

## OKLAHOMA STATE BOARD OF COSMETOLOGY AND BARBERING

### BOARD MEETING AGENDA

September 11, 2023

10:02 a.m.

2401 N.W. 23<sup>rd</sup>, Suite 84 Testing Center

Oklahoma City, OK 73107

Machele Callicoat, Chair – Presiding

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#### 1. Call to order, roll call, and determination of quorum

Chair Callicoat called the meeting to order. A quorum was established with roll call. The following members were present.

1. MACHELE CALLICOAT, CHAIR
2. EMILY GARGONE
3. AUSTIN HODGES arrived at 10.04 am
4. ERICKA JACKSON
5. CHRISTIE LUTHER
6. KRISSY MILLER
7. JOEL ROGERS
8. CARLA WILKINS

NOTE: Members Leah Longest, Thao Nguyen Pham and Heather Sinclair were not present on this date. Member Austin Hodges was a few minutes late.

#### 2. This regular meeting of the Oklahoma Cosmetology and Barbering Board has been convened in accordance with the Oklahoma Open Meeting Act.

Chair Callicoat verified the agenda had been posted and agenda-ized.

#### Board legal counsel

Maria Maul  
Kylie Cooper

#### Board staff

Malena Curtsinger, Executive Director  
John Funderburk, Principal Assistant  
Janelle Hastings, Administrative Assistant

#### Guests

Megan Patton, Angel Wheeler, Claudya German, Mary Elizabeth Leblanc, Autumn Overton, Laura Eyster, Elaine Klemme, Ani Schweighart, Donna Glasper, Gustavo Tafoya, Linda Wiist, Carla Dame, Taylor Watson, T Goldsmith

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Ms. Curtsinger took the opportunity to introduce Cabinet Secretary Susan Winchester to Board members.

3. Possible discussion, revision, and vote to approve Board meeting minutes from July 10, 2023 and August 21, 2023.

A motion to approve Board meeting minutes from July 10, 2023 and August 21, 2023 was made by Mr. Rogers and seconded by Ms. Gargone.

Voting:

Gargone, yes; Jackson, yes; Luther, yes; Miller, yes; Rogers, yes; Wilkins, yes.

Motion passed.

AUSTIN HODGES arrived at 10.04 am

4. Discussion and possible action to approve or disapprove budget report (July 31, 2023 to August 31, 2023) – Megan Patton, OMES, Agency Business Services

A motion was made to approve Budget Report from July 1, 2023 to August 31, 2023 by Ms. Miller and seconded by Ms. Hodges.

Voting:

Gargone, yes; Hodges, yes; Jackson, yes; Luther, yes; Miller, yes; Rogers, yes; Wilkins, yes.

Motion passed

5. Report from Advisory Board on Massage Therapy – Laura Grisso-Eyster

Ms. Eyster reported that the Massage Therapy Advisory Board met on August 17, 2023.

Since this was the first meeting after the fiscal year, they held elections, she, Ms. Eyster was re-elected as chair and Ms. Lene was re-elected as vice chair.

They also discussed legislation, and their plan to submit two bills, one bill to request establishment authority and the other bill is to clean up some administrative items, such as staggering the expiration dates of board members, will next meet on October 19, and finalize before submitting to the OSBCB on November 13, 2023.

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6. Discussion and possible action to enter into Executive Session pursuant to 25 O.S., § 307(B)(4) for confidential communications between the Board and its attorney concerning the pending litigation, *Davis v. Oklahoma St. Bd. of Cosmetology & Barbering*, Case Number CV-2022-1729 (Okla. Cty. Dist. Ct. filed Sept. 7, 2022), where disclosure will seriously impair the ability of the Board to conduct the litigation in the public interest.
  - a. Vote to enter Executive Session
  - b. Exit Executive Session and vote to re-enter Open Session
  - c. Vote on matters discussed in Executive Session

A motion to enter Executive Session was made by Ms. Luther and seconded by Ms. Hodges.

Voting:

Gargone, yes; Hodges, yes; Jackson, yes; Luther, yes; Miller, yes; Rogers, yes; Wilkins, yes.

Motion passed

\*\*\*\*\*EXECUTIVE SESSION\*\*\*\*\*

A motion was made to re enter open session by Ms. Hodges and seconded by Ms. Miller.

Voting:

Gargone, yes; Hodges, yes; Jackson, yes; Luther, yes; Miller, yes; Rogers, yes; Wilkins, yes.

Motion passed

No action was taken on this item.

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7. Rules Committee Report – Krissy Miller

Ms. Miller reported that the rules Committee met on September 9. The most important topic was the fee increase, next was the curriculum for eyelash extension, they want to increase hybrid learning to 25% of the *total program* hours, the current rule is 10% of the theory hours, meaning that for cosmetology theory is 150 hours it would only be 15 hours under the current rule. This way. Chair Callicoat interjected here saying that Ms. Longest and Ms. Sinclair are at NACAAS for their schools and Leah had texted her yesterday saying that NACAAS had approved 50% hybrid learning. Ms. Miller said they also talked about what special circumstances might occur to increase that percentage, such as pandemic, catastrophe etc.

