

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF COSMETOLOGY

TIME: 10:33 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Monday, July 31, 2023

State Board of Cosmetology
July 31, 2023

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Tammy Y. O'Neill, Chairperson, Professional Member
Nicole Weakland, Vice Chairperson, Professional Member
Elisa Brown, Secretary, Professional Member - Absent
Stephen J. Szabo, Professional Member - Absent
Felicia L. Brown-Haywood, Professional Member - Absent
Jennifer A. D'Amato-Dow, Professional Member
Teresa Whisler, Professional Member
Heather Kelly, Esquire, Consumer Protection Member

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Counsel, Counsel
Division
Sean C. Barrett, Esquire, Board Counsel
William Newport, Esquire, Senior Board Prosecution
Liaison
J. Karl Geschwindt, Esquire, Acting Senior Board
Prosecutor
Adrienne McClendon, Esquire, Board Prosecution Liaison
Kenneth J. Suter, Esquire, Board Prosecutor
Colby B. Widdowson, Esquire, Board Prosecutor
Garrett A. Rine, Esquire, Board Prosecutor
Valerie Eaton, Board Administrator
Michael McDonald, Policy Director, Department of State

ALSO PRESENT:

Aaron Shenck, Executive Director, Pennsylvania
Association of Private School Administrators
Anna Crosby
Brittany
Chris Lammando, Vice President, Gmerek Government
Relations, Inc.
Debbie Eckstine-Weidner, Cosmetology Instructor,
Cumberland Perry Vo-Tech
Felicia
Henry
Manisha Grum
Melody Masmunsky

State Board of Cosmetology
July 31, 2023

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

ALSO PRESENT: (cont.)

Jennifer Smeltz, Republican Executive Director,
Senate
Consumer Protection & Professional Licensure
Nicole Campbell, Division Chief, Coordinating
Secretary, State Board of Private Licensed S,
Pennsylvania Department of Education,
Nancy Decker, Chair, State Board of Private Licensed
Schools
Jenny Piper, Board Administrator, Private Licensed
Schools
Scott Yeager, Outreach Manager, Pennie
Rachell Joseph-Dudley, Nails Instructor, Christine
Valmy International School for Esthetics, Skin
Care,
and Makeup
Susma
Anatha
Derek Richmond

1 ***

2 State Board of Cosmetology

3 July 31, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m. the Board entered into Executive Session
7 with Sean C. Barrett, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations on
9 a number of matters currently pending before the
10 Board and to receive the advice of counsel. The
11 Board returned to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Cosmetology was held on Monday, July 31,
15 2023. Tammy Y. O'Neill, Chairperson, Professional
16 Member, called the meeting to order at 10:33 a.m.

17 ***

18 [Sean C. Barrett, Esquire, Board Counsel, noted the
19 Board entered into Executive Session for the purpose
20 of conducting quasi-judicial deliberations on a
21 number of matters pending before the Board and to
22 receive the advice of counsel.

23 Mr. Barrett also noted the meeting was being
24 recorded and voluntary participation constituted
25 consent to be recorded.]

1 ***

2 Roll Call/Introduction of Attendees

3 [Valerie Eaton, Board Administrator, provided a roll
4 call of Board members and introduction of attendees.]

5 ***

6 [Arion R. Claggett, Acting Commissioner, Bureau of
7 Professional and Occupational Affairs, announced that
8 the Board did not have a quorum present and would not
9 be able to vote on the items on the agenda. He noted
10 items 1 through 29 and items 31 through 51 would not
11 be voted on again due to a lack of a quorum being
12 present but would be placed on September's agenda.

13 Acting Commissioner Claggett informed everyone
14 that the Board would be able to have the
15 presentations scheduled on the agenda and allow time
16 for any public comments.]

17 ***

18 Appointment - Introduction

19 [Michael McDonald, Policy Director, Department of
20 State, introduced himself and provided a brief
21 history of his professional background. He informed
22 everyone that the policy office works with all of the
23 program areas and licensing boards and commissions to
24 handle a myriad of tasks involving research.

25 Mr. McDonald noted working closely with Board

1 Counsel to help review and draft regulations or
2 implement a new policy. He also noted the research
3 going on to review the practices in other
4 jurisdictions and across Pennsylvania that could have
5 an impact on the licensing population or citizens of
6 Pennsylvania.

7 Mr. McDonald encouraged Board members to consider
8 him or Deputy Policy Director Andrew LaFratte as a
9 resource for any questions or concerns.

10 Mr. McDonald thanked Board members for their
11 service to the licensees and citizens of the
12 Commonwealth of Pennsylvania.]

13 ***

14 Report of Board Chairperson - No Report

15 ***

16 Report of Acting Commissioner - No Report

17 ***

18 Report of Board Administrator - No Report

19 ***

20 Report of Board Members - No Report

21 ***

22 Public Comment

23 [The Board was asked whether it was legal to refuse
24 clients with diseases and referred to the Americans
25 with Disabilities Act (ADA) Section 20 Part B.

