BOARD MEETING MINUTES

November 4, 2019

10:06 a.m.

2401 N W 23rd, Suite 84

Testing Center

Oklahoma City, Ok. 73107

LaFaye Austin, Board Member/Acting Chair

The Oklahoma State Board of Cosmetology and Barbering met on Monday, November 4, 2019 at 2401 NW 23rd Street, Suite 84, Testing Center, Oklahoma City OK 73107 at 10:06 a.m. The following persons were present:

1. LaFaye Austin, Acting Chair
2. Peggy Avery
3. Anthony Baldini
4. Bill Helton
5. Greg Mitchell
6. Thao Nguyen-Pham

Note: Jeff Sells, Machele Callicoat, Christie Luther, Bruce Waight and Director Lewelling attended a special meeting of the Occupational Licensing Advisory Commission and therefore were not present for this board meeting. Ms. Mather was out of the country.

**BOARD’S LEGAL ADVISOR**

Grant Moak, Assistant Attorney General

**BOARD STAFF**

John Funderburk, Principal Assistant

Janelle Hastings, Administrative Assistant

Latonca Dollarson, Examiner

LauriAnn “LA” Gillette,

Elaine Klemme

Holli James

Asrar Johnson

Donna Glasper

Camisha Green

**VISITORS**

Laura Grisso, Linda Wiist, Rachel Adams, Donnie Allen,

OSBCB meeting minutes 11.4.2019 page 1

1. Call to order

Ms. Austin called the meeting to order. (The meeting had been properly posted and agenda-ized.

1. Roll call

Quorum was established with roll call. The following persons answered roll call.

LaFaye Austin Peggy Avery Anthony Baldini Bill Helton Greg Mitchell Thao Nguyen-Pham

1. Discussion and possible action to approve or disapprove budget report (September 1, 2019 to October 31, 2019)- Brandy Bahm, OMES, Agency Business Services.

Ms. Bahm provided a budget report from September 1, 2019 to October 31, 2019 indicating that all departments are operating within budget.

A motion was made by Mr. Helton and seconded by Ms. Avery to approve budget report (September 1, 2019 to October 31, 2019)

**Voting:**

**Austin, yes; Avery, yes; Baldini, yes; Helton, Mitchell, yes; Nguyen-Pham, yes.**

**Motion passed.**

1. Discussion and Possible Action to Approve or Disapprove Board Meeting Minutes from September 12, 2019

A motion was made by Mr. Helton and seconded by Mr. Baldini to approve Board Meeting Minutes from September 12, 2019

**Voting:**

**Austin, yes; Avery, yes; Baldini, yes; Helton, Mitchell, yes; Nguyen-Pham, yes.**

**Motion passed**.

OSBCB meeting minutes 11.4.2019 page 2

1. Public comment- Opportunity for the board to receive public comments. Each speaker is limited to three minutes. Comments must be related to items listed on the agenda.

No requests were heard.

1. Director’s report - Sherry G. Lewelling

Note: this item was tabled for a future board meeting.

1. Electronic Inspection Program Update – John Funderburk

Mr. Funderburk said version 2 of the electronic inspection program was in testing phase. He explained that this version will allow inspectors to view all licenses held by individuals and will also allow us to write up individuals.

1. NABBA Conference Report – Bruce Waight

This item was tabled for future board meeting.

1. FSMTB Conference Report – Kelli Lene and LauriAnn Gillette

Ms. Lene gave a report on the two day FSMTB (Federation of State Massage Therapy Boards) conference held in Minneapolis which she and LA Gillette attended. She said it was a great experience and she credited Ms. Gillette for introducing her to people and they were able to speak a lot with other people from other states. She said that FSMTB has a new study guide that should help with students preparing for the exam. They have also created a Continuing Education Database that will help states keep track of CE units. There was a lot of discussion on education fraud, diploma mills, test prep centers. They talked of several schools that had been closed down. Many other states are dealing with the same issues we are such as human trafficking and establishment licensure. She said a lot of states are increasing minimum hours to 650 hours, and many states are adopting a temporary license between completion of hours and testing. The state of Louisiana is doing a billboard campaign to raise public awareness about looking for a massage license and what that license means.

