

BEFORE THE ARKANSAS STATE BOARD OF COSMETOLOGY

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SPECIAL BOARD MEETING

LEGISLATIVE COMMITTEE RECOMMENDATIONS

OCTOBER 30, 2006

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**BE IT REMEMBERED** that on Monday, the 30th day of October, 2006, before the Arkansas State Board of Cosmetology and the agency staff at 9:00 a.m. in the South Basement Conference Room of the Main Street Mall, located at 101 East Capitol, Little Rock, Pulaski County, Arkansas, a special board meeting concerning the recommendations of the Legislative Committee took place as follows, to-wit:

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## A P P E A R A N C E S :

## MEMBERS OF THE BOARD

Jane Powell, President  
Veda Traylor, 1st Vice President  
Patricia Turman, 2nd Vice President  
Barbara Ward, Treasurer  
LaJoy Gordon, Secretary  
Nick Downey  
Cliff Keene  
Ann Pickering  
Sherron West

Kathy Gossage (not present)

## ADMINISTRATIVE STAFF

Kathy Wittum, Director  
Amber McCuien, Administrative Assistant

## ALSO PRESENT:

Kent Walker

## AUDIENCE MEMBERS RECOGNIZED ON RECORD:

Debbie Neumeier, ATU Ozark  
Julie Auterson, ATU Ozark  
Heather Whitlock, El Dorado  
Tracy Akard, Hot Springs Beauty College  
Tamara Cotton, Arkansas Beauty School, Conway  
Jenita Hughes, Newport  
Scottie Burchett  
Jacquita Hayden, El Dorado  
Carla Jones, Arthur's Beauty School  
Linda Lee  
Margaret Thomas  
Patricia Anderson, Mellie's Beauty School  
Brenda Gulley, Hair Tech  
Mattie Woods, Thelma's Beauty School

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1 name on it?

2 MS. POWELL: All right. Are we --

3 MS. WITTUM: We mailed them to the ones  
4 that didn't have e-mail and e-mailed it to the  
5 ones that did.

6 MS. WEST: I haven't received anything.

7 MS. WITTUM: We'll get you copies of those  
8 today.

9 MS. WEST: She's from Hot Springs?

10 MS. WITTUM: Yes.

11 MS. CAUDLE: She's actually from Pine  
12 Bluff.

13 MS. POWELL: Oh. Is that her residence,  
14 Pine Bluff?

15 MS. WITTUM: I'm trying to think of her  
16 address. I know she works in that salon.

17 MS. CAUDLE: The address that you put on  
18 the e-mail is in Pine Bluff.

19 MS. POWELL: At this time of the  
20 legislative committee board meeting, I would  
21 like to turn the meeting over to our legal  
22 counsel, Kent Walker.

23 **LEGISLATIVE COMMITTEE RECOMMENDATION WORK SESSION**

24 **INTRODUCTORY COMMENTS**

25 MR. WALKER: Good morning, everyone.

1 Today is sort of a culmination of what we have  
2 elicited from the statewide meetings. We went  
3 to Memphis, Little Rock, Fayetteville, and  
4 Texarkana to solicit opinions from school  
5 owners and practitioners before we started to  
6 make recommendations to the full board for new  
7 legislation that should be passed and possible  
8 rule revisions. We also had a meeting last  
9 Monday here in Little Rock as well, to just go  
10 over those and finalize some of the proposed  
11 recommendations to make formal motions to bring  
12 to the full board today. In total, we had  
13 close to ten hours of time spent soliciting  
14 opinions from individuals from across the state  
15 and everyone had an opportunity to be heard  
16 before these recommendations and rule revisions  
17 came through and were put before the full  
18 board.

19 All that being said, last Monday we made  
20 recommendations -- I guess I should say, Ms.  
21 Wittum made recommendations to the committee  
22 about the direction in which this board should  
23 proceed forward. Anything that is passed today  
24 does not automatically become a rule or a  
25 statutory change. I want to clear up some of

1 the common misconceptions about that process.  
2 It would still have to go through the proper  
3 rule procedures to change, also for statutory  
4 changes, those won't happen until the session  
5 starts in January and the legislature meets.  
6 Today will just give the director, Ms. Wittum,  
7 the authority to proceed forward in developing  
8 those with the attorneys at the Capitol, and in  
9 passing a legislative package in the future.  
10 In the rule revisions, where there's something  
11 that you-all have changed, the previous rule is  
12 noted, then have hearings, and then it will be  
13 passed according to a vote.

14 The committee met last Monday, and you-all  
15 should have a copy in front of you of both the  
16 agenda and the recommendations. If you don't,  
17 they're on that table in the back in the  
18 corner. The committee made decisions to either  
19 favor the recommendation or to defer it before  
20 the full board because they felt, one, there  
21 was not enough information to make a decision  
22 at that point; and two, they felt that it was  
23 of such magnitude that the full board should  
24 look at it before they made any  
25 recommendations.

1           The way I kind of wanted to proceed today  
2           is that if it had passed before the board,  
3           meaning they favored it, -- let's take for  
4           example, the first one where the committee  
5           favored that with a 3-0 vote. I would have the  
6           legislative committee just sort of briefly give  
7           an analysis and synopsis of why they are in  
8           favor of that recommendation, tell what led  
9           them to the results of that, if you will. And  
10          then anyone in the audience who's against it  
11          for whatever reason, to go through it and state  
12          that. So if you see three things you don't  
13          like then you're welcome to come up and say,  
14          "I'm against A, B, C, and D or A, B, and C for  
15          these various reasons." So if you're in favor  
16          of it, I would say -- I wouldn't get into great  
17          detail, but I would say if it's already been as  
18          recommended to the full board there's no reason  
19          for further testimony or anything else to be  
20          heard because these three board members who are  
21          on that committee are already in favor of it.  
22          So if you're against it for any reason, then I  
23          would say -- I'll tell you the proper time to  
24          come up and say, "I'm against it for whatever  
25          reason."

1           At that point, the board would consider  
2           the motion from the committee to take action on  
3           it. There are nine members here today, so if  
4           it's a four-four vote, then Ms. Powell would  
5           make a decision, or deciding vote, because it  
6           would take five to pass any of these  
7           recommendations due to the fact that Ms.  
8           Gossage is not here today.

9           And that's sort of a very long  
10          introduction, but I hope it helps you  
11          understand our purpose here today. Are there  
12          any questions from the board on procedure or  
13          anything like that?

14          (Pause.)

15          MR. WALKER: No? Okay. Ms. Wittum.

16           **PRACTITIONER ISSUES: LICENSE EXPIRATION DATE**

17          MS. WITTUM: Okay. The first one is  
18          Practitioner Issues: License Expiration Date.  
19          There is one clarification that I would like to  
20          make on this and make the board be aware of.  
21          Mr. Walker brought it to my attention that we  
22          might want to consider under the lifetime  
23          license to make it reaches the age of 65 "and"  
24          has been actively engaged in practicing for 30  
25          years as opposed to "or". If we keep it this

1 way, there is the possibility that someone  
2 coming into the industry late in their life  
3 would possibly be eligible for the lifetime  
4 license status without actually having invested  
5 the number of years in the industry that we  
6 probably think that they should in order to get  
7 that license. So you might want to consider  
8 that into making your decision today.

9 The recommendation that was made at the  
10 legislative committee meeting was to change the  
11 two-year -- change to a two-year renewal cycle.  
12 That would certainly alleviate a burden on the  
13 office, as well as the industry, I think, than  
14 having them all come due on December 31st. In  
15 addition, with the new computer system that  
16 we're moving into, we will have the ability to  
17 send reminder notices to anyone when their  
18 license is coming due. So we'll be able to  
19 help them remember that their license is  
20 actually coming due readily throughout the  
21 year. A practitioner who holds an  
22 establishment license would be given the  
23 opportunity to have both of those renewed  
24 simultaneously, if they so choose. If they  
25 don't choose to do that, then the establishment

1 licenses would still come due at the end of the  
2 year like it currently is.

3 Then the lifetime license -- you might  
4 want to consider changing that to "and" instead  
5 of "or", but the recommendation was to allow  
6 for the possibility of a lifetime license  
7 status. And also I do -- did stress with the  
8 legislative committee and I want to stress it  
9 here today, that even with that lifetime  
10 license status that would not eliminate the  
11 need for that person to follow the health and  
12 safety rules and the licensing requirement that  
13 we have currently in place. So they would be  
14 eligible to receive a penalty if they were  
15 found to be out of compliance with those or in  
16 violation.

17 In addition to that, incorporating photos  
18 on the licenses, as well as the permits, is  
19 something that we encourage. The redesigning  
20 of the license to a badge that would be more  
21 feasible for a photo is something that we  
22 support. And we would also encourage the  
23 school owners to maintain the students' permits  
24 with their photo ID and then return it to the  
25 office at the conclusion of that student's

1 enrollment.

2 The suggestions that were made during the  
3 regional meetings that were not supported by  
4 the legislative committee were extending the  
5 renewal grace period. It was mentioned that we  
6 could extend it past the 30 or 31 day period we  
7 currently have now. I think with us having the  
8 ability to send a reminder notice that there  
9 really should not be a need to allow someone  
10 more than 30 or 31 days to renew their license.

11 MR. KEENE: Kathy?

12 MS. WITTUM: Uh-huh?

13 MR. KEENE: Did you consider the renewal  
14 notice or reminder notice -- when this is  
15 written up, they don't use that as an excuse --  
16 I didn't get mine?

17 MS. WITTUM: Uh-huh, yes.

18 MR. KEENE: The mail, you know, sometimes  
19 when you send it in the mail -- I wouldn't want  
20 -- I wouldn't want someone to be able to use  
21 that I didn't get a renewal notice as an excuse  
22 to get out of something.

23 MS. WITTUM: Right. I agree. I think we  
24 need to -- we, in the office, will need to make  
25 sure that we have the right addresses for them.

1 We also can even go to the trouble of sending  
2 it not only to the home address that we have on  
3 file, but we can also send it to the  
4 establishment address that they're working at  
5 if we need to. We would certainly do our best  
6 to make certain --

7 MR. KEENE: P.O. boxes --

8 MS. WITTUM: -- we get those out.

9 MR. KEENE: What about P.O. boxes, instead  
10 of an actual physical address --

11 MS. WITTUM: Well, not everyone has a P.O.  
12 box --

13 MR. KEENE: I know.

14 MS. WITTUM: -- and the ones that do have,  
15 we have those in the system and would be able  
16 to send the notices to the P.O. boxes instead  
17 of the physical addresses.

18 MS. POWELL: They could still renew online  
19 or in person, too.

20 MS. WITTUM: We would still encourage them  
21 to renew online instead of sending it in to the  
22 office.

23 MS. GORDON: I have a question on the  
24 renewing of the practitioner's -- if they were  
25 an instructor, would all this take place just

1           like the ownership of an establishment?

2           MS. WITTUM: Yes.

3           MS. GORDON: It would all be renewed at  
4 the same time?

5           MS. WITTUM: If they had more than one  
6 license, they would be able to have them come  
7 up for renewal at the same time. The  
8 establishment license would still come due at  
9 the end of the year unless they choose to have  
10 it renewed on their birthday as well, for the  
11 school owner. But if they have more than one  
12 practitioner's license whether it be --

13           MS. GORDON: Instructors, aestheticians, -  
14 -

15           MS. WITTUM: -- instructors, cosmo,  
16 manicurists, or whatever -- those would renew  
17 on their birthday.

18           MR. KEENE: Are you looking for a vote on  
19 this? Or what are you looking for?

20           MR. WALKER: It's however you want to  
21 proceed. The people on the legislative  
22 committee can explain the reasoning -- if not,  
23 then vote. But first, I would like to elicit  
24 opinions from the audience, too.

25           First, if we could hear from the committee

1 why they chose to endorse it.

2 MS. POWELL: I believe that the  
3 information has been covered in full to the  
4 understanding of the committee's perception of  
5 this issue from last Monday.

6 MR. WALKER: Okay.

7 MS. POWELL: I do appreciate the change of  
8 "and" from the "or". I do believe that was the  
9 understanding the committee had at the  
10 beginning of last week.

11 MR. WALKER: Is there anyone in the  
12 audience who is against any of the proposals  
13 listed in number one of the recommendations  
14 that were handed out earlier?

15 MS. AKARD: I'm not opposed to that. I  
16 have questions.

17 MR. WALKER: Okay.

18 MS. AKARD: How would we really go about  
19 doing the photo identifications?

20 MR. WALKER: There's -- or do you want to  
21 --

22 MS. WITTUM: Go ahead.

23 MR. WALKER: Well, there's been talk  
24 actually of several different approaches. One  
25 of which is obtaining the equipment here on-

1 site or going anywhere that you could normally  
2 get a passport photo, Walgreen's in particular,  
3 creates those -- makes those, and mail those in  
4 and have those laminated here. So anywhere  
5 that you'd normally get a photograph of  
6 yourself, you could mail that in or send it in  
7 with your application for renewal. But there  
8 was concern from several of the locations of  
9 individuals who had licenses and were actually  
10 floating licenses around to several people at  
11 one time as opposed to one person being  
12 attached to that particular license. And it  
13 was proposed by several members of the audience  
14 -- it was either Fayetteville or West Memphis,  
15 to attach photos IDs. After bringing that up  
16 later on, that seemed to gain strong momentum.

17 MS. AKARD: Do some of the smaller  
18 communities have -- have a way of getting  
19 passport photos?

20 MR. WALKER: The post office does. I  
21 believe so.

22 MS. POWELL: Any drug store.

23 MR. WALKER: Any drug store, yeah. And  
24 there will also be equipment here, as well.

25 MS. AKARD: If the student loses one can

1 they get another one?

2 MS. WITTUM: Well, the school owners and  
3 the instructors would be responsible for  
4 holding onto the students'. They won't have to  
5 wear theirs.

6 MS. AKARD: Okay.

7 MS. WITTUM: You would just hold onto them  
8 and then turn them in when they drop  
9 enrollment.

10 MS. AKARD: All right.

11 MS. NEUMEIER: So, I'm understanding as  
12 they enroll to start their classes, they would  
13 have this photo ID made and this would be sent  
14 in with their papers, with the enrollment  
15 papers for them to start?

16 MS. WITTUM: Yes.

17 MS. NEUMEIER: Okay. And that would be  
18 sent -- well, we would keep that at the school  
19 in their file. And then after you get their --  
20 their hours, this would be sent in?

21 MS. WITTUM: The photo would be -- would  
22 be provided with their enrollment form. They'd  
23 provide us with a photo in the enrollment  
24 papers and we would prepare their permit with  
25 the photo ID on it and send that back to the

1 school.

2 MS. NEUMEIER: Okay.

3 MS. WITTUM: And the school would maintain  
4 that until the student drops enrollment.

5 MS. NEUMEIER: Okay.

6 MS. WITTUM: One thing that we need to  
7 make sure of is that we get names for our court  
8 reporter to properly document the comments.

9 MS. NEUMEIER: Okay.

10 MS. WITTUM: What was your name for that?

11 MS. NEUMEIER: Debbie Neumeier, ATU Ozark.

12 COURT REPORTER: Debbie Neumeier. Could  
13 you spell your last name?

14 MS. NEUMEIER: N-E-U-M-E-I-E-R.

15 COURT REPORTER: Thank you. And just for  
16 future reference, I'll get spellings from you  
17 during a break.

18 MR. WALKER: Does anyone else have any  
19 comments or questions?

20 (Pause.)

21 MR. WALKER: If not, do the board members  
22 have any comments or questions?

23 (Pause.)

24 MR. WALKER: I guess we'll take a motion  
25 from the -- I would do it as amended with the

1 "and" as opposed to the "or".

2 MS. POWELL: Do I state that back?

3 MR. WALKER: I would solicit a motion.

4 MS. POWELL: Do I have a motion on item  
5 one, Practitioner Issues: License Expiration  
6 Date?

7 MR. KEENE: I'll move that we accept this  
8 recommendation from the legislative committee  
9 for the practitioner licenses with the amended  
10 part of reaching the age of 65 change from "or"  
11 to "and".

12 MS. GORDON: Second.

13 MS. POWELL: I have a motion and a second.  
14 Is there any discussion?

15 (Pause.)

16 MS. POWELL: All those in favor, raise  
17 your right hand.

18 (Show of hands.)

19 MS. POWELL: Motion carries. It's  
20 unanimous.

21 **PRACTITIONER ISSUES: RENEWAL REQUIREMENTS WHEN UNDER**  
22 **PHYSICIAN'S CARE FOR TERMINAL ILLNESS**

23 MS. WITTUM: Okay. Number two is  
24 Practitioner Issues: Renewal Requirement for  
25 Licenses Under a Physician's Care. The

1 recommendation from the legislative committee  
2 is to modify the language in A.C.A. 17-26-  
3 209(a)(12) to allow a waiver of the renewal fee  
4 and the penalty in the event that a  
5 practitioner is under the immediate care of a  
6 physician due to an extended or long-term  
7 illness or medical condition.

8 In addition, we would also need to modify  
9 A.C.A. 17-26-319(e) to prevent a practitioner  
10 from having to re-examine if that time period  
11 extends over five years.

12 The committee favored that recommendation  
13 in a 3-0 vote. Does anyone from the committee  
14 want to comment on that?

15 (Pause.)

16 MR. WALKER: Are there any comments or  
17 questions from the board? Go ahead.

18 MS. TRAYLOR: Well, how are you going to  
19 determine whether they're unable to --

20 MS. WITTUM: They would have to provide a  
21 doctor's statement to that effect.

22 MS. TRAYLOR: Some of them -- any doctor  
23 will write them.

24 MS. WITTUM: Our requirement would be to  
25 have that physician state that they're in their

1 care. We could consider having some type of  
2 follow-up where we contacted the doctor if  
3 needed, but once we start doing that we move  
4 into having to have a release from the  
5 practitioner -- I mean, from the practitioner  
6 to be able to talk to that doctor. It just  
7 depends on how far we want to go into allowing  
8 us to do that.

9 (Pause.)

10 MR. WALKER: If anyone from the committee  
11 wants to share why they supported this --

12 MR. DOWNEY: The reasoning for this  
13 recommendation -- I mean, for me it was the  
14 case where someone that's out here has like a  
15 terminal illness or is banged up in an  
16 automobile wreck, then they shouldn't have to  
17 come back and re-examine. And they shouldn't  
18 lose their license over this period of time,  
19 because sometimes rehabilitation may take a  
20 long time, so if they have no problems as it  
21 is, they shouldn't have to worry about their  
22 license being revoked after a five year period  
23 of time and then have to come back and take an  
24 exam again in order to be fully licensed. So  
25 that's the reason that we're making the

1 recommendation.

2 MS. POWELL: Also, in that the person  
3 would not lose their license for failure to  
4 meet the licensure requirements.

5 MR. KEENE: Once this person is released  
6 from their doctor, say they were able to work,  
7 would -- at that point, would they have to pay  
8 all of the years of renewal if they didn't pay  
9 because of the illness?

10 MS. WITTUM: That would be up to the  
11 board. The board would have to decide whether  
12 or not we would not require them to do that or  
13 if we would want them to go back and pay for  
14 the number of years that they --

15 MR. KEENE: And --

16 MS. WITTUM: -- missed.

17 MR. KEENE: And would we also consider  
18 that if an inspector goes in to somewhere and  
19 finds this person working when they were -- our  
20 office is under the impression that they were  
21 not working, what the recommendations would be?

22 MS. WITTUM: Well, once they cross the  
23 line and violate what's been offered to them  
24 then that -- that brings it to the board for  
25 disciplinary action. It wouldn't preclude us

1 from being able to take action against them if  
2 they're actually going against what is stated  
3 at the office.

4 MR. KEENE: Okay. So that'll be added to  
5 your inspection report, there will be a spot in  
6 the inspection report to document that,  
7 basically?

8 MS. WITTUM: Well, it wouldn't matter  
9 whether we had it in the inspection report or  
10 the inspectors just know it. They would write  
11 someone up if they were on a medical leave  
12 according to the office but actually walked  
13 into an establishment and found them working.

14 MS. POWELL: It would be considered an  
15 inactive license, right?

16 MS. WITTUM: Uh-huh.

17 MS. TURMAN: I think if we exempt them  
18 from -- they could be the sole-supporter and  
19 not have any funds, you know, they may not have  
20 the money to pay for their license if they  
21 don't have the capability of working. I think  
22 if we're looking at one thing, we should look  
23 at the other and exempt them from having to pay  
24 those funds. I mean, if they don't have any  
25 income, it's rather a difficult thing to pay to

1 renew your license, I think. You're the sole-  
2 supporter or whatever, and they have to worry  
3 about their illness, instead of trying to keep  
4 those licenses up or come up with the funds to  
5 pay for those back licenses, because that could  
6 be difficult.

7 (Pause.)

8 MR. WALKER: Are there any other questions  
9 or comments from the board?

10 MS. GORDON: I just agree with what Pat  
11 said. If that person has been out for that  
12 period of time due to the fact that they were  
13 ill, it wouldn't be -- you know, justifiable to  
14 have them pay for those years they were not  
15 able to work, just the year they get ready to  
16 reinstate their license.

17 MS. POWELL: I thought that was --

18 MS. GORDON: What she said.

19 MS. POWELL: Isn't that what you just  
20 said?

21 MS. GORDON: Uh-huh.

22 MS. TURMAN: Yes.

23 MS. POWELL: Well, then what --

24 MR. KEENE: So you're saying that you  
25 don't disagree with her.

1 MS. GORDON: No. I said I agree.

2 MS. POWELL: Oh, you agree.

3 MS. GORDON: I'm sorry. I said I agree  
4 with what --

5 MS. POWELL: Okay.

6 MS. GORDON: -- with the comment she made.  
7 I think that's fair.

8 MS. POWELL: All right. I'll have to tell  
9 you I can't hear out of one ear. I'm sorry.

10 (Pause.)

11 MR. WALKER: Are there are any comments  
12 from anyone in the audience regarding this?

13 (Pause.)

14 MR. WALKER: Would you, please, stand and  
15 state your name for the record.

16 MS. HAYDEN: Jacquita Hayden from El  
17 Dorado.

18 MR. WALKER: Go ahead.

19 MS. HAYDEN: Is there not a way we can  
20 consider -- you're debating on whether or not  
21 they're ill or they're not. Could we not  
22 consider, maybe an inactive list and an active  
23 list, which would mean if you were sick you  
24 could put yourself on as inactive? And then  
25 when you become well, you could go back onto an

1 active list.

2 MS. POWELL: That --

3 MS. WITTUM: That is what this would do.  
4 And then once -- once someone is approved for  
5 this type of waiver, they would be put on an  
6 inactive list. That will be how the inspectors  
7 will know those people are not supposed to be  
8 out there working.

9 (Pause.)

10 MR. WALKER: Any other comments?

11 (Pause.)

12 MR. WALKER: Ms. Powell, I think we're  
13 ready for a motion.

14 MS. POWELL: I call for a motion for item  
15 two, Practitioner Issues: Renewal Requirements  
16 for Licensees under a Physician's Care. Do I  
17 have a motion?

18 MR. KEENE: I move that we take the  
19 committee's recommendation on the Practitioner  
20 Issues: Renewal Requirements for Licenses  
21 under a Physician's Care.

22 MS. WEST: And I second.

23 MS. POWELL: We have a motion and a  
24 second. Is there any discussion?

25 (Pause.)

1 MS. POWELL: All those in favor of the  
2 motion, please, raise your right hand.

3 (Show of hands.)

4 MS. POWELL: The motion carries. It's  
5 unanimous.

6 **SCOPES OF PRACTICE: BRAIDING SERVICES**

7 MR. WALKER: Now, I want to preface before  
8 we begin this one. This is the first one on  
9 the list that the committee deferred, and as  
10 such, the committee did not make any positive  
11 recommendations to the board. The way I want  
12 to do comments for this is to put this -- is  
13 split this up, the one pro and one against and  
14 make it fair, because the board has no  
15 recommendation before them. So once the board  
16 is finished with their discussion, we'll  
17 solicit opinions from the audience, one in  
18 favor and the next one against, and proceed  
19 accordingly until everyone's had their chance  
20 to be heard for that particular -- or this  
21 particular recommendation. Ms. Wittum.

22 MS. WITTUM: The recommendation that I  
23 made to the legislative committee was to  
24 develop a hair-braiding curriculum and hair-  
25 braiding license that would allow us to address

1 the braiding issue. NIC offers a national exam  
2 in natural hair-braiding, and I've been told  
3 by, I think Kirby Morris of NIC, that they  
4 would be able to help us find curriculum  
5 through other states that have the curriculum  
6 so it wouldn't be that we would have to  
7 reinvent the wheel. We could actually look at  
8 what has been incorporated in the other states.  
9 I'll leave it to the committee members to  
10 discuss why they were hesitant to agree with  
11 this particular recommendation.

12 I, personally, think it would be  
13 beneficial to the industry to have a specialty  
14 license in hair-braiding. I think that from  
15 the comments that we heard from the regional  
16 meetings, and the fact that it's available  
17 through NIC, will help us to make something  
18 available to the industry. I also want to  
19 remind you, in case you've forgotten or are not  
20 aware, that we did have a disciplinary case  
21 that pertained to this where a person was found  
22 to be braiding in a salon and she was brought  
23 before the board. She brought information from  
24 other states about which ones do not even  
25 include braiding in -- under the scope of

1           cosmetology. A braider -- braiders in some  
2           states can work without having to adhere to the  
3           cosmetology law. There were also other states  
4           that -- curriculum had been developed and a  
5           license, specialty license, had been developed  
6           in order to address this particular issue.

7           After looking at both of the  
8           possibilities, following the information that  
9           Ms. Briggs brought to us, I favor having the  
10          specialty curriculum and license because I  
11          think it would make sure that those people are  
12          receiving the education they need on health and  
13          safety issues. Otherwise, if we were to  
14          exclude them we can't be certain that they know  
15          the health and safety guidelines that they  
16          should be following while they're performing  
17          services on the public. Also, if we have their  
18          license and their information on hand, then the  
19          inspectors would know where they're located.  
20          They would be able to go and make sure that  
21          they're following the guidelines. And they may  
22          also run across some who have not taken or  
23          followed the legal aspect to go get that  
24          education and license to braid.

25          Those were the comments that I -- oh, I

1 would like to also point out, just for your  
2 information, that I have had a phone call from  
3 Senator Tracy Fields speaking in favor of the  
4 braiders' issue, but exactly what his comments  
5 are, I don't know. He and I have been playing  
6 phone tag for the past week, so I don't know  
7 exactly which side he would fall on -- if he  
8 thinks they should be excluded or if they  
9 should be a specialty curriculum and license.

10 Now I'll turn it over to the committee  
11 members.

12 MS. POWELL: I think at this time the  
13 discussion is open to the board. I don't think  
14 that I have anything else to add on this.

15 MS. TRAYLOR: Who's going to train these  
16 braiders?

17 MS. POWELL: My understanding is it would  
18 be a school issue.

19 MS. WITTUM: Of the school -- of the  
20 states who have incorporated a specialty  
21 course, they do require their braiders to go to  
22 a cosmetology school and learn how to do their  
23 -- or gain their hours in a cosmetology school  
24 in order to be eligible for their specialty  
25 license.

1 MS. TURMAN: Could you tell me is this  
2 already in the -- part of the contents of the  
3 schools, you know, does the school teach  
4 braiding now in their curriculum?

5 MS. POWELL: I know that braiding is in  
6 the curriculum in the Milady text.

7 MS. GORDON: Uh-huh.

8 MS. POWELL: Now it is not mandated as to  
9 how many hours a school spends on the braiding.  
10 It's just part of being in the 1000 hour  
11 curriculum in hairstyle.

12 MS. TRAYLOR: How many hours would you  
13 require?

14 MS. POWELL: Well, that would be  
15 determined by our -- I guess the board will  
16 have to determine how many hours would be  
17 required in that particular program and then  
18 have to decide how many hours would be in each  
19 course in that program subject matter. As the  
20 director has said, there are other states that  
21 have done it and I guess they have -- I have  
22 not seen -- I am not aware of any information  
23 out there, but so -- she has seen or has  
24 visited with NIC, I believe Kirby has explained  
25 -- or he has explained to her that there was a

1 curriculum already created.

2 MS. TRAYLOR: I was in D.C., and I was in  
3 Detroit, and I was in Orlando when they were  
4 writing the braiders exam. And I believe most  
5 of those people came from Detroit that wrote  
6 the exam.

7 MS. POWELL: Ms. Turman?

8 MS. TURMAN: I have another issue. If  
9 you'll recall when the lady was brought before  
10 our board, she said that they -- she had also --  
11 -- it would be a form of art and that we -- if  
12 we did not let her practice in a hair salon  
13 that she could practice somewhere else, which  
14 means that we do not have anything, I mean, for  
15 health and safety. If they can go and perform  
16 their art somewhere else, then we have no  
17 control over the safety and health issues.  
18 When she was out there, if I -- I think she  
19 said she could go to another store or something  
20 to operate and then perform her art that it's  
21 classified as art, what she's doing, and that  
22 it would not be under the control of the  
23 cosmetology law.

24 MS. POWELL: Well, I believe that is an  
25 argument, one of which the board could argue, --

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BOARD MEMBER: Is that --

MS. POWELL: -- it is considered science and art what any cosmetologist does.

MS. TURMAN: Right.

MS. POWELL: So as long as it falls in the area of hair, I believe it falls under the area of the cosmetology board.

MS. TURMAN: Well, that concerned me that she is -- that she could go out and perform this on the public and it could be classified as art and not be subject to any health and safety regulations.

MS. POWELL: Are there any other --

MR. KEENE: Jane, --

MS. POWELL: Yes?

MR. KEENE: This would still be up to each individual school if they wanted to offer this course, just like they do in aesthetics or electrology. If none of the schools want to offer the course, it's really kind of -- you may have it on your books that -- have this license on your books but if none of the schools here are going to teach it, it's just going to sit there and all you'll have is those

1 people coming in through reciprocity such as  
2 the girl that we had the hearing with. She  
3 came here from another state. Well, if she  
4 can't -- she can't practice her art, her  
5 profession, in this state unless there is a  
6 license, so what you're doing is, ultimately,  
7 you're making it to where people can come here  
8 and work.

9 MS. GORDON: And to make the specialty for  
10 braiders would be just the same as if I could  
11 make a specialty in relaxers, you know. This  
12 is in the curriculum. It's covered in our  
13 curriculum. Braiding is covered. It should be  
14 taught in the schools. So now are we going to  
15 separate all the other, you know, make each one  
16 as an individual license? Maybe I just want to  
17 do relaxers, and I don't want to do perms or  
18 whatever. Would this be a specialty license  
19 set up just for me if I wanted to do just, you  
20 know, go over here and say well, I'm just going  
21 to do relaxers. I'm not going to do braiding.  
22 I'm not going to do perms. So, you know, why  
23 would it be necessary, and it's already in the  
24 curriculum that it be taught?

25 MS. WITTUM: Well, I think the thing that

1 we need to remember on that argument is that  
2 NIC hasn't separated out a specialty in any of  
3 the others. They've only chosen to do it in  
4 braiding. So by the fact that they allow for  
5 that exam, --

6 MS. GORDON: Yes.

7 MS. WITTUM: -- that should allow us to  
8 give the option to the schools if they want to  
9 teach this specific or not.

10 MS. GORDON: But if I bring enough  
11 complaints to NIC that I only want to  
12 specialize in relaxers, would they go and make  
13 a specialty course just for relaxers? It's the  
14 same argument either way it goes.

15 MS. POWELL: Mr. Downey.

16 MR. DOWNEY: Since my name is on this as  
17 being opposed to it, I think I need to state  
18 some of the reasons for being opposed to this.  
19 One of them is just like she said, if we keep  
20 breaking our licenses down you're going to have  
21 people out here that don't want to do anything  
22 but to maybe paint fingernails. So they're  
23 going to want to have a fingernail painting  
24 license. Then maybe somebody won't want to do  
25 anything but spray hair spray. We're going to

1 have a hair spray license. If we keep breaking  
2 it down, then the very next thing that's going  
3 to come on top of this, I guarantee you, -- and  
4 I've seen it in other states. I do national  
5 accreditations. I'm on the team that goes out  
6 to these other states and I've studied their  
7 laws and I have not seen a good braiding course  
8 that covers any type of health and sanitation  
9 like it should. They're all short, real short  
10 courses where they get in and get out in two or  
11 three weeks time and get out here violating  
12 laws.

13 MS. GORDON: That's right.

14 MR. DOWNEY: So we already have a -- we  
15 already have a license that covers braiding.  
16 If they have to take it through cosmetology  
17 with 1500 hours, then they're going to get the  
18 health and safety and everything else, salon  
19 management and everything else that's needed to  
20 have a viable business. Otherwise if we go  
21 this route, to a short course and allow these  
22 people to just jump out there, we're going to  
23 have them crashing all over the place. So I am  
24 totally opposed to bastardizing our license and  
25 breaking it down into many, many other licenses

1           like some states have. And if we think we've  
2           got a problem when it comes time for renewal  
3           and we keep adding licenses and adding  
4           licenses, we are going to have a stack of them  
5           at renewal time. So I am opposed to it for  
6           some of the reasons that other board members  
7           have stated.

8           MS. POWELL: Ms. West?

9           MS. WEST: Could we hear from some of the  
10          schools that are out here, you know, whether  
11          it's included in their curriculum or do they  
12          plan to include it in their curriculum?

13          MS. POWELL: Absolutely.

14          MR. WALKER: Well, I want to make sure  
15          that we got all of these comments first, then  
16          if anyone who's in favor or against, have them  
17          speak according to those groups, if that's  
18          okay.

19          MS. POWELL: Uh-huh.

20          MR. WALKER: So are there any other  
21          questions from the board -- or comments?

22          MS. GORDON: I just want to add to my  
23          comment, too, is the fact that when these  
24          people are licensed will they be in a salon,  
25          you know, where everyone else is doing hair?

1 And even though they're going to be in a little  
2 separate room, if they're not braiding that day  
3 and somebody is overloaded will that person  
4 come out there and start doing a relaxer or --

5 MR. DOWNEY: Yes, they will.

6 MS. GORDON: You know, so those are issues  
7 that we need to consider in making this  
8 decision. You know that's going to happen  
9 either way.

