

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
via Microsoft Teams or Call: +1 605.679.7263
Thursday, January 18, 2024, 10:00 a.m. CST

Vice President Graf (Graf) called the meeting to order at 10:01 a.m. CST. Commission Secretary Hiller (Hiller) called the roll. A quorum was present.

Members Present: Debbie Pageler
Renee Graf
Zoe Hiller

Members Absent: Annette Peterson

Others Present: Tyler Evins, Executive Director
Miranda Wilson, Senior Secretary
Savannah Thorne, Lash Spa Boutique Apprentice Salon
Trish Bates, Hollywood Style Apprentice Salon
Fallon Helm, Revive Apprentice Salon
Angela Larson, Lake Area Technical College
Tiffany Sanderson, Lake Area Technical College
Braley Kracht, Licensee

Evins requested that agenda item O be stricken from the agenda. Request approved by Graf.

Hiller made a motion to approve the amended agenda. Pageler seconded the motion. **MOTION PASSED.**

Hiller made a motion to approve the October 26, 2023, meeting minutes. Pageler seconded the motion. **MOTION PASSED.**

Hiller reported that the available cash balance was \$181,277.02.

Executive Director Evins (Evins) presented his report which is available in the meeting packet. Three additions were included in the report concerning the state board examination proctoring contract, updates on HB 1054, and potential solutions for licensees seeking reciprocity licensure in Minnesota.

The Following comments were made during the public comment period:

Tiffany Sanderson (Sanderson) urged the Cosmetology Commission (Commission) to adopt a policy allowing the Commission office to include a licensee's student education record with a certification of licensure.

Fallon Helm (Helm) of Revive Day Spa & Salon provided an update about HB 1054 and suggested the Department of Labor and Regulation work with Helm and others on a possible replacement bill that satisfied the concerns of both parties.

Braelyn Kracht (Kracht) expressed concern about the contents of the South Dakota Certification of Licensure. Kracht requested that the Commission include non-regulated hours in the total number of hours certified by the Commission.

Savannah Thorne (Thorne) requested an update concerning state testing. Evins informed Thorne any student or apprentice who is eligible for temporary licensure would be provided with a provisional work authorization while they wait for the next scheduled examination.

Bates requested clarification about the provisional work authorization. Evins explained it allows candidates for licensure the ability to work while they wait for the next scheduled examination, so long as they are eligible for temporary licensure.

The public comment period ended after Bates requested clarification.

Evins requested clarification from the Commission about the minimum equipment requirements for salons. Specifically, Evins sought to clarify if a cosmetology salon is required to have at least one shampoo bowl and if esthetics and nail salons are required to have at least one dedicated sink for use on clients.

The Commission discussed the issue and affirmed that cosmetology salons are required to have at least one shampoo bowl and that nail and esthetics salons are required to have at least one dedicated sink for use on clients.

Pageler made a motion to affirm the requirement for one shampoo bowl in every cosmetology salon and one sink dedicated for use on clients in every esthetics or nail salon. Hiller seconded the motion. **MOTION PASSED.**

Evins explained the Commission office no longer has the ability to offer a two-hour review course in lieu of the state board examination for individuals wishing to renew a license that lapsed five or more years ago. Evins informed the Commission NIC is developing a review course that may meet the requirements outlined in ARSD 20:42:03:13.

Graf and Hiller suggested that licensees in this situation complete the state board examination until the NIC course is developed and the Commission reviews it for compliance with administrative rule.

Evins informed the Commission that the Commission office has not posted violations or lapsed license cases on the website for the past three years. The Commission asked Evins to begin posting any new violations or lapsed license cases on the website starting in January 2024.

Evins informed the Commission that South Dakota licensees applying for reciprocity licensure in Minnesota have recently been denied. Pursuant to Minnesota Statutes Chapter 155A, "A nonresident cosmetologist, hair technician, nail technician, esthetician may be licensed in Minnesota if the individual has completed cosmetology school in a state or country with the same or greater school hour requirements." Evins informed the Commission it was against the advice of legal counsel to certify unregulated education hours, but he proposed including the licensee's student education record with a certification of licensure.

Pageler made a motion to include a licensee's education record with their certification of licensure. Hiller seconded the motion. **MOTION PASSED.**

Evins introduced proposed application review procedures to standardize the process for licensing schools, businesses, and individuals. Under the proposed procedures, the Commission office would review and approve or deny all applications. An applicant would be provided an opportunity to correct any deficiencies with his or her application within a specified timeframe. Any denied applications would be referred to the Commission through a contested case hearing, at the request of the applicant. The applicant would have 20 business days to request a hearing or to remedy any deficiencies still remaining with the application.

Pageler made a motion to approve the proposed application review procedures. Hiller seconded the motion.
MOTION PASSED.

Evins raised concerns about the current Commission policy requiring examinees who have three failed attempts at the state board examination to wait three months before testing again. Additionally, the policy requires an examinee who has six failed attempts to request approval from the Commission to test again. Evins added the Commission may not have the statutory authority to set this policy.

Hiller made a motion to rescind the previously stated Commission policy. Pageler seconded the motion.
MOTION PASSED.

Pageler made a motion to adjourn the meeting. Hiller seconded the motion. **MOTION PASSED.**

The meeting adjourned at 11:07 a.m. CST.

DRAFT