1. FARB Conference Report –(Federation Association of Regulatory Boards)

Ms. Avery attended this conference in St. Louis with Mr. Moak when Director Lewelling was unable to attend. FARB is designed to assist board attorneys and executive directors with information that impact regulatory boards, they had round table discussions on problems within licensing agencies, there were attorneys present that were for and against deregulation. Mr. Moak added that FARB has a reputation of sponsoring one of the best conferences on occupational licensing, he got to know several attorneys from other states who are dealing with the same kind of issues we have. Mr. Moak also specified that the October meeting was designed for attorneys. The January meeting is for board members and executive Directors.

OSBCB meeting minutes 11.4.2019 Page 3

1. **Discussion and possible action to approve or disapprove sending individuals to the FARB conference January 23rd – 26th, 2020 in Colorado Springs, Colorado.**

A motion was made by Mr. Helton and seconded by Ms. Avery to approve sending Mr. Sells, Ms. Callicoat, Mr. Waight and Ms. Lewelling to the FARB conference on January 23rd – 26th, 2020 in Colorado Springs, Colorado

**Voting:**

**Austin, yes; Avery, yes; Baldini, yes; Helton, Mitchell, yes; Nguyen-Pham, yes.**

**Motion passed**.

1. **CLEAR Training Report – (Council on Licensure, Enforcement and Regulation)**

Donna Glasper – Ms. Glasper thanked the Board for allowing them the opportunity to attend this conference, saying that they learned a lot on observation and memory recall.

Asrar Johnson- Ms. Johnson said they really focused on attention to detail, memory recall, observing what you see, the importance of documentation in a report should that case ever go to court.

Holli James-Ms. James said she learned that in focusing on one thing in a salon that she may miss other things, they focused on detailed report writing for the benefit of the person reading the report. She enjoyed the interrogation and how to read body language.

LauriAnn Gillette-Ms. Gillette said this class was mostly a refresher for her and would be attending the second conference in California next week.

1. Discussion and possible action to approve or disapprove the establishment of regularly scheduled OSBCB meetings in 2020, every other month on the second Monday of the month at 10:00 am.

2020 Dates would be as follows:

January 13th

March 9th

May 11th

July 13th

September 14th

November 9th

A motion was made by Mr. Helton and seconded by Mr. Baldini to approve the establishment of regularly scheduled OSBCB meetings in 2020, every other month on the second Monday of the month at 10:00 am with the exception of March 9,2020 meeting being moved to March 23, 2020

**Voting:**

**Austin, yes; Avery, yes; Baldini, yes; Helton, Mitchell, yes; Nguyen-Pham, yes.**

**Motion passed**.

OSBCB meeting minutes 11.4.2019

Page 4

1. Massage Therapy report - Laura Grisso

Massage Therapy Legislative Changes

Massage Therapy Rule Changes

Ms. Grisso said they had been working on legislation to establish salon licensure and re-opening the grandfather period. They went through the bill from last year and made a few tweaks which she reviewed with the Board, mainly defining Massage Therapy Establishment, increasing the number of Massage Therapy Advisory Board members from five to seven, staggering the term expiration dates of said members, and creating a list of crimes, (in order to be compliant with H.B. 1373), that substantially related to practice of Massage Therapy and pose a reasonable threat, which could potentially disqualify an individual from licensure, including crimes that carry an 85% mandatory minimum sentence, and any crime that requires sex offender registration. Also proposed is re-opening and extending the grandfather clause to December 1, 2021 and striking language that requires liability insurance saying that liability insurance is a best business practice but not one that should be required by the board. Also, applicant would be required to submit to a national criminal history record check as opposed to the current requirement, a state criminal check by the OSBI.

17. (this item was moved up on the agenda)

Discussion and possible action to approve or disapprove massage therapy legislative changes.