10 MS. WITTUM: I can appreciate that  
11 comment, but we have receptionists who are  
12 going and shampooing. And --

13 MS. GORDON: So.

14 MS. WITTUM: -- we have receptionists who  
15 are going and blow drying hair --

16 MS. GORDON: Uh-huh. Same difference.

17 MS. WITTUM: You're not ever going to  
18 catch all of the people who are doing what  
19 they're not supposed --

20 MS. GORDON: Same difference.

21 MS. WITTUM: -- to be doing, but at least  
22 if we knew where some of the braiders were we  
23 would have the --

24 MS. GORDON: You're not going to stop  
25 them.

1 MS. WITTUM: -- opportunity for the  
2 inspectors to be --

3 MS. GORDON: Because they're braiding in  
4 the kitchen just like everything else, so.

5 MS. POWELL: Ms. Traylor.

6 MS. TRAYLOR: Well, you're talking  
7 fragmented licenses. You have a manicuring  
8 course. You have electrologists. You have an  
9 instructor's course. You have a nail-tech, you  
10 know -- you can do nails or you can do  
11 manicuring or you can do whatever. So when --  
12 I think you need to be really, really careful  
13 or you're going to have to have a school that's  
14 going to teach it. You can't require -- our  
15 state cannot require a license for a course and  
16 they can't find anyone in the state to teach  
17 it.

18 MS. POWELL: Thank you, Ms. Traylor. Do  
19 any other members of the board have anything  
20 else that they'd like to comment on?

21 MS. PICKERING: I want to agree with Nick.  
22 I think that we would be getting into every  
23 area. We're going to have to offer this  
24 subject or that subject, and I will have to go  
25 along with that. I have -- and I'll give you

1 an example. I have a dear friend who is a  
2 cosmetologist and she went 1500 hours to get  
3 braiding, I mean, basically. I mean, she can  
4 do anything anyone else can do, but she  
5 sacrificed her 1500 hours to specialize in  
6 braiding. So I'll have to go along with Nick.

7 MS. POWELL: Thank you, Ms. Pickering.  
8 Ms. Ward?

9 MS. WARD: I think that if you do nothing  
10 then you can hear people coming in or going out  
11 and asking or wanting just to take one  
12 particular item instead of taking the whole  
13 course. And you'll have a problem with a lot  
14 of them just wanting to do one thing and  
15 nothing else. They take the whole course and  
16 they can always specialize in whatever they  
17 want to do. Well then they've got the training  
18 in everything and they're able to say they're  
19 licensed so that they don't step out of their  
20 boundaries of what, you know, what their scope  
21 is.

22 MS. POWELL: Thank you, Ms. Ward.

23 MS. TURMAN: I feel like if they complete  
24 those hours and then they want to specialize --  
25 but they would still be under our -- or what

1 I'm concerned about -- our goal of this board  
2 is to protect the public. And so they're first  
3 and that's what we need to be doing, is safety  
4 and health issues. And that would never be  
5 covered when they -- that's our -- that's what  
6 should be our main concern is the health issue  
7 and the well-being of the public.

8 MS. POWELL: Okay.

9 (Pause.)

10 MS. POWELL: It appears that the consensus  
11 of the board is that a braider should be  
12 considered to take the same curriculum as a  
13 cosmetologist to perform the services in a  
14 licensed establishment, correct?

15 MS. TURMAN: Uh-huh.

16 MS. POWELL: Ms. Traylor, did I say that  
17 wrong?

18 MS. TRAYLOR: Well, -- do you make a  
19 manicurist take a cosmetology course?

20 MS. POWELL: No.

21 MS. TRAYLOR: Okay.

22 MS. GORDON: But --

23 (Multiple comments being made by board  
24 members.)

25 MR. WALKER: Can we get questions from the

1 audience or any comments before we make -- I  
2 don't think we've reached an appropriate time  
3 to make a decision yet.

4 MS. POWELL: Right. I was -- I was trying  
5 to get a summary of this before we --

6 MS. GORDON: Manicurists don't do hair.

7 MS. POWELL: Right. As far as -- all  
8 right. Let me -- I obviously didn't state that  
9 correctly. It is the opinion, it appears, that  
10 the board is in favor of a braider obtaining  
11 the cosmetology program to perform braiding or  
12 any hair service in a licensed establishment;  
13 is that right?

14 MS. TRAYLOR: Right.

15 MS. PICKERING: That's true.

16 MR. KEENE: No.

17 (Pause.)

18 MR. KEENE: You're asking if everybody's  
19 opinion on it --

20 MS. POWELL: No. I'm saying it seems  
21 that's what I'm hearing as a the majority of  
22 the consensus here, right? That's what I  
23 wanted -- I want to understand if I'm hearing  
24 you right. There has been two opinions here.  
25 And I obviously, -- I know that it's obvious,

1 but I just want to make sure that I understand  
2 the majority one, the one that is not in favor  
3 of a braider license at this time, correct? Is  
4 that what I'm hearing?

5 (No verbal responses given.)

6 MS. POWELL: Mr. Walker, do you want to  
7 take comment? I'd like to know how many school  
8 owners are out there. That was a question, but  
9 I would like for the school owners that are out  
10 there -- let's get a number on them and ask if  
11 they do braiding in their facilities.

12 MR. WALKER: Well, let's -- those who are  
13 in favor, I would ask you to remember to speak  
14 separately, one for and one against, and go  
15 down until everyone has had an opportunity to  
16 speak. If you're in favor of this proposal,  
17 please, raise your hand. State your name and  
18 if you're a school owner or practitioner, if  
19 you would, please.

20 MS. AKARD: I don't know that I'm in favor  
21 --

22 MR. WALKER: Could you state your name,  
23 please?

24 MS. AKARD: Tracy Akard, --

25 MR. WALKER: And the --

1 MS. AKARD: -- Hot Springs Beauty College.

2 MR. WALKER: And we're doing comments in  
3 favor of that now.

4 MS. AKARD: Well, I -- I don't know that  
5 it's for or against, it was just she was asking  
6 about schools teaching it, and then -- then  
7 Veda Traylor said about schools, whether they  
8 would teach it.

9 We're a Pivot Point School. We have a  
10 book, a separate set of books in our set, and  
11 one of them is long hair. We do teach  
12 braiding. We probably spend 20 hours teaching  
13 braiding -- just braiding. I have four  
14 instructors. Only two of us, myself and one  
15 other instructor, are proficient in actually  
16 teaching braiding. I wouldn't even consider  
17 teaching a course and taking people in just  
18 braiding. It would be -- it just would not be  
19 profitable. It would be very difficult to take  
20 students to just teach them braiding. I would  
21 not -- I would not offer that curriculum in my  
22 school.

23 MR. WALKER: Okay.

24 MS. AKARD: We would have the license  
25 available, but I would not offer that

1 curriculum in my school, just because I would  
2 not have the staff available to take one  
3 student, or maybe two students, a year that  
4 would be interested in that type of curriculum.  
5 So I don't know that I'm opposed in offering  
6 the license, I just would not offer that  
7 course.

8 (Multiple conversations taking place at  
9 once.)

10 MR. WALKER: Let's have a show of hands of  
11 the school owners. If you are a school owner,  
12 just raise your hand. If you identify yourself  
13 as a school owner, please, raise your hand.

14 (Show of hands.)

15 MR. WALKER: If you teach braiding, can  
16 you keep your hand up?

17 (Pause.)

18 MR. WALKER: As part of the cosmetology  
19 curriculum.

20 (Pause.)

21 MR. WALKER: Okay. Now, I'll go back and  
22 do -- if you are in favor of the proposal. I  
23 believe there's a hand in the back row. If you  
24 would, identify yourself to the committee and  
25 to the board, please.

1 MS. JONES: Carla Jones, and I represent  
2 Arthur's Beauty College. When you first talked  
3 about the natural hair curriculum -- I don't  
4 remember what location we were in for the  
5 meeting, we went back immediately and got our  
6 curriculum together at the school. I think  
7 there ought to be a specialty course, because  
8 just like Ms. Traylor was saying, you teach  
9 manicuring as a specialty off of cosmetology.  
10 You have electrology and you have aesthetics.  
11 I think there ought to be at least 600 hours.  
12 I think they ought to do sanitation and  
13 sterilization just like everybody else. And we  
14 can get the guidelines from the other courses  
15 that we have for all the other things, and then  
16 the rest of them be put into whatever they're  
17 going to do on braiding. And as far as the  
18 instructors, when we get an instructor's  
19 license it says that we are able to teach any  
20 phase of cosmetology or hair, skin, or make-up.  
21 So we can't -- if we can't teach braiding, we  
22 need to learn how to teach it. And then also,  
23 it's just like with the nail techs and the  
24 aesthetics, I think that once we do get the  
25 course started that we ought to have a -- where

1 the instructors that want to do it, can do it -  
2 - can do a specialty license in a specialty  
3 course on manicuring, the same as that, on  
4 hair-braiding. I think it ought to be offered,  
5 and if the schools don't want to teach it, then  
6 don't offer the course, you know, they have  
7 that option.

8 (Pause.)

9 MR. WALKER: Okay. I'll take a comment  
10 from someone who is against this  
11 recommendation.

12 MS. LEE: I'm just a little confused. I  
13 thought only school owners were asked to --

14 MR. WALKER: No.

15 MS. LEE: -- make comments.

16 MR. WALKER: No. Anyone can comment, --

17 MS. JONES: It's not just for school  
18 owners here.

19 MS. LEE: But I'm just trying to get a  
20 clarification, --

21 MR. WALKER: It's probably not --

22 MS. LEE: Are you asking school owners or  
23 instructors or --

24 MS. JONES: I'm representing Arthur's.

25 MR. WALKER: No. That was --

1 MS. LEE: Representing --

2 MR. WALKER: Somebody wanted to know who,  
3 who owns a school that teaches hair-braiding  
4 already, so I had them raise their hands.

5 MS. JONES: I'm here representing Arthur's  
6 School.

7 MS. LEE: But you're not a school owner.

8 MR. WALKER: I'm sorry.

9 MS. LEE: Is it school owners only or --

10 MS. JONES: I'm representing Arthur's.

11 MS. LEE: -- anyone from the audience?

12 MR. WALKER: It's for anyone that wants to  
13 speak.

14 MS. LEE: Oh, okay. Good.

15 MS. JONES: Thank you.

16 MR. WALKER: Anyone.

17 (Pause.)

18 MS. THOMAS: My name is Margaret Thomas,  
19 and I am a school owner. I do braiding. I  
20 feel that I should be given -- or anybody else  
21 who wants to do this, should be given the  
22 option themselves. I am a strong believer in  
23 the sanitation. We can go into a number of  
24 homes where they're doing hair in their homes.  
25 And we're trying to get this out of their

1 homes, to teach them the proper way for them to  
2 do it. And if we don't do something, a lot of  
3 our cosmetology students coming out of school  
4 won't find a job because these people are  
5 taking them to their homes. So I'm a strong  
6 believer in, if you don't want to do it, you  
7 don't do it, but if you do, please, be allowed  
8 to do so. I, too, am a NACAAS evaluator and  
9 yes, I agree with Nick. I've gone out and I've  
10 seen some very poor curricula. They don't  
11 teach, maybe ten hours of sanitation and  
12 disinfection. I agree with Nick, but that does  
13 not mean that Arkansas is going to have a  
14 curriculum like that. We can make our  
15 curriculum to the point that if they don't  
16 think they can do it, don't come into that  
17 course. We, as school owners, should be able  
18 to talk to these people and make them  
19 understand what the requirements are before  
20 they enroll in this course. And I don't think  
21 -- most states it's a hundred, maybe a hundred  
22 and fifty hour course. What can you learn in a  
23 hundred and only fifty hours and teach in that  
24 course?

25 (Pause.)

1 MR. WALKER: Is anyone against this  
2 proposal?

3 MS. COTTON: Tamara Cotton, Arkansas  
4 Beauty School, Conway. I disagree, because  
5 what LaJoy and like Mr. Nick says, it's in the  
6 curriculum, if they want to specialize in that.  
7 If we start breaking it down, next it'll be  
8 hair color. They'll just want a license to do  
9 hair color, or relaxers, or whatever the case  
10 may be. I just think there's -- pretty soon  
11 we'd have no cosmetology course. It's all  
12 specialty courses. So I'm against it.

13 MR. WALKER: And just to be fair, there  
14 were two in favor initially, so I'll take one  
15 more against and then go back to the for and  
16 against. Is there anyone else against it?

17 (Pause.)

18 MR. WALKER: If you could stand.

19 (Pause.)

20 MR. WALKER: You, on the front row.

21 MS. BLAND: Oh, I guess. I'm sorry. As a  
22 licensed cosmetologist --

23 MR. WALKER: Could you identify yourself  
24 for the record?

25 MS. BLAND: Pat Bland. I'm also an

1 inspector for the State Board, but as a  
2 licensed cosmetologist I see and hear of  
3 braiders all over our state, as well can all  
4 attest to. I don't believe offering a course  
5 is going to bring these people in to a school.  
6 They're making so much money now it's not going  
7 to worry -- I mean, they are not worried about  
8 coming to a school to take a course in  
9 braiding. And they certainly aren't going to  
10 pay for it, but that's just my perspective.

11 MR. DOWNEY: Good point.

12 MS. BLAND: They already know how to  
13 braid. They're not going to use sanitation.  
14 They are sitting at their kitchen table. They  
15 are making money, money, -- cutting the rest of  
16 us out. But I don't see that offering a  
17 specialized course is going to bring them  
18 forward.

19 MR. WALKER: Okay. Is anyone else in  
20 favor of this proposal?

21 (Pause.)

22 MR. WALKER: Okay.

23 MS. HUGHES: Jenita Hughes, from Newport.  
24 I'm in favor of it because like she said,  
25 people are working in the home doing it, and

1           it's cutting us out. Braiding is a big money-  
2           making venture. I wouldn't be able to offer it  
3           to my -- in my school because of where my  
4           school is, but I do teach it. And like she  
5           said, a lot of them that do it already know how  
6           to do it. So you know, like the instructors  
7           not being -- not qualified, you know, since  
8           there's a lot of guidance, you know, and  
9           cooperation that goes on in a class. But I  
10          think if we start now getting Arkansas to  
11          realize they need to go out in a salon and kind  
12          of start feeding the next generation into the  
13          salons, we'll get them out of the kitchen. I  
14          think that would be a step forward in turning  
15          them into a professional. Thank you.

16                 MR. WALKER: Any comments against this  
17                 proposal?

18                 MS. COTTON: Well, I just have another  
19                 thing to say about that, because I want to go  
20                 back to, like, if someone chose, you know,  
21                 later on maybe a few years we'll be back to  
22                 hear on a hair-curling license or something.  
23                 But what do we do now with our students that  
24                 want to specialize in one area? I have  
25                 students, they don't want to do pedicures and

1 they don't want to do this and that while  
2 they're in school. They just want to do  
3 haircuts and hair color, but cosmetology school  
4 is for all of it. That's what we teach. And  
5 the student that wants to specialize in one  
6 certain area of cosmetology, will take  
7 additional classes and education. It's just  
8 like, I have students that do specialized  
9 braiding classes, because that's what they want  
10 to do, but they also use the rest of it while  
11 they're in school. So it's like it's picking  
12 and -- again, it's picking and choosing what  
13 you want to specialize in. This is real  
14 cosmetology.

15 MR. WALKER: Does anyone else want to  
16 comment in favor of this proposal?

17 (Pause.)

18 MR. WALKER: Any final comments against  
19 this proposal?

20 (Pause.)

21 MR. WALKER: At this time, I guess, it's  
22 up for further discussion of that or motions or  
23 --

24 (Pause.)

25 MR. KEENE: Well, I'd say the difference

1 here in fragmenting this one out is that there  
2 is a national exam on this. There's not one on  
3 haircoloring, and chemical relaxing, and  
4 polishing fingernails. If there were one, then  
5 maybe it would -- I think that would be a good  
6 argument. I've never been one that wanted to  
7 fragment licenses either. I thought that it  
8 puts an undue burden on our office, on our  
9 inspectors, but it's happened. It's going on  
10 out there. We're experiencing it in this state  
11 now, with them coming here trying to work. I  
12 think that it's something that has to really be  
13 considered. And still, the schools still have  
14 the choice of whether or not to offer the  
15 course or not. We have how many schools in  
16 this state, and how many of them offer  
17 electrology, yet we're offering that license.

18 MR. WALKER: Any other comments from board  
19 members?

20 MR. DOWNEY: I've got one comment.  
21 Everybody is holding NIC up as the icon of --  
22 whatever NIC does, is right.

23 MS. TRAYLOR: Yeah.

24 MR. DOWNEY: NIC will develop a test for  
25 anything that's required. If we wanted to do a

1 fingernail painting course, they'd develop a  
2 test for us because they're in the process --  
3 they're in the business of selling tests. So  
4 just because they offer a braiding course, --  
5 well, I mean, a test, the only reason they do  
6 is because the state of Ohio opened up braiding  
7 and they developed it primarily for the state  
8 of Ohio in the beginning and just anybody else  
9 that wanted to fall into it. But just because  
10 NIC offers a test, that doesn't mean that we  
11 have to go with that license because they've  
12 got other tests, you know, that we don't even  
13 do. It's a choice of the state what tests they  
14 want to do, not what NIC offers.

15 MR. WALKER: Any further comments from  
16 board members?

17 (Pause.)

18 MR. WALKER: Ms. Powell, I guess we're  
19 ready for a motion.

20 MS. POWELL: I would request a motion for  
21 the Scopes of Practice: Natural Hair-Braiding  
22 Services.

23 (Pause.)

24 MS. POWELL: Did we identify this as  
25 natural hair? Okay. On Scopes of Practice:

1 Natural Hair-Braiding Services, do I have a  
2 motion?

3 MS. GORDON: What are you looking for a  
4 motion for?

5 MS. POWELL: Uh --

6 MR. KEENE: For us to accept it or to deny  
7 it.

8 (Pause.)

9 MR. KEENE: I mean, if there's no motion -  
10 -

11 MS. GORDON: I make a motion that we deny  
12 the development of a specialty course. Is that  
13 what you're asking for?

14 MS. POWELL: Yes, ma'am.

15 MS. GORDON: In the specialties of natural  
16 hair or braiding hair in the beauty schools --  
17 licensing for this purpose.

18 MS. POWELL: I have a motion.

19 MS. TURMAN: Second.

20 MS. POWELL: I have a second to deny the  
21 Scope of Practice: Natural Hair-Braiding  
22 Services Program.

23 MS. GORDON: Uh-huh.

24 MS. POWELL: All those in favor, raise  
25 your right hand.

1 (Show of hands.)

2 MS. POWELL: All those opposed?

3 (Show of hands. Two in opposition.)

4 MS. POWELL: Okay. We have two opposed  
5 and we have one abstention. Veda Traylor  
6 abstained.

7 MS. TRAYLOR: Because I don't know which  
8 side of the fence I would fall off on.

9 MS. POWELL: Motion carries.

10 (Pause.)

11 MS. POWELL: That's right, isn't it?

12 MR. WALKER: Yes. It takes five to pass.

13 MS. POWELL: Okay. Five to pass. The  
14 motion passes.

15 **SCOPES OF PRACTICE: LASER USE**

16 MS. WITTUM: Okay. The next one is Scopes  
17 of Practice: Laser Use. The recommendation is  
18 to develop guidelines based on the expertise of  
19 the National Coalition of Esthetics Association  
20 and incorporate those into the board's rules.  
21 The recommendation includes using language that  
22 Colorado is currently using in their state  
23 concerning the classification of machines. In  
24 that, licensed cosmetologists and aestheticians  
25 would be permitted to use any Class I device,

1           which would be electrolysis, red light LED and  
2           microdermabrasion, provided that the devices  
3           are registered with the FDA.

4           Class II devices such as IPLs, blue light  
5           LED, and lasers would not be allowed, as they  
6           are more invasive and present a greater risk of  
7           injury. We'd also make available to the  
8           practitioner information about the FDA's  
9           website for more information about  
10          classification and manufacturer's product  
11          numbers would be available.

12          The committee favored this by majority  
13          with a 3-0 vote.

14          (Pause.)

15          MS. WITTUM: Are there any questions?

16          MS. GORDON: I just need it explained a  
17          little bit more in detail as to exactly what  
18          we're saying here, because --

19          MS. WITTUM: Which one?

20          MS. GORDON: The recommendations, where  
21          you said the recommendation is the same as  
22          Colorado concerning the classifications of  
23          machines.

24          MS. WITTUM: Uh-huh.

25          MS. GORDON: So licensed cosmetologists

1 and aestheticians would be permitted to use any  
2 Class I device?

3 MS. WITTUM: Right. All --

4 MS. GORDON: The same as the electrologist  
5 is using, is that what you're saying?

6 MS. WITTUM: No.

7 MS. GORDON: Okay. Then that's what --

8 MS. WITTUM: The -- the Class I devices  
9 are not laser, or not classified as a laser  
10 machine. They are not considered to be as  
11 invasive as the others. As you go up in class,  
12 you go up in risk of safety.

13 MS. GORDON: So what are we saying here,  
14 that they will be able to use Class II?

15 MS. WITTUM: They'll be able to use Class  
16 I. The Class II devices and the assorted Class  
17 III devices that are out there, they would not  
18 be able to use those.

19 MS. GORDON: I've got you. Thank you.

20 MS. WARD: How are you going to ensure  
21 that they have training in this other  
22 equipment?

23 MS. WITTUM: It's not our responsibility  
24 to make sure they have the training. It's our  
25 responsibility to make sure they're only using

1 the device that is acceptable to the board  
2 which would be the Class I devices. Now, it's  
3 my understanding from Colorado that when their  
4 inspectors go out they check to see if it's a  
5 Class I device. They also check to see if the  
6 machine and the manufacturer that that machine  
7 was purchased from is registered with the FDA.  
8 If they are then the licensed cosmetologist and  
9 the aesthetician are okay to use that machine.  
10 But if it's a Class II device or if the machine  
11 or manufacturer is not registered with the FDA,  
12 then they are brought before the board for  
13 disciplinary action.

14 MS. WARD: If you have somebody that says,  
15 well, I have a cosmetology license. I can use  
16 the microdermabrasion -- for instance, and they  
17 have no training in it, they could cause damage  
18 to somebody's skin. And that's not protecting  
19 the consumer. I don't think -- is there any  
20 way you can kind of regulate that where we ask  
21 them, I mean, to have something that shows that  
22 they have training to use the equipment?

23 MS. WITTUM: We could consider having --  
24 requiring training. The only thing that I  
25 would -- I would hesitate on is that some of

1 the manufacturers that they purchased those  
2 machines from may not require the same number  
3 of training hours for their machines. And then  
4 what are you going to do?

5 MS. WARD: Well, if they have a  
6 certificate or something saying they've been  
7 trained in it, not saying that they have so  
8 many hours in it. Just saying they've been  
9 trained in it, you know, something showing that  
10 they've had some type of training.

11 MS. WITTUM: Okay. We could certainly  
12 incorporate that into it, as well.

13 MS. WARD: That would go to protecting the  
14 public from anybody just saying, oh, I can do  
15 this because I'm licensed as a cosmetologist,  
16 yet I don't have any idea what I am doing.  
17 That would be a protection and would be safer  
18 than doing nothing.

19 MS. POWELL: I have a question on the  
20 Class I device -- such as electrolysis, it says  
21 here. Have you checked on the classifications  
22 of the electrolysis equipment?

23 MS. WITTUM: No.

24 MS. POWELL: And if this Class I device is  
25 an electrolysis piece of equipment, it would

1           then allow the cosmetologist and aesthetician  
2           to practice hair removal with an electrolysis  
3           machine; is that correct, if it's a Class I?

4           MS. WITTUM:  If it's a Class I, yes.  We  
5           would need to make sure that we do not cross  
6           the line into the electrology scope of practice  
7           for the --

8           MS. ANDERSON:  May I say something?  May I  
9           make a comment?

10          (Pause.)

11          MS. POWELL:  At this time, --

12          MS. TRAYLOR:  I think we have people out  
13          there wanting to talk.

14          MS. POWELL:  Okay.  Well, if Mr. Walker  
15          doesn't --

16          MR. WALKER:  Do any of the board members  
17          have any questions before we open it up for a  
18          session with the audience?

19          (Pause.)

20          MR. WALKER:  Okay.

21          MS. ANDERSON:  I'm Patricia Anderson, from  
22          Mellie's in Ft. Smith.  This is a big area in  
23          our area and we have lots of people doing  
24          lasering -- a massage therapist, two are  
25          aestheticians.  We have an talented

1 electrologist in the area. You know, the law  
2 came out in June at the time I had my new  
3 school and took over. So of course, that all  
4 caught up with me about July/August. So people  
5 have been flooding my school and asking  
6 questions to clarify the law. When I clarified  
7 the law, that would be the salon owners that  
8 came in. I called the State Board, and I asked  
9 them to clarify the law. When you say this  
10 Class I electrolysis machine -- any Class I  
11 machine, you need to really know what you're  
12 using. Yes, you need to be certified on it.  
13 There are certification to take, but you also  
14 can do very extensive damage if it's not used  
15 properly. Yes, it is an electrolysis, because  
16 it does remove hair. So Class I --  
17 electrolysis, that word does fit into the  
18 category because of the definition of lasering  
19 because the lasering removes hair. The types  
20 of hair, the parts of the body where it's  
21 removed at -- yes, you've got all the above.  
22 And, yes, it can do extensive damage if they do  
23 not know what they're doing. The practitioner  
24 then takes on that liability. In our city, we  
25 have lots of practitioners who are doing this

1 and it is -- it definitely needs to be  
2 clarified, but you also need to know what  
3 you're clarifying before you clarify it.

4 Class II is medical. So you have your  
5 medical dermatologists. Well, you can't cross  
6 the line and go into the med/massage. You have  
7 people teaching dermabrasion, and you have all  
8 these categories, and before you can really  
9 make this a law, you need to know exactly what  
10 you're clarifying is my point of view on it.

11 MR. WALKER: Okay. Yes, ma'am.

12 MS. GULLEY: I'm Brenda Gulley, from Hair  
13 Tech Beauty College. I teach electrolysis and  
14 I also work as one. And if they're putting  
15 that in -- I'm like her, when they're putting  
16 that in a number one category, they're  
17 requiring 600 hours. So when they put this up  
18 here, electrolysis, I think we're really asking  
19 for something to happen.

20 (Pause.)

21 MS. WITTUM: It is that you just -- you  
22 don't agree with having the electrolysis in  
23 there, or do you not agree --

24 MS. GULLEY: I don't know if it's part of  
25 it.

1 MS. WITTUM: It falls in the Class I, from  
2 what I understand.

3 MS. ANDERSON: It still does electrolysis  
4 though. It is doing the same -- it's giving  
5 the same benefit as electrolysis.

6 MS. WITTUM: Right. But what I'm trying  
7 to understand is are -- do you disagree with  
8 classes -- with us going to the classification  
9 guidelines, or is it that you disagree with  
10 having electrolysis within that Class I?

11 MS. GULLEY: I don't think we need  
12 electrolysis in the Class I for cosmetology or  
13 just would be removed from the class.

14 MS. WITTUM: Okay. Well, it's my  
15 understanding that the electrolysis -- has  
16 other regulations than ours falls into the  
17 Class I category.

18 MS. GULLEY: And the laser, also, -- I  
19 mean, I've had people that have maybe left  
20 thinking that the laser is better. But then  
21 I've had people -- you wouldn't think this, but  
22 they come back with a bad, bad burn. And  
23 that's, like, when they're going into the  
24 medical office with supposedly trained  
25 technicians who've got a weekend or two of

1 training, which I understand that they would do  
2 better if it was a longer training course, but  
3 --

4 MS. ANDERSON: Probably we're talking  
5 about training and certifications for this,  
6 that's really all it is. It's a weekend where  
7 someone goes to a training seminar and gets a  
8 certificate that says they're trained. It's  
9 not necessarily hands-on. They're shown how to  
10 use the machine. So they're really not trained  
11 as you would consider trained.

12 MR. WALKER: You're talking about in a  
13 medical doctor situation, correct?

14 MS. ANDERSON: We're talking about any  
15 type of --

16 MS. POWELL: Manufacturer's --

17 MS. ANDERSON: -- manufacturer's training.  
18 And that's what most of our practitioners in  
19 the field have.

20 (Pause.)

21 MR. WALKER: Are there any other comments  
22 from the audience?

23 (Pause.)

24 MR. WALKER: I think it's the proper time  
25 to give it to the board to discuss it further

1 and make a motion.

2 MS. POWELL: Okay. Then I just want to  
3 make sure that I understand the intent of this  
4 where it states, "...licensed cosmetologist and  
5 aestheticians would be permitted to use any  
6 Class I device, such as electrolysis --" that  
7 they currently are not licensed to do  
8 electrolysis, so where does this language -- to  
9 include this language here in this, this would  
10 allow cosmetologists and aestheticians to use a  
11 Class I device to permanently remove hair?

12 MS. WITTUM: Yes. But what we may want to  
13 do is to allow them to use the Class I devices  
14 such as red light LED and microdermabrasion,  
15 and exclude the electrolysis from there. I  
16 would incorporate changes.

17 MS. POWELL: I believe that we do need --  
18 I know the board has visited this issue before  
19 trying to create language in the scope of  
20 practice for the aesthetician, which naturally  
21 involves the cosmetologist. And what one does,  
22 the other does. So therefore, I would  
23 recommend that any language relating to  
24 electrolysis be stricken from this, and that we  
25 would define language for Class I machines for

1 the cosmetologists and aestheticians. And I  
2 believe that the board in the past has always  
3 honored the FDA approval of Class I and Class  
4 II machinery, and it's recommended usage being  
5 medical devices or non-medical devices. So do  
6 we need to have, maybe a motion to -- if there  
7 is any -- see if there is a motion to clean up  
8 any language on this or do we need to handle  
9 this as it is, with proposed language?

10 MR. WALKER: You -- we amended the first  
11 one. We can amend this, as well. And these  
12 are very malleable in terms of what we're  
13 presenting and what can be finalized. Again,  
14 this is not a matter of rule nor a regulation  
15 being passed right now.

16 MS. POWELL: So we, --

17 MR. WALKER: That would be your --

18 MS. WITTUM: And one thing --

19 MR. WALKER: -- change --

20 MS. WITTUM: One thing that we also need  
21 to remember is the position that Barbara had to  
22 incorporate training language in there, as  
23 well.

24 MS. POWELL: Right.

25 MS. TRAYLOR: I think the word

1 electrolysis should be stricken from any of  
2 this because they are a separate entity.

3 BOARD MEMBERS: We don't want to confuse  
4 the different programs.

5 MS. TRAYLOR: That's right. And so many  
6 of them are out there thinking they can do  
7 electrology now, and I'd just like to see the  
8 word electrolysis stricken from this.

9 MS. WITTUM: Well, we would have to  
10 specifically exclude it because the FDA  
11 classifies the electrolysis, red light LED, and  
12 microdermabrasion as Class I devices. So we --  
13 we would need to --

14 MS. TRAYLOR: It can be a Class I device  
15 and still the aesthetician not be able to use  
16 it.

17 MS. WITTUM: Yeah. We would have to  
18 specifically say that they cannot use that one.

19 MS. POWELL: Right. Is that a motion?

20 MS. TRAYLOR: Yes.

21 MS. POWELL: I have a motion, do I have a  
22 second?

23 MR. DOWNEY: Second.

24 MS. POWELL: I have a motion and a second  
25 to strike the language "electrolysis" from the

1 proposed Scope of Practice: Laser Use.

2 MS. WITTUM: Is that including the  
3 training?

4 MR. WALKER: We haven't gotten that far.

5 MS. WITTUM: Okay.

6 MS. POWELL: All those in favor, raise  
7 your hand?

8 (Show of hands.)

9 MS. POWELL: All those of opposed?

10 (None opposed.)

11 MS. GORDON: I'm abstaining.

12 MS. POWELL: We have one abstention.

13 MS. GORDON: I don't think I have a good  
14 understanding of this.

15 MS. POWELL: The motion carries.

16 BOARD MEMBER: Let's take a little break.

17 MS. POWELL: First, let's finish this  
18 right here. I think I'm going to need a motion  
19 to include training in this Scope of Practice:  
20 Laser Use. Do I hear a motion to include  
21 training in the language in Scope of Practice:  
22 Laser Use?

23 (Pause.)

24 MS. POWELL: Okay. Let's --

25 MR. KEENE: I'll make the motion. I move

1 that a certification or proof of training on  
2 the device be presented to the inspectors upon  
3 request.

4 MS. POWELL: Okay. I have a motion to  
5 include training in the language in the Scope  
6 of Practice: Laser Use.

7 MS. TURMAN: I second.

8 MS. POWELL: And a second. All those in  
9 favor, raise your right hand.

10 (Show of hands.)

11 MS. POWELL: All those opposed?

12 (No opposition. One abstention.)

13 MS. POWELL: None opposed. One  
14 abstention. The motion carries.

15 MR. WALKER: Now we need to vote on the  
16 whole thing.

17 MS. POWELL: Board, with the language  
18 change striking "electrolysis" and the training  
19 issues being met in the language, can I have a  
20 motion on the Scope of Practice: Laser Use as  
21 presented with the amendments?

22 MR. KEENE: I'll move that we accept the  
23 proposed amendments and the recommendation by  
24 the committee on the Scopes of Practice: Laser  
25 Use.

1 MS. PICKERING: I second that.

2 MS. POWELL: I have a motion and a second.  
3 All those in favor, raise your right hand.

4 (Show of hands.)

5 MS. GORDON: I'm abstaining.

6 MS. POWELL: All those opposed?

7 (No opposition. One abstention.)

8 MS. POWELL: None opposed and one  
9 abstention. That motion carries.

10 MS. GULLEY: Thank you, Board.

11 MR. WALKER: Let's -- I have a little  
12 after 10:15. We'll take a short break. Is it  
13 all right if we reconvene here right at 10:30?

14 (Multiple conversations taking place at  
15 once.)

16 MS. POWELL: We'll be in recess until  
17 10:30.

18 (WHEREUPON, a short break was taken at  
19 10:15 a.m., after which proceedings resumed at  
20 10:30 a.m. as follows, to-wit:)

21 MS. POWELL: The meeting will come to  
22 order. I want to remind everyone to be sure  
23 that your electronic devices are turned off to  
24 non-disturbing modes. Mr. Walker?

25 MR. WALKER: We're just going to proceed

1 through all of the items that were on today's  
2 agenda as recommendations. I would ask Ms.  
3 Wittum to continue with the Instructors --  
4 number five.

5 **INSTRUCTOR ISSUES: MANICURISTS/AESTHETICIANS TO QUALIFY**  
6 **FOR INSTRUCTOR COURSE OF STUDY**

7 MS. WITTUM: The recommendation is to  
8 modify A.C.A. 17-26-410 to allow all licensees  
9 to qualify for entrance into the instructor  
10 course of study. Language would be included to  
11 specify that an instructor shall not teach  
12 outside his/her course of study and that  
13 cosmetology schools must offer cosmetology  
14 whether they include the specialty courses or  
15 not. The committee favored this recommendation  
16 with a 3-0 vote. Is there anyone from the  
17 committee that would like to comment on this  
18 one?

19 (Pause.)

