



**Oregon Health Licensing Agency  
BOARD OF COSMETOLOGY**



9:00 am Monday, March 16, 2009  
700 Summer Street NE, Suite 320  
Salem, Oregon

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**Minutes**

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**MEMBERS PRESENT:**

Mike Snook, Chairperson  
Debora Masten, Practitioner  
Linda Bergmann, Practitioner  
Sharon Wisser, Practitioner  
Patricia Hall, Practitioner  
Shelley Couch, Practitioner

**MEMBERS ABSENT:**

Herb Hirst, Public Member

**STAFF PRESENT:**

Samantha Patnode, Policy Analyst  
Trampus Schuck, Board Specialist  
Kraig Bohot, Communications Coordinator  
Mike Simpson, Quality and Statistical analyst  
Tim Molloy, Regulatory Operations Manager

**GUESTS PRESENT:**

Karen Dieckman, Phagan's School Owner  
Damien Kalief, Image Designers  
Jim Markee, Government Relations

**Call to Order**

Mike Snook, Chairperson, called to order the meeting of the Board of Cosmetology to order at 9:00 am on March 16, 2009 at the Oregon Health Licensing Agency (OHLA), Rhoades Conference Room, 700 Summer Street NE, Salem, Oregon.

**I - Approval of Agenda**

**MOTION:**

Debora Masten made a motion with a second by Sharon Wisser to approve the agenda for March 16, 2009. The motion passed unanimously

**Executive Session - ORS 192.660(2)(b)**

Mike Snook convened Executive Session under ORS 192.660(2)(b) at 9:06 am for the purpose of reporting the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent. Executive Session concluded at 9:20am.

**Regular Session**

Mike Snook reconvened regular session at 9:20am. No action or recommendations were made.

## **II - Approval of Minutes**

### **MOTION:**

Linda Bergmann made a motion with a second by Debora Masten to approve the minutes for January 12, 2009. The motion passed unanimously

## **III - Reports**

### **A. Director's Report**

#### **➤ 2009 Legislation**

Samie Patnode, Policy Analyst gave an overview of 2009 Legislation affecting the agency and the Board of Cosmetology. Patnode stated Legislative Concept 765 has been introduced by the Representative Greenlick, Chair of the House Health Care Committee and assigned a bill number HB 3232, which allows specialty certification for the Board of Cosmetology. The Oregon Academy of Audiology has introduced amendments to HB 3232 which include, removing audiologists and physicians from the hearing aid licensure requirements. HB 3232 is not scheduled for a Public Hearing or Work Session at this time; however the agency is working with legislative staff and the Governors Office to ensure scheduling.

Jim Markee, Government Relations provided the board with a summary of the 2009 Legislative Session including the political climate in the House and Senate Chambers. He stated that he has been working with legislative staff to get HB 3232 scheduled and that meetings with each committee member would be planned in preparation of the Public Hearing and Work Session. Markee warned the Board that there maybe questions related to the specialty certification and how the programs would be determined. He asked that board members be ready to testify if necessary. Markee clarified questions for the Board.

Patnode stated that the agency's budget bill HB 5525 and fee bill HB 5526 have not been scheduled for Public hearing or Work Session; however they have been assigned to the Ways and Means Education Subcommittee. Meetings will be scheduled with both Co-Chairs of the committee to review the budget and answer any questions.

### **B. Administrative Services Division**

Mike Simpson, Program Analyst, presented an overview of statistics relating to the Board. His report included licensing, examinations, Web site traffic and regulatory statistics for 2007/2009 biennium. The Board was provided with the report and a copy was placed in board documents for retention. DeForest Pointed out that the Agency is seeing an increase in reactivation of licensure due to the economy. He stated many ex-hairdressers are coming back into the field.

Patnode stated The National-Interstate Council for State Boards of Cosmetology (NIC) came in January 2008 to assess the Agency's examination process. Larry Walthers, the NIC National Examination Committee Chairman, toured the examination facility and walked through the each step of the testing process for computer based testing and paper/pencil testing. Patnode stated that an approval letter from the NIC is provided in the board documents.

### **C. Regulatory Operations Division**

Tim Molloy, Regulatory Operations Division Manager, presented an overview of regulatory activities to the Board. He discussed inspection, investigation and final order statistics.

Molloy stated the agency currently operating with one inspector and three investigators, whose job focus is complaints and investigations for all agency programs. He said investigators also perform inspections when necessary. Molloy assured the Board that the agency is performing inspections and investigating complaints in a timely manner.

Molloy stated he will be giving an update on pending investigations during executive session.

