original 13 states that implemented an esthetics license in the early 1980s. She asked for assistance from the estheticians in promoting this project within the next five years.

Ms. Kinley stated she has not been able to monitor any continuing education classes this year, although she looks forward to doing so within the near future.

## **Administrator's Remarks, For Information – Eddie Jones**

### *Advisory Opinions, If Needed, Office of General Counsel*

There were no advisory opinions given during the March 13, 2006 meeting.

### *Legislative Update, If Needed, Legislative Liaison Office*

Mr. Jones stated there is a full 3M Committee meeting scheduled for 2:30 p.m., Tuesday, March 14, 2006 at which time House Bill 4560 would be discussed. He noted this bill deals with cosmetologists who have been licensed for 15 years, is 75 years old or has held a continuous license for 30 years and is 50 years old is exempt from taking continuing education courses.

Ms. Kinley polled the members last week, with the exception of Ms. Settles, and the members unanimously agreed to support this bill. She went on to say that there should be some privilege to age and experience in this field.

Mr. Jones stated he is happy to announce that the administration of both the written and practical exam by PCS would begin on May 1, 2006. He hopes the transition will go smoothly.

Ms. Kinley stated that the new esthetics and cosmetology practical exams would begin on April 17, 2006. She went on to say PCS was to launch these new exams in January 2006, however, they felt that some of the states needed more time prior to the implementation.

Ms. Kinley stated in looking at the Internet and reviewing the items under the FYI information, she feels the Board should discuss bill H4460. (This bill discusses the six-hour course regarding hair braiding.) She noted that the bill now adds hair extensions and she does not feel that the six-hour certification course

is not long enough for a non-cosmetology licensed curriculum. She believes the Board should strongly oppose the language including hair extensions.

A discussion ensued regarding bill H4540. During the discussion Ms. Dantzler asked the Board members to list their points of opposition to this bill following the Board meeting. She indicated she and Mr. Jones would draft a letter to the legislators indicating the Board would oppose the bill until such time the legislature has clarified there is adequate training for hair extensions.

### **Inspections Report – Ronnie Blackmon**

Mr. Ronnie Blackmon briefed the Board on the number of inspections conducted since the last meeting.

New Hope of Carolinas, Inc.

Mr. Blackmon stated New Hope of Carolinas, Inc. is the old hospital located in Rock Hill. He went on to say New Hope Carolinas is operating this facility. He indicated New Hop Carolinas contacted him stating they would like to perform cosmetology and barber functions on their residents and asked how they would go about opening a salon/barber shop. He noted that he and Mr. Mark Sanders, staff inspector, inspected the facility and found that the old hospital contained a salon/barbershop. He further stated that this facility now houses approximately 120 residents ranging in age from 12 to 20 who have been committed to this facility by the Department of Social Services (DSS) or the Department of Mental Health and that all of the residents have mental health issues. He said that approximately 65 percent of the residents have mental retardation and approximately 85 percent have severe adaptability skills and all residents require high-level supervision. He said that the residents remain at this facility between one and five years, depending on the resident's circumstances. He went on to say there had been an incident at an outside medical clinic in which a resident stabbed an employee with an ink pen, which has caused personnel to consider minimal outside contact. He indicated the facility is a secure facility. He asked the Board if this facility would be able to have a salon since there would be no outside clients. He stated this request is for an exemption of licensure, much as the same as a nursing home.

A brief discussion ensued.

### **MOTION**

Ms. Gilmer moved the Board treat facilities such as New Hope of the Carolinas, Inc., the same as nursing home facilities in as much as they be exempt from being licensed as a salon. The motion was seconded by Ms. Settles and unanimously carried.

### **Complaint Status Report – Brett Sims**

Mr. Sims stated the Office of Investigations and Enforcement currently has 26 open complaints concerning the Board of Cosmetology. He went on to say that of those 26 complaints he has one consent order, which requires the Board's approval. He briefed the Board on the consent order.

### **MOTION**

Ms. Gilmer made a motion, seconded by Ms. Webb and unanimously carried, that the Board approve the consent order in regard to Le Nails as presented.

Mr. Blackmon commended Mr. Sims and Ms. Mary Ann Miller for their work statewide regarding pedicures. He briefed the Board on how the inspectors are conducting inspections on pedicure stations.