20 MS. WITTUM: If not, are there questions  
21 from the board members?

22 (Pause.)

23 MS. WITTUM: Okay.

24 MR. WALKER: With no comments coming from  
25 the board, we'll proceed to anyone in the

1 audience who is against this proposal.

2 (Pause.)

3 MR. WALKER: Yes, ma'am.

4 MS. AKARD: Tracy Akard, Hot Springs  
5 Beauty College. I wonder if we're aren't  
6 lowering our standards by allowing others than  
7 cosmetologists to instruct? My concern also,  
8 is that others -- manicurist/aesthetics  
9 instructors being left at the school besides  
10 the cosmetologist. That may be taking  
11 advantage -- a manicurist instructor or  
12 aesthetician instructor may be left at the  
13 school when it really needs to be a  
14 cosmetologist instructor that needs to be at  
15 the school. And that's a concern, but I feel  
16 like it's truly lowering our standards.

17 MR. WALKER: Okay.

18 (Pause.)

19 MS. ANDERSON: I wasn't against it. I  
20 just have a question.

21 MR. WALKER: Yes, ma'am.

22 MS. ANDERSON: If you had a school that  
23 taught cosmetology and you wanted to do a  
24 secondary school in another location in the  
25 state, is it all sites teaching cosmetology or

1 can you just teach aesthetics?

2 MS. WITTUM: I believe you have to teach  
3 cosmetology.

4 (Pause.)

5 MR. WALKER: Are there any other comments  
6 against this proposal from the audience?

7 (Pause.)

8 MR. WALKER: If not, I guess the board can  
9 make any further comments or questions and then  
10 take a motion.

11 MS. GORDON: And when you say all  
12 licensees to qualify for entry into the  
13 instructors course. That means a person that's  
14 licensed as a cosmetologist, right, and not a  
15 nail-tech or a manicurist?

16 MS. WITTUM: No, everyone. Currently --  
17 currently A.C.A. 17-26-410 says that only a  
18 cosmetologist can go through the instructor  
19 course.

20 MS. GORDON: So now --

21 MS. WITTUM: Modifying it in this way  
22 would take out that restriction so that any  
23 licensed manicurist, aesthetician, or  
24 cosmetologist would be able to go through the  
25 instructor course.

1 MS. GORDON: Thank you.

2 (Multiple comments being made by board  
3 members.)

4 MR. KEENE: Well, I think Tracy brought up  
5 -- I think Tracy brought up a good point. I  
6 would not want to see cosmo students being left  
7 unsupervised -- or supervised only by a  
8 manicure or aesthetician instructor. Now, when  
9 this is written I would like to see something  
10 specified that a supervising instructor needs  
11 to at least be a cosmo instructor.

12 MR. DOWNEY: That's already presently in  
13 our law for them to be a licensed cosmetology  
14 instructor over a school. What we need add is  
15 that the individual that is left in charge of  
16 students should be a cosmetologist.

17 MS. PICKERING: I agree.

18 MS. GORDON: So, tell me again what you  
19 said.

20 MS. PICKERING: It's already in it.

21 MS. GORDON: In this, though, is that a  
22 person can be a manicurist and come back to  
23 school and be trained to be an instructor to a  
24 cosmetology student?

25 MS. WITTUM: No. Just in their specific

1 field.

2 MS. GORDON: Okay. That's what I needed  
3 to understand.

4 MR. DOWNEY: They would also only be able  
5 to work in a school that offers cosmetology.

6 MR. KEENE: That's the what it says right  
7 now.

8 MS. GORDON: Okay. I got it.

9 MR. DOWNEY: The school has to offer  
10 cosmetology.

11 MS. GORDON: Okay.

12 MR. DOWNEY: In other words, we're not  
13 going to have an influx of nails-only schools  
14 or skin-only schools. We would still maintain  
15 cosmetology schools and they could teach a  
16 specialty course with licensed aesthetician or  
17 manicurist instructors in the school.

18 MS. GORDON: And is that to be done in a  
19 cosmetology school?

20 (Members of the audience begin making  
21 multiple comments during board discussion, and  
22 attempting to request recognition for the  
23 floor.)

24 MR. WALKER: I'm going to do this one  
25 time, though, because I have closed the floor,

1 and when we close comments to the audience, we  
2 can't keep having them back and forth, or we'd  
3 just go on indefinitely on about it. But I  
4 will take this one comment, then for future  
5 use, if you have any comment to be made on  
6 this, please, do so whenever I solicit them  
7 from the audience. Yes, ma'am?

8 (Pause.)

9 MS. AKARD: Okay. Well, she was saying  
10 that they couldn't teach a cosmetology student,  
11 but that would go on.

12 MR. KEENE: Of course not.

13 MS. AKARD: I mean, that -- that  
14 absolutely would go on. That nail-tech would  
15 too be teaching that cosmetologist. And you  
16 know absolutely that would be going on, and  
17 that's my opposition. That manicurist is not  
18 only going to be teaching that manicuring  
19 student, but the others. This would be going  
20 on and we're fooling ourselves if we think that  
21 it wouldn't be going on. That manicurist --  
22 that would be the perfect world that she would  
23 only be teaching the manicurists, but when it  
24 came time to -- to other things it would  
25 definitely happen. And that's why I'm saying

1           that we would be lowering our standards,  
2           lowering our students. And not only because we  
3           think that they would be teaching just the  
4           manicurist -- I keep saying it, but it would  
5           happen. It would happen.

6           MS. WITTUM: Well, let me just point out  
7           that in my mind the manicurist instructor would  
8           be able to teach the manicuring phase for a  
9           cosmo student. They wouldn't be able to cross  
10          the line of their course of study and teach  
11          hair or skin. They should stay within their  
12          own particular course of study, regardless of  
13          which kind of student is out there.

14          MS. COTTON: I just want to make a  
15          comment, also, because I'm thinking about this  
16          and the reality -- I mean, when I hire an  
17          instructor or pay one, I want them to be cost-  
18          effective for me to be able to teach  
19          everything. So you might want to think about  
20          that. If you're just -- how many manicurists  
21          do you get if you're just going to pay the  
22          person's salary to come in and teach an hour  
23          class or something. I don't see it.

24          MS. WITTUM: I would like to just point  
25          out some things. The comments that were made

1 during the regional meetings were that there  
2 are some schools who would be interested in  
3 having only a manicurist instructor to be able  
4 to teach that particular portion of classes in  
5 their school, or the aestheticians to teach the  
6 skin portion. When I was at the conference in  
7 Maine, I specifically asked about other states  
8 and whether or not they restrict their  
9 instructor course to only a licensed  
10 cosmetologist. From what I could tell,  
11 Arkansas is the only state that has that  
12 restriction.

13 MS. TRAYLOR: Uh-huh.

14 MS. WITTUM: Other states do allow their  
15 manicurist and their aestheticians to go  
16 through the instructor course, just like anyone  
17 else. The instructor course, as far as NIC is  
18 concerned, is not restricted to just a  
19 cosmetologist. That is only through our  
20 restrictions that it's been closed. So if  
21 there are some schools who want to allow a  
22 manicurist to be a -- a sole instructor, then  
23 they should have that option to be able to do  
24 so. And I understand from a business  
25 standpoint, that might not be the most

1 profitable choice, but it's not for me -- and  
2 it shouldn't be for this board, to say what any  
3 one school should choose to do. If that option  
4 is available, any one of you can choose to  
5 either do it or not do it.

6 MR. DOWNEY: In these regional meetings,  
7 some of the school owners reasoning for doing  
8 this was to free up their cosmetology  
9 instructors, because they said that if they  
10 could get, you know, if they had someone that  
11 could come in just to teach nails that their  
12 cosmetology instructors wouldn't be pulled for  
13 two or three students. Or you know, if they've  
14 got a big enough course of study and students  
15 enrolled --if they've got a big enough -- of  
16 course, aesthetics is growing. And if they've  
17 got a big enough class they can hire them full  
18 time and it would not affect their cosmetology  
19 instructor. As it is now most of them are just  
20 pulling a cosmetology instructors away from the  
21 other students in order to, if they're a small  
22 school, in order to have that specialty course.  
23 So that was one of the concerns that was voiced  
24 at the regional meetings -- or district  
25 meetings is that it would allow them to be able

1 to hire one instructor to free up a cosmetology  
2 instructor. That's just another point of view.

3 MS. WARD: How many hours would you  
4 require for the manicurist or aesthetician  
5 instructor course of study?

6 MS. WITTUM: The instructor course is 600  
7 hours. It would not change.

8 MS. WARD: Okay.

9 MS. POWELL: So it would be the same  
10 instructor course for anyone, whether it's a  
11 nail-tech, a cosmetologist, an aesthetician, or  
12 an electrologist. It would be taking that one  
13 instructor test and then in whatever you were  
14 licensed in, you would be qualified to teach it  
15 once you pass the instructor examination.

16 MS. TURMAN: So this would be offering the  
17 schools a choice if they wanted to send their -  
18 -

19 MS. PICKERING: Right.

20 MS. TURMAN: -- nail-techs to -- so that  
21 they can have that instructor just for nail-  
22 tech only if this board chooses?

23 MS. POWELL: Right.

24 MS. TURMAN: Well, let's just say that we  
25 offered them a choice and the inspectors found

1 that they were teaching cosmo when they should  
2 only be teaching nails, then repercussions  
3 would be the same if they were -- if they  
4 violated that.

5 MS. POWELL: Right.

6 MS. WITTUM: Well, I think --

7 MS. POWELL: I think I'd like to ask what  
8 -- what we would do in the event that a school  
9 were to hire a -- they have to have a cosmo  
10 instructor there and a nail-tech instructor and  
11 they're both licensed instructors. The cosmo  
12 teacher leaves and the nail-tech instructor is  
13 left there. Would -- what kind of security  
14 measures would we be able to have or implement  
15 that if that -- that nail-tech instructor would  
16 not -- or aesthetician instructor, would not be  
17 able to facilitate cosmetology program text  
18 that day when she just happened to be left  
19 there, but she would be able to cover health  
20 and safety, salon business, shop department,  
21 manicuring, advanced topics in nail art, and  
22 all of the curriculum that she would be  
23 licensed for. My concern is what would happen  
24 during that day if left with a specialty  
25 program instructor only?

1 MS. TRAYLOR: She would be doing all the  
2 classes.

3 MS. WITTUM: Language could be added to  
4 require the schools to not allow any instructor  
5 to remain on campus unless they've got -- I  
6 mean, not to allow any instructor to leave  
7 without making sure that a suitable instructor  
8 is left to monitor the students that that  
9 instructor was there for.

10 MS. POWELL: Well, I think that you have  
11 here, "...included to specify that an  
12 instructor shall not teach outside his/her  
13 course of study and that cosmetology schools  
14 must offer cosmetology whether they include the  
15 specialty courses or not." I'd like to be able  
16 to see the language that a cosmetology  
17 instructor be on premises at all times or --

18 MS. WITTUM: Well, and that's what was  
19 said by Cliff and Nick already that the school  
20 supervisor, or the school adminis -- or that  
21 the school instructor on premises has to be a  
22 licensed cosmetologist.

23 MS. POWELL: Okay. I'm sorry if I --

24 MR. KEENE: They said it was already in  
25 the law anyway, but I can see the scenario

1           happening of the cosmo instructor, you know,  
2           that their child was in a car wreck or  
3           something and they had to leave suddenly and  
4           then just left a specialty instructor there. I  
5           would think that either they would --

6           MR. DOWNEY: They would get someone to  
7           come in.

8           MR. KEENE: Or they would just clock the  
9           students out and shut the school down.

10          MS. POWELL: Well, they would do the same  
11          as they would do right now without a  
12          cosmetology instructor. I think the same --  
13          the same protocol should be considered.

14          MR. WALKER: We could reference -- I don't  
15          know the statute number off the top of my head,  
16          but the one that Mr. Downey had mentioned in  
17          this recommendation, we --

18          MS. WITTUM: A.C.A. 17-26-409.

19          MR. WALKER: -- 409? We could say as  
20          applied already as 409, so that would already  
21          be covered. You wouldn't have to re-write it.  
22          An easy solution if somebody wants to amend it  
23          to that and make a recommendation to go  
24          forward, I think, would be the way to proceed.

25                 (Pause.)

1 MS. POWELL: Okay. I think that does  
2 cover it for the board.

3 MR. WALKER: So you can take a motion at  
4 this time at this time, if they want to.

5 MS. POWELL: Okay. Do I have a motion?

6 MS. TRAYLOR: I so move.

7 MS. POWELL: Ms. Traylor?

8 MS. TRAYLOR: I so move.

9 MS. POWELL: Ms. Traylor, are you moving  
10 on --

11 MR. KEENE: What's she --

12 MS. POWELL: I'm unclear on your motion.

13 MS. TRAYLOR: That we are now covered  
14 under a cosmetology -- license -- that I move  
15 that they cannot be left in charge of the  
16 school.

17 MR. KEENE: That's already law.

18 MS. POWELL: Okay. That's already in the  
19 law. So we're going to --

20 MS. POWELL: I need a motion for  
21 instructors for manicuring and aesthetics, --

22 MR. KEENE: I'll move.

23 MS. POWELL: Mr. Keene.

24 MR. KEENE: I move that we accept the  
25 committee's recommendations for the

1 Instructors: Manicuring and Aesthetics --  
2 accept the committee's --

3 MS. POWELL: As it was amended --

4 MR. KEENE: Okay.

5 MS. POWELL: -- and include the 409 as it  
6 relates to --

7 MR. DOWNEY: With it an addition --

8 MS. POWELL: -- Law 409.

9 MR. KEENE: As it relates to law -- 409,  
10 you said?

11 MS. POWELL: Uh-huh. I have a motion --

12 MS. TURMAN: Second.

13 MS. POWELL: -- and a second, Ms. Turman.  
14 All -- is there any discussion?

15 (Pause.)

16 MS. POWELL: All those in favor, please,  
17 raise your hand.

18 (Show of hands.)

19 MS. POWELL: It's unanimous. The motion  
20 carries.

21 MR. WALKER: Kathy.

22 **STUDENT ISSUES: REGISTRATION CLARIFICATION**

23 MS. WITTUM: In number six, Student  
24 Issues: Clarify Registration, the  
25 recommendation is to modify A.C.A. 17-26-415 to

1 clarify a student must be enrolled with the  
2 board's office prior to accredited course or  
3 academic hours being obtained. Language would  
4 be included to stipulate the following  
5 requirements. The enrollment applications must  
6 be accompanied by a photo of the student.  
7 Instructors will have two weeks to submit the  
8 enrollment form and required documents. And a  
9 student who has completed the registration  
10 process and whose information is on file would  
11 only have to complete a re-enrollment form  
12 instead of having to provide all of the other  
13 documentation, and also include the fee and the  
14 photograph with the re-enrollment form.

15 One thing that I would like to clarify  
16 that I'm -- after leaving the legislative  
17 committee meeting last week, I just want to  
18 make sure that the committee understands that  
19 my recommendation is that the students would  
20 not get hours prior to them being enrolled with  
21 the board. So the two week grace period that's  
22 being allowed for the instructors to get the  
23 information to us, the student would not  
24 receive hours during that time-frame, but the  
25 school would not be penalized during that two

1 week period to get the information in to us.

2 MR. KEENE: And this allows for that  
3 student to be on premises those two weeks, --

4 MS. WITTUM: Right.

5 MR. KEENE: -- where right now the law --

6 MS. WITTUM: Right.

7 MR. KEENE: -- says they can't.

8 MS. WITTUM: But they won't be able to get  
9 hours --

10 MR. KEENE: Right.

11 MS. WITTUM: -- for that two weeks. I  
12 just want to make sure that that's clear.

13 (Multiple conversations taking place at  
14 once.)

15 MS. WITTUM: Do you-all have any  
16 questions, --

17 MS. TRAYLOR: You were saying that --

18 MS. WITTUM: -- or comments, --

19 MS. TRAYLOR: -- once a -- a student must  
20 be enrolled for two weeks before they can  
21 receive any hours?

22 MS. WITTUM: No.

23 MS. POWELL: No.

24 MS. WITTUM: No, no, no. The students  
25 would not -- would not be receiving any hours

1           until the enrollment form is in the office and  
2           has been processed, but this modification would  
3           allow for the schools to have two weeks after  
4           the student comes into their school to get that  
5           enrollment information into the office without  
6           facing a penalty.

7           MS. POWELL: So the student would be able  
8           to be in the school for two weeks without, one,  
9           being enrolled; and two, without accruing any  
10          hours. They would not accrue hours and they  
11          would not be enrolled for up to two weeks  
12          before the school would be held responsible  
13          with penalties for not properly enrolling, is  
14          my understanding of it.

15          MS. WITTUM: Right. I don't know if that  
16          was clear to the committee when we were talking  
17          about that last Monday.

18          (Pause.)

19          MR. WALKER: Any question or comments?

20          MS. TRAYLOR: Well, why would a student be  
21          there for two weeks that wasn't going to get  
22          any hours?

23          MS. WITTUM: This --

24          (Multiple conversations taking place at  
25          once.)

1 MS. WITTUM: -- this grace period would --  
2 is mostly for the public schools who have no  
3 control over the students who show up into  
4 their class at any given time. It would allow  
5 them the opportunity to get that information  
6 together and get it into the office without  
7 facing a penalty if the inspector walked in on  
8 the same day that that student happened to show  
9 up in class.

10 MR. WALKER: And maybe Mr. Downey and Ms.  
11 Pickering could explain some of what happened  
12 in that meeting and how that recommendation  
13 came about. I think it was Little Rock.

14 MS. PICKERING: I think -- I'm pretty sure  
15 it was Little Rock. And this particular school  
16 owner had students to come in two weeks after  
17 they've started school, had not seen in  
18 registration forms, not anything. And so to  
19 curtail that, we came up with what we're  
20 proposing. It was not the public school -- I  
21 mean, it was not the private school that was  
22 having this problem. It was the public  
23 schools. Am I right? It was the public  
24 school, not just one, but several of them.

25 MS. GORDON: Like the vo-techs?

1 MS. POWELL: Well, I think also --

2 MS. PICKERING: Thank you, vo-tech. Yes.

3 MS. POWELL: And I think, also, this was  
4 an area of concern for the board committee, and  
5 whenever the discussion of this. Our public  
6 schools, many times, do not know on enrollment  
7 date how many students they would have.

8 MS. PICKERING: Right.

9 MS. POWELL: That way they have -- in  
10 public schools, they have a certain period of  
11 time for that couple of weeks that a student  
12 may opt out of one program and decide that they  
13 want to go into another program.

14 MS. PICKERING: Right.

15 MS. POWELL: And in this way it would give  
16 them the opportunity to make this transition  
17 and the school not be penalized for a student  
18 being in their room un-enrolled and forcing  
19 them to have some unique way of having  
20 enrollment prior to school starting. This gave  
21 them somewhat of a grace period.

22 MS. PICKERING: And the students from a  
23 school -- I'm talking about from a public  
24 school or a private school, they can enroll at  
25 the age of 16. That was brought out that they

1 can enroll in a cosmetology school at the age  
2 of 16 and take that course and finish by the  
3 time they finish high school. So that, you  
4 know, that was the concern, too, that they're  
5 hours are limited per week, or per month, and  
6 someone like, say if I enrolled in a  
7 cosmetology school, I would go straight  
8 through and get my 1500 hours. We have that  
9 school in Earle. We have a school and we have  
10 a high school that offers this course as a  
11 course of cosmetology, two years or so, three  
12 years.

13 MS. POWELL: So there wouldn't be that  
14 renewal process. One time and it would cover  
15 the three year program.

16 MS. TURMAN: Do we have anybody from a  
17 state school that would like to address this  
18 issue that we're here on? Could we do that?

19 MR. KEENE: I didn't hear the question.

20 MS. TURMAN: I'd like to have information  
21 from the school.

22 MS. PICKERING: Well, we've had that in  
23 the four -- like the meetings, district  
24 meetings, that we had that was discussed from a  
25 public school. Did I answer or not?

1 MS. TURMAN: Yes, you did.

2 (Pause.)

3 MR. WALKER: Any other comments or  
4 questions from the board members?

5 (Pause.)

6 MR. WALKER: Any comments from the  
7 audience? Yes, ma'am.

8 MS. CAUDLE: I'm Sheila Caudle and I'm a  
9 State Board Inspector and from my standpoint of  
10 doing all the schools. I've been responsible  
11 for doing all the schools and I think it would  
12 be a great idea because those high schools when  
13 they start back, it is true. It is a madhouse.  
14 They don't know what student's going where or  
15 into what course. And they have you here today  
16 and gone tomorrow. And I think it would be a  
17 great idea for our public schools.

18 MR. WALKER: Any other comments?

19 MS. HUGHES: Jenita Hughes from Newport.  
20 I have students that are -- went to the prison  
21 and they receive their classification and they  
22 get assigned to my class. And so when they are  
23 assigned they'll come in and fill out the  
24 paperwork, and then we send them back to the  
25 barracks for two weeks or however long it takes

1 to get the permit back so I can get them back  
2 in the classroom. So when they're filling out  
3 paperwork, I just hand them a book and say read  
4 this until you get back. They would much  
5 rather be in the classroom for that ten days,  
6 waiting, you know, for their permit to get back  
7 to me for their permit to get back to me so  
8 they can start class. A lot of times you'll  
9 get a student and sometimes after two weeks  
10 they've already decided they're dropping out  
11 because they don't like it. I can give them a  
12 heads-up before I started registering their  
13 hours.

14 MR. WALKER: Is anyone in the audience  
15 against the proposal?

16 (Pause.)

17 MR. WALKER: If not and there are no  
18 further questions or comments from the board,  
19 then I guess you can take a motion.

20 MS. POWELL: Is there any discussion or  
21 does the board move for a motion?

22 MR. KEENE: I'll move to approve the  
23 recommendation from the committee on Student  
24 Issues: Clarifying Registration.

25 MS. GORDON: Second.

1 MS. POWELL: I have a motion and a second.  
2 Is there any discussion?

3 (Pause.)

4 MS. POWELL: All those in favor, please,  
5 raise your right hand.

6 (Show of hands.)

7 MS. POWELL: It's unanimous. The motion  
8 carries.

9 MR. WALKER: Ms. Wittum.

10 **STUDENT ISSUES: LENGTH OF HOURS**

11 MS. WITTUM: Number seven is Student  
12 Issues: Length of Hours. The recommendation  
13 is to delete A.C.A. 17-26-416 and allow a  
14 student's hours to be valid indefinitely. Are  
15 there any comments from the committee?

16 (Pause.)

17 MS. TURMAN: Does this mean that students  
18 can go in and out of courses and if they want  
19 to go a year, say six months of this one and  
20 then they could wait ten years and come back  
21 and pick up where their hours?

22 MS. WITTUM: Their hours would be valid,  
23 yes.

24 (Pause.)

25 MR. DOWNEY: Our reasons for recommending

1 this is primarily any student that goes to a  
2 college or university gets credit hours and  
3 those hours are good for a lifetime. This is  
4 something that a student pays for and if you  
5 don't allow them to keep those hours it's just  
6 like taking their money away from them. So  
7 that's why we recommended that we eliminate  
8 A.C.A. 17-26-416 which required that the life  
9 of their hours be lost after a period of what,  
10 two or three years?

11 MS. WITTUM: Three years.

12 MR. DOWNEY: And that's our reason for  
13 that recommendation.

14 MS. GORDON: Well, I would agree with that  
15 recommendation as a board member, because in  
16 the past I know of a student that had a serious  
17 car accident and they lost -- you know, they  
18 were not able to attend school. Then right  
19 after that they got sick with a real serious  
20 tumor or something and they lost those hours.  
21 And then she -- like, you know, she was saying  
22 I can't go back and start over again because  
23 I've lost 700 and something hours. And to me  
24 that was an injustice to her, because I knew  
25 exactly what was going on but, you know, she

1 lost those hours.

2 MR. DOWNEY: And another thing, the exam  
3 is the final decision on whether they're  
4 licensed or not. And you might think, well, if  
5 they had these 700 hours five years ago, you  
6 know, they're not going to know that stuff but  
7 they still have to go through the exam process  
8 and that determines whether they are licensed  
9 or not.

10 MS. TURMAN: That would be my concern.

11 (Pause.)

12 MR. WALKER: Any other questions or  
13 comments from the board?

14 MS. POWELL: Well, I think Mr. Downey is  
15 right. The final say is the exam. It's just  
16 as it would be had they acquired the hours to  
17 be any professional, they've got to pass a  
18 board. They have to pass a test.

19 MR. DOWNEY: That individual may be just  
20 as good as one that's been in there the full  
21 time, and they can pass the exam. The exam is  
22 the determining factor of their proficiency.  
23 If they can't pass the exam, it's all for  
24 nothing.

25 MR. WALKER: Any comments from the

1 audience that are against this proposal of  
2 being valid as being valid indefinitely? Yes,  
3 ma'am.

4 MS. COTTON: As a school owner, I'm going  
5 to say that I am opposed to that for the fact  
6 that if that student does come in and fail the  
7 exam after ten years -- they had so many, say  
8 their 700 hours, and then they do the finishing  
9 up at my school. It's shows up on my pass-fail  
10 rate. You know, you're all fine and dandy to  
11 just let them take the exam how ever many times  
12 it takes them to actually pass it whether it's  
13 one time or twenty times and they continue to  
14 pay their \$30. That still goes on my stuff. I  
15 still have to charge them. Again, we are  
16 hands-on education based. In this industry  
17 change is -- our books change over a period of  
18 time. We have to keep up-to-date, and it  
19 wouldn't be -- well, in my best interest as a  
20 school owner to be eliminated, so.

21 MS. POWELL: Thank you.

22 MR. KEENE: You know, speaking on that,  
23 here again, I think that's a business decision  
24 of the school to either accept that person as a  
25 student or not accept that person as a student.

1 If you're concerned on how it's going to affect  
2 your pass-fail rate for your school, don't  
3 accept the students.

4 MS. COTTON: Well, why don't we just say  
5 if you're throwing out, because if we do have a  
6 moral issue to provide those people with the  
7 best that we can, okay?

8 MR. KEENE: Yes.

9 MS. COTTON: I don't think it's fair to  
10 them to take their money and say you have hours  
11 from ten years ago and I'm going to allow you  
12 to go through my school and I'm going to charge  
13 you all this stuff and you're going to pay for  
14 it, \$30, twenty times or however long it takes  
15 you to complete that course. If there's one in  
16 ten that could do it the first time, that's  
17 great, but reality is that's not going to  
18 happen.

19 MR. WALKER: Yes, ma'am.

20 MS. HAYDEN: Jacquita Hayden from El  
21 Dorado. I'm going to go back to a long ago. I  
22 believe that once hours are credited for the  
23 completion of the course and they've submitted  
24 their permits and taken exams that, yes, I  
25 think then the student would qualify to come

1 back and take exams until it's passed. But  
2 until that point, I don't want to have to worry  
3 about the students coming in that's only gone  
4 to a school, and she's done got mad at that  
5 school, and she's going to come over here and  
6 she's got ten hours here and she's twenty over  
7 here, and then I've got to pro-rate my  
8 enrollment for the student to complete her  
9 course. So what you're doing is you're  
10 basically saying, okay, now we can go back in  
11 and we can change our rules and regs and for  
12 students that had previous hours at another  
13 school, NAACAS allows you and we're going to  
14 make it possible because if it's in our rules  
15 and regs we can do it. For any student that  
16 has acquired so many hours and been out of  
17 school for six months, I'm going to charge them  
18 \$250 an hour for a course. You're opening -- I  
19 mean, a field to me of it being possible.  
20 Because you're going to put us in a situation  
21 of who's got the right record. They have  
22 certification that they had ten hours, they  
23 contact the school and it's been over five  
24 years because we're legally -- that's how long  
25 we have to keep our records. There's no

1 documentation of it. The State Board says, uh-  
2 oh, had a computer failure, they've lost it,  
3 too. What do we do then? But I think once  
4 they've submitted their permit after they've, I  
5 mean, submit a permit that they can take the  
6 exam and they have qualified, and that they are  
7 ready for the exam then it's okay. But until  
8 that point, I don't feel like you're -- you're  
9 saying, okay, if you want to go to high school  
10 and we've got a student that's going to be out  
11 of high school and they're going to go for  
12 three months this year, six months next year --  
13 well, it's going to take them twenty years to  
14 finish. We don't need that. We want to  
15 educate them and get them out in the working  
16 field. So I think we need some type of limit  
17 on this. Thank you.

18  
19 MR. WALKER: Are there any other comments  
20 from others in the audience against this  
21 proposal?

22 MS. AUTERSON: I just had a question. My  
23 name is Julie Auterson. Okay. Back when I  
24 went to high school, I took cosmetology, and  
25 then we moved to Arkansas. Ten years later, I

1 went back into cosmetology, would those hours  
2 be picked up by Arkansas now with this new way?

3 MS. WITTUM: It would depend on whether or  
4 not it was retro-active.

5 MS. AUTERSON: But it says as far as your  
6 hours, would no longer -- would be valid  
7 indefinitely. If had 900 hours from  
8 California, if I wait ten years can I start  
9 again in Arkansas with 900 hours?

10 (Multiple conversations taking place at  
11 once.)

12 MS. WITTUM: It would depend on whether or  
13 not the change, if it were me, were retro-  
14 active or if it would allow for the indefinite  
15 to be -- or if it would only be good for the  
16 day that that law goes into effect.

17 (Multiple conversations taking place at  
18 once.)

19 MS. WITTUM: Could you add anything to  
20 that, since it's a legal question?

21 MR. WALKER: Well, I mean, it's two  
22 choices being retro-active or it goes back to  
23 the terms of when it passes down. In terms of  
24 today, if you went and took hours, take those  
25 hours in that school from this day forward,

1 then it would apply.

2 MS. AUTERSON: Okay.

3 MR. WALKER: Or the board could choose to  
4 say, you know, any hours that were done 15  
5 years ago, we'll accept as valid. What I'm  
6 saying is it would be more of a board decision.  
7 I would think, generally speaking you usually  
8 go prospectively. That's the way it should go,  
9 generally.

10 MS. AUTERSON: And I can say from a  
11 personal, my perspective on that, because I did  
12 start over. After ten years, that many hours  
13 shouldn't have been valid. So many things  
14 change in ten years.

15 AUDIENCE MEMBERS: Yes. Uh-huh.

16 MS. AUTERSON: That 900 hours, you know,  
17 you couldn't pass because so many things  
18 changed. I would have only needed 600 more.

19 MS. CAUDLE: I can tell you from what the  
20 way that it used to be done in our office,  
21 since I have been a long-time employee with the  
22 State Board of Cosmetology. Prior to Ms.  
23 Wittum's taking over the office, the way it was  
24 done was after students' hours became three  
25 years old, those hours were only good for three

1 years. But if they completed their 1500 hours  
2 and applied for exam, at that point in time,  
3 everything was -- is what was a phrase used in  
4 our office, those hours were at that point in  
5 time "frozen" which means that they could go  
6 back. They had completed their 1500 hour  
7 course, and they could go back and take their  
8 exam at any given time provided that they had  
9 completed 1500 hours and applied for exam.  
10 That was the old way that it used to be done.  
11 That way you don't get caught up with ten year  
12 old partially finished hours. Either they  
13 completed the course, or not is the way it was  
14 done.

15 MR. WALKER: Yes, ma'am, in the back row?

16 MS. WOODS: My name is Mattie Woods,  
17 Thelma's Beauty Academy. I truly disagree  
18 because there are students out there now -- and  
19 disagree about the indefinite hours forever,  
20 because there are students out there now that  
21 will not take their exam, but they will take it  
22 if they know there is a guideline. Where  
23 there's no guideline, they are not going to do  
24 it. And to wait on someone that had hours five  
25 or ten years ago, they've forgotten that the

1 first year. You can't just pick up and try to  
2 -- to come in and say I have 900 hours -- 900  
3 from 1500 leaves 600. What can you learn after  
4 being out ten years and everything has changed  
5 tremendously? So, I truly disagree with that,  
6 but you know, whatever, I will go along with  
7 it.

8 MS. AUTERSON: Well, they were just coming  
9 out with the blow dryer and a curling iron when  
10 I went in high school --

11 MS. THOMAS: That's my point exactly.

12 (Chorus of laughter.)

13 MS. THOMAS: I'm serious. And I had  
14 roller sets. And then, I mean, ten years  
15 later, though, everything is changed.

16 (Multiple conversations taking place at  
17 once.)

18 MR. WALKER: Any other comments?

19 MS. BURCHETT: Personally, I have a  
20 student out there running around right now that  
21 completed her 1500 hours, applied for the  
22 board, and if she chooses at any time to come  
23 and take her exam, then I may as well just toss  
24 it up as a failed, you know, exam because she  
25 wasn't -- you know, she -- I mean, I don't

1 think she could pass. She might could. She --  
2 she was ready, but she -- you know, she really  
3 would need to come back. And then I don't know  
4 what happened to the recommendation that I made  
5 about the school being the one to say on the  
6 exam application whether that student is ready  
7 to go back or not. I'd rather take someone  
8 with 900 hours from ten years ago because  
9 anyone new that comes to my school from  
10 somewhere else starts out with the beginner's  
11 until I see where they are. And NIC says,  
12 within the first 4 to 600 hours they should be  
13 able to pass the exam. You know, if your  
14 school is structured well enough, you're going  
15 to know if a student comes in with 900 hours,  
16 or whatever, you're going to know before time  
17 for them -- you know, their 1500 hours is up  
18 whether they're ready or not. And if you don't  
19 then, you know, I'm not real sure what you're  
20 doing. So you know, I think that if you pay  
21 for hours they should be good. But you've got  
22 to, as a school owner, instructor, supervisor,  
23 whatever you are, that brings these students  
24 in, you need to be able to determine where that  
25 student is and hopefully that's happening

1                    anyway. So you know, I don't think they should  
2                    lose hours.

3                    MR. WALKER: Any other comments? Yes,  
4                    ma'am.

5                    MS. AKARD: Tracy Akard, Hot Springs  
6                    Beauty College. I also don't believe that the  
7                    students should lose their hours. They have  
8                    paid for those hours. I went to school 21  
9                    years ago. A uniform hair cut was a uniform  
10                   hair cut. I mean, it's the same hair cut that  
11                   we're teaching today. Basics are basics. No,  
12                   we might not have learned out to blow dry, but  
13                   that's not going to take 1500 hours to learn  
14                   how to --

15                   MS. COTTON: Oh, I didn't mean that. It  
16                   was just an example how things change.

