BOARD MEETING AGENDA

May 8, 2023

10:00 a.m.

2401 N.W. 23rd, Suite 84 Testing Center

Oklahoma City, OK 73107

Machele Callicoat, Chair – Presiding

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

Chair Callicoat called the meeting to order. The following Board members were present.

Machele Callicoat, Chair

Leah Longest, Vice Chair

Emily Gargone

Austin Hodges

Ericka Jackson

Christie Luther

Thao Nguyen Pham late, arrived at 10:16am

Joel Rogers

Heather Sinclair

Note: Members Erin Pierce and Carla Wilkins were not present on this date.

**AGENCY LEGAL COUNSEL**

Maria Maule

Kylie Cooper

**BOARD STAFF**

Malena Curtsinger, Executive Director

John Funderburk, Principal Assistant

Janelle Hastings, Administrative Assistant

Inspectors Caroline Hagberg, Donna Glasper, Stacy Dixon,

**VISITORS**

Krissy Miller, Holli Rowden, Charlize Kerr, Marquita Alexander, Candace Johnson, Debbie Gann, Linda Wiist, megan Patton, Elaine Klemme, Mary Elizabeth LeBlanc, Asrar Johnson, Bruce Waight, Gustavo Tafoya, Leigh Roberts

1. This regular meeting of the Oklahoma Cosmetology and Barbering Board has been convened in accordance with the Oklahoma Open Meeting Act.
2. Possible discussion, revision, and vote to approve Board meeting minutes from March 13, 2023

A motion was made by Ms. Hodges and seconded by Ms. Longest approve Board meeting minutes from March 13, 2023

Longest, yes; Gargone, yes; Hodges, yes; Jackson, yes; Luther,yes; Rogers, yes; Sinclair, yes.

Motion passed

1. Best practices on complying with Oklahoma Open Meeting Act – AAG Maria Maule

Ms. Maule cited a case from Tulsa and cautioned board members should not text or email each other during meetings, if there is cross talk among members that dialogue could be lost for the record. Also text or e mails on personal phones are subject to open records act.

Ms. Longest left room at 10.06 and returned at 10.09

1. Role of Office of the Oklahoma Attorney General in representing Board – AAG Maria Maule

Unless a board is granted specific authority to have in house counsel the AG is the agency’s counsel and the AG also represents officers, boards and commissions. There are a couple of instances where the AG does not represent the Board if there is a conflict of interest for example.

1. Discussion and possible action to approve or disapprove budget report (March 1, 2023 to April 30, 2023) – Megan Patton, OMES, Agency Business Services

A motion was made by Ms. Longest and seconded by Ms. Sinclair to approve budget report (March 1, 2023 to April 30, 2023)

Longest, yes; Gargone, yes; Hodges, yes; Jackson, yes; Luther,yes; Rogers, yes; Sinclair, yes.

Motion passed

1. Discussion and possible action concerning updated Board policy on compensatory time – AAG Kylie Cooper and LaCree Austin and Thomas Hill, OMES-HCM

A motion was made by Ms. Longest and seconded by Ms. Hodges to approve Board Policy on compensatory time

Longest, yes; Gargone, yes; Hodges, yes; Jackson, yes; Luther,yes; Rogers, yes; Sinclair, yes.

Motion passed

1. Discussion and possible action concerning Salary Administration Plan – Malena Curtsinger and LaCree Austin and Thomas Hill, OMES-HCM

Ms. Maule gave a brief overview of the salary administration plan, saying in 2022 there were a lot of changes for the merit based system for state employees in Oklahoma, there used to be administrative code for OMEs a bunch of rules regarding how you could base salary, around skills, performance based adjustment, market based adjustment, promotion or lateral moves. All of those rules have been revoked. Legal advice to the Board is to put together a plan and submit to OMEs. The last time this was done was in January 2021

A motion was made by Ms. Sinclair and seconded by Ms. Longest to table till after Executive Directors report.

Longest, yes; Gargone, yes; Hodges, yes; Jackson, yes; Luther,yes; Rogers, yes; Sinclair, yes.

Motion passed

1. Executive Director Report – Malena Curtsinger

* Legislative update, including HB 2141 and meeting organized by Senator Thompson and DOC Director Harpe
* Agency overview/safety/inspection program overview/ policies and procedures/salary administration plan
* Thentia/IT update/NIC Meeting

Agency overview: we’ve updated the office break room and bath rooms with paint which makes a big difference, also been in the progress of creating a new rules and regulations sheet to send to establishments, also features the boards mission across the top.

Safety concerns within the agency, one of our staff members received a threat from a licensee, Shepard Center security was notified as well as a report filed with Oklahoma City Police Department, one of our inspectors was threatened in the field. We did have Department of Homeland Security scheduled to present a safety program which has since been cancelled.

We do have a class scheduled with Kylie Cooper to present a class for all agency staff, ethics, policy procedure which is scheduled June 14.

Inspection program-receives compliments via phone calls and e mails regarding our inspectors. The reorganization of the inspection program is working, and ensures that outlying salons in the state are being inspected. We will have more reporting and tracking ability with THENTIA and be able to monitor inspections. We currently have two open inspector positions.

At 10.39 am Chair Callicoat called for a recess midway through Directors report.

The Board reconvened at 10.55 am. Roll call was taken and all members were present.

Machele Callicoat, Chair

Leah Longest, Vice Chair

Emily Gargone

Austin Hodges

Ericka Jackson

Christie Luther

Thao Nguyen Pham late, arrived at 10:16am

Joel Rogers

Heather Sinclair

10.55 am Director Curtsinger apologized for the interruption, explaining that was due to a staff member being threatened yet again. Someone was hostile because our online renewal system was down due to a system failure. Mall security and Oklahoma City police were notified.