8. Discussion and possible action to authorize the agency to begin the 2023 permanent rulemaking process, in consultation with legal counsel, to include drafting rules that create a limited specialty license for eyelash application, and revising rules including, but not limited to, OAC 175:10-3-47, 175:10-3-79, 175:10-9-31.

A motion was made by Ms. Hodges and seconded by Ms. Wilkins to authorize the agency to begin the 2023 permanent rule making process

Voting:

Gargone, yes; Hodges, yes; Jackson, yes; Luther, yes; Miller, yes; Rogers, yes; Wilkins, yes.

Motion passed

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### 9. Executive Director Report – Malena Curtsinger

- Thentia Update
- Staffing and agency update
- New Hire's
- Testing
- Legislative Study
- IT Audit and meeting
- Span Tran Credentialling Company

Ms. Curtsinger began her report explaining the huge challenges experienced within the agency, employees are committed but very stressed as a result of a staff turnover, technology failure and glitches in our current system -we have had a lot of inquiries and complaints from the public, which is understandable considering the delays in licensure, we are now 90-120 days out. We are recovering and making a great deal of progress because we do have some new staff members along with our temporary employees. Ms. Curstinger introduced our two new license coordinators who began on August 22, Mary 'Mimi' Casebolt and Elizabeth Avarette and they are also cross training in the massage therapy license department. We also have a new inspector/examiner scheduled to begin on September 18. We still have two inspector positions available and are posted.

Regarding the interim study request by Senator Thompson, assigned to business and commerce scheduled to be heard on October 3 the purpose of this is to look at the purpose and function of the OCBCB. As I mentioned in last months meeting proposed by Representative Sandoval. The goal of that study is to look as eligibility rules for professional and occupational licenses, how they vary by licensing agency or profession and what Oklahoma can do to help fill these vacancies.

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10. Discussion and possible action on approving Span Tran as an approved credential service for foreign reciprocity.

A motion was made by Ms. Hodges and seconded by Ms. Gargone to approve Span Tran as an approved credential service for foreign reciprocity.

Voting:

Gargone, yes; Hodges, yes; Jackson, yes; Luther, yes; Miller, yes; Rogers, yes; Wilkins, yes.

Motion passed

11. Thentia Presentation on new software system – Shauna Cole

Thentia representative Shauna Cole explained some of the progress made with the agency's new software. Also present via ZOOM was Adam Weens explained some of the procedures on the inspection side, Vineeth Harikumar explained some of the processes for the education portal.

Board member Luther exited the meeting at 11.41 am and returned at 11.43 am

Board members Miller and Hodges exited the meeting at 11.50 am and returned at 11.53 am

Board member Rogers exited the meeting at 11.56 am and returned at 11.59 am

12. Discussion and possible action on allowing for closed book safety and sanitation testing to be done online through Thentia

A motion was made by Ms. Miller and seconded by Ms. Gargone to authorize Ms. Curtsinger and staff to negotiate online test with Thentia and provide the Board with updates.

Voting:

Gargone, yes; Hodges, yes; Jackson, yes; Luther, yes; Miller, yes; Rogers, yes; Wilkins, yes.

Motion passed

Time 12.45 pm

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13. Discussion and possible action on renewal of Thentia's SOW.

A motion was made by Ms. Luther and seconded by Ms. Miller to table the renewal of Thentia's SOW (statement of work) to a special board meeting for October, possibly October 18.

Voting:

Gargone, yes; Hodges, yes; Jackson, yes; Luther, yes; Miller, yes; Rogers, yes; Wilkins, yes.

Motion passed

14. Discussion and possible action to enter into executive session pursuant to 25 O.S.

§307(B)(2) to discuss performance review of Executive Director, Malena Curtsinger

- a. Vote to enter Executive Session
- b. Exit Executive Session and vote to re-enter Open Session
- c. Vote on matters discussed in Executive Session

NOTE: Executive Session was not needed.

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### 15. Performance Committee Report – Leah Longest

Mr. Joel Rogers read Ms Longest’s report regarding Ms. Curtsinger’s annual performance one year evaluation

Feedback from staff evaluations shows Malena exceeds expectations in agency’s transitioning technology and agency’s ability to conduct inspections via paper, developing departmental budgets and revenue, forecasting and monitoring trends in the industry and works effectively with the Board. Staff felt she met their expectations in team building, collaboration and forward thinking, developing policy within the agency. Malena has made changes recommended in previous evaluation including but not limited to staying apprised of complaints and citations and evaluations, processing of foreign and domestic reciprocity

Overall the staff has been impressed with dealing with Thentia and Malena continues to be great leader who continues to carry out the expectations, vision and mission of the board.

### 16. New business which could not have been reasonably foreseen prior to posting of the meeting agenda, per 25 O.S., § 311(A)(10)

No new business was heard.

### 17. Board adjournment

Chair Callicoat adjourned the meeting

Time: 12.50 pm