17                   MS. AKARD: Yes, things change, but that's  
18                   one -- that's one of the styles. There's still  
19                   the same four -- four basic hair cuts that I  
20                   learned 21 years ago that we're using -- that  
21                   we're learning now, but so that is a style but  
22                   it's not basic hair cuts. And they are  
23                   examined and they do the minimum competencies,  
24                   so if they can pass an exam they've got -- that  
25                   is showing minimum competencies and it is about

1 sterilization and sanitation. And that is  
2 about protecting the public. And that's what  
3 we're putting out there as protecting the  
4 public. We're not -- that's what our job -- I  
5 feel like that's the job of the board is to  
6 protect the public about hygiene and  
7 sanitation. And we're dictating whether they  
8 put out the best style. That's not what we're  
9 -- that's not what we're for. That's the --  
10 that's for someone else to judge.

11 MS. COTTON: But I don't want anyone to  
12 misunderstand what I said about passing and  
13 failing the board and all that. The written  
14 test is what I'm talking about. The material  
15 in our books change, and I get what you  
16 mentioned now, it's not just about styles.

17 (Pause.)

18 MR. WALKER: Any other comments from the  
19 audience?

20 (Pause.)

21 MR. WALKER: One more opportunity, because  
22 when it's closed we're going to end it and it  
23 will be board discussion. Yes, ma'am.

24 MS. HUGHES: Jenita Hughes from Newport.  
25 Nick did speak about in college, you know, you

1 get your hours credit, and you don't lose that,  
2 you know, as years go by. But I think you do  
3 have to finish the course to get the credit.  
4 You couldn't drop out and get credit for the  
5 course.

6 (Pause.)

7 MR. WALKER: Anyone else? Yes.

8 MS. BURCHETT: When we submit hours when a  
9 student drops -- you submit what areas they  
10 received those hours in, so that would -- to me  
11 that would be the same, same difference. But  
12 again, to complete 1500 hours and ten years  
13 later be able to come back under my school's  
14 name and take an exam without me knowing about  
15 it -- that's what bothers me. But this doesn't  
16 put anything in place there, I guess that's  
17 another issue.

18 MR. WALKER: Anyone else?

19 (Pause.)

20 MR. WALKER: All right. It's open for  
21 board discussion at this time.

22 MS. POWELL: Well, is there any  
23 discussion?

24 (Pause.)

25 MR. KEENE: I guess I want to ask a

1 question about the way we -- a number of years  
2 ago, we would allow a student to take the exam,  
3 fail it and come back, I believe one more time.  
4 If they failed it the second time, they had to  
5 go back to school for 500 hours. We changed  
6 that law. How is that, the old way we did it,  
7 how did that affect a school's pass-fail rate  
8 any differently than if the students didn't  
9 lose their hours and they were able to take the  
10 exam ten years later? Was that confusing  
11 enough?

12 (Chorus of laughter.)

13 MS. POWELL: It was confusing enough.

14 (Chorus of laughter.)

15 MS. POWELL: I think when we excluded that  
16 from law -- the students returning after  
17 failing the exam, I believe twice, that they'd  
18 have to return to school for 500 additional  
19 hours. And I believe the thought process of  
20 the board at the time, as I remember it, was to  
21 remove that from law, that the three year hour  
22 law here would accommodate that problem of  
23 after three years they wouldn't be coming in  
24 and taking this exam repeatedly, I think, over  
25 long term -- a long term period. I don't know

1 that anything that we've ever -- that I've ever  
2 seen, really, accommodates this issue of  
3 students losing hours. It appeared that at the  
4 regional meetings there were people in favor of  
5 the students not losing their hours. However  
6 few that was, it was still their opinion and  
7 today it seems to be more confusing than ever  
8 as to which way the public truly feels about  
9 this. I can --

10 MR. KEENE: I mean is this possibly a  
11 topic that we should table for later, after we  
12 can investigate it a little bit more?

13 MS. POWELL: I believe that this has been  
14 a topic that the director has been facing for  
15 over a year. I know that the board has been  
16 facing this topic even in, under previous  
17 directorship, as far back as Deborah Norton,  
18 due to the board not being clear on how this  
19 was going to be implemented. I think it's  
20 imperative that the board -- however, we're not  
21 going to be able to please everyone, but I  
22 think it's imperative that that board make a  
23 decision on this issue.

24 MS. GORDON: May I ask a question?

25 MS. POWELL: Yes, ma'am.

1 MS. GORDON: Okay. If we did this  
2 recommendation as it is written here and then  
3 amend or put in there the fact that after the  
4 school -- let's say I go back to school after  
5 ten years. And I decide, well, I have my hours  
6 and I decide I'm going to come take the test.  
7 I fail the test twice. Could it not be put  
8 back like it was to where they had to go back  
9 to school? Because I can see this burden being  
10 on the school being penalized if this person  
11 keeps coming and taking the test under the name  
12 of the school and they're not prepared for it.  
13 So to protect the school and the student from  
14 losing their hours, to where after they've had,  
15 you know, take it two times or three times or  
16 whatever we recommend, then they have to go  
17 back to school simply to protect the school  
18 from having the penalty of their school being -  
19 - am I making sense or not?

20 MS. POWELL: Yes, ma'am. But let me say  
21 this, even under that idea the school still  
22 would have to take the -- it would still be a  
23 failure on that school's record, --

24 MS. GORDON: Or --

25 MS. POWELL: -- even if that student

1 hadn't gone back and gotten additional hours.  
2 I can't see where adding additional hours would  
3 change that.

4 MS. GORDON: I understand that it would  
5 still appear on that school record for two  
6 times, but that would eliminate the person from  
7 coming a third or fourth or fifth or however  
8 many times and that school being responsible  
9 for that person not passing that exam.

10 MS. POWELL: The school is only  
11 responsible for an failure one time.

12 MS. GORDON: Oh, okay. Well, that's --  
13 that's not what I understood. I --

14 MS. POWELL: Am I wrong as far as the  
15 school, it's responsible for that person  
16 failing, the failure, one time. That person is  
17 a failure, the failure, one time.

18 MR. KEENE: So they can take the exam ten  
19 times, it only counts against the school once?

20 MS. POWELL: As far as that person on  
21 their -- their national statistics, yes. As  
22 far as our pass rate that -- that's here at the  
23 state level, am I correct, Ms. Wittum, that our  
24 pass and fail rate that you have accumulated  
25 for us, the schools, would include that student

1 taking the test six times. So in other words,  
2 this report here would be showing that student  
3 passing and/or failing the test six times.  
4 That's just our report here, right?

5 MS. WITTUM: Let me -- let me say that I  
6 don't currently -- I don't currently do  
7 pass/fail rates on the schools. That part of  
8 the computer programming was not working  
9 properly in FoxPro. It's not up and running in  
10 this computer system that we just moved into.  
11 The pass/fail rates that I've compiled break it  
12 down simply between first time takers, retake  
13 practicals, and retake writtens. There are not  
14 schools attached to that. Now, SMP sends out  
15 information for the schools on their pass/fail  
16 rates and it doesn't differentiate between  
17 retakes or first times. It's just across the  
18 board, however many students came that month,  
19 how many passed, how many failed, and it's  
20 calculated out to a pass/fail rate.

21 MR. KEENE: But I think the question is  
22 more about how NAACAS rates the accreditation  
23 of the school, I think is more of their concern  
24 than it is what we may put as their pass/fail  
25 rate. I think they're really more concerned

1 about their --

2 MS. POWELL: I personally don't want to be  
3 responsible for answering for a Department of  
4 Ed statistics or NAACAS statistics, but as I  
5 understand it when I have a student to fail,  
6 they fail. And it doesn't request information  
7 as to how many times that person failed or  
8 passed. Truly though, it is partially directed  
9 as the public has -- it's a yes and it's a no  
10 answer because that's true. It doesn't say  
11 once they fail, they're a failure. Now, if  
12 that person does pass, come back and pass, they  
13 can be counted as a pass, but it doesn't count  
14 them as a failure each time. And I know it, --

15 MR. KEENE: We've got a lot of NAACAS  
16 people here, --

17 MR. DOWNEY: It's individual. Either they  
18 pass or fail.

19 MS. POWELL: Right. But you know --

20 (Multiple conversations taking place at  
21 once.)

22 MS. POWELL: It still does not address the  
23 student. As they have said, it does not  
24 address the student that obtains 500 hours and  
25 comes back, or 700 hours and comes back, and is

1 enrolling to half of the program and then  
2 expected to perform at a level of a program  
3 that was consecutively facilitated. And then  
4 there's the other issue of hours indefinite for  
5 those that have actually completed the program.  
6 I see this as two different issues here with  
7 the public. Those issues of the student having  
8 750 hours, do you count those and keep those  
9 indefinitely? And then the ones that have  
10 actually completed the program, they just  
11 didn't come and take the examination within  
12 three years and they lost those hours, well,  
13 that seems to be another issue. That's what  
14 I'm hearing today. If I'm wrong, somebody tell  
15 me.

16 MS. TURMAN: How can we take the hours  
17 away from one person if we're, you know, that's  
18 completed 1500 hours and not taken the test, if  
19 we're not going to take the 600 hours away from  
20 somebody who's taken it ten years ago and  
21 they've just decided to come back in. I don't  
22 see the difference. Hours are hours. I don't  
23 see how we can say --

24 MS. POWELL: I understand. Ms. Wittum,  
25 you're the one with the proposal, maybe you can

1 clean up this mess we're making.

2 (Chorus of laughter.)

3 MS. WITTUM: I agree with what Nick  
4 pointed out earlier that has been talked about.  
5 Once a student has paid for their hours, they  
6 should be allowed to keep those hours  
7 indefinitely. And if they come and don't pass  
8 the exam, then either they didn't learn what  
9 they needed to learn or they didn't apply  
10 themselves, maybe. There may be some cases  
11 where they didn't receive proper training, but  
12 whatever that reason is they should be able to  
13 maintain their hours and not lose them, in my  
14 opinion.

15 MS. PICKERING: I agree with Nick and I  
16 was on that committee. I totally believe that  
17 they should not lose their hours.

18 MS. POWELL: You know, and it's all on the  
19 school as their responsibility as to whether  
20 they want to enroll that new student --

21 MS. PICKERING: Right.

22 MR. DOWNEY: Business decision.

23 MS. PICKERING: Right. It's not mandatory  
24 that a school has to accept the student.

25 (Multiple conversations taking place at



1 is Student Issues: Increase Hours for  
2 Aesthetics Course of Study. The recommendation  
3 from the committee is to leave the aesthetics  
4 course alone for the time being. According to  
5 an inquiry to NIC, the cut-score for the  
6 aesthetics exam has been modified because of  
7 the increase fail rate. So we're hoping that  
8 that will address the fail rates, high fail  
9 rates, that we have experienced here.

10 (Pause.)

11 MS. WITTUM: Are there any other comments  
12 from the board?

13 MR. DOWNEY: Also the cut-rates on the  
14 instructor's has been changed. And we've seen  
15 a difference --

16 MS. WITTUM: Yes, we have.

17 MR. DOWNEY: -- immediately on examinees  
18 getting better pass rates on the instructor's,  
19 also.

20 (Pause.)

21 MR. WALKER: Are there any other questions  
22 or comments from the board?

23 (Pause.)

24 MR. WALKER: Are there any comments from  
25 the audience?

1 (Pause.)

2 MR. WALKER: All right. There's nothing  
3 to affirm on this. We just proceed to the next  
4 one. There's no motion.

5 **STUDENT ISSUES: VOLUNTEERISM**

6 MS. WITTUM: The next one, number nine, is  
7 Student Issues: Volunteerism. The  
8 recommendation is to modify A.C.A. 17-26-102(9)  
9 and A.C.A. 17-26-417 to allow a student to  
10 participate in charity or specialty events held  
11 outside the school provided the following list  
12 of conditions apply: that the student has  
13 completed three-quarters of the course of  
14 study; that the student is accompanied by and  
15 under the direct supervision of a licensed  
16 instructor; that the student is not given  
17 hours towards the course of study; that  
18 documentation is maintained in the student's  
19 file outlining the information about that event  
20 and the number of hours volunteered. That  
21 should help our inspectors. And one more, that  
22 the schools provide 30-day notice to the  
23 board's office. As it's stated there in (e),  
24 an approval process would not be necessary,  
25 it's just for the benefit of our inspectors.

1           The recommendation includes a student not  
2 being permitted to provide care to elderly  
3 persons confined in a nursing home or hospital.  
4 The committee members may want to jump in -- or  
5 feel free to jump in and add to this, if you  
6 would like, but it was my understanding that  
7 because of the vulnerability of the elderly  
8 within the nursing homes that we would prefer  
9 the students not be the ones providing that  
10 treatment to them.

11           MR. DOWNEY: Also all nursing homes in the  
12 state of Arkansas are required to have  
13 cosmetological facilities to take care of that  
14 so that was part of the reason for the  
15 recommendation.

16           MS. TURMAN: Also, some of them have  
17 families.

18           MR. DOWNEY: Yes, family can also take  
19 care of them.

20           (Pause.)

21           MS. WITTUM: Any questions?

22           (Pause.)

23           MR. WALKER: Seeing no comments or  
24 questions from the board, anyone in the  
25 audience against this proposal?

1 (Pause.)

2 MR. WALKER: Last chance.

3 MS. BLAND: Would this mean that schools  
4 would be allowed to take students that have  
5 completed three-fourths of their course of  
6 study into a salon, or a charitable event?

7 MS. WITTUM: Yes.

8 MR. DOWNEY: A cut-a-thon or something  
9 like that.

10 MS. WITTUM: Yes.

11 MR. WALKER: Yes, ma'am, in the back row?

12 MS. JONES: Carla Jones. I just wanted to  
13 say that it stated that they had to have three-  
14 quarters of the course of study. They have to  
15 be accompanied by a supervisor or a licensed  
16 instructor. And then it says the student will  
17 not be given hours towards the course of study.  
18 If they're going to be -- will they be allowed  
19 to do this on school time, and if they are why  
20 wouldn't they be allowed to get hours for it  
21 because they're going to be accompanied by an  
22 instructor or a supervisor?

23 MS. WITTUM: That defeats the purpose of  
24 volunteering, in my opinion.

25 MS. PICKERING: In my opinion, it would

1 defeat the purpose, too, if it was  
2 volunteering.

3 MR. WALKER: Any other comments?

4 (Pause.)

5 MR. WALKER: Seeing none, I'll turn it  
6 back to Ms. Powell, and ask if we can take a  
7 motion.

8 (Multiple conversations taking place at  
9 once.)

10 MS. HAYDEN: Question, real quick. Excuse  
11 me. We just had a comment made. If we take  
12 student with us to the morgue to process a  
13 deceased client, is that considered a course or  
14 is -- I mean, a lesson or will that be  
15 volunteer? Because to me that's part of what  
16 we do as cosmetologists is to consider our  
17 clients who pass away and do their hair. And I  
18 have been -- I have done that. Not that  
19 they've done the client, but they've assisted  
20 because it's a way of getting them out of that  
21 fear and helping them realize that that's the  
22 last thing that you could ever do for that  
23 person. I feel very obligated about that.  
24 Would that be considered --

25 MR. KEENE: I do that, as well, and have

1 even when I was in school. I probably did get  
2 hours for going and doing it because that was,  
3 you know, 25 years ago. But the whole point of  
4 this is volunteerism. If you're receiving  
5 compensation and the funeral homes do pay to  
6 have those -- body hair done. I never accepted  
7 the compensation myself.

8 MS. HAYDEN: Never have.

9 MR. KEENE: I gave it back to the family  
10 in lieu of flowers, but there is still  
11 compensation involved here. If the student is  
12 going to receive hours, that's compensation.  
13 That's not volunteerism. So yeah, I would be --  
14 -- I mean, I would take them, but they wouldn't  
15 receive hours for it, in my opinion, otherwise  
16 they're not volunteering.

17 MS. POWELL: Also, under what J.Q. was  
18 saying, that issue of wanting to deal with the  
19 mortuary could be done under the discretionary  
20 hours as opposed to volunteering.

21 MS. THOMAS: May I ask a question, please?  
22 I do take --

23 MR. WALKER: Could you identify yourself  
24 for the record?

25 MS. THOMAS: Margaret Thomas. I go into

1 the funeral homes and I have taken my students  
2 after hours not receiving any time for it, but  
3 in the event that I wanted to take them then,  
4 this would be a learning process, would it not?  
5 On teaching them how to do the deceased's hair?  
6 Now, extracurricular activities, we would have  
7 to call board and tell them that we're doing  
8 it. Well, you don't always have that notice  
9 when you're called to do someone's hair in that  
10 situation.

11 (Multiple conversations taking place at  
12 once.)

13 MS. THOMAS: I'm not trying to be smart.

14 MS. ANDERSON: The funeral homes are  
15 responding. They're mandated by law. The last  
16 time I was there doing someone's hair, the  
17 funeral director stood right over me and stood  
18 there while I worked. They are not all  
19 facilities that strict if they know you, but if  
20 they don't know you they are right over you.  
21 Now we don't have the when it comes, but if it  
22 comes up and we can teach our students, that  
23 will be wonderful because they benefit from it.  
24 They do need to see and they do need to know  
25 it. One day they'll have to follow in our

1 footsteps because we're not always going to be  
2 there for them.

3 MS. WITTUM: Well, currently Rule 6.13,  
4 the way it is written, you can provide the  
5 request up to that day before you need to go up  
6 there. That's the way Rule 6.13 is written.

7 (Multiple conversations taking place at  
8 once.)

9 MS. WITTUM: So you would be able to go,  
10 if you found out someone passed away and you  
11 needed to go to the funeral home tomorrow, you  
12 could submit your request today to take your  
13 students in there and them be able to receive  
14 credit for the hours that you're there. Now,  
15 whether Rule 6.13 is changed when the rule  
16 revisions are done next year, I can't say, but  
17 if this is an issue for them to be able to go  
18 to the funeral homes and it be a learning  
19 experience that they receive hours for then  
20 that needs to be clarified in Rule 6.13 when we  
21 go back in to do our rule revisions next year.  
22 But currently as it stands, you can submit a  
23 request one day, under Rule 6.13, and take your  
24 students out the next day and allow them to  
25 receive those hours.

1 MS. THOMAS: If we notify you 24 hours in  
2 advance, is that what you're saying?

3 MS. WITTUM: It has to be one day.

4 MS. TRAYLOR: How many hours would a  
5 student accumulate for that one service?

6 MS. WITTUM: There's no restriction on  
7 that. They can just get up to 30 hours if  
8 they're going to do -- if they're in the cosmo  
9 course or --

10 MS. TRAYLOR: But what about if it's an  
11 hour? It probably takes one hour.

12 MS. WITTUM: Then they would be eligible  
13 to get that one hour.

14 MS. THOMAS: No, it depends on the  
15 service, hon.

16 (Chorus of laughter.)

17 MS. THOMAS: I'm not being smart. All I'm  
18 saying is I do people that gets geri-curls and  
19 that takes more than an hour depending on what  
20 services you're providing. You want to provide  
21 the same service to that deceased person as you  
22 would a live person walking around. So I'm not  
23 going to go in there with a student pushing  
24 that student through. I do a whole head. I  
25 don't do half a head. I do the whole thing, so

1 it takes more than an hour depending on what  
2 you're doing. Because you've got make-up and  
3 all that, nails and the whole nine yards.

4 MS. GORDON: Well, they can get up to 30  
5 hours.

6 MS. POWELL: I'm not aware of -- I was not  
7 aware of the extent -- I'm not like you. I was  
8 not aware of any chemical service --

9 MS. TRAYLOR: I've never done --

10 MS. POWELL: -- on a deceased person.

11 (Multiple conversations taking place at  
12 once.)

13 MS. POWELL: Pardon me?

14 MS. ANDERSON: Sometimes you're working  
15 under a family's request, and I've given them  
16 cosmetology, barbering, you know, we've done  
17 some hair-cuts, to nails, to make-up. It  
18 depends on the funeral home and it depends on  
19 if they allow you to do them in the prep room  
20 or if they allow them to do them after they're  
21 already in their casket.

22 MS. POWELL: Okay. Thank you.

23 MS. ANDERSON: It's a whole different ball  
24 game depending on which one.

25 MS. POWELL: Thank you. I think at this

1 time I do have a motion trying to made. I did  
2 call the meeting to order. Mr. Keene, are you  
3 still wanting to make the motion?

4 MR. KEENE: Certainly. I move that we  
5 accept the committee's recommendation on the  
6 Student Issues: Voluneteerism.

7 MS. WEST: I second.

8 MS. POWELL: I have a motion and a second  
9 to approve the Student Issues: Volunteerism.  
10 All those in favor, raise your right hand.

11 (Show of hands.)

12 MS. POWELL: It's unanimous. Thank you,  
13 Board.

14 **STUDENT ISSUES: APPRENTICESHIP**

15 MS. WITTUM: Number ten, Student Issues:  
16 Apprenticeship. The recommendation is to not  
17 implement an apprenticeship program at this  
18 time.

19 MS. TRAYLOR: Amen.

20 MS. WITTUM: Do you have any questions?

21 (Pause.)

22 MS. POWELL: There appears to be no  
23 discussion from the board.

24 MR. WALKER: Any comments from the  
25 audience?

1 (Pause.)

2 MR. WALKER: Seeing none, Ms. Powell.

3 MS. POWELL: All right. Do I have a  
4 motion for the Student Issues: --

5 MR. WALKER: We don't -- we don't have to  
6 do one.

7 MS. POWELL: Okay.

8 **HEALTH & SAFETY RISKS TO THE PUBLIC**

9 MS. WITTUM: Number eleven, Student  
10 Issues: Health and Safety Risks to the Public.  
11 The recommendation to address these particular  
12 issues are to increase the number of inspectors  
13 to enable inspectors to have a more reasonable  
14 territorial distribution, to incorporate the  
15 photos on the licenses as we discussed in the  
16 practitioner issues, and to increase the  
17 penalties.

18 The suggestions made during the regionals  
19 that are not supported by the committee are to  
20 promote incentives for inspectors to find  
21 violations. We consider this to be more of a  
22 creating a hostile environment as opposed to  
23 alleviating the problem. And also, utilizing  
24 lab services for testing purposes. That  
25 suggestion seems to be related to MMA; and

1 since it's not illegal by the FDA the committee  
2 just encourages the board to do more -- be more  
3 proactive in educating the industry about the  
4 harms of MMA.

5 Do you have any questions?

6 MR. KEENE: The one question I have is the  
7 increase in penalties, what was the discussion  
8 there?

9 MS. WITTUM: Just to increase, or  
10 redefine, the penalties on the fee schedule  
11 that you guys have typically used and to go  
12 through that and update it and raise some of  
13 those penalty areas that are in there. And  
14 then we would also publish that fee schedule to  
15 make it something for the industry to be aware  
16 of.

17 MR. KEENE: So you're not looking, then,  
18 to go from a \$1000 maximum, higher, you're just  
19 looking at restructuring that?

20 MS. WITTUM: Right. Now, we didn't  
21 discuss raising the \$1000 and that's something  
22 we can discuss if you want to, but we were  
23 talking just the individual penalties for  
24 violations.

25 (Pause.)

1 MR. WALKER: Board members have any  
2 questions or comments?

3 (Pause.)

4 MR. WALKER: If not, any members of the  
5 audience who wish to speak against this?

6 MS. BLAND: I'd like to ask how it was  
7 determined to increase the number of inspectors  
8 to enable the inspectors to have a more  
9 reasonable territorial distribution?

10 MS. WITTUM: Just to give -- considering  
11 the fact that we have approximately 5,000  
12 establishments and there's five of you, if we  
13 had more inspectors, we could lower that number  
14 to be able to get you out in the areas and  
15 hopefully be able to address some of the  
16 problems that were brought up during the  
17 regionals. That seemed to be one of the  
18 things, I think it was at the Fayetteville  
19 meeting that we had, that there were several  
20 comments about. The fact was stated that they  
21 didn't feel like the inspectors were able to  
22 adequately cover their territory and catch the  
23 people who were doing things that they're not  
24 supposed to be doing, or staying on top of the  
25 ones who were violating health and safety

1 issues, you know, having animals in the salons  
2 or whatever.

3 MR. KEENE: Kathy, have you got an  
4 analysis on how many more inspectors you think  
5 we need?

6 MS. WITTUM: I haven't done a formal  
7 analysis. I know just in what I've seen, I  
8 would say we need at least two to three  
9 additional inspectors in order to give the  
10 inspectors what I would consider to be a  
11 reasonable load to carry.

12 MR. KEENE: Okay.

13 MS. BLAND: Can I make another one?

14 MS. WITTUM: Uh-huh.

15 MS. BLAND: Considering the fact that I  
16 don't know what analysis was given to the  
17 committee members, but considering the fact  
18 that the inspectors were in the office from  
19 approximately August '05 until April '06,  
20 certainly those numbers would not reflect that  
21 they were adequately serving their territory.  
22 I know in the past -- I've only been with the  
23 board five years, but in the past my 18  
24 counties have been covered in the approximate  
25 time, which was once every four months -- and I

1 can only speak for my territory, every four  
2 months as it was supposed to be. So I didn't  
3 want the board members to think that we have  
4 neglected our duties. We were -- we were  
5 helping out in the office so therefore we  
6 couldn't adequately cover our territory in the  
7 time that we're allotted. I think in the past  
8 we have done that with the exception of maybe  
9 August '05 to April or May of '06.

10 MS. WITTUM: Well, let me point out for  
11 the inspectors' sake that no one is accusing  
12 you of not doing your job. What is being said  
13 is that with the growth of the establishments,  
14 with the growth of practitioners that we have,  
15 five inspectors does not adequately cover the  
16 territory and more inspectors are needed in  
17 order to provide more quality service to the  
18 industry.

19 MS. BLAND: Right. And I didn't mean to  
20 indicate they were. I just was hoping that  
21 they would reflect back on several years back,  
22 instead of the last year.

23 MR. WALKER: Back row, yes, ma'am?

24 MS. HAYDEN: Jacquita Hayden from El  
25 Dorado. On this increase of inspectors, if I'm

1 understanding the financial report of the  
2 board, our inspectors are also paid for travel  
3 and miles and when you decrease their mileage  
4 and their potential area, their salary plus  
5 travel expenses, don't you feel then it should  
6 be included for salary increase?

7 MS. LEE: Linda Lee, --

8 (Multiple conversations taking place at  
9 once.)

10 MS. POWELL: I need order.

11 MR. WALKER: Can y'all maintain order,  
12 please?

13 MS. LEE: -- and it was not anything --  
14 we're wanting you to get a pay raise. It's not  
15 listed here anywhere, but I think that was  
16 discussed that you guys -- when you start  
17 talking that you might even put your life on  
18 the line just to get to some of these places,  
19 you're not getting paid nearly what you should.  
20 And we need to get these inspectors where they  
21 can do it and go back the next day if they have  
22 to, because we all know we do the mother-in-law  
23 clean up when we see them parking their car,  
24 you know?

25 (Chorus of laughter.)

1 MS. LEE: That's just the way it is, but  
2 if I don't see them parking their car the next  
3 day, I may not empty my trash because I know  
4 they're not coming back for three months, you  
5 know? And so one of these things is that if we  
6 increase the people so we can catch some of  
7 these people that are continuously getting away  
8 with it, you know, whether they speak English  
9 or not, we've got to get them understanding  
10 what the law is. And if we can get these  
11 inspectors and get them paid what they're worth  
12 and for what they're doing every day, -- it's  
13 almost like a police officer, you know? They  
14 don't know what they're going to walk into so,  
15 you know, we could increase more people and  
16 then increase their salaries. I think we can  
17 get a lot of these things we talk about month  
18 after month under control and I think that's  
19 where our key is in a lot of these things that  
20 we keep complaining about with our inspectors,  
21 but there's got to be more people, that's for  
22 sure, but that was in their minds.

23 MR. WALKER: Yes, ma'am.

24 MS. HORNER: I'm Rose Horner and I'm an  
25 inspector. Part of our survival is our mileage

1 and I know, I have Northwest Arkansas:  
2 Fayetteville, Rogers, Bentonville. That is a  
3 huge growing area. In other states, I don't  
4 know about their programs but, you know, there  
5 is -- there probably is need for another  
6 inspector but also, like I said, our survival -  
7 - and I have a husband who pays the bills.  
8 Some of these gals don't. So what I make is,  
9 you know, kind of my money but for them it's  
10 survival. So there, you know, we do need a pay  
11 increase. If you bring three inspectors in,  
12 you know, that cuts into our mileage and  
13 several of these gals' survival.

14 MS. WITTUM: Well, as we discussed during  
15 an inspector meeting -- and President Powell  
16 can speak up if she wants to add anything to  
17 this. One, the pay increases is something that  
18 is left up to the legislators. I was  
19 specifically told not to request salary  
20 increases for any staff during the '08 - '09  
21 budget that I just submitted. Once they finish  
22 their pay plan study and they're ready to  
23 consider salary increases, we'll certainly do  
24 everything we can to get that. I would rather  
25 fight for more salary than to hang my hat on

1 any mileage, any day of the week. Also, as I  
2 think President Powell very eloquently said  
3 during that meeting, the mileage will not  
4 decrease to the extent that you're thinking. I  
5 mean, it doesn't matter if you're going across  
6 the state or if you're roaming around in  
7 circles and hitting your places more  
8 frequently, you're going to get that mileage.  
9 So it's not going to be the decrease that I  
10 think you're fearing it will be.

11 MS. CAUDLE: I have worked here for almost  
12 14 years. And there have in that 14 year  
13 period -- almost 15 years, excuse me. There  
14 have always been discussions of a pay increase  
15 or a salary increase, but I want you guys to  
16 know that if you try to live on what we make it  
17 would be virtually impossible. In the 15 years  
18 that I've worked here, I make less than \$10 an  
19 hour.

20 (Multiple conversations taking place at  
21 once.)

22 MR. WALKER: Any other comments from the  
23 audience?

24 MS. TRAYLOR: Well, I know there may not  
25 be anything that the board can do about it.

1 And you know, as they say, the legislatures --  
2 or the legislators are the ones that draw the  
3 line, but our inspectors have been underpaid  
4 ever since I can remember. But I -- you know,  
5 I agree with them 100 percent. I wish there  
6 was something I could do about it.

7 (Pause.)

8 MR. KEENE: I move we accept the  
9 committee's recommendations on the Health and  
10 Safety Risks to the Public.

11 MS. POWELL: I have a motion to accept the  
12 recommendation of the committee's request on  
13 Student Issues: Health and Safety Risks to the  
14 Public.

15 MS. GORDON: I second.

16 MS. POWELL: I have a second. I have a  
17 motion and a second. Is there any discussion?

18 (Pause.)

19 MS. POWELL: All those in favor of the  
20 Health and Safety Risks to Public  
21 recommendation, raise your right hand.

22 (Show of hands.)

23 MS. POWELL: All right. It's unanimous.  
24 The motion carries.

25 (Multiple conversations taking place at

1                   once.)

2                   MS. POWELL: We're going to continue. I  
3                   need order, please. We're going to continue a  
4                   little bit longer.

5                   **BOARD ISSUES: REDEFINING EXAM ADMINISTRATORS**

6                   MS. WITTUM: Number 12, Board Issues:  
7                   Redefining who administers the exams. My  
8                   recommendation is to redefine who administers  
9                   examinations and remove this responsibility  
10                  from the board members and the inspectors.  
11                  From the comments that were made during the  
12                  regional meetings, outsourcing appears to be a  
13                  viable option. When the committee discussed  
14                  this last week, they requested that I contact  
15                  the schools to find out which way they would  
16                  prefer for us to look at this option. All 56  
17                  schools were contacted either by e-mail or  
18                  phone. Of those, 15 responded. And the break  
19                  down is: board and inspectors to continue and  
20                  keep it as is, 7; outsource, 5; either way, 1.  
21                  We had one person who said they would send a  
22                  letter or appear at the meeting, and then one  
23                  that said no comment.

24                  Do you have any questions at this time?

25                  (Pause.)

1 MR. WALKER: Any comments from the board?  
2 Questions about it?

3 MS. TURMAN: What about the financial  
4 issue? I mean, you know, would it cost more to  
5 outsource?

6 MS. TRAYLOR: Uh-huh.

7 MR. DOWNEY: Yes, it would.

8 MS. WITTUM: We would have to contract  
9 with a testing company in order to outsource.  
10 And either -- I know one of the -- one of the  
11 things we're looking at is to increase the  
12 fees. That would cover some of the cost of it.  
13 And then we also would need to look at, or work  
14 with the testing company to decide just how  
15 much of it they would do. We can either turn  
16 everything over to them or we could do  
17 everything except for the actual examination,  
18 where they would send someone in on exam day  
19 and actually do what you guys are currently  
20 doing and the inspectors are currently doing as  
21 far as administering those exams. And the cost  
22 would vary depending on how much we wanted to  
23 turn over to them.

24 MR. KEENE: And which company you chose to  
25 go with.

1 MS. WITTUM: And which company.

2 MS. POWELL: And whether you did practical  
3 or written, right?

4 MS. WITTUM: Well, we would have to have  
5 someone who would be able to do both.

6 MS. POWELL: Excuse me?

7 MS. WITTUM: Or excuse me, just the  
8 practical, because the office staff can do the  
9 written.

10 MS. POWELL: Right.

11 MS. PICKERING: Which would be more of  
12 burden on the office staff, if you had to do  
13 extra work -- is that what you're saying?

14 MS. WITTUM: No.

15 MS. PICKERING: Okay.

16 MS. WITTUM: No. It's not going to make  
17 any difference to the office staff at all.

18 MS. GORDON: I'm not sure how we do as far  
19 as the pay increases or the paying for this or  
20 the -- how it works compared to the inspectors  
21 getting a raise, but if it's kept as it is  
22 would that allow the money to be appropriated  
23 that we're going to use to hire an entity to  
24 come in and do the testing to be used in that  
25 aspect as for them getting a raise?

1 MS. POWELL: I think what -- you can  
2 correct me, if I'm wrong. LaJoy, to answer  
3 your question, no.

4 MS. GORDON: Okay.

5 MS. POWELL: Because the money --

6 MS. GORDON: That's what I thought.

7 MS. POWELL: -- and let me clarify that.  
8 If money that is appropriated for our  
9 inspectors' salaries is --

10 MS. GORDON: Is different from this.

11 MS. POWELL: -- is regulated by the  
12 legislature, so --

13 MS. GORDON: That's what I --

14 MS. POWELL: -- and it's appropriated in  
15 our budget, but it is not transferrable to --

16 MS. GORDON: Okay. That's what I --

17 MS. POWELL: -- our inspectors.

18 MS. GORDON: -- that's what I was wanting  
19 -- the question I was asking.

20 MS. POWELL: Did I answer that correctly?

21 MS. GORDON: Yes, you did.

22 MS. WEST: My question is, are you  
23 recommending outsourcing?

24 MS. WITTUM: Uh-huh.

25 MS. WEST: And how -- I'm wondering if --

1 I don't test. Pat and I don't test, so I'm  
2 wondering how the board feels about that on an  
3 individual basis.

4 MS. TURMAN: Uh-huh. So am I.

5 MR. DOWNEY: I'd like to make a statement  
6 on this. If we went with outsourcing our test,  
7 our board -- our law currently requires that  
8 the board are the examiners. We are an  
9 examining board. If we outsource it, the  
10 people that these companies hire to do the  
11 testing, they hire right off the street. They  
12 could have no knowledge whatsoever of  
13 cosmetology. They put an ad in the paper,  
14 whoever falls in there, they'll give them a  
15 little bit of training and they're the ones  
16 that would be examining your students. I'm  
17 totally opposed to it. I think the board  
18 should at least have that insight into how our  
19 students are doing, otherwise we're not really  
20 going to know other than some report that this  
21 company comes up with or SMP comes up with.  
22 It's going to cost a whole lot more money.  
23 It's going to cost the students a lot more  
24 money to take this exam. I know I've been in  
25 other states that use these companies and

1 they're normal fee, for a student, is about 150  
2 bucks.