Ms. Curtsinger continued with her report regarding the inspection program. She praised the inspection team for building positive relationship within the industry. We continue to develop new policies, update existing policies and consider changes and improvement to the inspection program. She explained that Latonca is the one full time examiner, the other inspector/examiners rotate 1 week per month in the testing center, they are in office on Mondays for mapping, reporting, dealing with complaints, staff meetings and the safety and sanition test on the 3rd Monday of each month. During career tech season, April May and June they are testing on Mondays.

Ms. Curtsinger provided a packet to board members with staff details, salary, job descriptions and plans to have an updated Salary administration plan, possibly in July.

Thentia -there were some concerns with the SOW (statement of work) and education functionality for schools has now been resolved. There is a new program manager, Kathleen McCullough in addition to new Project manager Brian Wanbaugh. No dates for onsite training yet, but there is an urgency because of scheduled testing, we still hope to go live in mid June, as previously discussed.

Ms. Curtsinger updated the Board on Legislation, senator Coleman read HB 2141 on the senate floor and did not pass. Sen. Coleman requested and was granted reconsideration. The reconsidered bill passed and Sen. Coleman layed it over meaning that it could still be heard next session.

On May 3, 2023 Ms. Curtsinger and Mr. Funderburk along with AAG Kylie Cooper and Chief AA Maria Maule were invited to a meeting organized by Senator Thompson and DOC Director Harpe, also present were Rep West (who sits on the board for the Rise School Program) Justin Wolf, deputy attorney General of Policy. Concerns were voiced by Senator Thompson and Director Harpe about changes in licensing procedure for those with felony records, why are they required to appear before the board and relive their story and when asked what changed, Ms. Maule answered §59-4000.1. **Grounds for denial of a license or certification to practice an occupation. This law was passed by the Oklahoma legislature in 2019 but was not being enforced by the Agency under the previous administration.**

**Ms. Curtsinger said it was clear that the legislators are being fed inaccurate information regarding the**  OSBCB and the RISE school program and the board is being slandered for following the law. Director Curtsinger said she is being told that legislation is being introduced in an attempt to dismantle the board which would most definitely lead to de regulation.

NIC meeting: NIC will be conducting mandatory in person training for all Examination Administration companies and states who have access to the NIC examinations. Janelle and I will be traveling to Dallas May 17 thru May 19 for that meeting.

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

Ms. Grisso Eyster could not be at the meeting in person, but sent an e mail, read by

Ms. Callicoat, in which she reported the Massage Advisory Board has no new updates since the Oklahoma State Board of Cosmetology & Barbering's last board meeting. As you all know out legislation did not proceed to either floor. We continue to have opposition to establishment licenses by some groups of massage therapists. We plan on meeting in June to discuss strategies for next year. Thank you.

Ms. Nguyen Pham left the room at 12.32 pm, returned at 12.38 pm and left the meeting at 12.40 pm

Mr. Rogers left the room at 12.38 and returned at 12.40

At 12.40 pm a motion was made by Ms. Sinclair and seconded by Ms. Gargone to take a break.

Voting:

Longest, yes; Garone,m yes; Hodges, yes; Jackson, yes; Luther, yes; Sinclair, yes;

Motion passed.

At 12.55 pm a motion was made by Ms. Sinclair and Seconded by Mr. Rogers to resume the meeting.

Voting:

Longest, yes; Garone,m yes; Hodges, yes; Jackson, yes; Luther, yes; Sinclair, yes;

Motion passed.

1. Budget Committee Report – Joel Rogers
   1. Discussion and possible action regarding Budget Committee recommendations

A motion was made by Ms. Hodges and seconded by Ms. Longest to approve the Budget committee recommendations.

Voting:

Longest, yes; Garone, yes; Hodges, yes; Jackson, yes; Luther, yes; Rogers, yes; Sinclair, yes;

Motion passed.

1. Ethics report filings for legislative liaisons – AAG Kylie Cooper

Ms. Cooper reported that as of July 1, 2023 all registered Legislative Liaisons will be individually responsible for registering themselves, John can no longer be the person to fill out the information. Individuals are required to complete the records for not less than four years. This is to protect you and also the agency.

1. Discussion and possible action regarding rules on potential criminal disqualification, including overview of prior Board actions, conflict of interest implications, and possible future Board action to amend the list of potential crimes or revoke or revise the rule language – AAG Maria Maule

A motion was made by Ms. Hodges and seconded by Ms. Sinclair to remove the following crimes from the criminal disqualifying list, pending approval by the Massage Therapy Advisory Board.

A 35 Rioting

A 36 Incitement to Riot

D 1 conspiracy

D 2 conspiracy outside state against the peace of the state

D5 assault, battery, or assault and battery upon police officer or other peace officer.

D6 willfully poisoning food drink, medicine or patent or proprietary medicine.

D 10 Stalking

D 15 misdemeanor loitering around residence to watch occupants

D 17 felony driving under the influence of alcohol or other intoxicating substance.

Longest, yes; Gargone, yes; Hodges, yes; Jackson, yes; Luther, yes; Rogers, yes; Sinclair, yes;

Motion passed

A motion was made by Ms. Hodges and seconded by Ms. Luther to remove D18 (person involved in personal injury accident while under influence of alcohol or other intoxicating substance) pending approval by the Massage Therapy Advisory Board.

Longest, no; Gargone, yes; Hodges, yes; Jackson, yes; Luther, yes; Rogers, yes; Sinclair, yes;

Motion passed

1. 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.

1. Board adjournment

Chair Callicoat adjourned the meeting.