The Board proposed making a policy to post the guidelines and procedures for proper pedicure within the salon and that the Board also ask the salon to post the warning that consumers should not shave their legs 24 hours prior to receiving a pedicure. It was also suggested that this policy be posted in the newsletter.

## **Recess**

The Board took a ten-minute recess at 11:00 A.M. and returned to public session at 11:15 A.M.

## **Return to Public Session**

### **Unfinished Business**

There was no unfinished business to be discussed during the March 13, 2006 meeting.

### **New Business**

1. Approval of DRC Reports – February 6, 2006 and March 6, 2006 – Alan Ray, DRC Chairman  
Mr. Ronnie Blackmon briefed the Board on the DRC Reports for February 6, 2006 and March 6, 2006.

Ms. Kinley stated she met with the Administrator of North Carolina Board of Cosmetology on March 6, 2006 at which time she learned that the North Carolina Board of Cosmetology posts their disciplinary actions on their web page as well as in the local news media. She asked staff if the South Carolina Board could do the same thing.

Ms. Dantzler stated there is not a problem as long as the Board has approved the disciplinary actions prior to publishing this information.

Ms. Kinley asked Mr. Jones to meet with her on this matter following the meeting.

### **MOTION**

Ms. Settles made a motion, seconded by Ms. Gilmer and unanimously carried, that the Board approve the February 6, 2006 and the March 6, 2006 DRC Reports.

2. Approval of School Applications

a. *World Beauty School – David C. Nguyen*

David C. Nguyen submitted an application for World Beauty School to the Board on December 12, 2005. The school would be located in Greenville, South Carolina.

Mr. Jones noted that the second page had not been included in the original packet for the members; however, the second page is still incomplete or inaccurate.

Ms. Kinley noted that the Board could not take action on this application at this time since the application is incomplete.

b. *Institute of Cosmetic Arts – Ken Shuler*

In February 2006 the Board of Cosmetology received a school application for a change of location for the Institute of Cosmetic Arts, located in Spartanburg, SC. The school's owner is Ken Shuler.

### **MOTION**

Ms. Settles moved the Board approve the application and that staff move forward with the inspection. Ms. Gilmer seconded the motion, which carried unanimously.

3. Approval of Continuing Education Instructors for NCA Extravaganza

On February 27, 2006 the Board received a request from NCA seeking the Board's approval on Mary Rizzo and Giovanni Rizzo as educators for the Extravaganza.

Ms. Kinley stated these two individuals were approved as educators during 2005. She asked Ms. Stabler what these individuals would be teaching. Ms. Stabler stated she was unable to disclose that information

at this time; however, it could be haircuts. She indicated Diane Cook is on medical leave at this time. Ms. Kinley asked Ms. Stabler to have Ms. Cook forward that information to the Board's office this week.

**MOTION**

Ms. Gilmer moved the Board approve Marty Rizzo and Giovanni Rizzo as additional educators for the NCA Extravaganza. Ms. Webb seconded the motion. The motion carried with a unanimous vote.

4. Approval of Methods of Teach Course Instructor - Doug Garland

On January 23, 2006 the Board received a letter from Doug Garland, Chairman of the Division of Business, Trade and Technology at Bob Jones University, seeking the Board's approval to add his name to the list of approved instructors for a cosmetology methods class.

**MOTION**

Ms. Settles moved the Board approve Doug Garland as an instructor of the Methods of Teaching course. Ms. Gilmer seconded the motion, which carried unanimously.

5. Approval of SC Technical College System Continuing Education Unit Certificates for Cosmetology Continuing Education Courses

On January 11, 2006 the Board received an email from Bill Bradberry, Senior Manager for Instructional Technology and Career Programs fore the SC Technical College System, seeking the Board's approval to be authorized to award the Continuing Education Unit Certificates for graduates of their technical college of Cosmetology Continuing Education Courses. 'The SC Technical Colleges, as state educational institutions, are authorized to aware CED credit for other courses of instruction' whereas currently USC is the certifying agency all approved Associations must through that agency to be certified with CEU credit. The technical college system is requesting that a paragraph be added that would add the SC Technical Colleges as a certifying agency.

Bill Bradberry appeared before the Board at this time.

Ms. Dantzler stated this request would require a regulation change and explained the process.