3 MS. TRAYLOR: And they pay their people  
4 anywhere from \$200 to \$300 a day to examine,  
5 so.

6 MR. DOWNEY: Right now you're getting it  
7 for --

8 MS. TRAYLOR: \$60 a day.

9 MR. DOWNEY: \$60 a day for your examiners.

10 MS. WITTUM: My understanding with  
11 visiting with one of the testing agencies at  
12 the conference was that they do use licensed  
13 cosmetologists, so it probably depends on which  
14 testing company if there are some out there who  
15 hire people off the street.

16 MS. TRAYLOR: Colorado just hires anybody,  
17 because I visited them.

18 MS. WITTUM: Well, but we're not in  
19 Colorado. We don't have to do it the way they  
20 do it. We can specify how we want to do it and  
21 if we want to look at testing company --

22 MS. TRAYLOR: I'm not sure that Arizona  
23 does it, too.

24 MS. WITTUM: But it doesn't matter what  
25 the other states do. We can specify --

1 MS. TRAYLOR: Well, we've been comparing  
2 ourselves with other states all --

3 UNKNOWN: All day.

4 MS. TRAYLOR: -- you know, and what they  
5 require. But they -- whatever.

6 MS. PICKERING: Could I speak?

7 MR. WALKER: Yes, ma'am.

8 MS. PICKERING: As one of the committee  
9 members, I've thought a lot about this and I  
10 agree with Nick solely because they could hire  
11 someone off the street, but then they may hire  
12 professionals. But I'm a cosmetologist and a  
13 shop owner for 41 years, I just feel like \$60 a  
14 day, that's my choice. You know, I choose -- I  
15 choose to be an examiner. I know what to look  
16 for. I'm interested in the student. I am  
17 interested in them passing, not that I give  
18 them any favors that they don't deserve, but I  
19 do it for \$60 a day when I could make \$200 a  
20 day if I stayed in Earle, Arkansas and worked  
21 that day. But that's a choice I've made. It's  
22 not a salary --

23 MS. TRAYLOR: It's a sacrifice.

24 MS. PICKERING: -- position. It's a  
25 sacrifice. And I choose to do that and we're

1 talking about a lot more money. And it's not  
2 just that, but there are other principles  
3 involved. I have a personal interest in  
4 students, because I was a student at one time.  
5 That's just the way I feel.

6 MR. KEENE: Personally, I've been in favor  
7 of outsourcing for many years and I've spoken  
8 with the testing companies. This board  
9 actually passed a motion about three years ago  
10 to have a testing company come in here and do a  
11 presentation with us that was never followed  
12 through on, and that was the one over in  
13 Nashville -- PCS.

14 MR. DOWNEY: PCS.

15 MR. KEENE: I think that we need to find  
16 out what it would cost before we would say no  
17 to this. My other belief is that it's not  
18 exactly fair to have your board be your judge  
19 and jury and that's exactly what this board is.  
20 Those students, if we're the one that's grading  
21 them and deciding whether or not they pass and  
22 give them a license. Then they get in trouble.  
23 They come in here and we're having to see them  
24 in here, too, and be their judge and jury. I  
25 really don't find it to be a fair situation. I

1 realize when this board was created back in  
2 1955 there weren't testing companies out there  
3 that could come in and give the exams and  
4 probably happy to it themselves, but that's not  
5 the case anymore. Over 50 years have gone by  
6 and there's been a lot of improvements out  
7 there. There are several testing companies out  
8 there to talk to and get prices from. There's  
9 also ways that you can offset this price. We  
10 have our own testing facility that we can lease  
11 to that testing company. So I think before we  
12 say that it's not possible or we're not going  
13 to do it that we at least need to get an idea  
14 of what it's going to cost us to do it.

15 Also, I have a -- I had a thought about  
16 this being -- I realize right now it's in our  
17 law that the board administer the exam. I'm  
18 not too sure I would want to see that changed  
19 that we administer it, but that we -- probably  
20 change it more to where we have the authority  
21 to outsource it or administer it, and maybe put  
22 it into your rule of who it is, or that you're  
23 going to outsource. Because we might get in  
24 there and outsource and decide we don't like  
25 it. We want to be able to get out of that

1 without necessarily having to go through the  
2 legislature again.

3 MS. TRAYLOR: You're going to have a  
4 contract with them.

5 MR. DOWNEY: Yeah, and they would be up  
6 for bids and you may wind up with --

7 MR. KEENE: Sure, it will.

8 MR. DOWNEY: -- you might wind up with  
9 somebody like Experia or --

10 MR. KEENE: And what's wrong with that if  
11 they're doing a good job?

12 MR. DOWNEY: They're not doing a good job.

13 MR. KEENE: That's an opinion.

14 MR. DOWNEY: If you talk to other state  
15 agencies, --

16 MR. KEENE: I have.

17 MR. DOWNEY: -- that have dealt with  
18 Experia and some of these other companies, or  
19 school owners --

20 MR. KEENE: And I haven't -- I've never  
21 heard of them being \$300.

22 MR. DOWNEY: -- they're totally sick of  
23 them. They are totally sick of them.

24 MS. TURMAN: I'd like to make a comment,  
25 Cliff. I don't understand what they would have

1 to do with them examining and then later  
2 getting in trouble for doing something. I've  
3 never --

4 MR. KEENE: Because --

5 MS. TURMAN: -- had that issue come up.

6 MR. KEENE: Well, you're not giving the  
7 exam, though.

8 MS. TURMAN: I know, but they do. And --

9 MR. KEENE: I do, too.

10 MS. TURMAN: -- if they go out and get in  
11 trouble afterwards, that has nothing to do with  
12 the exam. They have done something that --

13 MS. TRAYLOR: They violated the law.

14 MS. TURMAN: -- and violated the law.

15 MR. KEENE: You don't know that until  
16 they've come in here before you and you see  
17 your evidence.

18 MS. TURMAN: I don't see it as judge and  
19 jury, though. We are --

20 MR. KEENE: Sure, you are.

21 MS. TURMAN: Well, we -- we -- we decide  
22 their penalty if --

23 MR. KEENE: Uh-huh.

24 MS. TURMAN: -- they have broken the law.

25 MR. KEENE: If you decide they've broken a

1 law, then you also --

2 MS. TURMAN: But what does that have to do  
3 with the exam?

4 MR. KEENE: -- penalize them. My point is  
5 you have prior knowledge of that student.  
6 That's why we don't let schools give the exam  
7 to students that are in their same city because  
8 they may have prior knowledge of that student.  
9 If I walk in that room and I see a student that  
10 I recognize, I'm supposed to take myself out of  
11 that situation. That's conflict of interest.  
12 I see a lot of conflict of interest with the  
13 board giving this exam now, when we have  
14 options now. I mean, years ago we didn't have  
15 an option. You had to give the exam yourself.  
16 We've got options now.

17 MR. DOWNEY: That same state trooper that  
18 gives you your driver's license is --

19 MR. KEENE: The trooper may write the  
20 ticket, but he doesn't decide your penalty.:

21 MR. DOWNEY: -- will write you a ticket,  
22 too.

23 MS. TRAYLOR: Uh-huh.

24 MR. DOWNEY: Same one that gave you the  
25 driver's test, can give you a ticket. What's

1 the difference?

2 MS. TRAYLOR: Give you a speeding ticket.

3 MR. WALKER: Well, this is one that the  
4 committee deferred, so we're going to do this  
5 as we had done the previous deferred  
6 recommendation. We're going to take, number  
7 one, those who are in favor of the motion, and  
8 secondly, those who are against. And we'll  
9 just go back and forth, if you will. So anyone  
10 who is in favor of this motion, if you could,  
11 raise your hand and identify yourself.

12 MS. CAUDLE: Sheila Caudle. Restate what  
13 we're discussing now.

14 MR. WALKER: Well, the recommendation that  
15 is listed as number 12 in the handout, to allow  
16 the board to consider outsourcing for testing.  
17 So if you're in favor of that as stated, number  
18 12, this is an opportunity for you to tell the  
19 board that. Yes, ma'am.

20 MS. CAUDLE: I am in favor of it simply  
21 because we, as inspectors, we are out there  
22 inspecting these schools in places where we see  
23 these students and when we show up to give  
24 exams there may stand those students there that  
25 we have to examine. And the way the

1 examination is done now, there is no way to  
2 excuse ourself from that exam because there's  
3 only two people there at a time. And we may  
4 have to go ahead and examine that student  
5 knowing that we know that student, but there's  
6 no other choice at this point in time. We have  
7 to go ahead because we can't send 15 students  
8 home and say, well, you'll have to come back  
9 another day. We'll have to get a examiner  
10 here, because -- so I am totally for  
11 outsourcing.

12 MR. WALKER: I will take a comment of  
13 someone who is against outsourcing now. Yes,  
14 ma'am, in the red.

15 MS. WHITLOCK: I'm Heather Whitlock from  
16 El Dorado. My thing is with the outsourcing is  
17 that a lot of our students are low income  
18 students, and even \$30 sometimes is hard for  
19 them to come by. So that's something that  
20 really needs to be thought about also is the  
21 financial end of it. And that's it. Because  
22 you know, they can't afford if you raise the  
23 fees, say to 150 bucks, you know, that's a lot  
24 of money if they're not working at all and  
25 going to school full-time. How do you expect

1           them to come up with that to be able to pay for  
2           their exam?

3           MR. WALKER:  Someone who is in favor of  
4           the proposal?  Yes, ma'am, back row.

5           MS. THOMAS:  Margaret Thomas.  I'm in  
6           favor of it if we have those who are  
7           knowledgeable in cosmetology rather than just  
8           picking anyone off the street to test our  
9           students.  I feel that they have to have some  
10          knowledge of it.

11          MR. WALKER:  I think it would be similar  
12          to a large state contract that the board would  
13          have the opportunity to interview them if they  
14          wanted to make that decision, or they could  
15          create a committee to do that.

16          (Pause.)

17          MR. WALKER:  Okay.  Now is there someone  
18          who is against it?  Yes, ma'am.

19          MS. COTTON:  Tamara Cotton, Arkansas  
20          Beauty School, Conway.  I am against the  
21          outsourcing, not just for the fee increase  
22          because I realize -- that will be a big burden  
23          to have to get set up with outsourcing.  I've  
24          never had a problem with the board inspecting  
25          any of my students, examining them, inspecting

1           them.  It's just -- it's a burden on the board  
2           and if, for some reason, I got that impression  
3           then we need to hear that from the board  
4           members, but in my opinion who better to  
5           examine our students than our cosmetologists  
6           and school owners that are here in this state?  
7           I'm very uncomfortable with outsourcing and  
8           people that may or may not have experience in  
9           this field.  And then you put an ad in the  
10          paper for only cosmetologists or somebody  
11          experienced in this field, that's opening up  
12          experienced jobs for a lot of people.  I mean,  
13          you have to have been doing this for a while,  
14          and I applaud -- I applaud that in our board.  
15          You can't take that away by -- you know, I feel  
16          like our standards were lowered in Arkansas  
17          when we went to the national testing.  I'm just  
18          going to get that out there.  I just feel that  
19          way, and I just feel like they're already  
20          lowered and this line of outsourcing is just  
21          lowering them further.

22                 MR. WALKER:  Someone in favor of it?  Yes,  
23                 ma'am.

24                 MS. HAYDEN:  Well, I wouldn't call it  
25                 favor, but it's my thoughts on it.  I say that

1 just the same as she says as far as favoring  
2 our boards and examining. We have inspectors  
3 that inspect our salons. If you had a company  
4 out there to come in that was inspecting our  
5 salons, how would they know except to go by a  
6 sheet to say do they have this, this, or this?  
7 As an examiner, from what I'm gathering as  
8 we've talked about it during examining  
9 overviews and stuff, these people that are on  
10 the board do have the same type of list that  
11 they have to abide by, whether -- and they're  
12 human, so I mean, they're human on that day to  
13 be an inspector. If it seems to be a problem,  
14 is there not that you could not union up with  
15 another board that also has cosmetology and  
16 switch out? I mean, you could go to Louisiana  
17 and inspect their students and send the  
18 Louisiana inspectors up here to where they are  
19 definitely cosmetology laymen. But I didn't  
20 mean definitely Louisiana, but you understand  
21 what I'm saying? To make sure that we are in  
22 the cosmetology field because that's what we're  
23 all here for is cosmetology.

24 (Pause.)

25 MR. WALKER: Is anyone against the

1 proposal?

2 (Pause.)

3 MR. WALKER: Anyone else in favor of the  
4 proposal?

5 (Pause.)

6 MR. WALKER: If not, I'll turn it back to  
7 you, Ms. Powell.

8 MS. POWELL: We need a motion on item 12,  
9 Board Issues: Redefine who administers the  
10 examination.

11 MS. WEST: May I ask a question about this  
12 first?

13 MS. POWELL: Yes.

14 MS. WEST: Is there any precedent for an  
15 exploratory committee similar to our student  
16 advisory committee and the legislative  
17 committee to look into outsourcing or is that  
18 not something you want to do?

19 MR. WALKER: You can do that, certainly.

20 MS. POWELL: I think -- I think, as chair,  
21 we could always implement some type of  
22 committee to be under constant review of all of  
23 our issues that the board faces but, I think at  
24 this time we need to address the issue of the  
25 concerns of the public that we have heard thus

1 far in our regional meetings. It appeared that  
2 there was concern. So I think we need to  
3 address those concerns with the best of our  
4 ability at this time, whether there's a change  
5 or there's no change, we need to address the  
6 concerns of the public on who administers the  
7 examination. And as you can see as a board,  
8 there is more than one opinion from our public  
9 and our board, so --

10 MS. WEST: We are divided. And a lot of  
11 statements have been made that we don't know if  
12 they're exaggerations or -- you know, I don't  
13 know what the facts are. I don't know what an  
14 outsourcing company will do.

15 MS. POWELL: Well, I think that the  
16 director has looked into the outsourcing  
17 expenses at some level. Is that correct,  
18 Kathy?

19 MS. WITTUM: Not in the detail as to what  
20 I think Sherron is wanting.

21 MS. POWELL: Oh, okay.

22 MS. WITTUM: So if you want to form a  
23 committee that would look at what the testing  
24 companies would offer to us, then we could  
25 certainly do that.

1 MR. KEENE: I think that would be a  
2 starting point on this. I mean, it may not be  
3 something that be changed this legislative  
4 session because I think there's too many  
5 questions here. And we're having a lot of talk  
6 out there about what it's going to cost and  
7 it's going to increase -- but they don't really  
8 know that. They don't have any information in  
9 front of them about that.

10 (Multiple conversations taking place at  
11 once.)

12 MR. WALKER: Well, I might suggest that  
13 instead of a committee just have a similar  
14 motion as passed previously and have them do  
15 presentations for the entire board. So  
16 there'll be no second-hand information. You'll  
17 hear directly from them and a better decision  
18 could be made because this seems to be a  
19 substantial decision to be hastily made.

20 MR. KEENE: Then I would make a motion  
21 that we have the director schedule the  
22 outsource companies, testing companies, to come  
23 before this board and give a presentation. And  
24 November is not a bad time for me.

25 MS. TRAYLOR: We done that one time and we

1 never did get --

2 MR. KEENE: That was a different director  
3 from what we've got now.

4 MS. TRAYLOR: Well, I would think the  
5 motion would still hold true.

6 MR. KEENE: There are a lot of board  
7 members here that are new that were not a part  
8 of that motion, though. It was at least three  
9 years ago.

10 MS. WEST: Is that a motion?

11 MR. KEENE: Uh-huh.

12 MS. WEST: I'll second.

13 MS. POWELL: I've got a motion and a  
14 second. All those in favor of researching  
15 outsourcing information and having it presented  
16 to us?

17 MR. DOWNEY: I think we need some more  
18 information on it, and --

19 MS. TRAYLOR: Yes.

20 MR. DOWNEY: -- I don't know that it's  
21 going to change my mind, but I'd like to hear  
22 it.

23 MS. TRAYLOR: Sure. Let's hear it.

24 MS. PICKERING: The presentations are  
25 going to be to the whole board, though, aren't

1 they?

2 MS. WITTUM: Uh-huh.

3 MS. POWELL: When would we --

4 MS. WITTUM: I'll contact the ones who  
5 would be avail -- or I'll contact all of them  
6 and see which ones could come at the November  
7 20th meeting to make a --

8 MR. KEENE: If you want to try to work  
9 this in then we need to do it now.

10 MS. WITTUM: Uh-huh.

11 MS. POWELL: Okay.

12 MR. KEENE: You have a motion --

13 MS. POWELL: I have a motion and a second.  
14 I did hear a -- did I? I'm sorry. I did hear  
15 a second?

16 MS. WEST: Yes.

17 MS. POWELL: Okay. All those in favor,  
18 raise your right hand.

19 MS. TRAYLOR: This would be for bringing -  
20 -

21 MR. KEENE: Just a presentation being  
22 made.

23 MS. WITTUM: No final decision being made.

24 (Show of hands.)

25 MS. POWELL: It's unanimous.

**BOARD ISSUES: INCREASE FEES**

1  
2 MS. WITTUM: Number 13, Board Issues:  
3 Increase Fees. The recommendation is to  
4 increase the fees, to remove the fee schedule  
5 from the law and place it in the rules and to  
6 implement an active and an inactive distinction  
7 for licensees.

8 The suggestions that were not -- that were  
9 made during the regional meetings that were not  
10 supported by the legislative committee were to  
11 implement a booth-renter fee; and to not hold a  
12 salon owner responsible for practitioners who  
13 violate the law or the rules while working in  
14 the salon.

15 Are there any questions?

16 (Pause.)

17 MR. WALKER: Any board comments? Yes,  
18 ma'am.

19 MS. WEST: I have a question. And I was  
20 at one of those meetings. The (b) part about  
21 that one, not holding the salon owner -- I  
22 don't think we can do that, not holding the  
23 salon or owner responsible for the people who  
24 are --

25 MS. WITTUM: We currently do hold --

1 MS. WEST: Yes.

2 MS. WITTUM: -- a salon owner responsible.  
3 And our -- well, the committee did not favor  
4 that suggestion. We want to keep it as is  
5 where --

6 MS. WEST: As is, okay.

7 MS. TRAYLOR: I agree with you.

8 MS. WITTUM: We do hold them responsible  
9 if a person working in their salon violates the  
10 law or the rules.

11 MS. WEST: Okay. I misunderstood that.

12 MS. WARD: I think that they should hold  
13 the booth-renter and the salon owner, both,  
14 responsible.

15 MS. WITTUM: That's the way it currently  
16 is. And it's not a booth-renter. It's a  
17 practitioner. Or it's not a booth-renter to  
18 us.

19 MS. WARD: Yes.

20 MR. KEENE: Was -- during those sessions  
21 was there anything said as to why not have a  
22 booth-renter license or fee? What made the  
23 committee decide to not recommend that?

24 (Pause.)

25 MR. KEENE: It's just going to create more

1 revenue.

2 (Multiple conversations taking place at  
3 once.)

4 MR. WALKER: The main discussion took  
5 place in Fayetteville on this topic.

6 MS. WITTUM: And in the report that was  
7 made it says, a comment was made that  
8 increasing fees would not be opposed but the  
9 participant suggested including a booth-  
10 renter's license in order to prevent the salon  
11 owner from being held responsible. Colorado  
12 has been doing this for approximately 30 years.  
13 Changing booth-renter to independent  
14 contractors was also suggested in an effort to  
15 eliminate the burden a salon owner has in  
16 reporting income and making report to the IRS.

17 (Pause.)

18 MS. WITTUM: I think that was the only --

19 MR. WALKER: That's all I recall.

20 MS. WITTUM: -- comments that were made.  
21 And the committee just didn't favor the booth-  
22 renter. I know you-all as cosmetologists,  
23 speak up if you want to, but just for me  
24 looking at it outwards, I would say that that's  
25 part of the business of a salon owner and the

1 board does not need to get involved in the  
2 business of a salon owner. If the business  
3 chooses to booth rent to their people or even  
4 employ practitioners, that's their choice, but  
5 we should not favor one way or the other.  
6 That's just my personal opinion.

7 MS. TRAYLOR: You don't have to rent  
8 booths. That's your choice. That's a salon  
9 owners choice.

10 MS. WITTUM: Uh-huh.

11 MS. TRAYLOR: But, you know, and a lot of  
12 them though, Kathy, think that well, if I rent  
13 booths then I'm not responsible for them.  
14 Well, they are because their name's out front.  
15 And that's the thing that so many salons do not  
16 understand.

17 MS. WITTUM: Who had asked me a question?  
18 I mean, there wasn't -- there wasn't just all  
19 sorts of comments made that would blatantly say  
20 we should not do this. I think it was just a  
21 general individual belief that it would not be  
22 in the best interests of the board.

23 MR. WALKER: Any other comments or  
24 questions from the board?

25 (Pause.)

1 MR. WALKER: If not, anyone from the  
2 audience? Yes, ma'am, you were first.

3 MS. ANDERSON: If a salon owner has a  
4 contract with that booth-renter, is that legal  
5 and binding saying if there are any violations,  
6 you are financially responsible? Is that  
7 something legal that a salon owner can do with  
8 that booth-renter?

9 MR. WALKER: Well, from my perspective --  
10 I can only speak for the board's perspective  
11 and that would not be enforceable vis-a-vis the  
12 board inspections. Now if y'all wanted to have  
13 an individual contract and make it that type of  
14 language, then I would suggest you consult your  
15 own attorney and make that, you know,  
16 available. And that may one day come before a  
17 circuit judge, and I certainly can't decide for  
18 them at this point either, so all that being  
19 said is -- I know some good attorneys.

20 (Chorus of laughter.)

21 MS. WITTUM: I have talked before with  
22 salon owners and practitioners who have had  
23 some type of an agreement like that and what it  
24 appeared to me the salon owner was doing was,  
25 they may would pay that penalty to the board

1 but then they would recoup it from that  
2 practitioner. And that's their business.  
3 That's not ours. And if they can enforce that  
4 legally, let them do it, but we would send out  
5 a penalty both to the salon owner and to the  
6 practitioner.

7 MS. ANDERSON: As a salon owner, I do have  
8 a booth-renters. I do have contract. It is a  
9 legal binding document in the salon that it's  
10 from, but as far as abiding by the state law,  
11 that's stated in there that I would be  
12 responsible for any liability in my salon. And  
13 they're also responsible for maintaining  
14 liability insurance and it's stated in that  
15 contract. But so the liability issues are  
16 covered, the tax-issues are covered, but  
17 liability-wise and tax-wise, my attorney has  
18 told me that it comes back to me anyway, you  
19 know, if they didn't pay taxes you get a  
20 blanket liability.

21 MS. TRAYLOR: Your name is on the license  
22 of that salon, so --

23 (Multiple conversations taking place at  
24 once.)

25 MR. WALKER: Yes, ma'am.

1 MS. NEUMEIER: Debbie Neumeier, ATU Ozark.  
2 I agree with her. I've been told that we have  
3 a binding --I am a shop owner, instructor, and  
4 cosmetologist. I had the same problem. We  
5 have a binding contract at our shop, but taking  
6 it to my attorney it's not really worth what it  
7 says on the paper. Really, I mean, it's not.  
8 I feel that if you give a booth-renter it's own  
9 license as per se a shop owner who would be  
10 responsible, it gives the shop owner less  
11 control over their shop on what happens inside  
12 the salon. And you're going to get a lot of  
13 these people that do as they please and they're  
14 not going to abide by the shop owner's rules,  
15 the State Board of Cosmetology rules and it's  
16 just going to be a big problem.

17 MR. WALKER: Any other comments?

18 (Pause.)

19 MR. WALKER: I'll turn it back over to the  
20 board for any discussion or questions.

21 MS. POWELL: Is there any discussion?

22 (Pause.)

23 MS. POWELL: Do I have a motion?

24 (Pause.)

25 MS. POWELL: Do I have a motion on

1 Increasing Fees, item number 13?

2 MR. DOWNEY: I'm make it. I'll move that  
3 we increase the fees.

4 MS. POWELL: I have a motion. Do I have a  
5 second?

6 MS. TURMAN: I second.

7 MS. POWELL: I have a second. All those  
8 in favor of approving the recommendation  
9 Increasing Fees, raise your right hand.

10 (Show of hands.)

11 MS. POWELL: It's unanimous. Thank you,  
12 Board, the motion carries.

13 (Pause.)

14 MS. POWELL: At this time, we're going to  
15 take a short break and we'll return at 1  
16 o'clock.

17 (WHEREUPON, a short lunch break was taken  
18 at 12:26 p.m., after which proceedings resumed  
19 at 1:00 p.m. as follows, to-wit:)

20 MS. POWELL: I will call the meeting back  
21 to order and remind you to please maintain your  
22 electronic devices in the off position. And  
23 refrain from discussions on the side, please,  
24 as it makes it difficult for us to hear. I'll  
25 turn the meeting over to Mr. Walker.

**CONTINUING EDUCATION**

1  
2 MR. WALKER: We are still on the agenda on  
3 the recommendations we've received. We are  
4 coming back and we are on number 14, Continuing  
5 Education. I'll turn it over to Ms. Wittum.

6 MS. WITTUM: The recommendation is to  
7 implement continuing education for  
8 practitioners in the following way: the  
9 continuing ed would only address health and  
10 safety issues. The board would assume the  
11 responsibility to hold the training throughout  
12 the year in each congressional district to  
13 allow the practitioner to attend. The health  
14 and safety training would be incorporated into  
15 the penalty grid when it's revised and  
16 additional training would be required for  
17 violators.

18 The recommendation includes removing the  
19 requirement for instructors to obtain con-ed  
20 because they would be getting a health and  
21 safety continuing ed.

22 MR. WALKER: Does anyone from the  
23 legislative committee care to comment on that?

24 (Pause.)

25 MR. WALKER: Are there any comments or

1 questions from the full board?

2 MS. POWELL: I think that the board felt  
3 that this was an opportunity to implement this  
4 continuing ed across the state into the four  
5 congressional districts and saw it as a benefit  
6 to the congressional districts, and as well to  
7 the board as an opportunity to visit with  
8 people in the different areas of the state.  
9 And I know that during our regional meetings in  
10 Fayetteville, there seemed to be a lot of  
11 comments from the public that appreciated the  
12 fact that we came to Fayetteville that day, and  
13 were in support of the board and just giving  
14 them the opportunity to see the board meet in  
15 the different congressional districts.

16 (Pause.)

17 Does anyone else on the board have  
18 anything else to add to this that possibly you  
19 recall from the --

20 MS. TRAYLOR: Would this be mandatory?

21 MS. POWELL: Yes, it would be mandatory  
22 that this would be quality of education for  
23 continuing ed.

24 MS. TRAYLOR: How many hours?

25 MS. WITTUM: What was not discussed was

1 exactly how many hours. So you might want to  
2 come to a consensus today on exactly how many  
3 hours you would like to require.

4 MS. POWELL: I'd like to see the board  
5 implement this continuing ed on health and  
6 safety issues at a minimum of 4 hours and a  
7 maximum of 8 hours per congressional district.

8 MS. WITTUM: I would suggest not putting a  
9 maximum, because if you incorporate it into the  
10 penalty grid you may have some repeat offenders  
11 who would continually disciplined and  
12 instructed to attend.

13 MS. POWELL: I'm sorry. I think -- well,  
14 are we talking about two different things here?

15 I'm talking about how many hours we'd be able  
16 to give us through continuing ed in a  
17 congressional district.

18 MS. WITTUM: Okay.

19 MS. POWELL: And I think what you're  
20 talking about is --

21 MS. WITTUM: Is the actual number.

22 MS. POWELL: I'm sorry. Go ahead and  
23 visit what you were saying.

24 MS. WITTUM: Oh, no. I just wanted to  
25 point out that we do need to specify the number

1 of hours.

2 MS. WEST: So you're saying it's okay to  
3 set a minimum of four without giving a maximum?

4 MS. TRAYLOR: Do they have to have these  
5 before they renew their license?

6 MS. WITTUM: Yes. So within a two-year  
7 period, moving to a two-year cycle, we would  
8 need to set the number of hours for license  
9 renewal.

10 MS. TRAYLOR: License, 8 hours, in a two-  
11 year period.

12 (Pause.)

13 MS. TRAYLOR: Four each year, because  
14 instructors have to do eight now and that's in  
15 one year.

16 MR. KEENE: And this, don't the  
17 instructors -- well this is health, safety, and  
18 teaching methods, isn't it?

19 MS. POWELL: Not any longer. It's --

20 MR. KEENE: It's not?

21 MS. POWELL: No, huh-uh. It was a -- so  
22 many hours were mandated towards teaching  
23 methodology but now it's NAACAS standard that  
24 it include but not -- they don't regulate how  
25 many.

1 MS. TURMAN: How would we handle it if  
2 maybe they were, you know, they could not  
3 attend the date? I just wanted to know about  
4 that because there are going to be those that  
5 are unable to attend the date that's in their  
6 congressional district. Is there going to be a  
7 way that they can make up this -- these hours?

8 MS. WITTUM: They can attend -- they could  
9 attend any training that we have regardless of  
10 where it was located. So if they couldn't come  
11 to the one, hopefully in their congressional  
12 district, they could always attend in another.

13 MS. POWELL: Is there something going to  
14 be included in this language that would allow a  
15 person that was on an inactive status, and that  
16 had decided to renew their license due to not  
17 doing continuing ed -- language to allow that  
18 person to acquire additional hours so that they  
19 could renew their license?

20 MS. WITTUM: We would need to address  
21 that.

22 MS. TRAYLOR: What we do now and it's just  
23 you have to catch your hours up before you can  
24 renew your license.

25 MS. POWELL: Right.

1 MS. WITTUM: Right.

2 MS. POWELL: I think that is kind of --  
3 that's the way the law is written.

4 MS. TURMAN: I guess I'm a little  
5 confused. Eight hours for instructors, now, to  
6 get your -- in order to maintain -- I mean, to  
7 keep theirs up.

8 MS. TRAYLOR: But it would be eight hours  
9 for everybody, every two years.

10 MS. TURMAN: Okay. So we changed that  
11 from eight hours for the instructors to eight  
12 hours every two years for everybody?

13 MS. POWELL: Well, that's the  
14 recommendation that it include -- it would  
15 remove the instructors from --

16 MS. TURMAN: Okay.

17 MS. POWELL: -- that requirement.

18 MS. GORDON: Have we discussed a fee or  
19 anything?

20 MS. POWELL: Pardon me?

21 MS. GORDON: A fee or anything, you know,  
22 price ranges for them taking -- the cost?

23 MS. WITTUM: We can charge a nominal fee  
24 for attending the event.

25 MS. TRAYLOR: Who is -- who is going to

1 teach this?

2 MS. WITTUM: We would -- we would need to  
3 get speakers lined up. I think we could look  
4 at how it's done in North Carolina, as well as  
5 the regional where they enlisted the help of  
6 the CDC, or the health department, to talk  
7 about health and safety issues. Plus, I mean,  
8 if we're charging a nominal fee for it, we  
9 could also look at bringing someone in to give  
10 even more of an in-depth look at some of those  
11 issues.

12 MS. TURMAN: I, for one, think this is a  
13 very good recommendation because after all we  
14 are -- and I think sometimes we just absolutely  
15 forget. And I think it would be, you know,  
16 renewal every two years or every year. I think  
17 this would be wonderful. I think it's -- this  
18 is something that, you know, we really  
19 definitely need to look at and take note of.

20 MS. POWELL: Would it be implemented in  
21 '07 or will it have to wait?

22 MS. WITTUM: This is a statutory change.

23 MS. POWELL: Okay.

24 MS. WITTUM: We're going -- it would  
25 happen after the session -- or during the

1 session next year.

2 MS. GORDON: And it will primarily cover  
3 the health and safety issues in the cosmetology  
4 field rather than the medical field or -- just  
5 basically be -- so that means that you would  
6 obtain someone from -- where did you say, would  
7 be giving --

8 MS. WITTUM: Well, the health -- at the  
9 conference that we went to, North Carolina used  
10 its health department, someone who worked with  
11 disease -- controlled diseases, I think, and  
12 they came and spoke about the communicable  
13 diseases as they apply to cosmetology.

14 MS. GORDON: Okay.

15 MS. WITTUM: There's a whole host of  
16 things that we would be able to offer, not just  
17 the same training for every single one but  
18 maybe give a variety.

19 MS. TRAYLOR: Someone from that committee  
20 on NIC might be willing to --

21 MS. WITTUM: Right.

22 MS. TRAYLOR: You know, Sue Sanderson does  
23 that all of the time.

24 MS. WITTUM: Uh-huh.

25 (Pause.)

1 MR. WALKER: Is there any other discussion  
2 by the board, questions or comments?

3 MS. POWELL: I was wanting to know about  
4 the opportunity for hours to carry over from  
5 one year to the next. How would that be  
6 addressed?

7 MS. WITTUM: We haven't discussed it, so  
8 if that's something that you would want it  
9 would need to be amended in here.

10 MS. POWELL: Well, what is your opinion on  
11 that? I mean, I know you think that issues --

12 MS. WITTUM: I think if we're giving four  
13 hours of this type of a structured training  
14 opportunity there should be no reason for  
15 people to not be able to get four hours a year  
16 in what we're providing, especially when you  
17 consider the fact that we'll be making it  
18 possible four times in each area.

19 MS. GORDON: And if they should miss it  
20 for some reason this year, they still would  
21 have the opportunity the next year before  
22 renewal to get the full eight hours in.

23 MS. WITTUM: Correct.

24 MS. TRAYLOR: What all would count, I  
25 mean, what could you attend maybe not in your

1 region to obtain these hours?