### **D. Program Operations Division**

#### **1) Outreach and Communication**

Kraig Bohot, Communications Coordinator, began by showing the Board the new Regulatory Compliance resource page on the OHLA Web site. Bohot explained this is a page to help licensees through the disciplinary process. He provided a Web site overview of the agency ten year report including details specifically relating to the Board of Cosmetology.

Bohot provided an overview of the new Frequently Asked Questions section relating to fingerprinting and the requirements and purpose behind the new administrative rule. This will clarify the agency's rules regarding fingerprinting and criminal background checks on applicants and current licensees. Bohot also reported on the new FAQ section relating to Cosmetology. He stated FAQ sections on web sites are an increasingly popular and effective way to deal with questions and clarification of laws, rules and field of practice inquiries.

#### **2) Committees and Reports**

Patnode showed the Board a letter that was sent out to all the cosmetology schools entitled, "Helpful Hints for Cosmetology Schools". She said at the January 2009 meeting the board requested training tools including video links, Safety and Infection Control class schedule and contact information for identity theft be provided to schools.

#### **3) Review Administrative Rules Hearings Officer Report**

Patnode presented the Administrative Rules Hearing Officer Report from March 2, 2009. She stated Bert Krages, Hearings Officer made recommendations regarding setting up a procedure for "pre-approval" for potential cosmetology students to make sure those students could get licensed. The board discussed background checks and what would prevent an applicant from being licensed. Tim Molloy stated that typically the decision was made based on if the applicant was on parole or probation and had limitations placed on them which would prevent them from working in the field.

Patnode stated that Krages made some other comments regarding notice requirements of facilities. She stated that those comments were due to misunderstandings and no changes would be made.

Patnode stated the other area the hearing officer pointed to was language involving the “blended program” reciprocity. Patnode stated upon close inspection of the current rules and the proposed language the term “blended program” was eliminated. She explained the changes would allow the agency to look at scope of practice and education equivalency of all reciprocity licensing rather than being boxed into only blended programs.

#### **IV - Items for Board Action**

There was no Board Action at this time.

#### **V - Executive Session**

Snook convened Executive Session under ORS 92.660(1)(f) at 11:18 am for the purpose of considering information and/or records exempt from public inspection, relating to interagency complaints. No decisions will be made in Executive Session. Executive Session concluded at 11:40 am.

Snook reconvened regular session at 11:40 am No action or recommendations were made.

#### **VI - Other Board Business**

Snook brought forward a discussion on implementing a “Cosmetology License” which would cover Hair, Nails and Esthetics. Snook stated nationally that is how it is viewed. Most hair dressers are in favor of one license. Patnode stated that if the decision was made to do this the first opportunity to bring this to the legislature would be 2011 and that the simplest way would be to add a fifth field of practice called “Cosmetology”. Snook stated the original intent of the splitting was not to eliminate the four individual licenses; it was to allow hairdressers to have a “hair only” license. Snook stated it is also very difficult to take three tests on the same day. The question was asked if the “Cosmetology License” would cost three times as much. Snook stated that would have to be determined by the agency. Snook also stated that by offering a “Cosmetology License” those persons obtaining license through reciprocity could enter Oregon with ease. It would also make it easier for someone from Oregon who wanted to move to another state that issues a blended license.

#### **VII - Public Comment**

Karen Dieckman, Phagan’s School Owner expressed concerns regarding cosmetology fee changes. Dieckman stated it could be a hardship for newly graduated students attempting to enter the field. Dieckman stated a fifteen dollar application fee per field of practice is too high and could create a barrier to licensure. She stated that many of her students are seeking licensure in three fields of practice which makes the total application fee forty five dollars plus testing fees (twenty-five dollars per field) and licensure (thirty-three dollars per field for two years.) Some students are opting to just get licensed in one field and holding off on others. Dieckman stated often times those students don’t return to become licensed in the other fields in which they received an education. She stated this decreases schools licensure rates and affects school accreditation.

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Snook raised the question does it cost three times as much to process one persons application for three fields of practice than one. Masten stated that the Agency when setting fees must first and foremost cover the expenses of the board. Masten suggested changing the end of the fees, in other words making it less expensive to get a license initially but have a higher renewal fee. Dieckman stated that changing the end would alleviate some of the burden on people entering the field which is when money is tight.

Damien Kalief, Image Designers in Portland, stated he has had difficulty with the faxing student transcripts. He stated there have been many times a student has come to the agency and has been told the transcripts were not received, which in fact had been faxed. Kalief cited an example in which a student came to OHLA to test. This student had to wait three hours before the situation was rectified and the student was allowed to test. Kalief wanted to know if the agency was working toward a solution. Patnode stated the agency was reviewing several options including online verification of transcripts.

### **VIII - Miscellaneous**

#### **A. Board Interest File**

The meeting adjourned at approximately 12:19 pm  
Prepared by: Trampus Schuck, Board Specialist