6. Approval of Campus Change for Cosmetology Board – Horry-Georgetown Technical College

On March 6, 2006 the Board received a letter from Shirley L. Butler, Assistant Vice President for Academic Affairs, Horry-Georgetown Technical College, stating that Horry-Georgetown Technical College has been approved by the Area Commission and the State Board for Technical and Comprehensive Education to initiate the cosmetology program approved by the Board of Cosmetology in 2005. The President of Horry-Georgetown Technical College has freed an entire building on the Conway campus for the cosmetology program. The building will provide 4,786 square feet of space for instructional purposes.

Mr. George Barr, Mr. Mark Sanders, and Mr. Raymond Lee, staff inspectors, have conducted an initial inspection.

**MOTION**

Ms. Gilmer moved the Board approve this facility pending a final inspection. Ms. Webb seconded the motion, which carried unanimously.

7. Approval of Temporary Instructor Permit – Lorrie Lancaster

On March 6, 2006 the Board received a fax from Lorrie Lancaster that included a copy of a letter from PCS, a copy of a reference from a former employer, copies of her licenses and a letter from her methods

of teaching instructor. Ms. Lancaster is requesting the Board's approval for a temporary instructor permit.

Ms. Kinley stated Ms. Lancaster has had contact with PCS since this information was faxed to the office. She further stated that PCS has offered to let Ms. Lancaster sit for the next exam at no additional fee. She continued by saying she believes the Board can inform Ms. Lancaster that she has the right to teach for 30 days on an emergency basis as provided by the statute.

8. Approval of Cosmetology Department – Greenville Technical College  
Greenville Technical College has submitted a floor plan for the cosmetology program.

Mr. Jones stated the initial application for this program was made sometime back. He noted that the fees have already been paid. He went on to say this location began with a nail technician program and esthetics program and will now house all of the programs at this location. The first class would be August 16, 2006. The program proposes 40 cosmetology students, 20 esthetics students, and 20 nail technician students for the day courses and 20 nail technician students for the night course.

**MOTION**

Ms. Settles made a motion, seconded by Ms. Gilmer and unanimously carried, that the Board accept this application for a new cosmetology program at Greenville Technical College.

9. Approval of 45 hour Training Course in Teaching Methods Instructor – Greenville Technical College (Julie Conlon)

On February 6, 2006 Julie Conlon, Program Manager, The Buck Mickel Center, Greenville Technical College, sent a letter to the Board seeking approval for Genell J. Owens to teach the 45-hour training course in teaching methods. (The letter along with Ms. Owens' resume is herewith attached and becomes a permanent part of the record retained at the Board's office.)

**MOTION**

Ms. Gilmer moved the Board approve Genell J. Owens as an instructor for the 45-hour Methods of Teaching course at Greenville Technical College. Ms. Webb seconded the motion, which carried unanimously.

**Recess**

The Board took a ten-minute recess at 12:00 p.m. and resumed public session at 12:10 pm.

**Return to Public Session**

10. Clarification of Esthetician Reciprocity from North Carolina–Linda Beach

On February 15, 2006 the Board received a letter from Linda Beach, Owner, South Carolina Massage & Esthetics Institute, asking for clarification and asks, "Does the S.C. Board of Cosmetology grant reciprocity to licensed estheticians from North Carolina?" She indicates North Carolina requires 600 hours.

Ms. Kinley stated she had been on a separate page from Mr. Jones on this letter. She needs clarification as well.

Ms. Beach stated an issue the estheticians face is portability to another state. She went on to say South Carolina has a lower hour requirements than many states, which makes it difficult for the estheticians to move to another state and become licensed. She indicated Georgia is a state where it is difficult to become licensed. Ms. Kinley stated Georgia is just now becoming a NIC program and has legislation in

the works that may be signed by the Governor within the next two weeks. Ms. Beach stated North Carolina has been reviewing the laws where it is written that if South Carolina accepts their licensees who have 600 hours, then they would accept South Carolina licensees.

Mr. Jones stated as he explained to Ms. Kinley the reciprocity process does not look at the exam process, but at a person coming from another state with a current license that had the equivalent or greater than the South Carolina requirement and meeting all of the other additional requirements. He went on to say South Carolina has been reciprocating with Georgia and North Carolina with cosmetologists and estheticians with no problem.