1 Mr. Barrett informed everyone that the Board
2 cannot provide a legal opinion or interpretation of
3 the law and suggested she speak to a private
4 attorney.

5 Debbie Eckstine-Weidner, Cosmetology Instructor,
6 Cumberland Perry Vo-Tech, asked whether someone who
7 is going to be taking their nail and esthetics
8 program and would like to take the teacher's program
9 needs to take the teacher's test twice to be licensed
10 to teach both programs since it is the exact same
11 test.

12 Mr. Barrett believed the test would need to be
13 taken only once under their laws.

14 Ms. Eckstine-Weidner commented that someone could
15 teach anything they are licensed for in the industry
16 once they have a teacher's license.

17 Mr. Barrett noted they could teach as far as the
18 limited license.

19 Ms. Eckstine-Weidner asked whether someone would
20 be able to teach cosmetology if they decide to do
21 that at a later time.

22 Mr. Barrett again noted it would be an advisory
23 opinion in terms of a specific instance or student.
24 He stated someone would need the 500-hour course and
25 be licensed in that profession to be a teacher. He

1 mentioned that typically someone does not need to
2 retake it multiple times once they have that teacher
3 authorization.

4 Ms. Eckstine-Weidner asked why a nail tech would
5 not be able to rent in a barbershop to do nails if a
6 cosmetologist can rent in a barbershop who is
7 licensed to do nails.

8 Mr. Barrett noted that question to also be a
9 legal or advisory opinion and suggested she consult
10 the law and regulations or seek legal advice.

11 Ms. Eckstine-Weidner was moving her school after
12 over 30 years to another location and asked whether
13 she would be able to get that location inspected
14 while the other school was still finishing up
15 students.

16 Chair O'Neill explained that the new location
17 would require a new application for licensure, but
18 the current location would still be valid.

19 Mr. Barrett believed it to be possible if she
20 applies while the current license is open.

21 Ms. Eckstine-Weidner asked whether she would need
22 to submit everything all over again as if it were a
23 new school or whether the curriculum automatically
24 goes to the other location.

25 Chair O'Neill commented that a new location

1 indicates a new business or facility and would
2 require all new documentation.

3 Ms. Eckstine-Weidner asked whether two restrooms
4 are still required since men and women can now use
5 the same restroom.

6 Mr. Barrett mentioned that the question has come
7 up before but is a matter of regulatory
8 interpretation and would also be an advisory opinion.

9 He suggested she refer to the law and regulations
10 and any other statutes governing restrooms, such as
11 the Uniform Commercial Construction Act.

12 The Board was asked whether she has to provide
13 service to people who go against her religion,
14 including satanism.

15 Mr. Barrett again noted there are legal
16 implications, and the Board cannot answer the
17 question but suggested she seek legal advice.

18 The Board was asked who provides translator
19 services during examinations.

20 Ms. Eaton stated anyone looking for translator
21 services for an examination should contact Pearson
22 VUE and apply themselves when scheduling the exam.

23 Mr. Barrett informed everyone that they could
24 contact the Board if they become aware of any type of
25 discrimination.]

1
2 Appointment - Pennsylvania Department of Education
3 [Nicole Campbell, Coordinating Secretary, State Board
4 of Private Licensed Schools, Pennsylvania Department
5 of Education, informed Board members that private
6 licensed schools are interested in putting in
7 applications for program approval containing things
8 that they would consider related to cosmetology but
9 some that are not included in the regulations.

10 Ms. Campbell presented to the Board to review
11 some of the applications and asked for insight as to
12 whether or not it is something they could approve,
13 the Board could approve, or State Board of Medicine
14 approve.

15 Mr. Barrett informed Ms. Campbell that the Board
16 cannot give an advisory opinion or run down a
17 checklist to say what is good or not. He explained
18 that the Board could only consider that as part of an
19 application and deliberate on it. He stated all
20 matters would have to be pending before the Board and
21 the Board cannot give an advisory opinion as to any
22 services that may or may not be related to
23 cosmetology and whether or not that would be
24 appropriate. He mentioned that it would require a
25 full Board vote and a quorum was not present.

1 Nancy Decker, Chair, State Board of Private
2 Licensed Schools, explained that they were not sure
3 where to go to find the answers regarding the program
4 applications with a variety of medical services,
5 including microdermabrasion and laser treatments.

6 Chair O'Neill commented that many of those
7 services do not fall under the scope of cosmetology.

8 Ms. Campbell referred to proposed legislation to
9 include dermaplaning and asked whether the Board had
10 any involvement.

11 Mr. Barrett explained that legislation is the
12 purview of the General Assembly and not the Board and
13 he could not give a projection or prediction of what
14 is going to happen. He noted that the Board would be
15 willing to deal with that if it becomes a reality and
16 the definitions and the Cosmetology Act are changed.