A motion was made by Mr. Helton and seconded by Mr. Baldini to approve massage legislative changes as amended by the Board

**Voting:**

**Austin, yes; Avery, yes; Baldini, yes; Helton, Mitchell, yes; Nguyen-Pham, yes.**

**Motion passed**.

A motion was made by Mr. Helton and seconded by Mr. Mitchell and Mr. Baldini to approve the list of crimes that substantially relate to the practice of Massage Therapy and pose a reasonable threat to public health and safety pursuant to 50 O.S. SS 4000.1

**Voting:**

**Austin, yes; Avery, yes; Baldini, yes; Helton, Mitchell, yes; Nguyen-Pham, yes.**

**Motion passed**.

OSBCB meeting minutes 11.4.2019 page 5

**15. Rules Committee Report – Peggy Avery**

Ms. Avery reported the Rules committee, in order to be compliant with H.B. 1373 recommended the adoption of a list of crimes substantially related to the practice of cosmetology and barber and pose a reasonable threat to public health and safety pursuant to 59. O.S. SS 4000.1 that carry 85% mandatory minimum sentence, that require sex offenders registration act, and require registration of violent crimes registry.

Mr. Helton made a motion, seconded by Mr. Baldini to adopt the list of crimes as recommended by the Rules Committee.

**Voting:**

**Austin, yes; Avery, yes; Baldini, yes; Helton, Mitchell, yes; Nguyen-Pham, yes.**

**Motion passed**.

16. Discussion and possible action to adopt emergency rules pursuant to 75 O.S. sec 253

OAC Title 175. State Board of Cosmetology and Barbering

* 1. Chapter 10. Licensure of Cosmetologist, Barbers, Schools and Related Establishments

Subchapter 1. General Provisions

175:10-1-3 Disqualifying criminal history and opportunity for initial determination [NEW]

B. Chapter 20 Massage Therapy

Subchapter 5. Licensure of Massage Therapist

175:20-5-7 Disqualifying criminal history and opportunity for initial determination.

A motion was made by Mr. Helton and seconded simultaneously by Mr. Baldini and Ms. Nguyen Pham to adopt emergency rules pursuant to 75 O.S. sec 253 OAC Title 175. State Board of Cosmetology and Barbering, Chapter 10. Licensure of Cosmetologist, Barbers, Schools and Related Establishments

**Voting:**

**Austin, yes; Avery, yes; Baldini, yes; Helton, Mitchell, yes; Nguyen-Pham, yes.**

**Motion passed**.

OSBCB meeting minutes 11.4.2019 page 6

16. (continued)

A motion was made by Mr. Helton and seconded simultaneously by Mr. Baldini and Ms. Nguyen Pham to adopt emergency rules pursuant to 75 O.S. sec 253 OAC Title 175. State Board of Cosmetology and Barbering, Chapter 20 Massage Therapy Subchapter 5. Licensure of Massage Therapist 175:20-5-7 Disqualifying criminal history and opportunity for initial determination.

**Voting:**

**Austin, yes; Avery, yes; Baldini, yes; Helton, Mitchell, yes; Nguyen-Pham, yes.**

**Motion passed**.

17. This item was moved up on the agenda

**18. Legislative Committee Report – Bruce Waight**

This item was tabled for a future board meeting.

**19. Discussion and possible action to approve or disapprove the legislative committee recommendations.**

This item was tabled for a future board meeting.

**20. Discussion and possible action to enter into executive session pursuant to 25 O.S. §307(B)(2) to discuss performance review of Executive Director, Sherry G. Lewelling**

A motion was made by Mr. Helton and seconded by Ms. Avery to enter into executive session.

**Voting:**

**Austin, yes; Avery, yes; Baldini, yes; Helton, Mitchell, yes; Nguyen-Pham, yes.**

**Motion passed**.

--Executive Session--

A motion was made by Mr. Helton and seconded by Mr. Mitchell to re-enter regular session.

**Voting:**

**Austin, yes; Avery, yes; Baldini, yes; Helton, Mitchell, yes; Nguyen-Pham, yes. Motion passed**.

Discussion and possible action on matters discussed in executive session.

This item was tabled for future board meeting.

OSBCB meeting minutes 11.4.2019 page 7

**21. Director's evaluation report – LaFaye Austin**

This item was tabled for future board meeting.

**22. New business which could not have been reasonably foreseen prior to posting of meeting agenda 25 O.S. sec.311 (A)(9)**

There was discussion about members’ availability for a special board meeting possibly being held on Monday, November 25, 2019 but no formal decision or vote was made.

**23. Board adjournment**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ LaFaye Austin Peggy Avery

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Anthony Baldini Bill Helton

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Greg Mitchell Thao Pham-Nguyen

OSBCB meeting minutes 11.4.2019 page 8