Ms. Dantzler stated there is no reason why the Board would deny a license to an individual from a neighboring state as long as the individual is in good standing.

11. Appeal of DRC Findings – Happy Nails, Thao Nguyen

On March 6, 2006 the Board received a request from Thao Nguyen, of Happy Nails, North Myrtle Beach, requesting appeal the decision of the DRC during the March 6, 2006 meeting.

Thao Nguyen appeared before the Board at this time.

Ms. Mary Ann Miller stated that on or about January 26, 2006 staff received a call from an individual who stated she had received an infection and was under the care of a physician. She further stated she immediately conducted an inspection of Happy Nails located in North Myrtle Beach where she noted violations that included the wax area being dirty, the re-use of a spoon in the wax area, raw meat located in a colander/container sitting in a pot on the floor in a break room, buffers and files being re-used, a stove in the break room. She notified Mr. Nguyen and his wife that all footbaths had to be shut down until after the inspection. She indicated she began on the right hand side where the footbaths were newer. She noted that those footbaths had lead piping, were easier to open and get cleaned and didn't look too bad. She continued by saying that as she moved to the other side the first footbath was dirty, the second footbath was real dirty, and the third footbath was borderline. She said she takes a sterile swab and goes in the footbath and bring out whatever degree is in the footbath. She noted the second footbath had a lot of debris. She went on to say she could not get the bolts out of the fourth footbath because it was rusted in. She had to get a couple of Mr. Nguyen's coworkers to get the bolts out of the fourth footbath and that it was appalling due to so much debris. She stated the last footbath was not extremely dirty and looked, as though it had been cleaned to some extent.

Ms. Miller stated that the shop was shut down and she made it clear to Mr. Nguyen that no one could receive a pedicure. She further stated she went to her car to complete paperwork and went back into the shop and found a lady receiving a pedicure. She indicated the client was very aggressive to me and that she made them complete the pedicure. She explained to the client why she was there and why the shop was being shut down. She continued by saying she cited the shop the first time for committing unethical act as likely to harm the public for not cleaning the footbaths among the other violations noted earlier. She then cited the shop for violating a cease notice. She said she attempted to have Mr. Nguyen sign a consent order that he disagreed with. She went on to say that at that point they asked for a \$2,500 fine, four years probation, a \$500 investigative fee, that the shop be inspected every three months at a cost of \$150 to the shop and that the shop follow a cleaning schedule, which she printed for the shop. She noted that the shop is following the daily and weekly schedule with the nail technician's license number who has completed the cleaning. She stated she is also asking that the shop follow protocol. She said some of the preliminary results have been received from some of the footbaths. She indicated the second footbath on the left tested positive for the mycobacterium fortuitum. She noted the second footbath on the right tested positive for the AFV organisms, which is infectious. She went on to say the fourth footbath on the

right tested positive in five fields of the AFV infectious organisms, the first footbath on the right also tested in five fields of the AFV infectious organisms.

Ms. Miller stated she shut the shop down and returned to the shop after hours to show the employees how to clean the footbaths and then went back to have the employees clean the footbaths for her. She went on to say that the shop was closed for approximately two weeks.

Ms. Kinley asked Ms. Miller if there were any licensed cosmetologists or estheticians in the shop. Ms. Miller stated there were licensed estheticians in the shop.

Mr. Nguyen asked Ms. Miller what happened on January 26, 2006. Ms. Miller stated staff had received a call from an individual on January 26, 2006. Ms. Miller stated she conducted the inspection on January 27, 2006 after which she met with the individual who indicated she had been on three rounds of antibiotics and was about to begin another round.

Mr. Nguyen stated he attended the DRC meeting on March 6, 2006. He was aware of a complaint from April 4, 2005 regarding a pedicure, but was unaware of the complaint Ms. Miller to which Ms. Miller has alluded.

Mr. Nguyen stated there were almost ten months between the April 4, 2005 complaint and the January 27, 2006 inspection. Ms. Miller stated the individual went to the physician in May 2005 and was unaware that the infection came from the pedicure.

Mr. Nguyen stated he did not receive a letter to close the business until the end of the day.