2 MS. WITTUM: Well, you wouldn't be able to  
3 obtain them. The way this is written here, a  
4 practitioner could not go anywhere but what the  
5 board hosts -- facilitates. They wouldn't go  
6 to any other classes. So of the trainings that  
7 we would facilitate in each congressional  
8 district, the practitioners would need to  
9 acquire how ever many number of hours per year,  
10 or for that two year period, in order to renew  
11 their license.

12 MS. POWELL: I like the idea of us getting  
13 the eight -- or four hours every two years.

14 MS. PICKERING: How many hours -- could  
15 you repeat the hours?

16 MS. POWELL: I think one of the  
17 recommendations was the four hours --

18 MS. WITTUM: Per year.

19 MS. POWELL: -- per year.

20 MS. PICKERING: Oh, per year. I thought  
21 you said every two years -- every year.

22 MS. POWELL: Is that what you said?

23 MS. TRAYLOR: That's what I said, you  
24 know, you go to the every two year renewal and  
25 they would have to have eight hours in that --

1 MS. POWELL: Right, uh-huh, so it would be  
2 four hours a year.

3 MS. TRAYLOR: Or they could get the full  
4 eight --

5 MS. POWELL: In one.

6 MS. TRAYLOR: -- in one. Or two, either  
7 way.

8 MS. POWELL: Whichever.

9 MS. WITTUM: As long as they have eight by  
10 the time that they come up for renewal.

11 MS. TRAYLOR: Right.

12 MS. WITTUM: And then with the board  
13 facilitating this, we would have the  
14 documentation readily available as to whether  
15 or not a person has actually acquired those  
16 hours.

17 MS. GORDON: Would the board itself be  
18 taking care of this or would it be through the  
19 office or --

20 MS. WITTUM: The staff would primarily do  
21 it. I mean, the board would certainly always  
22 be welcome to participate in that.

23 MS. PICKERING: But we would -- if we're a  
24 cosmetologist, we're going to have to take four  
25 hours per year.

1 MS. WITTUM: Uh-huh.

2 MS. PICKERING: Not as a board, but as a  
3 cosmetologist.

4 MS. WITTUM: Right. You could participate  
5 as a board member in the function or in the  
6 training, but as a practitioner you would have  
7 to also acquire your hours.

8 MS. GORDON: It's going to be like a  
9 requirement that we have to be there as board  
10 members, the office members?

11 MS. WITTUM: Correct.

12 (Pause.)

13 MR. WALKER: Any other comments or  
14 questions from the board?

15 MS. TRAYLOR: I'd like to hear from some  
16 of them and what they think.

17 MR. WALKER: Are we all good?

18 (Chorus of laughter.)

19 MR. WALKER: If we could get comments from  
20 those who are not in favor of this?

21 (Pause.)

22 MR. WALKER: Yes, ma'am.

23 MS. ANDERSON: I have a concern about the  
24 continuing ed outside of the state. Some of  
25 our people are going to be going to things

1 outside of our state. Are any of those things  
2 going to count for that continuing education?  
3 And what about online training? There is all  
4 kinds of online training that's available in  
5 lots of our surrounding states that is on  
6 sanitation and sterilization and it requires  
7 the testing at the end of the online training.

8 MS. WITTUM: Neither of those would apply  
9 if this recommendation is adopted.

10 MS. TRAYLOR: You still would have to get  
11 it within the state.

12 MR. WALKER: Yes, ma'am.

13 MS. GULLEY: I just need to know if, like  
14 if they, if the instructors say, this year, did  
15 not get their continuing ed and then that  
16 passes for next year, are we going to be able  
17 to get it that next year, the eight hours?

18 MS. WITTUM: It -- this will not pass  
19 through the session prior to the requirement to  
20 get the hours for the next -- for the upcoming  
21 renewal. All of the con-ed hours to renew for  
22 2007 license have to be acquired before January  
23 31, 2007.

24 MR. WALKER: Yes, ma'am.

25 MS. HUGHES: Jenita Hughes. I have two

1 questions. Are we talking about just  
2 practitioners or are we talking about  
3 instructors and practitioners getting eight  
4 hours in two years?

5 MS. WITTUM: This would apply to all  
6 practitioners. If this recommendation is  
7 adopted then there would no longer be a  
8 requirement for the instructors to receive what  
9 is currently on the books. There would just be  
10 across the board the eight hours for the two  
11 year cycle.

12 MS. HUGHES: And my second question is you  
13 talked about an active and inactive status on  
14 your license. Being as a lot of mine are  
15 incarcerated for a couple of years, you know,  
16 they wouldn't attend a class so are you saying  
17 there's an inactive status for them to go to?

18 MS. WITTUM: Uh-huh.

19 (Pause.)

20 MR. WALKER: Any other comments?

21 (Pause.)

22 MR. WALKER: Seeing none, Ms. Powell.

23 MS. POWELL: Item number 14, Continuing  
24 Education -- I need a motion.

25 MR. WALKER: If we did the --

1 MS. POWELL: Is there any discussion?

2 MR. WALKER: I'll say this. If we did the  
3 eight hours, it's not included in this original  
4 proposal so it would have to be amended to say  
5 eight hours or four hours every year for the  
6 two year period.

7 MS. TURMAN: Madam President, I would like  
8 to make a motion that we accept this value for  
9 the Continuing Ed for eight hours every two  
10 year time frame.

11 MS. TRAYLOR: I second that motion.

12 MS. POWELL: I have a motion and a second.  
13 All those in favor, raise your right hand.

14 (Show of hands.)

15 MS. POWELL: All those opposed?

16 (Show of hands.)

17 MS. POWELL: The motion carries.

18 **ADDITIONAL RECOMMENDATIONS**

19 **MODIFICATION TO AESTHETICIAN'S DEFINITION**

20 MS. WITTUM: Under the Additional  
21 Recommendations, number one is to modify the  
22 aesthetician's definition to allow them to  
23 perform services on the whole body as opposed  
24 to being restricted to certain parts of the  
25 body and to also perform waxing services.

1                   Are there any questions or does the  
2 committee want to say anything?

3                   MS. TRAYLOR: Does that include the  
4 Brazilian wax?

5                   MS. WITTUM: Does it what?

6                   (Chorus of laughter.)

7                   (Multiple conversations taking place at  
8 once.)

9                   MS. WITTUM: Are there any additional  
10 comments?

11                  MR. KEENE: I think they're doing them  
12 anyway.

13                  MS. WEST: This is going to put them with  
14 a massage therapist, right?

15                  MS. WITTUM: No. This just says that an  
16 aesthetician can work on the whole body instead  
17 --

18                  MS. WEST: Okay.

19                  MS. WITTUM: -- of just being able to work  
20 from the bust up.

21                  MS. WEST: Okay.

22                  (Pause.)

23                  MR. WALKER: Comments or questions from  
24 the board?

25                  (Pause.)

1 MR. WALKER: From the audience?

2 (Multiple conversations taking place at  
3 once.)

4 MS. TRAYLOR: Brenda, you got a comment,  
5 honey?

6 (Multiple conversations taking place at  
7 once.)

8 MR. WALKER: Ms. Powell.

9 MS. GORDON: You-all are going to have to  
10 inspect that.

11 MS. POWELL: I think you have one more  
12 comment from the inspectors.

13 MR. WALKER: I didn't hear you.

14 MS. POWELL: Yes. This lady wants the  
15 floor.

16 MR. WALKER: Yes, ma'am.

17 MS. HUGHES: When you talk about the  
18 cosmetologist doing all-encompassing and, you  
19 know, if you're a cosmetologist you can do  
20 aesthetics --

21 MS. WITTUM: Aesthetics.

22 MS. TRAYLOR: Yes, aesthetics.

23 MS. HUGHES: -- or you can specialize. So  
24 now that we break it apart, it would be  
25 separate so the cosmetologist wouldn't be able

1 to work on the whole body, is that correct?

2 MS. WITTUM: No. A cosmetologist can work  
3 on the whole body, period. Their definition is  
4 not being changed.

5 MS. HUGHES: What is the definition of A  
6 cosmetologist?

7 MS. WITTUM: That they can perform  
8 services on the whole body.

9 MS. HUGHES: Bust up --

10 MS. WITTUM: No, cosmetologists --

11 (Multiple conversations taking place at  
12 once.)

13 MS. WITTUM: Thank you for bringing that  
14 up.

15 (Multiple conversations taking place at  
16 once.)

17 MS. WITTUM: As an aesthetician --

18 AUDIENCE MEMBER: Where do you find that?

19 MS. WITTUM: The definitions are under  
20 102. The aesthetician is (a)1 and the  
21 cosmetologist is (c) and then under 102(b) it  
22 explains what the art of cosmetology is for the  
23 cosmetologist.

24 (Multiple conversations taking place at  
25 once.)

1 MS. ANDERSON: Ms. Wittum, I have a  
2 question. And I've been reading this, 102, it  
3 says the upper part of the human body in  
4 teaching aesthetics, as well. That's what I've  
5 been reading upper part as being the upper part  
6 of the body, and in that the case, the neck,  
7 the face, and hands or arm. So are you reading  
8 this upper part of the human body as the whole  
9 body?

10 MS. WITTUM: No. We're saying that we  
11 would like to modify that.

12 MS. ANDERSON: The 102(b) from the way  
13 it's stated?

14 MS. WITTUM: That's what we're  
15 recommending.

16 MS. ANDERSON: Thank you. I was unsure.  
17 Now, is that for cosmetologists, as well?

18 MS. WITTUM: We -- thanks to Ms. Hughes,  
19 we've added that, too.

20 MS. ANDERSON: Okay.

21 MR. WALKER: We'd need to add that in the  
22 motion.

23 MS. POWELL: Okay. We'd be amending?

24 MR. WALKER: Yes.

25 MS. POWELL: And do I have a motion?

1 MS. WITTUM: I think we have another  
2 comment.

3 MR. WALKER: Who does?

4 MS. WITTUM: Scottie.

5 MS. BURCHETT: Well, it says under (b)4,  
6 removing, temporarily, superfluous hair from  
7 the body of any person, so --

8 MS. WITTUM: Thank you.

9 MS. BURCHETT: -- it's already covered.

10 MS. WITTUM: I knew Arnie had said the  
11 cosmetologist could work on the whole body.

12 MS. ANDERSON: Where is that, excuse me?

13 MS. BURCHETT: On page four under (b),  
14 number four. It does just say from the body of  
15 any person.

16 MS. ANDERSON: And that's on here --

17 MS. WITTUM: Under cosmetology.

18 MS. ANDERSON: Okay.

19 MS. WITTUM: What we do need to modify --  
20 (Multiple conversations taking place at  
21 once.)

22 MS. WITTUM: What we do need to modify is  
23 (b)2.

24 MS. ANDERSON: That should say hair  
25 removal on (b)4, correct?

1 MS. BURCHETT: Right.

2 MS. WITTUM: That's what we're talking  
3 about it saying.

4 MS. ANDERSON: But we're talking about if  
5 a cosmetologist can do it and an aesthetician  
6 should. A body treatment is a body treatment.

7 MS. POWELL: And that would be covered  
8 under two.

9 MS. ANDERSON: And that would be covered  
10 under two, cosmetician?

11 MS. POWELL: I think one thing I wanted to  
12 say on this upper part of the body thing is it  
13 has been described as being confusing for many  
14 years, in what a person would consider the  
15 upper part of the body. And at one time it  
16 would have been from the bust up and once it  
17 would have been from the waist up. It depended  
18 on who was reading it, and so this kind of  
19 clears up that area of definition so that we  
20 know that the aesthetician does do a body wrap.  
21 And this is just one area that it would include  
22 the body as a whole.

23 MS. BURCHETT: If you are a cosmetologist,  
24 you are an aesthetician so --

25 MS. POWELL: It's the same thing.

1 MS. BURCHETT: -- it would be covered.

2 MS. POWELL: Yes, except that in our  
3 language here where you can see the definition  
4 of massaging and cleansing under item two. It  
5 -- and then as it goes into beautifying the  
6 face on three. It's the same thing for the  
7 cosmetologist to do the same.

8 MS. BURCHETT: So you're saying  
9 cosmetologists could work on the entire body  
10 even if it were massaging or whatever. It  
11 wouldn't have to just be removing hair.

12 MS. POWELL: Exactly. You're teaching it,  
13 --

14 MS. BURCHETT: Uh-huh.

15 MS. POWELL: -- you'd have to cover it, --

16 MS. BURCHETT: Right.

17 MS. POWELL: -- first and foremost in  
18 cosmetology and then to address it to work on  
19 the public as an aesthetician or a  
20 cosmetologist.

21 MS. BURCHETT: Thank you.

22 MR. WALKER: Any other comments?

23 MS. ANDERSON: Does this terminology in  
24 your -- massage, is it that we can teach  
25 massage in our cosmetology schools now and be

1 under our accreditation? Their terminology  
2 there is that you've been referring to as the  
3 upper body and the upper portion, and so that  
4 terminology might be good to apply to this and  
5 I can't give it to you because I don't teach  
6 it. It is in our text and that might be good  
7 terminology to add for clarification purposes.

8 MR. WALKER: Anyone else?

9 (Pause.)

10 MR. WALKER: Ms. Powell.

11 MS. POWELL: I need a motion from the  
12 board to --

13 MR. KEENE: I'll move that we accept the  
14 committee's recommendation along with the  
15 changes that were made to this. I can't  
16 remember what all they were and where they  
17 were.

18 MS. WITTUM: The cosmetology definition.

19 MR. KEENE: Okay. The cosmetology  
20 definition.

21 MS. WITTUM: The subsection (b)2 and then  
22 3 probably needs to be redacted.

23 MS. POWELL: I have a motion.

24 MS. WEST: Second.

25 MS. POWELL: All those in favor, raise

1 your right hand.

2 (Show of hands.)

3 MS. POWELL: It's unanimous. The motion  
4 carries. Thank you.

5 **ADD WAXING TO MANICURIST DEFINITION**

6 MS. WITTUM: The next one is to add waxing  
7 services to the manicurist definition. The  
8 legislative committee disagreed with this  
9 recommendation and would prefer not to add  
10 waxing services to the manicurist definition.

11 Any comment?

12 MS. TRAYLOR: I agree.

13 (Pause.)

14 MR. WALKER: It's open for board  
15 questions.

16 MS. WEST: Just for point of reference, is  
17 it education, they would require more education  
18 for waxing?

19 MS. WITTUM: Currently they can't wax at  
20 all. Manicurists cannot wax at all.

21 MS. WEST: Cannot wax at all.

22 MS. WITTUM: And I will say just for the  
23 non-cosmetologists here that I have had several  
24 requests or comments made because of hair being  
25 on the hands. We and the manicurist would want

1 to wax that at the same time they were doing a  
2 manicure, but after the legislative committee  
3 meeting I was sitting and looking over the  
4 hearing orders for the upcoming November  
5 meeting and there is a reason why we do not  
6 need to add waxing to the manicurist's  
7 definition. So --

8 MS. TRAYLOR: They could do the toes, too.

9 MS. WITTUM: I certainly agree with the  
10 legislative committee's decision here.

11 MS. WEST: Does that mean that the  
12 manicurists now, you know, do the paraffin wax  
13 on your hands and on your feet?

14 MS. WITTUM: They're not supposed to be  
15 doing that.

16 BOARD MEMBER: Really.

17 (Multiple conversations taking place at  
18 once.)

19 MR. DOWNEY: That's not hair removal.

20 MS. WITTUM: Oh, okay.

21 MS. GORDON: It's a moisturizing  
22 treatment.

23 MR. DOWNEY: That's all it does.

24 MS. POWELL: That's a paraffin bath and  
25 not what -- she's trying to explain what was

1 proposed to the legislative committee was hair

2 --

3 MS. WITTUM: Hair removal.

4 MS. POWELL: -- removal.

5 MR. DOWNEY: Hair removal.

6 MS. WITTUM: Yes.

7 MS. POWELL: And the paraffin bath is not  
8 a process to remove hair.

9 MS. WEST: Do you need a motion for that?

10 MR. WALKER: Well, I was going to take any  
11 comments. Audience, have any discussion,  
12 comments, questions?

13 (Pause.)

14 MR. WALKER: Seeing none, there's no  
15 motion necessary because we're not acting upon  
16 this.

17 **LANGUAGE ADDITION TO SPECIFY**

18 **ALLOWABLE OUT-OF-SALON WORK CONDITIONS**

19 MS. WITTUM: The number three is to add  
20 language to A.C.A. 17-26-103(b), 17-26-312, and  
21 17-26-313 to allow a licensee to work outside  
22 of an establishment under certain conditions  
23 for pay or to volunteer services for charity.  
24 This change, we would need to proceed with  
25 caution, so as to not allow for mobile salons -

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MS. TRAYLOR: You don't want that to happen.

MS. WITTUM: -- because the board has not wanted to do mobile salons.

MS. TRAYLOR: Yeah, that would just about open the door for them because they're already hot on that trail.

MR. KEENE: What would be the conditions where you would allow -- what was the thinking of the committee or whoever recommended this?

MS. WITTUM: I recommended it. And because of the licensees that I've communicated with who are leaving their establishments to do other than -- to do services on other than incapacitated people. All of these are to go and do charity events and things of that nature, because currently what the law says is that the licensee can leave the licensed establishment and go do work outside of the salon as long as they are working on someone who is incapacitated.

MR. KEENE: Right.

MS. WITTUM: So this would just allow for the people who are obviously going out and

1 doing weddings and other charities, be it  
2 birthdays or whatever, to be able to do it  
3 legally.

4 MS. GORDON: What questions would we use  
5 for the measure of not allowing it to be done,  
6 bringing in the mobile salons?

7 MS. WITTUM: Well, we would just have to  
8 make sure that it -- that the language is clear  
9 that it's only for those charity events or  
10 those special events and not to go get in your  
11 vehicle and go to a home and take care of  
12 people, if that makes sense.

13 MS. TRAYLOR: That's what they're doing  
14 now.

15 MS. GORDON: Uh-huh.

16 MS. TRAYLOR: Is going to offices.

17 MS. WITTUM: Well, we would just have to -  
18 - whatever you know is being done that you  
19 don't want to be done, we would need to modify  
20 that language as the attorney -- or, excuse me,  
21 let the attorneys know exactly what we don't  
22 want so that we can make sure that that  
23 language covers it. But currently, obviously  
24 you-all know that people are leaving their  
25 establishments and going and doing this.

1 MS. GORDON: Uh-huh.

2 MS. WITTUM: So why not -- why not put  
3 some language in place to where they can do  
4 that freely without feeling like they're having  
5 to hide it?

6 MS. TRAYLOR: Now, what do you mean,  
7 freely?

8 MS. POWELL: Well, if you were to -- I  
9 think our director's intent was to allow for  
10 the volunteer services, those for charity.  
11 Volunteer, like you would go into a church and  
12 you would do the bride's hair at the last  
13 minute before the wedding and be able to do  
14 that without fear that you are --

15 MS. TRAYLOR: Well, I --

16 MS. POWELL: -- misrepresenting or  
17 violating a state law or that you are  
18 representing a mobile spa.

19 MS. TRAYLOR: Well now, can you charge for  
20 that?

21 MS. POWELL: Sure.

22 MS. PICKERING: It's up to the individual  
23 whether they want to charge or not.

24 MS. POWELL: I think -- you know --

25 MS. PICKERING: I've had ten ladies, young

1 ladies, come into my shop and it would have  
2 been much easier for me to have gone to the  
3 church and do their hair or whatever, but  
4 because it violated -- because I could not do  
5 that legally, they have to come to my shop.  
6 And I'm not the one that brought that up, but  
7 I'm just saying that's a good example. I had  
8 rather go to the church legally and do their  
9 hair than for that many to come into my shop.  
10 Does that make sense?

11 MS. GORDON: Uh-huh.

12 MS. POWELL: But the fact that they would  
13 be licensed and they would be stationed in a  
14 salon -- they would have had a -- they're not  
15 mobile because they have a practitioner license  
16 and they're in an establishment. So once  
17 they're in an establishment and they're a  
18 licensed practitioner, then they would be able  
19 to go to a --

20 MS. TRAYLOR: Okay. That was my question.

21 MS. POWELL: -- you know. I know that  
22 there are conventions that have come to  
23 Arkansas and they'll call to solicit stylists  
24 to come and offer -- or do manicures or  
25 pedicures or whatever for their business --

1 wives or spouses, I guess, --

2 MS. TRAYLOR: But they would have to be --

3 MS. WITTUM: -- but they are from a salon.

4 MS. TRAYLOR: Yeah.

5 MS. WITTUM: They have to be from an  
6 establishment, a licensed establishment.

7 MR. WALKER: Ms. Ward has a question.

8 MS. WARD: I think that is a good idea,  
9 but I think we need to be more specific on what  
10 type of affair they can have, because you're  
11 going to have people just going anywhere and  
12 just blowing somebody's hair or getting friends  
13 together and doing their hair and saying, well,  
14 I can do it because we got together somewhere.  
15 If it's for a wedding or a fashion show or --  
16 you know, something specific. I just think we  
17 need to be more specific in what they can do it  
18 outside the salon for.

19 MS. POWELL: And I think that's probably  
20 why the board had difficulty addressing this  
21 issue in the past, as to what -- how you define  
22 it. But I think the language here that does  
23 say volunteer services for charity -- here it  
24 means without pay.

25 MS. TRAYLOR: Charity means no pay.

1 MS. TURMAN: You've got for pay or to  
2 volunteer in it.

3 MS. WARD: Yes.

4 MS. WITTUM: I think it would be very  
5 difficult to list out every single thing that  
6 they might could go out there and do. I mean,  
7 it's going to have to be a broad enough  
8 statement to cover any of the events that they  
9 would like to go to that would be legitimate.  
10 You know we're not going to be able to catch  
11 every single one of them, but we're not doing  
12 it now either. I think the main thing, at  
13 least from my perspective, is to give the  
14 licensed cosmetologist who honestly wants to be  
15 able to go and do a wedding or go to the  
16 conventions and take care of -- take care of  
17 spouses or whatever for pay, whether -- well,  
18 for pay or not for pay, that they can do that  
19 without being afraid that one of the inspectors  
20 is going to be hot on their tail and actually  
21 catch them out there doing it and write a  
22 violation.

23 MS. POWELL: Kathy, actually to implement  
24 that could we not put in place, also, to cover  
25 Ms. Ward's concerns that the board would have

1 to be notified, or you, or the office would  
2 have to be notified of the --

3 MS. WITTUM: I wouldn't recommend it.  
4 You're talking 30,000 licensees. I don't know  
5 how many of them are actually doing it, but I  
6 don't want to know every time 30,000 of them  
7 are going to do a wedding or going to  
8 convention.

9 (Chorus of laughter.)

10 MS. WITTUM: We've got enough to do  
11 without having to monitor that, too.

12 (Multiple conversations taking place at  
13 once.)

14 MS. POWELL: Well, it appears that you  
15 have issues of 30,000 people contacting you,  
16 but at the same time we have issues of 30,000  
17 or less -- well, half of those people going out  
18 and not working in an establishment.

19 MS. WARD: I think that leaves it wide  
20 open to them going anywhere, doing any -- you  
21 know. Why have a salon if you can just go any  
22 place you want and do it? So you've got to  
23 have some type of guideline there.

24 MR. WALKER: Is your concern more  
25 exclusions of services or types of events that

1 people would be doing in general?

2 MS. WARD: To have them go over where  
3 they're going to go and do it, because  
4 otherwise they could just go to any place, in  
5 your home or anywhere. And why have a salon if  
6 you can just do it any place and get people  
7 together and do their hair. And say well,  
8 we're having a party or we're having this or  
9 having that --

10 MS. TRAYLOR: It's for a charity event or  
11 for pay.

12 MS. TURMAN: But my thing is, you know, a  
13 charity they wouldn't get paid, but they're  
14 going to go and get paid. And sure, that's --

15 MS. WARD: I just think we need to be more  
16 specific.

17 MS. POWELL: Well, sure.

18 MS. WITTUM: Well, but it can be either  
19 one.

20 (Multiple conversations taking place at  
21 once.)

22 MS. WITTUM: They may go and do something  
23 for pay. They may be volunteering.

24 MS. WARD: But I mean, you're going to  
25 have to have some type of a guideline to fall

1           between certain things or it's going to be, you  
2           know, if it's going to be for a convention or,  
3           you know, a fashion show, or a wedding, or --  
4           have some type of a guideline of things that  
5           events could fall under. And it could be kind  
6           of general but you'd have a guideline,  
7           otherwise they can go any place and do it and  
8           why have salon if they can just go out any  
9           place and do it?

10           MS. TURMAN: They could have a Pampered  
11           Chef party and say, oh, let's do hair on the  
12           side, you know?

13           MS. POWELL: They can volunteer or for pay  
14           to do cut people's hair over here, right?

15           MS. TURMAN: Yeah.

16           (Multiple conversations taking place at  
17           once.)

18           MR. KEENE: I know what she means. And  
19           you know, the movie studios, when they come in  
20           and they have hairdressers and they're actually  
21           from other states and they're working in this -

22           -

23           MR. DOWNEY: That's true.

24           MR. KEENE: -- state. No --

25           MS. WITTUM: They're excluded.

1 MR. KEENE: When I work for a manufacturer  
2 and I'm traveling all over, you know, I don't  
3 have a license in every state that I'm -- that  
4 I go into and is that breaking the law, too?  
5 Do we have that stipulation in any of our laws  
6 that allows for that?

7 MS. POWELL: Didn't you say that they were  
8 excluded?

9 MS. WITTUM: Yes.

10 (Multiple conversations taking place at  
11 once.)

12 MS. WITTUM: In Arkansas, they're excluded  
13 when it has to do with the --

14 MR. DOWNEY: Productions of movies, and  
15 doctors and --

16 MS. WITTUM: Yeah.

17 MS. GORDON: But I understand what she's  
18 saying because what if --

19 MS. WITTUM: He asked --

20 MS. GORDON: -- I just decided to have a -  
21 -

22 MS. WITTUM: --

23 MS. GORDON: -- hair party.

24 MS. TURMAN: Yeah.

25 MS. POWELL: Well, that means our

1 practitioners can --

2 (Multiple conversations taking place at  
3 once.)

4 MS. POWELL: The motion picture people are  
5 excluded from the requirements, but --

6 MS. WITTUM: Right.

7 MS. POWELL: -- our cosmetologists are not  
8 --

9 MS. WITTUM: Are not supposed to be doing  
10 it.

11 MS. POWELL: Right.

12 MS. WITTUM: That is currently what it  
13 says.

14 MS. POWELL: It would not violate our  
15 rules for the opportunity to do the service.

16 MR. KEENE: Well, I'd be in trouble  
17 because I certainly have done all those.

18 MS. WITTUM: But currently what the law  
19 says is that a licensee is not supposed to  
20 leave the licensed establishment except under  
21 certain conditions.

22 MR. KEENE: Right.

23 MS. WITTUM: And those certain conditions  
24 deal with an incapacity of the person that  
25 you're going to work on.

1 MR. DOWNEY: If they're healthy you're not  
2 supposed to be doing them out of the salon.

3 MR. KEENE: Do what?

4 MR. DOWNEY: If they're healthy you're not  
5 supposed to do them out of the salon. They've  
6 got to be incapacitated in the bed.

7 (Chorus of laughter.)

8 (Multiple conversations taking place at  
9 once.)

10 MS. WARD: There are people who have a  
11 salon in their home. What's to prevent them,  
12 one, that we give them a license to do things  
13 and because they've got a chair or got a sink  
14 there and inviting a few people over every --  
15 you know every week and they've got a business  
16 going on the side.

17 MS. WITTUM: They can do that anyway if  
18 they're -- if they've got a licensed  
19 establishment --

20 MS. WARD: No.

21 MS. WITTUM: -- in their home.

22 MS. WARD: I don't mean that. I mean they  
23 just have a -- I know people who've just got a  
24 chair and a sink. And they do their immediate  
25 family, but why not invite the neighbors?

1           There were neighbors that wanted to come over,  
2           but they didn't know you had to come to the  
3           salon. But this is opening it up that they can  
4           just have anybody come over and doing them.  
5           That's what I'm concerned about. And it's not  
6           the establishment. It's just having different  
7           clients over or driving some place and just  
8           saying, okay, I'm going to do somebody's hair  
9           and once I get done and having people just drop  
10          by. And we've got to give some type of  
11          guidelines to attempt to protect the salon and  
12          the people who might stop by, you know?

13                   (Multiple conversations taking place at  
14                   once.)

15           MR. WALKER: Any other comments from board  
16           members?

17                   (Pause.)

18           MR. WALKER: All right. Are we ready?

19                   (Pause.)

20           MR. WALKER: I thought we were out of here  
21           pretty quickly, but I don't think so.

22                   (Chorus of laughter.)

23           MR. WALKER: Yes, ma'am.

24           MS. AKARD: I would think that the reason  
25           why we needed a -- the concern that we would

1 have would be about the sanitation. Without --  
2 that would be the, again, the reason that we  
3 have this state board is the sanitation. If  
4 we're going to allow them to work outside of  
5 the salon then we have to be careful about the  
6 sanitation. And even then, I don't really know  
7 whether -- whether the concern is other than we  
8 have to make sure that they are following the  
9 sanitation guidelines.

10 MR. WALKER: Yes, ma'am.

11 MS. HORNER: Kathy?

12 MS. POWELL: Give your name, please.

13 MS. HORNER: Rose Horner.

14 MS. POWELL: Yes.

15 MS. HORNER: The Jones Center in  
16 Fayetteville, they were wanting to do -- and  
17 you and I talked about it, a charity and have a  
18 volunteer cosmetologist to come into the Jones  
19 Center and give free haircuts to kids. And  
20 they had to have an establishment license.  
21 There was no money exchanged, so is that this?

22 MS. WITTUM: This -- this would -- in  
23 order for Jones Center to put on a charity  
24 being under this, they would not have to have  
25 an establishment license. The licensed

1           cosmetologist or manicurist, aesthetician,  
2           whomever, could go and provide those services  
3           to those children without Jones Center having  
4           to have a license.

5           MS. POWELL: It's because of the physical.

6           MR. WALKER: Yes, ma'am.

7           MS. CAUDLE: But they are mentioning the  
8           health and sanitation issue of -- of this, but  
9           if they're doing it at these special functions,  
10          no one would have any way of knowing if they're  
11          practicing good health and sanitation  
12          procedures because no one will be there to  
13          check them because it's a special event.

14          MS. WITTUM: Well, I think there is just a  
15          level of trust in our cosmetologists that they  
16          would follow those health and safety  
17          requirements where ever they're performing  
18          services.

19          MS. CAUDLE: In some situations you know  
20          they don't.

21          MS. MORGAN: Kathy, for years  
22          cosmetologists have been going out to their  
23          customers and doing their wedding and they --  
24          we're not going to be out at the church to  
25          police them anyway. I -- and we have a couple

1 of them here in Little Rock. Clear Channel,  
2 they got licensed just so that they could have  
3 Mother's Day Out and special events there.  
4 Channel 4 also had a license to do their  
5 special events with licensed cosmetologists.  
6 So you -- open the door.

7 MR. WALKER: Yes, ma'am.

8 MS. WHITLOCK: Okay. My question is what  
9 is the difference? You said you don't want all  
10 these phone calls or whatever coming into the  
11 office. What is the difference in volunteering  
12 and having to notify State Board so many days  
13 in advance in the other area that we covered,  
14 and this?

15 MS. WITTUM: Well, the other area we  
16 talked about that was the student.

17 MS. WHITLOCK: But what if you take  
18 students to this also? I mean, what -- why  
19 not, if you really want to allow practitioners  
20 to be able to go a way, go out and do this --  
21 if we go to the mortuary, you want to be  
22 notified. So why not have to be notified for  
23 this also?

24 MS. WITTUM: Well, I think there's a  
25 difference between students and licensed

1 practitioners for one thing, but we have  
2 already said that we are wanting to allow  
3 students to be able to go out and do the  
4 volunteering and go to these types of events.  
5 And so why not let our licensed practitioners  
6 be able to do it without fear of violating the  
7 law?

8 MS. WHITLOCK: But why not have them  
9 contact you also, is what I'm saying, because  
10 there are so many things you don't want them to  
11 do as in a mobile salon. Why not have the  
12 board have to approve it? You want it approved  
13 if students are going out also, so why is it  
14 not being approved also for practitioners?

15 MS. WITTUM: Well, it's not being approved  
16 with the students. It -- we just needed to  
17 know for the inspectors when they're going out  
18 to inspect the schools that these students may  
19 not be on the premises at any given time -- if  
20 we're talking about volunteering. Now, if  
21 we're talking about Rule 16, there is an  
22 approval process but that's a different story.  
23 The -- I see a tremendous difference between  
24 our students and our licensed practitioners.  
25 And I do not want to babysit 30,000 or have to

1 be responsible for knowing where 30,000  
2 practitioners are going to be at any given  
3 time. That's not my job. It is my job to keep  
4 up with whether or not the students are there  
5 in the school or whether they're going off-  
6 campus to do something.

7 MS. WHITLOCK: But isn't it your job to  
8 make sure that all health, safety, and  
9 sanitation procedures are being followed?

10 MS. WITTUM: Yes, it is. But I don't go  
11 out to everyone of the licensees to make sure  
12 that every single one of them are following the  
13 health and safety guidelines. I mean, if the  
14 inspectors come across them and they find that  
15 they're not following suit then it's their job  
16 to write the violations and we'll follow suit  
17 with that. But we cannot physically, our  
18 office, cannot physically monitor the practices  
19 of every single practitioner out there. This  
20 law, this recommendation, is only to give the  
21 licensees the benefit of knowing they can go do  
22 their job whether it's within their licensed  
23 establishment or it's at a wedding that they're  
24 being hired to come and do or that they're  
25 volunteering to do or some charity event that

1 they're volunteering their time to, without  
2 fear of violating this law that is currently on  
3 the books.

4 MR. WALKER: Any other comments?

5 (Pause.)

6 MR. WALKER: Ms. Powell?

7 (Pause.)

8 MS. POWELL: Since --

9 MS. TURMAN: We keep going back to this  
10 that they say they're doing it anyway. You  
11 guys that still doesn't make it right. If  
12 they're doing it and it does not make it right.  
13 I -- I've heard that so often today. That does  
14 not make it all right, I don't care what it is.  
15 If it's -- and it just sounds like to me that  
16 you're condoning it. I'm upset because I'd  
17 often say, I want them to be able to go out and  
18 do that, but to make it legitimate. But we --  
19 how can we allow them to just gather and say,  
20 okay, it's -- it might be all right if it's  
21 volunteer. And yet when it says, pay, that  
22 opens up a whole new ball game, because not  
23 very many people are going to do volunteer.  
24 But when you mention that pay and that  
25 terminology right here of conditions for pay or

1 to volunteer services or charity -- well, when  
2 you pay it is not volunteer services for  
3 charity.

4 (Pause.)

