

Board Meeting Minutes February 08, 2021

The Kansas Board of Cosmetology held a videoconference and teleconference Board meeting on Monday, February 08, 2021, at 9:30 a.m. The Board Secretary recorded the minutes.

Board Members Present:

David Yocum, Chair
Nichole Hines, Vice Chair
Ashley Rangel, Member
Christine Burgardt, Member
Dave Tucker, Member
Kelly Robbins, Member
Mary Blubaugh, Member

Staff Present:

Laura Gloeckner, Executive Director
Aubrie Pryer, Assistant Director
Michaela Kesler, Licensing Director
Alexis Henderson, Compliance Director
Angela Stockdale, Board Secretary

Board Legal Counsel Present:

Fran Oleen, General Counsel
Jane Weiler, Litigation Counsel

Public Comment

No public comment.

Call to Order / Approval of Agenda (Additions/Deletions/Changes)

David Yocum, Board Chair, called the meeting to Order at 9:38am

Laura Gloeckner, Executive Director, requested additions to the agenda: Executive Order 21-02 and Executive Session.

Motion and second to approve the agenda with additions made by Hines and Burgardt, respectively. Motion passed by roll call vote.

Approval of Minutes

Motion to approve minutes for January 11, 2021 made by Burgardt and Hines, respectively. Motion passed by roll call vote.

2021 Legislative Sessions Motions to Designate and Delegate

Mr. Yocum presented the following annual delegation motions to the Board:

Motion #1

I move that for the duration of the 2021 Legislative Session, the Board designate and delegate to the Chairperson of the Board and the Executive Director its authority to provide testimony to the Legislature, answers to Legislators, and answers to Legislative Committees regarding policies that have been decided by the Kansas Board of Cosmetology. Further, I move that the Chairperson and Executive Director are required to notify the Board prior to any testimony being presented before the Legislature or any Committee, and at the next meeting of the Board report the testimony or answers that were provided.

Motion and second to approve Motion #1 made by Burgardt and Rangel, respectively. Motion passed by roll call vote.

Motion #2

I move that for the duration of the 2021 Legislative Session, the Board designate and delegate to the Chairperson of the Board, or the Vice Chairperson in the absence of the Chairperson, its authority to provide testimony or answers to Legislators or Legislative Committees, on policies that have not been finally determined by the Board but require an immediate response by the Board to the requestor. Any testimony or answers to Legislators or Legislative Committees from the Chairperson, or the Vice Chairperson as the case may be, may be conveyed to the requestor through the Executive Director. Further, I move that the Chairperson, or the Vice Chairperson as the case may be, is required to notify and report at the next meeting of the Board the testimony or answers that were provided. If the Board approves of the testimony or answers provided, the Chairperson, or the Vice Chairperson shall obtain ratification by the Board. If the Board disapproves of the testimony or answers provided, the Chairperson, or the Vice Chairperson shall immediately withdraw the prior testimony or answers and shall immediately provide the requestor with the Board's approved policy.

Motion and second to approve Motion #2 made by Hines and Burgardt, respectively. Motion passed by roll call vote.

Written Practical Exam Requirements – Max Amount of Questions

Ms. Gloeckner requested the Board discuss the number of questions to be included in development of the Written Practical Exam.

Motion and second to use 125 questions for the Written Practical Exam made by Hines and Burgardt, respectively. Motion passed by roll call vote.

Body Art Written Practical

Dave Tucker, Board Member, requested further discussion regarding the Body Art Practical moving to a written format. Mr. Yocum requested the Board review the current Statutes and Regulations relating to exams for Body Art.

Mr. Yocum requested the item be tabled for further discussion at the March 2021 meeting.

Nursing Homes and Assisted Living Salons

Ms. Gloeckner requested this item be discussed after the Executive Session at the end of the meeting.

Cosmetology/Barbering MOU K.S.A. 65-1907

Ms. Gloeckner requested the Board's permission to revive discussions with the Kansas Board of Barbering on development of a Memorandum of Understanding regarding dual-licensed facilities.

Motion and second to allow David Yocum, Board Chair, and Laura Gloeckner, Executive Director, to work with the Kansas Board of Barbering on a Memorandum of Understanding to be brought back to the Board for review made by Blubaugh and Burgardt, respectively. Motion passed by roll call vote.

Executive Order 21-02

Fran Oleen, Legal Counsel, advised the Board that the extension of licensure pursuant to Executive Order 21-02 cut-off date is currently March 31, 2021. Ms. Gloeckner requested the Board discuss how the Executive Order 21-02 would affect renewal fees. Ms. Oleen requested further discussion regarding fees be first discussed in Executive Session and then brought to the Board in writing for approval.

Executive Session

Mary Blubaugh, Board Member, made the following motion, “In order to protect a matter protected by the attorney-client privilege pursuant to K.S.A. 75-4319(b)(2), I move that the Board recess into executive session for consultation with our legal counsel, Fran Oleen, Assistant Attorney General, and litigation counsel, Jane Weiler, Assistant Attorney General, to seek legal advice on inspection procedures, a memorandum of understanding, and Executive Order 21-02. In addition, I move that Laura Gloeckner, Executive Director, Angela Stockdale Board Secretary, and Aubrie Pryer, Assistant Director, Alexis Henderson, Compliance Director, and Michaela Ewing, Licensing Director, who are part of the client circle, be present in the executive session to aid the Board in their discussions. The Board will reconvene the open meeting at 10:35 a.m. via video conference and telephone conference call.” The motion was seconded by Ashley Rangel, Board Member, and passed by roll call vote.

Call to Order

Mr. Yocum called the meeting back to order at 10:35 a.m. and confirmed all parties present by roll call.

Nursing Homes and Assisted Living Salons

Motion and second to allow Inspectors to complete virtual routine inspections for nursing facilities due to Covid-19 made by Burgardt and Rangel, respectively. Motion passed by roll call vote, Blubaugh abstained.

House Bill Update

Ms. Gloeckner advised that the KBOC bill seeking regulatory updates has been introduced and is awaiting a hearing date.

Ergometrics Reports: December 2020 & Q4 2020

For Informational Purposes Only.

KBOC Cash Balance Reports: December 2020

For Informational Purposes Only.

Adjournment

Motion and second to adjourn the meeting at 10:42 a.m. made by Burgardt and Hines, respectively. Motion passed by roll call vote.