Ms. Kinley asked Mr. Nguyen if he was licensed in South Carolina and, if so, how long he has been licensed. Mr. Nguyen stated he is licensed in South Carolina and has been licensed for five years. Ms. Kinley stated the continuing education providers have been discussing the health hazards in regard to pedicure thrones for at least the past five years. She went on to say that the Board, through the continuing education classes, has been stressing that the health hazards on pedicure thrones are something everyone in the cosmetology industry and the related fields should be aware of.

Mr. Nguyen stated briefed the Board on what he has been doing to ensure his pedicure stations are disinfected.

Ms. Kinley noted that any money that the client is seeking against his salon is a civil matter and not something that the Board is involved in.

### **MOTION**

Ms. Hampton-Furtick made a motion, seconded by Ms. Gilmer and unanimously carried, that the Board move this matter to executive session.

### **Discussion Item**

#### **1. Miller-Motte Technical College, N. Charleston, SC**

On March 6, 2006 the Board received a letter from Delta Education in regard to the change of ownership of the parent corporation of the Miller Motte Technical College, which is located in North Charleston.

The Board reviewed the letter and was informed by Ms. Dantzler that it was a legal matter. She indicated it was not a matter for the Board to be concerned with.

## **Board Reports**

### Deloris Gilmer

Ms. Gilmer stated she attended the board member training session sponsored by the agency on February 17, 2006.

### Reciprocity Report

During January 2006 thirty-seven cosmetologists and five estheticians became registered by reciprocity. During February 2006 thirty-seven cosmetologists and two estheticians became registered by reciprocity.

### Michelle Hampton-Furtick

Ms. Hampton-Furtick stated she attended the PCS exam on February 27, 2006 at the new location. She went on to say that there were individuals taking the exam that were not wearing lab jackets as required. She noted one examinee cut her finger, however, the blood spill procedure was not followed as posted around the room. She recommended that an individual who is administering the instructor's exam should view the procedure and learn to when to say something and how to say it prior to the administration of the exam. She further stated she also attended the board member training session sponsored by the agency on February 17, 2006.

Ms. Dantzler stated the agency is a cabinet agency and that under this administration is to severely reduce the amount of out of state travel that is funded by state funds. She indicated it is a public policy and is separate and apart from internal funding. She noted there are programs that cannot fund anyone to travel anywhere without increasing their application fees, although this program is not one of those. She went on to say funding is provided for two Board members to travel to out of state meetings. She indicated the problem is not the issue is not funds but the authorization to spend the funds.

### Ruth Settles

Ms. Settles stated she also attended the Board member training sponsored by the agency on February 17, 2006. She indicated it was very informative.

### Kathy Webb

Ms. Webb stated she, along with Mr. Sanders and Mr. Barr, conducted a final inspection on the State College of Cosmetology, which is located in Seneca. She indicated everything was fine.

## **Public Comments**

Linda Beach stated she attended the Massage Therapy/Bodywork Panel meeting on March 10, 2006. She further stated she attended, in part, because of an article in the American Massage Therapy Association South Carolina Chapter, in which Ms. Carolyn Tally Porter reported anyone could perform body wraps without being licensed. She indicated she wrote a lengthy letter to the panel and made comments in the matter of body wraps. She went on to say there was a lot of confusion.

Ms. Dantzler suggested that the Board invite the other two Boards to a work session on spa practice. Ms. Kinley suggested the work session be held at 2:00 p.m., Sunday, May 7, 2006.

Ms. Catherine Stabler questioned the Board on the bill regarding exemption of continuing education courses for those of a certain age with experience. She stated she is disappointed the Board is supporting this bill.

## **Executive Session**

### **MOTION**

Ms. Gilmer moved the Board enter executive session. Ms. Webb seconded the motion, which carried unanimously.

**Return to Public Session to Report on Executive Session**

Ms. Kinley noted for the record that no motions were made and no votes were taken during executive session.

Appeal of DRC Findings – Happy Nails, Tao Nguyen

Ms. Settles made a motion, seconded by Ms. Webb and unanimously carried, that the Board uphold the decision of the DRC.

**Election of Officers**

**MOTION**

Ms. Webb moved the Board table the Election of Officers to the May 8, 2006 meeting. Ms. Gilmer seconded the motion, which carried unanimously.

**Adjournment**

**MOTION**

There being no further business to be discussed at this time, Ms. Gilmer moved the meeting be adjourned. Ms. Settles seconded the motion, which carried unanimously.

The meeting adjourned at 1:45 p.m.