5 MS. TURMAN: So, I mean, we've got to  
6 protect the hairdressers, too, that's in these  
7 establishments making their living. If we have  
8 some restrictions on this, it would be fine.  
9 But what about a Pampered Chef party? Oh,  
10 we'll do the hair on the side? Well, we're  
11 going to go do something else and we're going  
12 to do hair on the side. And come on over,  
13 we're going to have a huge party. That isn't  
14 right. I don't care if they are doing it.  
15 It's our job to -- and we may not catch a lot  
16 of them, but this is not right just because  
17 they're doing it. We have to have some kind of  
18 guidelines.

19 (Pause.)

20 MS. POWELL: Is there any further  
21 discussion from the board?

22 (Pause.)

23 MS. POWELL: One thing that could be done  
24 is to define the conditions. We could define  
25 whether to pay or not pay. We could define

1 that it be with board approval or -- deny the  
2 recommendation. So is there any other  
3 discussion from the board?

4 (Pause.)

5 MR. KEENE: No, but I'll make a motion.

6 MS. POWELL: Do I have a motion?

7 MR. KEENE: I move that we accept the  
8 committee's recommendation for allowing  
9 licensees to work outside of their  
10 establishment under certain conditions or to  
11 volunteer their services for charity.

12 (Pause.)

13 MS. TURMAN: Well, what are --

14 MS. POWELL: I have a motion.

15 MS. TURMAN: What are the conditions?

16 MR. KEENE: List a few.

17 MS. TRAYLOR: You made the motion. You  
18 list them.

19 MR. KEENE: The motion is -- certain  
20 conditions, I think we have a very competent  
21 director that can come up with those  
22 conditions. I think she's listed, and quite a  
23 few of them were listed today.

24 MS. POWELL: Did you --

25 MR. KEENE: If you disagree --

1 MS. POWELL: -- want to amend --

2 MR. KEENE: No, I don't want to amend it.  
3 I don't think it needs to be amended. I think  
4 it's perfectly fine.

5 MS. POWELL: Okay. Would you repeat the  
6 motion for me then, please?

7 MR. KEENE: I move that we accept the  
8 committee's recommendation on having, allowing,  
9 licensed practitioners to work outside of an  
10 establishment under certain conditions and to  
11 volunteer services for charity.

12 MS. POWELL: I have a motion.

13 MS. PICKERING: Second.

14 MS. POWELL: I have a motion and a second.  
15 All those in favor, -- oh, is there any  
16 discussion?

17 (Pause.)

18 MS. POWELL: All those in favor, raise  
19 your right hand.

20 (Show of hands.)

21 MS. POWELL: I have four. All those --  
22 excuse me, let me see that one more time. All  
23 those for?

24 (Show of hands.)

25 MS. POWELL: All those opposed?

1 (Show of hands.)

2 MS. GORDON: I'm abstaining.

3 MS. POWELL: Any abstentions?

4 (Show of hands. One abstention.)

5 MS. POWELL: One abstention. Motion  
6 carries.

7 MR. WALKER: No.

8 MS. WITTUM: Huh-uh.

9 MS. POWELL: It won't?

10 MR. WALKER: It won't carry. You need  
11 five.

12 MS. POWELL: Well, -

13 MR. WALKER: You have nine, and unless you  
14 break it doesn't pass.

15 MS. POWELL: (INAUDIBLE.)

16 MR. WALKER: Because there is nine members  
17 present.

18 MS. POWELL: Oh.

19 MS. TRAYLOR: You have to have five to  
20 adhere to the --

21 MS. WITTUM: You can either break the tie  
22 or we can let that one die and call for them to  
23 make another one.

24 (Pause.)

25 MS. POWELL: Okay. We'll try this again.

1 Motion failed.

2 MR. WALKER: I had four in favor, so it  
3 does fail. We need five to pass it.

4 MS. POWELL: Okay. Would anybody else  
5 like to -- I'm just seeing if someone would  
6 like to make another motion?

7 MS. WITTUM: Is the board interested in  
8 doing additional research on this or do you  
9 just want to do away with it completely?

10 MS. TURMAN: I have a question. If we do  
11 additional research, I think -- I think it  
12 would be good for the cosmetologist to be able  
13 to go out and do that. We just need  
14 limitations. That's what I'm interested in.

15 MS. GORDON: I agree with Pat. I think we  
16 need to have some more. The conditions, we  
17 need to understand exactly what they entail  
18 before we get --

19 MS. TRAYLOR: So they can understand  
20 exactly what they can do.

21 MS. GORDON: Right.

22 MS. TURMAN: And not make it so general.  
23 And I don't think it should be left up to the  
24 office staff to have to take care of it. And  
25 that's -- and we do, and we go back and we look

1 at this and if the rules and regulations are --  
2 wouldn't be left up to the office staff because  
3 you have -- you guys have enough to do.

4 MS. POWELL: Okay. Do I hear a motion?

5 MS. TURMAN: I make a motion that we do a  
6 study on this.

7 MS. TRAYLOR: I second that.

8 MS. POWELL: I have a motion and a second.  
9 All those -- is there any discussion?

10 (Pause.)

11 MS. POWELL: There's a motion on the table  
12 to do research on this recommendation. All  
13 those in favor, raise your right hand.

14 (Show of hands.)

15 MS. POWELL: All those opposed?

16 (Show of hands.)

17 MS. POWELL: Motion carries.

18 **REMOVAL OF FELONY CONVICTION RESTRICTION**

19 MS. WITTUM: Number four is to remove  
20 subsection (10) in A.C.A. 17-26-105 referring  
21 to felony convictions. The committee favored  
22 the above recommendation with a 2-1 vote. The  
23 public comment that is above it is actually  
24 intended to go with that particular one. There  
25 was a person who voiced concern for persons

1 with felony convictions rendering services,  
2 then used the example of not wanting them to do  
3 work on her children. And the committee can  
4 offer any additional comments if they'd like.

5 MR. DOWNEY: My reasoning for recommending  
6 this was the fact that, you know, we state that  
7 if an individual has committed a felony, they  
8 have a statement of entry, and they'll spend  
9 their time, then they have answered their debt  
10 to society. It doesn't necessarily mean that  
11 they're going to come back and do the same  
12 thing again. So they have been rehabilitated,  
13 paid for their crime, so they should be allowed  
14 to work.

15 MS. TRAYLOR: I thought at one time that  
16 if they were convicted of a felony that we'd  
17 automatically revoke their license.

18 (Pause.)

19 MS. TRAYLOR: Then they had to come before  
20 the board before they ever got them reinstated.

21 MS. WITTUM: Well, the current law says  
22 that you can revoke once you know about that  
23 felony conviction. One of the concerns that I  
24 have is that there is no provision in place, no  
25 practice in place, for us to check the criminal

1 history of the licensees. So either there  
2 needs to be something in place for us to make  
3 this law worth having on the book or it needs  
4 to be removed.

5 MS. TRAYLOR: Well, what needs to -- I  
6 think there's so much going on right now that's  
7 in the newspapers. I know about these things,  
8 but what -- how will you go about checking  
9 these?

10 MS. WITTUM: Well, we would have to --  
11 we'd have to pay the State Police to run  
12 criminal histories.

13 MR. WALKER: On every --

14 MS. WITTUM: On every -- everybody.

15 (Multiple conversations taking place at  
16 once.)

17 MS. WITTUM: And that would have to be  
18 done before you could renew their license.

19 MS. TRAYLOR: I know we have revoked some  
20 licenses before.

21 (Multiple conversations taking place at  
22 once.)

23 MR. WALKER: Any comments or questions  
24 from the board?

25 (Pause.)

1 MR. WALKER: Any comments from the  
2 audience?

3 MS. HAYDEN: I was under the impression if  
4 you were a convicted pedophile that you would  
5 have to have your own rules and regulations and  
6 no contact with children would be one of them,  
7 wouldn't it?

8 MS. WITTUM: Under the sex offender laws,  
9 I think --

10 MS. HAYDEN: Right.

11 MS. WITTUM: -- that's right. Yes. That  
12 -- that's different than --

13 MS. HAYDEN: Right. But, I mean, it  
14 wouldn't be something that you would have to  
15 keep tabs on because they have, you know, their  
16 own set of laws because of that.

17 MR. WALKER: Correct.

18 MR. DOWNEY: And felons are always watched  
19 for and they're not allowed to own firearms.  
20 They're not allowed to vote. They're not  
21 allowed to -- so, I mean, that's out of our  
22 jurisdiction there.

23 MR. WALKER: Yes, ma'am.

24 MS. HUGHES: Jenita Hughes, Newport. I'm  
25 kind of like with Nick, I'm thinking of if

1 they've committed a crime and they've done  
2 their time and they get a license that it  
3 wouldn't need to be revoked. I think they  
4 should be allowed to be licensed. But kind of  
5 the opinion that we hold is that if you are a  
6 licensed cosmetologist, you have been trained  
7 in proper conduct and all these things, and  
8 then you commit a felony then you would -- then  
9 they would have options to revoke their  
10 license.

11 MS. TRAYLOR: Well, now that's what I've  
12 been talking about.

13 MR. DOWNEY: Yeah, I'd go along with that.

14 MS. POWELL: What now?

15 MS. TRAYLOR: That's what I was saying.

16 MS. HUGHES: While you have a license,  
17 revoke it. But if you've been convicted in the  
18 past, you could still have the opportunity to  
19 get your license.

20 MS. ANDERSON: Can you clarify this as far  
21 as this -- this is saying the conviction is  
22 prior or one that would happen after they were  
23 licensed?

24 MR. WALKER: Either, both.

25 MS. ANDERSON: Either.

1 MR. WALKER: Correct.

2 MS. ANDERSON: Either way? Then I would  
3 have a problem with it because I have students  
4 who are currently registered in school who have  
5 served their time. I asked that question --  
6 one of my first questions to Ms. Wittum when I  
7 took over my school. And --

8 MR. WALKER: Well, this would take care of  
9 that problem.

10 MS. ANDERSON: So this would eliminate  
11 that rule, so --

12 MR. WALKER: That's correct.

13 MS. WITTUM: But according to legal  
14 counsel, -- not Kent, here, but Arnie from the  
15 AG's office at the time you posed that  
16 question.

17 MS. ANDERSON: Uh-huh.

18 MS. WITTUM: He said it was his  
19 understanding, or it's been his belief, that  
20 the board has typically looked at what had  
21 happened after they became licensed. But this  
22 could be interpreted to read either way.

23 MS. ANDERSON: Okay.

24 MS. TRAYLOR: I think that's what we did.

25 MR. DOWNEY: Yeah, after they're licensed.

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MR. WALKER: Any other --

MS. TURMAN: I would hate to hold something against somebody for the rest of their life because they made mistakes when it was early. I mean, if they've paid their dues and -- I -- if you're looking, maybe, at different types of crime, you know, like crimes against children or something. But still, you know, --

MS. TRAYLOR: Yeah, I would have to say no to the molesting children.

MS. TURMAN: Yeah. That's right. But if they've -- if they robbed a bank or something like that, and it's regretful it's held against them for the rest of their life. And I think about --

(Multiple conversations taking place at once.)

MR. WALKER: Are there any other comments from the audience?

MS. HUGHES: So if they have a license and they commit a felony and go to prison, they'd just go on the inactive list?

MS. WITTUM: Sure.

MS. HUGHES: Would we -- yeah, but I mean

1 do we remove them from the books?

2 MR. WALKER: They couldn't be removed for  
3 having a felony, that is correct.

4 MS. WITTUM: They way it currently, yes.  
5 Now, if this recommendation is adopted and this  
6 language is stricken, then they could go --  
7 they wouldn't necessarily go on the inactive  
8 list, but they may not be able to -- they may  
9 have to come and re-examine if they go past  
10 five years to still maintain their license.  
11 Did that answer --

12 MS. HUGHES: But you would be taking out  
13 the statement that says the license will be  
14 revoked if convicted of a felony.

15 MS. WITTUM: Right. Because the felony  
16 wouldn't be an issue, but if they were  
17 incarcerated for five years or more then they  
18 wouldn't necessarily just be able to walk out  
19 and still have their license. They would have  
20 to come and re-examine in --

21 MS. HUGHES: Why?

22 MS. WITTUM: -- order -- because that  
23 currently is on the book that if -- if they --  
24 if the license is expired for five years,  
25 unless they paid their penalties -- I mean,

1           paid their renewal fee every year.  If they had  
2           somebody to take care of that for them.

3                   MR. WALKER:  Yes, ma'am.

4                   MS. WHITLOCK:  Would it depend on the  
5           severity of the crime they committed, or is  
6           this just any kind of felony or any kind of  
7           that they would --

8                   (Multiple conversations taking place at  
9           once.)

10                   MS. POWELL:  It seemed like to me that it  
11           got confusing at the regional meeting when they  
12           were -- their discussion was the reasoning  
13           behind asking the board to remove this language  
14           that allowed the board to take away someone's  
15           license if convicted of a felony was, as I  
16           understood legal counsel to say, was that there  
17           was nothing in place in our administration to  
18           identify or to notify the board of who had  
19           these convictions.  And this -- you could be  
20           clean and clear in January and get your license  
21           and in February convicted of something and we  
22           would never know that unless we were going to  
23           trail somebody closely.  And also it -- it had  
24           language in there to talk about moral  
25           turpitude.  And we have yet for legal counsel

1 to be able to tell us what is moral turpitude.  
2 And so if it's something that we can't monitor  
3 and we can't identify, then it obviously  
4 appears that it's something that we should not  
5 be trying to micro-manage or regulate. We need  
6 to stay within our boundaries. We assume that  
7 the police is taking care of felony issues and  
8 it's debatable what is moral turpitude.

9 Through the years I've heard it's sassing your  
10 teacher. I've heard that it's cussing your  
11 teacher. I've heard that it's skipping school.  
12 I've heard that it's a lot of things. So, I  
13 mean, if no one -- if legal counsel is not  
14 readily able to identify moral turpitude and  
15 make it simple and easy enough for us to  
16 understand it -- I don't know when it got put  
17 in the law. But it's there today, and --

18 MS. WITTUM: And we're not regulating it  
19 currently.

20 MS. POWELL: Right. And it's obviously  
21 something that we're not regulating  
22 appropriately if we can't identify it and  
23 define it. So --

24 MS. TURMAN: Madam President, I'd like to  
25 know how many parole officers notified the

1 board with any violations?

2 MS. POWELL: Exactly. Or how many --

3 MS. TURMAN: How many were arrested?

4 MS. POWELL: How many knew they had a  
5 cosmetology license?

6 MS. TURMAN: Yeah.

7 MS. POWELL: I believe the intent is good.  
8 I believe that if the committee recognized that  
9 the -- the mission was impossible.

10 MR. WALKER: You can do it, it would just  
11 cost more money.

12 MS. WITTUM: Yes.

13 MS. POWELL: Not just more but --

14 MR. DOWNEY: But bunches.

15 MS. POWELL: Kent, we have someone from  
16 the audience that would like to be recognized.

17 MR. WALKER: Yes, ma'am.

18 MS. COTTON: I just -- since we've brought  
19 up so often today about how other states do  
20 stuff like that and -- does anybody else think  
21 of that? Because I have a real problem -- or  
22 to other professions even. We're always  
23 wanting to compare ourselves with other  
24 professions such as doctors, lawyers, and like  
25 that. So tell me how, as professionals, would

1 we feel if we license people especially  
2 instructors and school owners that may be a  
3 felony person like that. So how does that --  
4 what about how other professions handle it?  
5 Does anyone know?

6 MS. WITTUM: Our legal counsel would have  
7 information on the lawyer.

8 MR. WALKER: I know of two. I know  
9 medical and legal. Medical you have to  
10 disclose to the board if you've been convicted  
11 of a felony, and also again to the hospital  
12 once you have residency so they're aware of it.  
13 And for attorneys, you have to disclose that,  
14 as well.

15 MS. COTTON: Okay. Can we not use some  
16 guidelines similar to that since we all want to  
17 be professionals?

18 MS. TRAYLOR: That they would have to  
19 disclose it to the board.

20 MR. WALKER: I mean, you can do that --

21 MS. POWELL: How?

22 MR. WALKER: -- but there's nothing to say  
23 -- because in the legal field it's easily  
24 verified because your peers are the ones that  
25 usually convict you so that's pretty easy to

1 determine. Medical board, I think, the fact of  
2 losing that six figure income is what keeps  
3 them being honest to the Medical Board. I  
4 mean, y'all can do whatever you like in those  
5 terms. It could be self-disclosure, but then  
6 you'd have to create some kind of rule and reg  
7 for people that didn't fully comply truthfully.

8 MS. COTTON: Okay. But that would give us  
9 guidelines to go right in this profession,  
10 correct?

11 MR. WALKER: You can do that, certainly.

12 MS. COTTON: Instead of just taking it out  
13 altogether because morally -- y'all think about  
14 that. I said if you're licensing people out  
15 there, and I know for a fact there's all kinds  
16 of felonies out there already licensed as  
17 cosmetologists --

18 MR. WALKER: Well, this --

19 MS. COTTON: -- and you set forth some  
20 good guidelines and rules and regulations from  
21 this day forward, then people are required to  
22 follow those.

23 MR. WALKER: I think the only thing that I  
24 would have difficulty with from my perspective  
25 is you have to determine which felonies are

1           worth being addressed by the board to look at  
2           either suspending or revoking licenses  
3           entirely. Then there would be an odd tiering  
4           that would have to take place that I don't know  
5           if the board wants to do or not. But for  
6           example, if you had a DWI III, it's a felony.  
7           And is that worth the board considering in  
8           terms of a suspension or a revocation of  
9           license?

10           MS. COTTON: I would think so.

11           MR. WALKER: And I don't know. You spend,  
12           usually it's a year in jail for something like  
13           that. And I --

14           MS. TRAYLOR: How about the woman that  
15           came up here that had five of them? In a  
16           month.

17           (Pause.)

18           MS. TRAYLOR: And she came to the judge  
19           drunk.

20           MR. WALKER: I mean, that's -- that's  
21           something for y'all to decide. There's nothing  
22           to mandate that you have to, I'll say that. So  
23           if you want to take that on then --

24           MS. TURMAN: I'd just like to know who's  
25           going to have time to do this? I know we -- we

1 -- how can we afford it? But you know there's  
2 the problem.

3 MS. TRAYLOR: They need to notify the  
4 board that they were in compliance. And then  
5 the board decides if they wish to see you  
6 revoked or whatever.

7 (Multiple conversations taking place at  
8 once.)

9 MS. PICKERING: Is there a way that if you  
10 even suspect that there's a pedophile, that we  
11 can identify them and --

12 MR. DOWNEY: They already are.

13 MS. PICKERING: They are?

14 MR. DOWNEY: They're mandated that they  
15 have to notify everybody in the community.

16 MS. GORDON: Do they have to notify --

17 (Multiple conversations taking place at  
18 once.)

19 MS. POWELL: All right. Let's have one at  
20 a time. I need order, please.

21 COURT REPORTER: If you don't mind your  
22 court reporter having something to say here, I  
23 was a teacher for ten years. So as far as like  
24 when you're talking about what the lawyers do,  
25 I will share with you what the Department of

1 Education, some of the things that they do. Of  
2 course, they do background checks on everybody.  
3 So that's -- your major thing there is that you  
4 can have people disclose all you want, but how  
5 are you going to know whether they did or not?

6 MS. GORDON: Right.

7 COURT REPORTER: I mean, you're not going  
8 to know unless you do background checks.  
9 That's going to cost money. And I mean, it  
10 would be an ongoing, never-ending process at  
11 that point. I'm not saying that you don't need  
12 to have some kind of security measure. I mean,  
13 I don't think that you should not care about  
14 the character or moral character of the people  
15 that you are licensing, but at the same time I  
16 don't see how, unless you're willing to take on  
17 the cost of, you know, putting in the  
18 background checks -- and not just once, but  
19 every time you're licensed because, like she  
20 said, you can get your license today and  
21 tomorrow you can have a felony on there. I do  
22 know that the Department of Education, it's not  
23 just any felony, it's a felony for -- or  
24 automatic dismissal for violent crimes, which  
25 means like domestic battery, assault, obviously

1 crimes against children and things like that.  
2 And what they have to do is it's not just an  
3 automatic, period. They have the right, in the  
4 statutes, to make an appeal to the board and  
5 the board can grant a waiver. And that's -- I  
6 hope that information is helpful.

7 MS. TRAYLOR: My problem is the children,  
8 being around children or working on children.

9 MS. POWELL: LaJoy?

10 MS. GORDON: As far as the background  
11 checks, I think if you go to a school to be  
12 hired, you -- you're responsible for paying for  
13 your own background check. Is that right?

14 COURT REPORTER: Yes, you are right.

15 MS. GORDON: You know, like the  
16 individual, say I want to get hired here, then  
17 I'm responsible. I pay the money up front for  
18 my background check. That's how it works, I  
19 think, in the school district.

20 MR. WALKER: Then you could do that with  
21 an additional license fee, I mean, that's  
22 possible. But again from my perspective, the  
23 board or whoever else that will do this  
24 eventually will be having to tier out the  
25 different felonies and what's worthy of

1 revocation and suspension and what's not.

2 MS. GORDON: Well, she just said that, I  
3 think. They do them -- what did you say, most  
4 serious -- like violent offenses?

5 COURT REPORTER: Every felony comes before  
6 the board, but they have a right to grant a  
7 waiver in their statutes.

8 MR. WALKER: That's up to y'all.

9 (Multiple conversations taking place at  
10 once.)

11 MS. TRAYLOR: You have to have, you know,  
12 --

13 (Multiple conversations taking place at  
14 once.)

15 MS. TRAYLOR: -- have some guidelines.

16 (Multiple conversations taking place at  
17 once.)

18 MS. WEST: Before we were -- we would hire  
19 people, you know, your large corporations have  
20 to have a drug test, and a TB test, and also  
21 they have to swear that they have not been  
22 convicted of a felony. That's any large  
23 company, anymore.

24 MS. POWELL: Well, --

25 MS. WEST: Other than WalMart.

1 MS. POWELL: Yes. For employment, right?

2 MS. WEST: Yes, for employment. But why  
3 couldn't we do that for licensing? And they  
4 would -- they pay for the drug test.

5 MS. GORDON: We used to have to do the TB  
6 test and we were responsible for getting that  
7 test to the board.

8 (Multiple conversations taking place at  
9 once.)

10 MR. WALKER: I mean, I see those as  
11 separate issues. If you want to amend them to  
12 include them, I guess y'all could do that. I  
13 think we've got to decide now if we're going to  
14 remove this, or table it, or vote it down, is  
15 where I see it as where we are now.

16 MS. TRAYLOR: Madam Chairman, I move that  
17 we table this until some more research has been  
18 done on it.

19 MS. POWELL: I have a motion.

20 MS. GORDON: Second.

21 MS. WITTUM: What kind of research do you  
22 want done?

23 MS. TRAYLOR: Well, as to what you can do  
24 and what you really can't, how much proof you'd  
25 have to have, you know. I know what it says

1 now and I know what we had before, but I don't  
2 think we ought to just give a clean slate. I  
3 think we need to think about what we want to do  
4 about it. Right now, I don't know what I want  
5 to do. I could not vote with clear conviction  
6 because I have some issues about certain  
7 things.

8 (Pause.)

9 MR. WALKER: You have a second on that.

10 MS. POWELL: I have a motion and a second  
11 to table the recommendation. All those in  
12 favor, raise your right hand.

13 (Show of hands.)

14 MS. POWELL: All those opposed?

15 (No opposition.)

16 MS. POWELL: Is there any abstention?

17 BOARD MEMBER: I abstain. I don't know  
18 what I want to do, but I was concerned about  
19 two issues.

20 MS. TRAYLOR: Well, that was me. That's  
21 the reason I'd like for it to be tabled and get  
22 some research.

23 **REMOVE SALON SQUARE FOOTAGE SPECIFICATION - 168 ft2**

24 MS. WITTUM: Number five is to strike  
25 subsection A.C.A. 17-26 -- or subsection (c) in

1 A.C.A. 17-26-405 that stipulates 168 square  
2 feet floor space for a new salon.

3 (Pause.)

4 MR. WALKER: Are there any comments from  
5 the committee?

6 MR. DOWNEY: My comment is if a business  
7 owner can do with and believes they can operate  
8 in less than 168 square feet, which some can,  
9 that should be a business person's decision to  
10 make and not us as a board telling them how  
11 much space they have to have. This was drawn  
12 from 1955 with states surrounding us, what they  
13 were using, 168 square feet. I think if you  
14 check you'll find in their old laws we  
15 basically just, at that time -- I wasn't there,  
16 but --

17 (Chorus of laughter.)

18 MR. DOWNEY: They took the law and used  
19 theirs. But I don't think that we should have  
20 to have go in there and actually take a  
21 measuring tape and if they're one foot square  
22 off -- off one square foot, that we wouldn't  
23 allow them to be licensed. And I think we need  
24 to just strike that from the law. It's old.  
25 It's been there forever.

1 MS. TRAYLOR: Are you going to strike the  
2 schools?

3 MR. DOWNEY: The schools?

4 MS. TRAYLOR: Uh-huh.

5 MR. DOWNEY: This has nothing to do with  
6 the schools.

7 MS. TRAYLOR: Well, I know, but the square  
8 footage -- it does.

9 MR. KEENE: No, it doesn't.

10 MS. POWELL: No.

11 MR. DOWNEY: All we're saying is 168  
12 square feet in your salons.

13 MS. WITTUM: This does not address the  
14 schools.

15 MR. DOWNEY: This doesn't address schools.

16 MS. TRAYLOR: Well, it's expressly for  
17 square footage and I feel like it --

18 MR. DOWNEY: In the salons, not schools.

19 MS. TRAYLOR: I know.

20 MS. PICKERING: I agree with Nick. I  
21 think that ought to be the school -- the salon  
22 owner to decide what size they need. It may be  
23 one operator that might could do with less than  
24 I could with my square footage.

25 MS. POWELL: Well, I seem to remember the

1 board having to be visited several times on  
2 several occasions. I've seen people that have  
3 come up and petition the board to grant them  
4 leniency of not having 168 square feet. And  
5 I've seen the board always be lenient on that,  
6 and allow them to practice in a smaller than  
7 168 square feet area. And then, yet, turn  
8 around and re-issue that regulation for someone  
9 opening up a salon the day after. I see that  
10 as a conflict of -- conflicting issue there. I  
11 see people that are grand-fathered in that are  
12 less than 168 square feet. And if we're going  
13 to recognize it as a favorable issue, then we  
14 need to recognize it consistently. If it was  
15 good once, it should be -- and if it's been  
16 good once, it should be good again.

17 MS. TRAYLOR: Has anyone ever had a -- do  
18 they adopt the law, you know, for each  
19 hairdresser there had to be an additional so  
20 many square foot?

21 (Multiple conversations taking place at  
22 once.)

23 MS. POWELL: Director Wittum, can I ask  
24 you -- one of the suggestions that I just heard  
25 was that in dropping the 168 square feet in the

1 establishment, that it would also need some  
2 language on the 50 additional square feet for  
3 each practitioner.

4 MS. WITTUM: That would be true.

5 MS. POWELL: Also?

6 MS. WITTUM: Yes.

7 MS. POWELL: And it's described as floor  
8 space for a new salon, and I'm assuming that  
9 would be --

10 MR. WALKER: You just wouldn't have it in  
11 the -

12 MS. TRAYLOR: It wouldn't be in the law.

13 MR. WALKER: -- law.

14 MR. KEENE: The 50 additional feet is in  
15 the -- it's in the rules -- to apply it. It's  
16 not in the law.

17 MR. WALKER: And I don't see in the  
18 statute. But that -- y'all would have to  
19 change that later on.

20 MR. KEENE: Right.

21 MR. WALKER: And I think that would be  
22 dependent upon the legislation passing.  
23 (Multiple conversations taking place at once.)

24 MS. WITTUM: It's not in the law.

25 MR. WALKER: So I don't think it's the

1 proper time to visit that because it won't be  
2 before you until this actually would be deleted  
3 by the legislature. I need you to make rules  
4 accordingly to that.

5 (Pause.)

6 MR. WALKER: Are there any comments from  
7 the audience related to this?

8 (Pause.)

9 MR. WALKER: Seeing none, Ms. Powell.

10 MS. POWELL: Okay. Does the board have  
11 any further discussion of this issue?

12 (Pause.)

13 MS. POWELL: Do we have a motion on this  
14 issue?

15 MR. KEENE: I move to accept the  
16 committee's recommendation to delete the rule  
17 A.C.A. 17-26-405(c) that stipulates 168 square  
18 feet.

19 MS. POWELL: I have a motion.

20 MS. TRAYLOR: I'll second that motion.

21 MS. POWELL: And a second. Is there any  
22 discussion?

23 (Pause.)

24 MS. POWELL: All those in favor, raise  
25 your right hand.

1 (Show of hands.)

2 MS. POWELL: It's unanimous. The motion  
3 carries.

4 MR. WALKER: And with that, we have  
5 completed the agenda, and also the legislative  
6 committee's recommendations. Are there any  
7 comments from the board?

8 (Pause.)

9 MR. WALKER: Ms. Powell, I'll give the  
10 floor back to you, then.

11 **LANGUAGE REVISION RELATING TO SCHOOL SUPERVISOR**

12 MS. POWELL: A proposal to the legislative  
13 committee on last Monday was to modify language  
14 in law A.C.A. 17-26-409 under the school  
15 supervisor, where it describes the language of  
16 immediate supervision. I'd like to see the  
17 board give consideration to remove the  
18 immediate supervision or to define the  
19 immediate supervision.

20 As I see it, the school supervisor is to  
21 act as the liaison for the school between the  
22 board and the public and the school. It's like  
23 a principal. Where as the instructor is  
24 identified as a different person. And at the  
25 time I believe that this law was in place, it

1 was before the age of computers, cell phones,  
2 fax machines, and the immediate ability to  
3 communicate with the State Board or accrediting  
4 agencies, or the public or anybody. And to  
5 have a school supervisor to be immediate, I  
6 would think that immediate -- that it ought to  
7 be taken out because the board immediately  
8 would be sufficient -- a phone call away. I  
9 would not think they would have to be on  
10 premises.

11 (Pause.)

12 MS. POWELL: With an instructor. I don't  
13 believe a supervisor has to be on premises with  
14 an instructor at all times. An instructor  
15 should be able to facilitate their job without  
16 having the supervisor immediately beside them  
17 eight hours a day. If this is the case, that  
18 means I can't be the supervisor of my own  
19 school. I've got two schools. Well, I truly  
20 consider myself a supervisor, but instructors  
21 are there. And -- but I should be able to be  
22 immediately contacted by anyone without being  
23 on the premises. I should be the liaison  
24 between the board and the school. But I have  
25 to basically hire someone and call them the

1 supervisor because I can't be at two places at  
2 the same time. That's if you're reading the  
3 terminology of this word 'immediate' to mean on  
4 premises. And I'm certainly the supervisor of  
5 my business. Now, instructors are there, and -  
6 - but I should be able to be immediately  
7 contacted by anyone without being on premises.  
8 I should be the liaison between the board and  
9 the school.

10 So that is my understanding of -- I know I  
11 discussed this once before....

12 So that is my understanding of -- I know I  
13 discussed this once before a few years ago with  
14 the board. I almost think that immediate would  
15 seem to be the issue. I'm in favor of the  
16 school having supervisors. I think they're  
17 necessary, but I think the language to me is  
18 that word, immediate.

19 (Pause.)

20 MS. POWELL: Do I have any other feedback  
21 from the committee members that were present at  
22 the legislative committee meeting where we had  
23 discussed this?

24 MS. PICKERING: All right. I was there  
25 and I agree with you, Jane. I think that

1 immediate ought to be taken out because you  
2 can't be in both schools at the same time, not  
3 just you, but anyone else. It's not just to  
4 favor you, but I agree.

5 MR. DOWNEY: And I agree with Jane, it's  
6 as we discussed before, it was brought up years  
7 ago and years ago. And just as long as they're  
8 able to be contacted and they're the ones that  
9 are the liaison for the board with that school.  
10 And that's primarily what the supervisor was  
11 set up for was so the board could communicate  
12 with each school through someone who had three  
13 years experience and knowledge and be able to  
14 know about that particular school where a  
15 newly-hired instructor may not be able to do  
16 for them, so that's the reason I agreed with  
17 it.

18 MS. POWELL: Ms. Turman.

19 MS. TURMAN: Madam President, I'm sorry to  
20 give you a different angle. I am a supervisor  
21 in the business world, retired and yet I work  
22 part time as a supervisor. If, when you have  
23 to be there at all times, and something very --  
24 there maybe a trauma, if you're not competent  
25 enough to take over for them if they have to

1 leave, they really don't need to be there.

2 MS. POWELL: Right.

3 MS. TURMAN: So I think that should be  
4 removed. I mean, you have got to get out of  
5 the building some time. I don't care what kind  
6 of supervisor you are, you cannot be in that  
7 building constantly. You have to go.

8 MS. POWELL: Well, I know that they do in  
9 the public schools in the supervisor's  
10 position, but I think that the language is  
11 confusing when it pertains to a private school.

12 MR. WALKER: So for my own clarification,  
13 you're looking to just delete the immediate  
14 supervision part so every school shall at all  
15 times have a licensed cosmetologist --  
16 cosmetician or cosmetologist -- is that  
17 correct?

18 MS. POWELL: A super -- you know I'm  
19 saying? Well, I think it says school  
20 supervisor, that every school shall at all  
21 times --

22 MR. WALKER: But it would still be a --

23 MS. POWELL: -- be in charge of and under  
24 the supervision of a licensed cosmetician,  
25 cosmetologist, and/or operator with at least

1 three years -- duh, duh, duh, duh, duh.

2 MS. WITTUM: So you just want to remove  
3 the word immediate?

4 MS. POWELL: Right. I would like to -- as  
5 long as that is clear understandable language  
6 that the supervisor is not necessarily on the  
7 premises.

8 MR. DOWNEY: And while we're at it, I  
9 think every where else we've tried to delete  
10 the old terminology of cosmetician from every  
11 thing else, so --

12 MS. POWELL: Right.

13 MS. WITTUM: Yes.

14 MR. DOWNEY: -- we need to get rid of  
15 that, too.

16 MR. WALKER: Let's take some comments from  
17 the audience. Well, any comments from the  
18 board before I do this? Any questions?

19 (Pause.)

20 MR. WALKER: Okay. Yes, ma'am.

21 MS. JONES: I just want a clarification.  
22 Are you saying that I can have an instructor at  
23 the school that is licensed without having had  
24 three years experience as long as she can call  
25 the supervisor?

1 MS. POWELL: Huh-uh.

2 MS. WITTUM: No. The only thing that Ms.  
3 Powell is recommending to change from the  
4 school supervisor provision is to take out the  
5 immediate -- the word immediate. So she would  
6 still have to have a licensed cosmetologist who  
7 has three years experience supervising the  
8 school. Is that correct?

