



Oklahoma State Board of Cosmetology and Barbering
Advisory Board on Massage Therapy
BOARD MEETING AGENDA
January 8, 2024
10:00 a.m.
2401 N.W. 23rd, Suite 84 Testing Center
Oklahoma City, OK 73107
Machele Calliccoat, Chair – Presiding

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

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

Machele Calliccoat
Leah Longest
Emily Gargone
Kyle Jarnagin
Ericka Jackson
Krissy Miller
Joel Rogers
Heather Sinclair
Carla Wilkins

Note: Board members Christie Luther and Thao Nguyen Pham were not present on this date.

STAFF

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

LEGAL COUNSEL

Maria Maule
Kylie Cooper

VISITORS (some names were illegible on sign in sheet)

Megan Patton, Daniel Binkley, Zon Kordic Binkley, David T McKenzie, Tony Blasier, Linda Wiist, Trey Harris, Denell Brown?, K Starkes? Brittany Frazier, Lauren Watkins, Toni Young, Jalon Wallace, Ahniya Mahoney, Cheryl Clements, Chayelyn Moore, Tevin Knight, Isaac Reyes, Henry Talley II, Krystal M Davis

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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 properly posted.

3. Possible discussion, revision, and vote to approve Board meeting minutes from November 13, 2023

A motion was made by Ms. Longest and seconded by Ms. Jackson to approve Board meeting minutes from November 13, 2023

Longest, yes; Gargone, yes; Jarnagin, yes; Jackson, yes; Miller, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

4. Discussion and possible action to approve or disapprove budget report (November 1, 2023 to December 31, 2023) – Megan Patton, OMES, Agency Business Services

A motion was made by Ms. Gargone and seconded by Ms. Miller to approve budget report November 1, 2023 to December 31, 2023.

Longest, yes; Gargone, yes; Jarnagin, yes; Jackson, yes; Miller, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed



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5. Discussion and possible action on individual proceeding, In the Matter of the Complaint against Daniel Paul Binkley, Massage Therapist license no. #194245, Case No. 2023-00; specifically, hearing on a Motion for Rehearing, Reopening, or Reconsideration of Agency Decision.

11.37 on recording

NOTE: Executive Session was not taken for this item.

Ms. Maule explained the motion to re open could be referred to a hearing examiner accordingly you could vote to refer the matter to me as the board advisor and then I could after we hear oral arguments each side will get 20 minutes, no new evidence will be heard either way during this proceeding, but then I could take the matter under advisement and I could issue an order, alternatively if you want retain jurisdiction over this matter you would essentially still be able to delegate some functions to me but that means you would likely meeting in executive session to come up with and then you would rule at the end of proceeding.

A motion was made by Ms. Longest and seconded by Ms. Miller to authorize the AAG Maria Maule to open the record, rule on motion, ask questions and refer to the hearing examiner.

Longest, yes; Gargone, yes; Jarnagin, yes; Jackson, yes; Miller, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

Ms. Maule opened the record stating the date January 8, 2024 and time 10.13 am. and called the hearing to order and the hearing record is now open to for the motion to re hear re open or re consider in the case of Complaint against Daniel Paul Binkley, Massage Therapist license no. #194245, Case No. 2023-00;

Kylie Cooper identified herself as the Board's prosecutor.

David McKenzie identified himself as new representative for the defense.

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Not a new hearing on the matter the parties representation are limited to arguments on records from 2023-002 hearing conducted on November 13, 2023 and Ms. Maule will not consider new evidence in said record. Arguments will limited to the following matters: A. whether appellates motion should be dismissed as prematurely filed and B whether appellate has met grounds for re hear, re opening reconsideration.

Attorney David McKenzie request that the case be re opened and the defendant be given the opportunity to testify in his own behalf, that was not given to him by his previous representative.

Statement by Kylie Cooper, attorney for prosecution stated that the defendant had the opportunity to testify in his own behalf but chose to remain silent and there was no new evidence to be presented and asked this request be denied.

Statement by maria Maule: I will prepare an order of motion of rehearing, reopening or reconsideration of the agency decision which will be signed by me and sent to the agency as well as appellates counsel.

