

These minutes were approved by the Board on 05-02-2022

**MINUTES OF THE VIRTUAL CONFERENCING MEETING**

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art  
April 4, 2022

**1. ROLL CALL**

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Secretary, Pam Rowland, at 10:32 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Room B, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby and posted 03.28.2022.

**Members Present on call (10):**

The following members answered roll call:

Shannon Bingham, Member (in room)  
Matt Bavougian, Member  
Vicki Criswell, Member (in room)  
Jacqueline Hornig, Secretary (in room)  
Ruth Lucas, Member  
Marie Nordboe, Member  
Brandy Phillips, Member (in room)  
Leslie Reed, Member  
Harold "Buddy" Sims, Member  
Pamela Rowland, Vice-Chair

**Members Absent (1):**

Bridget Anderson, Chair

**Others Present:**

Kris Chiles, Program Manager, Licensure Unit (in the room)  
Milissa Johnson-Wiles, Assistant Attorney General (in the room)  
Joe Neuhaus – Assistant Attorney General (in the room)  
Sara Houston, DHHS Attorney (on call)  
Anna Harrison, DHHS Compliance Monitor (on call)

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Criswell moved, seconded Hornig, to adopt the agenda. A voice vote was taken. Voting aye: Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Phillips, Reed, Rowland, Sims (10). Voting nay: None (0). Absent: Anderson (1). Vacant positions (2). Motion carried.

**3. APPROVAL OF MINUTES:**

**MOTION:** Criswell moved, seconded Rowland, to adopt the minutes for 02.07.2022 with corrections. A voice vote was taken. Voting aye: Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Phillips, Reed, Rowland, Sims (10). Voting nay: None (0). Absent: Anderson (1). Vacant positions (2). Motion carried.

**MOTION:** Criswell moved, seconded Nordboe, to adopt the minutes for 03.07.2022 with corrections. A voice vote was taken. Voting aye: Bingham, Bavougian, Criswell, Hornig, Lucas, Nordboe, Phillips, Reed, Rowland, Sims (10). Voting nay: None (0). Absent: Anderson (1). Vacant positions (2). Motion carried.

**4. Updates/Follow-up**

- a) **2022 Legislation-** LB709 - no updates, the office will track  
LB19 - Rowland reported that she spoke with the Senator not looking like it will move forward, will reach out to another Senator for next session.
- b) **Body Art Regulations-**No updates

10:50 am Anderson entered meeting room

- c) Criswell discussed PRP, explained process. BB Glow or Korean Facial, micro needling .05 size is approved, .25 needles puts vitamins applying pigment into skin and last 6 months to a year. Discussion that this is tattooing (permanent color). 1.0 needle is considered a medical grade. Criswell will look into the needle sizing.

Medical director at spa's to offer medical services and medical grade products, falling into medical area. Esthetician would be out of scope doing medical procedures.

11:16 am Trevor Klaasmeyer, entered room

11:19 am Dennis Scott, entered room

Chiles will draft a letter for Board to review for Advisory Position to discuss at the next board meeting.

- d) **Reports:** Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed. Statistics will continue to be attached to the agenda's.

Board discussion on number of failures, may be related to language barrier.

## **5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION**

**MOTION:** Hornig moved, seconded by Bingham, to enter into closed session at 11:29 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Anderson repeated the motion and purpose. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

## **6. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION**

1:46 p.m. Verbal agreement from all board members to enter into open session.

1:46 p.m. Kate Manuel exited room

### **Lester Moore-Tattoo Artist**

**MOTION:** Hornig moved, seconded by Rowland, to recommend a 6 month probation, with the following terms and conditions: Successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. Basis: Failure to report all convictions. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

### **Virginia Benson- Cosmetologist**

**MOTION:** Nordboe moved, seconded by Anderson, recommend to issue with a 2-year probation with the following terms and conditions: Quarterly employer reports, Random body fluid screens, Abstain from Alcohol/Drug, Report prescribed medication, follow recommendations of assessment and any future recommendations and the Standard Terms and Conditions of probation. Basis: Conviction history and diagnosis. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Sims, Criswell, Nordboe, Reed, Rowland (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

### **Nichol Lytle – Cosmetologist**

**MOTION:** Criswell moved, seconded by Nordboe, recommend to issue with a 5-year probation with the following terms and conditions: No solo practice, Quarterly employer reports, Random body fluid screens, Abstain from Alcohol/Drug, Report prescribed medication, follow recommendations of assessment and any future recommendations and the Standard Terms and Conditions of probation. Basis: Conviction history and diagnosis. Voting aye: Anderson, Bingham, Bavougian, Hornig, Phillips, Sims, Criswell, Nordboe, Reed, (9). Voting nay: Rowland (1). Absent: None (0). Abstain Lucas (1). Vacant positions (2). Motion carried.

**Zoe Tuttle – Cosmetologist**

**MOTION:** Nordboe moved, seconded by Criswell, to recommend issuance with 1-year probation with the following terms and conditions: Quarterly employer reports, no terms and conditions. **Basis:** A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Sims, Criswell, Nordboe, Reed, Rowland (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

**Ashlyn Franzen – Esthetician**

**MOTION:** Nordboe moved, seconded by Anderson, to recommend issuance with no terms and conditions. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Sims, Criswell, Nordboe, Reed, Rowland (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

**Turner-Dunlap – Cosmetologist**

**MOTION:** Bingham moved, seconded by Nordboe, to recommend issuance to recommend a 5-year probation, with the following terms and conditions: No solo practice, No money handling, Quarterly employer reports, Random body fluid screens, Abstain from Alcohol/Drug, Report prescribed medication, follow recommendations of assessment and any future recommendations and the Standard Terms and Conditions of probation. **Basis:** Conviction history and diagnosis. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

**6. OPEN SESSION**

1:01 pm Verbal agreement from all board members to enter into open session.  
1:01 pm Break  
1:16 pm Return to open session

**7. CONFIDENTIAL INFORMATION – CLOSED SESSION**

**MOTION:** Bingham moved, seconded by Hornig, to enter into closed session at 1:30 p.m. for the purpose of discussions of confidential nature to review the jurisprudence examination. Anderson repeated the motion and purpose. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Criswell, Nordboe, Sims, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

**8. OPEN SESSION**

3:01 p.m. Verbal agreement from all board members to enter into open session.

**9. ADJOURNMENT**

Anderson announced the next meeting is scheduled for May 2, 2022 for the next regular board meeting, and small work groups will report at that time and declared the meeting adjourned at 3:01 p.m.

Submitted,

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Jackie Hornig, Secretary  
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by the Licensure Unit.