9 MS. POWELL: Yes. The supervisor is still  
10 the person that is the supervisor with three  
11 years experience. And she's not on premises  
12 24/7.

13 MS. JONES: But the person that's left on  
14 premises still has to have three years  
15 experience?

16 (Multiple conversations taking place at  
17 once.)

18 MS. POWELL: No. The three years is the  
19 supervisor's qualifications, as I see it.

20 MS. WITTUM: Okay.

21 MS. POWELL: The instructor qualifications  
22 are they be 21, has passed the instructors'  
23 examination, has received eight hours of  
24 continuing education training -- duh, duh, duh.

25 MS. TRAYLOR: Somewhere -- I didn't think

1 they could be left in charge of a school until  
2 they had had three years experience.

3 MS. POWELL: Well, as the supervisor --

4 MS. TRAYLOR: No, it wasn't supervisor.  
5 It was instructor. That's what it was. That a  
6 school cannot leave an instructor without three  
7 years of experience under -- in full control of  
8 the school.

9 MS. POWELL: Well, as far as an  
10 instructor, you license an instructor to teach  
11 and they're supposedly licensed and qualified  
12 upon the time they reach their 600 hours and  
13 take the State Board examination.

14 MS. WITTUM: We need to clarify some  
15 things. Kent is understanding this change that  
16 you're suggesting now to modify -- when you  
17 look at it compared to number five over here,  
18 about the instructors for the specialty  
19 courses, --

20 MR. WALKER: It's just simple. Do you  
21 still want a licensed cosmetologist on premises  
22 at all times?

23 MS. POWELL: Yes.

24 MR. WALKER: Okay.

25 MS. POWELL: Yes.

1 MR. WALKER: All right. That's all I  
2 wanted to know.

3 MS. POWELL: There is a licensed  
4 cosmetologist instructor on premises at all  
5 times. And what this is proposing to do is to  
6 eliminate the three-year experienced supervisor  
7 being on premises all day, eight hours a day.

8 MS. JONES: That's what I was asking. Is  
9 that meaning that if I have two instructors,  
10 one that has three years and is acting as my  
11 supervisor, and another one that has maybe a  
12 year and a half or two years, can they be left  
13 on the premises alone without that supervisor,  
14 as long as they're in the immediate area where  
15 we can call them or get them on the phone.

16 MS. POWELL: If they're a licensed  
17 cosmetologist instructor, yes, ma'am.

18 MS. JONES: They can stay on the premises  
19 because --

20 MS. POWELL: They're an instructor.

21 MS. JONES: -- with the supervisor --

22 MS. POWELL: Yes, when they're off  
23 premises. This only gives hours and years of  
24 experience to a supervisor.

25 MS. JONES: Okay.

1 MS. POWELL: It gives -- instructor  
2 qualifications are under 410, listed  
3 separately. I'm only discussing the school  
4 supervisor, --

5 MS. JONES: Right.

6 MS. POWELL: -- with the three years  
7 experience. She has three years experience.  
8 She's still going to have three years  
9 experience because she's a school supervisor,  
10 but she's not on premises immediately all eight  
11 hours was my proposal.

12 (Multiple conversations taking place at  
13 once.)

14 MS. POWELL: That she would be able to  
15 leave the school with an instructor there, a  
16 cosmetology instructor, there.

17 MS. JONES: With over three years  
18 experience. That's all I needed to know,  
19 because I --

20 MS. POWELL: I --

21 MR. DOWNEY: In other words, she can go to  
22 the beauty supply house and pick up some  
23 supplies without having to worry that the  
24 inspector is going to come in and that school  
25 supervisor is not there, so let's write them

1 up.

2 MS. JONES: Or if I have a -- my  
3 Saturdays, I have classes on Saturday where I  
4 have to have, you know, because of the law and  
5 the three year supervisor has to be there. Can  
6 I have an instructor there that doesn't have  
7 those three years as long as she can call  
8 supervisor?

9 MS. POWELL: That's what my proposal is.

10 MS. JONES: That's good.

11 MS. POWELL: That school -- I don't have --  
12 -- I mean, I'm not saying anything. That's the  
13 proposal here today.

14 MS. LEE: I just want to make it real  
15 clear. I have 25 students, a student -- an  
16 instructor that has one year experience and she  
17 can be there with 25 students with one year  
18 experience.

19 MS. POWELL: That's your instructor  
20 qualifications right now, removing your  
21 supervisor from the building with three years  
22 experience.

23 (Multiple conversations taking place at  
24 once.)

25 MS. POWELL: That's my proposal. I mean,

1 we're -- I proposed it. It's just a proposal  
2 right now.

3 (Multiple conversations taking place at  
4 once.)

5 MS. POWELL: I don't -- maybe I didn't  
6 explain that very clearly.

7 MS. BURCHETT: Scottie Burchett. If you  
8 read the law as it's written right now it has  
9 "or" in two places which would eliminate that  
10 three years anyway. It's already --

11 MS. POWELL: Well, it's three years --

12 MS. BURCHETT: I know how it's understood,  
13 but it says three years of practical experience  
14 in the practice or teaching of all the branches  
15 of cosmetology except the branch of  
16 electrology, -- in a licensed cosmetological  
17 establishment or a licensed school of  
18 cosmetology. So it kind of already says --

19 MS. POWELL: It -- it -- well, it's always  
20 allowed someone with three years experience as  
21 a cosmetologist or as an instructor the ability  
22 to be on premises in that -- in that  
23 supervisory position. But my proposal is to  
24 remove that --

25 MS. WITTUM: Remove the word immediate.

1 MS. POWELL: -- immediate, yes. I want  
2 school supervisors. I mean, I'm not saying --  
3 and they need three years experience, I think.  
4 I just don't think they have to be on premises  
5 immediately 24/7.

6 MS. WITTUM: Did I hear a motion from the  
7 board?

8 MS. POWELL: No, I don't think anybody has  
9 motioned on this one.

10 MR. WALKER: But you want the three years  
11 to go away also, is that right?

12 MS. WITTUM: No.

13 MS. POWELL: No.

14 MS. WITTUM: Just that word immediate.

15 MR. WALKER: That's kind of confusing --

16 (Multiple conversations taking place at  
17 once.)

18 MS. POWELL: You're right, Kent. You're  
19 right.

20 (Multiple conversations taking place at  
21 once.)

22 MS. ANDERSON: I have a question. If I  
23 had a day class and an evening class, do I have  
24 to have separate supervisors for each class or  
25 one supervisor can cover the whole school even

1                   though it covers more than eight hours.

2                   MR. KEENE:    Yes.

3                   MS. ANDERSON:  What would be the -- if I  
4                   have a day class and an evening class --

5                   MS. POWELL:    I'd want --

6                   MS. ANDERSON:  -- or I have more than an  
7                   eight-hour session the instructor was there  
8                   for, would that instructor be able to cover  
9                   both sessions, that supervisor?

10                  MS. POWELL:    I would think that a --

11                  MS. ANDERSON:  Cover both sessions --

12                  MS. POWELL:  -- supervisor of a school is  
13                  the --

14                  MS. ANDERSON:  -- or --

15                  MS. POWELL:  -- supervisor, --

16                  (Multiple conversations taking place at  
17                  once.)

18                  MS. POWELL:  -- 24 hours a day.  I mean,  
19                  you're not losing your job description just  
20                  because you go home at night.

21                  MS. ANDERSON:  Uh-huh.

22                  MS. POWELL:  It's the school supervisor.

23                  MS. TRAYLOR:  It's the instructor  
24                  facilitates learning.

25                  MS. POWELL:  Yes.  So do I have any --

1 anybody else that wants to discuss on this or  
2 do I have a motion from the board --

3 MS. TRAYLOR: Do you want a motion?

4 MS. POWELL: -- that we can make this  
5 change in language or not?

6 MS. TRAYLOR: Madam Chairman, I move that  
7 we delete the word --

8 MS. POWELL: Immediate.

9 MS. WITTUM: Immediate.

10 MS. TRAYLOR: -- immediate from the law --  
11 we drop that, but everything else stays.

12 MR. WALKER: A.C.A. 17-26-409 --

13 MS. PICKERING: I'll second that.

14 MS. WITTUM: 409 --

15 MS. TRAYLOR: A.C.A. 17-26-409, okay.

16 MS. PICKERING: I second that.

17 MS. POWELL: I have a motion and a second  
18 to delete the language "immediate" from law  
19 A.C.A. 17-26-409, "immediate" being stricken.  
20 Is there any other discussion?

21 (Pause.)

22 MS. POWELL: All those in favor, raise  
23 your right hand.

24 (Show of hands.)

25 MS. POWELL: All those opposed?

1 (No opposition.)

2 MS. POWELL: And one abstention. The  
3 motion carries. Gee, that was fun.

4 (Chorus of laughter.)

5 MS. TRAYLOR: Wore me out.

6 (Chorus of laughter.)

7 MR. WALKER: I believe that does conclude  
8 it now. MS. POWELL: Now, are you sure?

9 MR. WALKER: Well, do you-all have any  
10 further comments or anything?

11 BOARD MEMBER: No.

12 MR. WALKER: If not, this portion of the  
13 board meeting is complete, I believe.

14 (Multiple conversations taking place at  
15 once.)

16 MS. WITTUM: Board members, don't leave  
17 just yet. The inspectors would like to pitch  
18 an idea to you guys, so if you-all would just  
19 hang on we'll hear that when it clears out.

20 MS. POWELL: We're going to take a ten  
21 minute break.

22 (WHEREUPON, the legislative committee  
23 recommendation session was concluded at 2:53  
24 p.m., and proceedings of the board's other  
25 business continued at 3:06 p.m. as follows, to-

1 wit:)

2 **INSPECTORS' PRESENTATION TO THE BOARD**

3 MS. POWELL: I think we have an item for  
4 the board that involves our inspectors. I'll  
5 turn this discussion over to the director and  
6 she can explain it to the board.

7 MS. WITTUM: Inspectors, do y'all want to  
8 come --

9 MS. CAUDLE: Okay. What we're --

10 MS. WITTUM: -- and --

11 MS. CAUDLE: What we're asking for is, we  
12 have this brand new equipment that we're taking  
13 into the salons. We don't mind using the  
14 equipment because it's great. But what I want  
15 to ask for each of you to do is to take it  
16 around to each and every one of you board  
17 members, I want you to lift our equipment up in  
18 that bag.

19 (Equipment bags physically handled by  
20 board members.)

21 MS. CAUDLE: We're lifting that in and out  
22 of the vehicle twenty-plus times a day. And in  
23 the old days, this is what we took in  
24 (indicating.) We took in a clip board, two  
25 pieces of paper, and an ink pen to write our

1 inspection. We don't mind using the laptop.  
2 The laptop is wonderful. What we're asking is  
3 when we go into the salons to do our  
4 inspections to be able to carry a briefcase,  
5 such as the one sitting beside the table here  
6 (indicating.) And leave each and every person  
7 at that salon just a little handout here that  
8 we write down the violation. When we do our  
9 inspection report, it will be done in our  
10 laptop which will be submitted directly to the  
11 office anyway. And the owner of the salon will  
12 sign that. That will be submitted to our  
13 office.

14 So all we're asking for is when we go into  
15 those salons not to have to pick up all of this  
16 equipment which Rose is going to show you what  
17 we have to do over here (indicating) to hook it  
18 up. She has to pull the notebook out, and then  
19 we have to find a plug-in. And most of the  
20 time we have to get down on our hands and knees  
21 in the floor somewhere in the salon to find a  
22 plug-in, because all the plug-ins are used up.  
23 And then we have to take the printer out, plug  
24 it all up. And then when we complete the  
25 inspection, then we have to print off the

1           copies for us and for the office at this time.  
2           Now when we go live we will not have to print  
3           off copies for the office because it will be  
4           saved in our laptop.

5                        So all that we're asking for is to be able  
6           to carry our notebook, laptop, in a briefcase  
7           such as this (indicating), where we can take it  
8           out. Do our inspection and have the official  
9           inspection on our laptop, where each salon  
10          owner will sign. And then if there are  
11          infractions, be able to write them out on this  
12          piece of paper and leave this (indicating)  
13          which would also be in here which means we  
14          would have to reach in and take it out, but to  
15          be able to leave this with the salon owner  
16          instead of having to take the printer, this  
17          heavy bag, and everything into each and every  
18          salon.

19                      MR. KEENE: So at the end of the day you  
20          would just, when you got done with whatever  
21          work where ever it was, you'd sit down and put  
22          it all in?

23                      MS. CAUDLE: No. Actually, -- no, it  
24          would already be in. We haven't worked that  
25          out. Kathy is still working on that with GL

1 Suite, but it would have to be uploaded either  
2 once a week or once every two weeks or  
3 something directly to the office. Which means  
4 the office staff will no longer key in any  
5 inspection reports or anything because it will  
6 all be keyed in when we upload it, which is  
7 going to be a tremendous help to the office.

8 MR. KEENE: Okay.

9 MS. CAUDLE: We -- I mean, y'all the  
10 computers aren't the problem. The computer is  
11 not at all the issue. The issue is the weight  
12 of the equipment and carrying everything in.

13 MS. TRAYLOR: Well, the last time we had  
14 an inspection, I believe the inspection report  
15 was three pages.

16 MS. CAUDLE: Yes, ma'am. That's what it  
17 is right now.

18 MS. TRAYLOR: That's ridiculous.

19 MS. TURMAN: The only concern I have is  
20 when you've got your finished report, it's done  
21 within the salon. And let me assure you, I  
22 think you guys do work hard, but there isn't  
23 any room for any error. Just like, I know --

24 MS. CAUDLE: Absolutely.

25 MS. TURMAN: -- what the, when you're

1           doing it right there when you're in that salon  
2           because, you know, one time we had an issue  
3           with saying, okay, they can't say you've guys  
4           have changed, you know, doing anything like  
5           this or adding notes or anything like that. It  
6           -- it's done exactly when you're in the salon,  
7           you do your print-out. And when you're in that  
8           salon you give the salon owner or whomever you  
9           give that copy to and it goes -- then the other  
10          copy goes right into the office. There's no  
11          misconception there, --

12                 MS. CAUDLE: That's right.

13                 MS. TURMAN: -- not any, that you would  
14          change that.

15                 MS. CAUDLE: There's no way to change that  
16          after they inspect -- and you forget it and  
17          save it on that screen anyway, so there won't  
18          be any room for error. The only error will be  
19          transferring the -- and what we will have to do  
20          is sit down and go line by line down that  
21          inspection form on that laptop and write it out  
22          under which rule it falls under before we leave  
23          that salon. And that's going to be up to each  
24          individual inspector, and I think that we're  
25          all competent enough to do that.

1                   And as you can see, all this time I've  
2                   been standing here talking, and she's still not  
3                   ready for an inspection. That's how long it  
4                   takes to get this equipment up and going.

5                   MS. WITTUM: The issue here that the  
6                   inspectors are posing to the board is that it -  
7                   - what's going to change is the actual document  
8                   that is left with the salon. Instead of it  
9                   being the actual inspection report, it would be  
10                  this condensed form that they would be able to  
11                  either just do a check-mark if there's no  
12                  violations, a check-mark if there are  
13                  violations with abbreviated information on the  
14                  form to acknowledge what those violations were.  
15                  And then the inspector signs it to alleviate  
16                  the problem that I think -- the concern that I  
17                  think you're raising Pat is that anyone who's  
18                  brought up here on discipline action would  
19                  receive a copy of the detailed inspection  
20                  report with the civil penalty letter just as  
21                  they do now. And then they would be able to  
22                  compare it with that abbreviated form. And if  
23                  they see any differences, they can certainly  
24                  bring those to the board's attention during the  
25                  hearing.

1 MS. TRAYLOR: Kathy, I know the rules say  
2 that you have to post these inspections for the  
3 salon. You can't post three pages to where the  
4 public can see them.

5 MS. WITTUM: Well, this would eliminate --

6 MS. TRAYLOR: Eliminate that problem --

7 MS. WITTUM: -- yes.

8 MS. TRAYLOR: -- to a degree it --

9 MS. WITTUM: It would be one page --

10 MS. TRAYLOR: -- would.

11 MS. CAUDLE: It would be one page and it  
12 would stay in the salon and that's it. And our  
13 official inspection would be on our laptop.  
14 That would be filed with the office.

15 MS. POWELL: So this --

16 MS. TRAYLOR: I don't have a --

17 MS. POWELL: -- would just --

18 MS. TRAYLOR: -- problem with that at all.

19 MS. GORDON: So what you're doing is  
20 trying to eliminate carrying -- I'm not --

21 MS. CAUDLE: Carrying all --

22 MS. GORDON: -- understanding.

23 MS. CAUDLE: -- that weight.

24 MS. GORDON: So this --

25 MS. CAUDLE: Well, what we're trying to do

1 is eliminate carrying that roll-around bag.  
2 Even though it has rollers in it, it does not  
3 jump in and out of that car. You have to pick  
4 it up and in and out. And when you're out in  
5 the country, those rollers will not roll on  
6 gravel. And as you-all know we all have rural  
7 areas that is a lot of gravel. In fact, I work  
8 Conway County and there's very few areas that  
9 you have any pavement or asphalt. But with  
10 this, if we are allowed to do this, we can  
11 stick our laptop or our notebook in our  
12 briefcase and also have these pieces of paper  
13 in there for -- to leave with the salon. We  
14 don't have to plug up anything because we can  
15 charge the battery in the car. All we have to  
16 do is put down our briefcase when we get in.  
17 Take our laptop out. Do our job. Sit down.  
18 Look over our inspection to make sure of what  
19 we marked. Denote it on here (indicating),  
20 what we marked. Leave a copy of this with the  
21 salon. If there's no violations, there's a  
22 place to mark "no violations" to leave a copy  
23 with the salon. And go on to the next salon  
24 without breaking our backs and our necks  
25 carrying this stuff around.

1 MS. TURMAN: So you'll have your laptop  
2 with you?

3 MS. CAUDLE: Yes, ma'am. Absolutely.  
4 We're not -- we're not trying to not use the  
5 equipment. We're trying to not carry all of  
6 this equipment into each and every salon.

7 MS. POWELL: Sheila, when you enter your  
8 information on your inspection report summary,  
9 --

10 MS. CAUDLE: Uh-huh?

11 MS. POWELL: -- and that information is  
12 taken from your inspection report, --

13 MS. CAUDLE: Yes, ma'am.

14 MS. POWELL: -- that is, do I understand,  
15 three pages or --

16 MS. CAUDLE: It is --

17 MS. POWELL: -- or what is --

18 MS. CAUDLE: It is now, but it's not going  
19 to be that long.

20 MS. POWELL: Is that three pages, like  
21 three pages because of carbon or is it three  
22 pages of items?

23 MS. CAUDLE: It's three pages because  
24 there were lines added to the inspection and  
25 that's what we're using on GL Suite right now.

1 So GL Suite -- everything is not worked out  
2 there yet.

3 MS. POWELL: So the --

4 MS. CAUDLE: This is two pages the old  
5 way. It's three pages on the new one.

6 MS. POWELL: Oh, okay.

7 MS. WITTUM: And that's likely to not  
8 change even with GL Suite because with that  
9 carbonated they're able to do -- I mean, minute  
10 print and it's double-columned.

11 MS. CAUDLE: Right.

12 MS. WITTUM: GL Suite is not set up that  
13 way. It's got the --

14 MS. CAUDLE: GL Suite is a single column.

15 MS. WITTUM: -- it just has all of the  
16 issues. It has them one right after the other,  
17 so you go from top to bottom.

18 MS. POWELL: Okay. I guess my question  
19 there here, Sheila, is that on this summary, --

20 MS. CAUDLE: Uh-huh.

21 MS. POWELL: -- when you manually fill in  
22 this summary of violations, you're going to  
23 have Rule 4.2, --

24 MS. CAUDLE: Okay. Uh-huh.

25 MS. POWELL: -- Licensure.

1 MS. CAUDLE: Uh-huh.

2 MS. POWELL: And let's just say that was a  
3 violation.

4 MS. CAUDLE: Okay.

5 MS. POWELL: What information are you  
6 going to manually enter on this? Are you going  
7 to give an explanation or does your actual  
8 report have like a number on it, a simplified  
9 formula for it's data entry so that there's not  
10 a conflict of --

11 MS. CAUDLE: My actual report --

12 MS. POWELL: -- information --

13 MS. CAUDLE: -- we're going to go through  
14 here by the law and rule/regulation numbers.  
15 And that's what this is on here. And if it was  
16 4.2(A), that concerns the inspection of a  
17 facility.

18 MS. POWELL: Okay.

19 MS. CAUDLE: Okay? But if the inspection  
20 of the facility was not allowed, that would a  
21 'no', which would be a violation of the  
22 Cosmetology Board's law and rules/regulations.

23 MS. POWELL: So you would put 'no'?

24 MS. CAUDLE: So I would check 'no' on the  
25 laptop. On here (indicating), I would write

1 out inspection of facility not allowed or  
2 denied.

3 MS. POWELL: Okay.

4 MS. BLAND: Just like we do now.

5 MS. CAUDLE: Just like we do now. When we  
6 do these inspections right now and we check the  
7 'yes' or 'no' columns, if there's 'no' columns  
8 checked we have to go to this back page and  
9 explain why that 'no' column is checked. So  
10 it's going to be the same, same procedure, it's  
11 just going to be transferred to this piece of  
12 paper where we're going to put it under the  
13 right regulation.

14 MS. POWELL: And I can see that. My only  
15 concern here is that when you are manually  
16 writing in something -- I tend to believe that  
17 lesser is better.

18 MS. TURMAN: Yeah.

19 MS. POWELL: And so I would -- I would  
20 think it would be better for the board and the  
21 inspector to eliminate any opportunity for  
22 confrontation or disagreement on what they got  
23 and what you said to be when you enter data on  
24 your summary that it would be not overly  
25 explicit --

1 MS. CAUDLE: We're going to check -- then  
2 we're going to come over on this paper and  
3 we're just going to state what it says on here,  
4 either allowed or not allowed.

5 MS. POWELL: Okay.

6 MS. GORDON: And you'll leave --

7 MS. POWELL: Well, -- excuse me.

8 MS. GORDON: -- a copy of this with --

9 MS. CAUDLE: A copy of this stays --

10 MS. GORDON: -- them?

11 MS. CAUDLE: -- with the salon.

12 MS. GORDON: And the --

13 MS. CAUDLE: And the inspection is on the  
14 laptop which is uploaded to the office.

15 MS. WITTUM: There will be a difference  
16 between what is put in the computer in GL Suite  
17 and what is written on the condensed form in  
18 that in the computer we want detailed  
19 information.

20 MS. CAUDLE: Right.

21 MS. WITTUM: You need that at the hearing.  
22 On the abbreviated form they could just be --  
23 they could be brief.

24 (Multiple conversations taking place at  
25 once.)

1 MS. WITTUM: If it was an unlicensed  
2 person, they'd write their name and identifying  
3 information down so that the salon owner knows  
4 which person was unlicensed or if they had a  
5 lapsed license at the time.

6 (Multiple conversations taking place at  
7 once.)

8 MS. WITTUM: The abbreviated information  
9 that's on there just simply needs to be enough  
10 for that salon owner, especially if that person  
11 was not there at the time of the inspection, to  
12 know --

13 (Multiple conversations taking place at  
14 once.)

15 MS. CAUDLE: -- qualifies as dirty, okay?  
16 Under where it says 'Barbicide - dirty or  
17 clean' or 'Change when cloudy or dirty', I  
18 would put Sheila's barbicide was dirty. So  
19 that salon owner would know that I was the one  
20 responsible for not cleaning my barbicide. As  
21 an example, just state the fact.

22 MS. POWELL: Right. I just want to make  
23 sure that the inspectors are conscientious in  
24 filling out a summary.

25 MS. CAUDLE: I don't think --

1 MS. POWELL: There's not any --

2 MS. CAUDLE: -- that they'll have any  
3 problem with that.

4 MS. POWELL: -- opportunity for the person  
5 to come in and say, well, you didn't tell me  
6 that when you were here.

7 MS. TURMAN: Yes.

8 MS. WITTUM: But, --

9 MS. POWELL: I would want to know in your  
10 summary you had documented --

11 MS. CAUDLE: Barbicide.

12 MS. POWELL: Right. But I don't know that  
13 you would give the --

14 MS. CAUDLE: We do that now.

15 MS. POWELL: I understand. Excuse me. I  
16 want to make sure that you would document on  
17 the summary like, dirty barbicide, but when you  
18 went into the computer and did your real report  
19 you'd be more explanatory. I don't want it to  
20 be because you didn't write all this stuff down  
21 here about so-and-so and they said such-and-  
22 such. I wouldn't want it to be an opportunity  
23 for them to say --

24 MS. WITTUM: Well, anything that is marked  
25 in the automated spreadsheet inspection report

1 would need to be addressed on this in an  
2 abbreviated format.

3 MS. CAUDLE: Right.

4 MS. POWELL: Right.

5 MS. WITTUM: But anything -- any 'no' that  
6 they have marked in the computer --

7 MS. CAUDLE: Has to be addressed.

8 MS. WITTUM: -- has to be addressed over  
9 here (indicating). Now there's always going to  
10 be people who come in and say that's not the  
11 way they said it.

12 (Multiple conversations taking place at  
13 once.)

14 MS. GORDON: I'm still -- I don't  
15 understand this with the --

16 (Multiple conversations taking place at  
17 once.)

18 COURT REPORTER: Excuse me. Could you  
19 please --

20 MS. POWELL: We need one conversation at a  
21 time.

22 COURT REPORTER: -- speak in turn.

23 MS. TURMAN: I'm sorry.

24 MS. WITTUM: I think that this will work  
25 for the inspectors. The concern that they have

1 had since the equipment has been purchased and  
2 they realized exactly what it was going to  
3 entail to be automated, they've dealt with what  
4 they consider to be a heavy load to carry --

5 MS. TRAYLOR: It is.

6 MS. WITTUM: -- and the inconvenience of  
7 the surfaces that they have to roll the bags on  
8 and things of that nature. Plus the fact that  
9 some places don't have elevators and they're  
10 having to carry it upstairs. This will still  
11 allow us to be able to give something to the  
12 salon owner, for them to have in their hands,  
13 at the time that they get their inspection.  
14 They get their civil penalty information and  
15 can compare it and then bring it to our  
16 attention if there's anything that they  
17 consider to be in conflict between those two.

18 MS. POWELL: Plus it gives them immediate  
19 access to information in the office, and if  
20 they so choose to print, then --

21 MS. CAUDLE: If we need to print, we'll  
22 have the equipment available. We just won't  
23 have to lug it in and use it every time.

24 MS. POWELL: Right.

25 MS. WITTUM: Uh-huh.

1 MS. TRAYLOR: Well, I don't have a problem  
2 with it myself.

3 MS. PICKERING: I don't either.

4 MS. CAUDLE: It would just make our lives  
5 much easier not having to lift that because you  
6 know --

7 MS. TRAYLOR: I couldn't --

8 MS. CAUDLE: -- I have arthritis in my  
9 neck and back anyway.

10 MS. TRAYLOR: I could not lift that in and  
11 out of a car all day.

12 MS. CAUDLE: It gets a little difficult by  
13 the end of the day.

14 MS. TURMAN: You said something about the  
15 length. Are you going from three pages down to  
16 --

17 MS. CAUDLE: No, ma'am.

18 MR. DOWNEY: It'll still be on three  
19 pages.

20 MS. CAUDLE: It won't change.

21 MS. TURMAN: Okay.

22 MS. CAUDLE: Our original inspection form  
23 is in this laptop. We will be able to pull  
24 that up and complete that form. And there's a  
25 little place for comments on there. When we

1 complete that, that is the original inspection  
2 form where the owner of the salon will sign it.  
3 Okay. What we're going to do is after we do  
4 this form in our laptops, we're going to sit  
5 down with this sheet of paper and we're either  
6 going to check 'no violations.'

7 MS. TURMAN: Okay.

8 MS. CAUDLE: And sign it and date it and  
9 leave it with them. Or we're going to check  
10 'violation' and we're going to list out what  
11 violations --

12 MS. TRAYLOR: That you have -- that they  
13 were. That --

14 MS. CAUDLE: -- that they had.

15 MS. TRAYLOR: -- you put on the computer.

16 MS. CAUDLE: Right. In either event,  
17 they're going to be left that form telling them  
18 'no violations' or what violations we found  
19 while we were there.

20 MS. TURMAN: Right. And you really detail  
21 those violations, you know, as you write them  
22 up each time?

23 MS. WITTUM: You'll have that. It will be  
24 in the computer.

25 MS. TURMAN: Oh, the office computer --

1           okay.

2           MS. GORDON:  And then when will you use  
3           the set up to print all this --

4           MS. CAUDLE:  That's what we're not wanting  
5           to do.

6           MS. WITTUM:  But it will -- there are many  
7           other purposes for the printer.  It just won't  
8           be in this particular scenario.

9           MS. GORDON:  That's what I'm saying.

10          MS. CAUDLE:  We just won't have to carry  
11          all this equipment in to set it up.

12          MS. POWELL:  When you're at the facilities  
13          inspecting will the facility that you're  
14          inspecting person, view the original violations  
15          on the computer screen?

16          MS. CAUDLE:  Yes, ma'am.  They're going to  
17          have to sign it.

18          MS. POWELL:  Oh, they'll sign it on the  
19          laptop?

20          MS. CAUDLE:  Yes, ma'am.

21          MS. POWELL:  So they have to give the  
22          signature on the --

23          MS. CAUDLE:  Yes, ma'am.

24          MS. POWELL:  -- all of it in the computer?

25          MS. CAUDLE:  Yes, ma'am.

1 MS. POWELL: So it shows that they've seen

2 --

3 MS. CAUDLE: That they've seen the  
4 complete inspection report and initial --

5 MS. POWELL: -- the actual inspection  
6 report?

7 MS. CAUDLE: -- what is marked and -- they  
8 sign it and they also initial each page.

9 MS. HORNER: The new ones that are printed  
10 off the computer, they are physically initialed  
11 on each page by the salon owner.

12 MS. POWELL: So those are seen immediately  
13 upon the --

14 MS. CAUDLE: Yes, ma'am.

15 MS. POWELL: -- violation. And then  
16 you're just going to leave them --

17 MS. CAUDLE: Just going to leave them --

18 MS. POWELL: -- them a --

19 MS. TRAYLOR: That's all we need. You  
20 don't have room for --

21 (Multiple conversations taking place at  
22 once.)

23 MS. GORDON: So when you use this system  
24 that you're talking about, your printers will  
25 be eliminated from carrying into the salon, --

1 MS. CAUDLE: From carrying it into the  
2 salon.

3 MS. GORDON: So when you get back to your  
4 --

5 MS. CAUDLE: All we will do --

6 MS. GORDON: -- designated area, will you  
7 print --

8 MS. CAUDLE: -- with our laptops.

9 MS. GORDON: Okay. I understand that.

10 (Multiple conversations taking place at  
11 once.)

12 MS. POWELL: Is there any further  
13 discussion from the board or questions? Ms.  
14 Traylor.

15 MS. TRAYLOR: The way I understand it is  
16 the fine money is to offset the expenses of the  
17 hearings. Am I right?

18 (No verbal response.)

19 MS. TRAYLOR: We bring the inspectors in  
20 and they testify. Can we not pay them  
21 something out of that fine money for them  
22 coming in? Why not? We pay somebody else?

23 MS. WITTUM: They are salaried employees  
24 and the legislature determines what their  
25 salary is going to be.

1 MS. TRAYLOR: But if they come in to  
2 testify, we cannot pay them to come in and do  
3 that?

4 MS. WITTUM: No. They're doing their job.  
5 That's part of their job description.

6 MS. POWELL: Is there any other further  
7 discussion on this issue of the proposals by  
8 the inspectors?

9 MS. TRAYLOR: Do we need to vote on it?

10 MS. WITTUM: No. We just wanted to make  
11 sure that you knew that this change was  
12 something that they wanted to do. We basically  
13 wanted to get your blessing, because once it  
14 starts going out it will be different. So I'm  
15 sure you're going to get phone calls or hear  
16 something from people about this.

17 MS. POWELL: So when you hear the phone  
18 calls that says there's two different forms,  
19 duh-duh-duh-duh-duh.

20 MS. WITTUM: Understand.

21 MS. POWELL: You'll know.

22 MS. WITTUM: You'll know exactly what they  
23 mean.

24 MS. POWELL: So one's a summary. They get  
25 a report and they sign a report and they're

1 given a summary.

2 MS. CAUDLE: Right.

3 MR. DOWNEY: I think it should be in the  
4 minutes of the board meeting that we all  
5 approve or disapprove this, so I think it needs  
6 to be --

7 MS. TRAYLOR: Right.

8 MR. DOWNEY: -- brought up into a motion  
9 that we accept this method of doing it.

10 MS. POWELL: Is that a motion, Mr. Downey?

11 MR. DOWNEY: That is a motion.

12 MS. TRAYLOR: And I second that motion.

13 MS. POWELL: I have a motion and a second  
14 to approve the proposal from the inspectors --  
15 the inspector's proposal. Is there any other  
16 discussion?

17 (Pause.)

18 MS. POWELL: All those in favor?

19 (Show of hands.)

20 MS. POWELL: It's unanimous. The motion  
21 carries. Is there any further business?

22 (Pause.)

23 MS. POWELL: Okay. Hearing none, this  
24 meeting is adjourned.

25 (WHEREUPON, the meeting was concluded and

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adjourned at 3:30 p.m.)

\* \* \* \* \*

OFF THE RECORD

**BEFORE THE ARKANSAS STATE BOARD OF COSMETOLOGY**

I, TERESA IDEN, Certified Court Reporter in and for the State of Arkansas, Supreme Court Certificate No. 646, do hereby certify that I recorded the proceedings of the special meeting and work session called before the Arkansas State Board of Cosmetology by it's legislative committee and heard before the on the 30th day of October, 2006. Additionally, I certify, as well, that that the foregoing transcript of the proceedings and the testimony of said proceedings was taken by me in stenovoice and was thereafter reduced to typewritten form by me or under my direction and supervision; that the foregoing pages numbered 1 through 255 constitute a true and accurate record of the proceedings held to the best of my understanding and ability.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action; and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects

Teresa Iden, CCR  
Mabelvale, Arkansas 72103

or has a substantial tendency to affect impartiality that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide and service not made available to all parties to the action.

WITNESS MY HAND AND SEAL as such Court Reporter on this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

-----  
TERESA IDEN, CCR  
CERTIFIED COURT REPORTER  
ARKANSAS SUPREME COURT CERTIFICATE NO. 646

EXPIRES: 12/31/2006