6. Presentation on state ethics rules – Kylie Cooper, Assistant Attorney General

Ms. Cooper reiterated rules on state ethics reminding members that Ms. Curtsinger is the only who is registered to lobby on behalf of the Board. If not registered as a lobbyist for the Board, it is illegal to act as a lobbyist on behalf of the Board and are subject to fines and must hire own outside counsel. You may lobby your own representatives on your own behalf for personal issues.

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7. Report from Advisory Board on Massage Therapy – Shelly Callicoat

Ms. Callicoat read a report on behalf of Laura Eyester, which stated that the Massage Therapy Advisory Board met on December 21, 2023 in which they approved regularly scheduled meetings for 2024, 3rd Thursday of every other month at 10:00 am.

Also mentioned that our proposed legislation was not picked up by any legislator and Senator Bergstrom had filed legislation to put massage therapy under the department of health.

8. Executive Director Report – Malena Curtsinger

- Staffing and agency update
- IT Update
- Testing
- Legislative update

Ms. Curtsinger updated the Board saying the new Licensing coordinators are working out really well, and continue to work really hard, and the new inspector Cheryl Clemons has been working in the field on her own.

Span Tran, a translating company recently approved by the Board, is now listed on our website under Resources/Links and that should help with foreign reciprocity applications.

Online renewal should be up and running on January 22, 2024, there were some repairs that had to be made on OMES part, we put this off thinking THENTIA would be up and running.

Sunset presentation is schedule for the afternoon of January 22, 2024. Sunset review is something that state agencies have to go through every four (4) years and basically have to justify the existence of their agency. We will be able to justify why our current board structure is best, we will be well prepared.

We still have the need for one more full-time examiner and two more field inspectors, we have taken down the posting for now as we just were not getting the applications, will report in the next few weeks.

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We have one business filing position open and we interviewed one applicant who declined saying it was not a good fit for them. The reason for that is Janelle Hastings will be retiring soon and we plan to train one of the licensing coordinators for her position, leaving a position for licensing coordinator open.

PSI will no longer be administering the NIC written exam as of June 30, 2024. NIC will contract with PROV to give the NIC written exam, right now they have only four Pearson testing centers in Oklahoma and will need more.

Legislation:

SB 802 Sen. Coleman, R. Ponca City will introduce our bill to increase fees.

SB 1475 Senator Bergstrom, R. Adair OK has introduced a bill that would do away with some licenses such as cosmetician, cosmetic studios and demonstrators it adds a new definition of blow drying to include shampooing. Expands hair braiding to include additional services but not regulated by the Board, there is a lot involved in this bill including lashes and rules.

SB 1489 Senator Roger Thompson, R. Okemah, introduced a bill co written by Rep. Tammy West that would transfer duties and powers to the State Department of Health effective July 25, 2023.

SB 1346 Senator Bergstrom R. Adair OK modifies the Massage Therapy Practice Act transferring duties away from the OSBCB and to the Health Dept.

SB 1233 Senator Bergstrom R. Adair OK has introduced a bill that would extend the Oklahoma State Board of Cosmetology and Barbering to 2027.

SB 1444 Senator Bergstrom R. Adair OK introduced a bill that would authorize licensing boards to enter into an agreement with Service Oklahoma to provide a centralized location for licensing.



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9. Discussion and possible action on proposed legislation for the 2024 legislative year.

No action was taken on this agenda item.

10. Discussion and possible action to schedule a special Board meeting(s) including but not limited to rules and possible disciplinary action; to take place on possible dates including but not limited to, February 5, 2024 at 10:00am, February 12, 2024 at 10:00 am.

A motion was made by Ms. Longest and seconded by Mr. Jarnigan to approve Monday February 5, 2024 and Monday February 26, 2024 for special board meetings.

Longest, yes; Gargone, yes; Jarnagin, yes; Jackson, yes; Miller, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

11. Discussion and possible action on renewal of OMES App-D SOW.

A motion was made by Ms. Longest and seconded by Mr. Jarnigan to renew of OMES App-D SOW.

Longest, yes; Gargone, yes; Jarnagin, yes; Jackson, yes; Miller, yes; Rogers, yes; Sinclair, yes; Wilkins, yes.

Motion passed

12. 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.

13. Board adjournment

Chair Callicoat adjourned the meeting.

Time 11:10 am. cst

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