17 Ms. Decker commented that individuals are coming
18 to the Private Licensed School Board asking for the
19 procedures, which the Board knows nothing about. She
20 mentioned that it is not in their purview and do not
21 want to be tasked with approving procedures that
22 really need to be practiced under the State Board of
23 Cosmetology or under the State Board of Medicine.

24 Ms. Decker explained that they wanted the Board's
25 opinion to see if they are in line with their

1 thinking because they believed they would be getting
2 more schools asking if they start approving the
3 applications because salons see it as another source
4 of revenue.

5 Mr. Barrett commented that many of those services
6 would require another type of licensure under the act
7 and regulations and would not necessarily be
8 inclusive of those. He stated the definition of
9 cosmetology is clear as to whether those services
10 would fit within that definition. He mentioned that
11 the General Assembly could change that, but everyone
12 has to follow the current language.

13 Ms. Decker discussed being clear that the State
14 Board of Cosmetology does not approve this, but a
15 school is asking whether it could be done under a
16 physician's license, where maybe it should be State
17 Board of Medicine approval as opposed to Private
18 Licensed School Board approval.

19 Mr. Barrett noted the State Board of Medicine
20 would be contacted for their opinion, because the
21 State Board of Cosmetology cannot say one way or
22 another without a quorum. He suggested looking at
23 the definition of cosmetology because the Board
24 abides by the definitions in terms of a curriculum
25 within their act.

1 also known as Pennie, for health and dental insurance
2 options that offers financial assistance, along with
3 information concerning the end of continuous coverage
4 through Medical Assistance.

5 Mr. Yeager informed everyone that Pennie replaced
6 HealthCare.gov and the Commonwealth of Pennsylvania
7 was sending about \$98 million a year to the federal
8 government for utilization of its platform. He noted
9 that bringing it to Pennsylvania and having local
10 control has made a difference. He stated Pennie
11 launched on November 1, 2020, to establish
12 Pennsylvania's specific marketplace and set up a
13 reinsurance program to help regulate premiums.

14 Mr. Yeager emphasized that Pennie is a
15 marketplace that helps individuals who fall into gray
16 areas and do not have protection through employer-
17 sponsored coverage, sole proprietors, and many
18 others. He reported 1 in 20 Pennsylvanians do not
19 have quality health insurance.

20 Mr. Yeager addressed the No Wrong Door policy
21 with the Pennsylvania Department of Human services,
22 where Pennie transfers application information of an
23 individual who may qualify for Medical Assistance.

24 Mr. Yeager mentioned the importance of affordable
25 health insurance, noting 90 percent of current

1 customers qualify for financial assistance through
2 Pennie. He explained that financial assistance is
3 available through the marketplace from advanced
4 premium tax credits and cost-sharing reductions with
5 silver plans that help with copays, deductibles, and
6 coinsurance.

7 Mr. Yeager reported that 1 out of 4 customers pay
8 less than \$1 a day, 14 percent pay less than \$1 a
9 month, and 40 percent pay less than \$75 a month for
10 quality health insurance.

11 Mr. Yeager informed everyone that the open
12 enrollment period is from November 1 through January
13 15. He also noted a special enrollment period from
14 January 1 through December 31 every year for
15 qualifying life events, including loss of Medical
16 Assistance, loss of employer-sponsored coverage, and
17 many others.

18 Mr. Yeager noted that Pennie has developed
19 pathways for people to connect with coverage, where a
20 qualifying life event was created for Pennsylvania
21 residents who are at or below 150 percent of the
22 federal poverty limit and otherwise not able to
23 secure protection through Medical Assistance.

24 Mr. Yeager addressed a program called the Path to
25 Pennie, which is a partnership between Pennie and the

1 Pennsylvania Department of Revenue, to help uninsured
2 tax filers in Pennsylvania. He explained that Form
3 REV-1882 could be completed and attached to their
4 state tax return and then the Pennsylvania Department
5 of Revenue transfers the individual's information to
6 Pennie.

7 Mr. Yeager discussed the end of continuous
8 coverage for Medical Assistance. He mentioned about
9 600,000 to 700,000 individuals were continually
10 covered through Medical Assistance during the
11 pandemic, noting the Pennsylvania Department of Human
12 Services resumed the annual redetermination as of
13 April 1, 2023, and Pennie is an option for those who
14 are no longer covered.

15 Mr. Yeager addressed the importance getting the
16 word out, noting both the Department of Human
17 Services and Pennie have developed websites
18 specifically geared toward addressing options for
19 individuals who lose Medical Assistance.

20 Mr. Yeager provided Pennie's Customer Service
21 Call Center number at 1-844-844-8040 to connect
22 individuals with Pennie options through the
23 marketplace and with assistors and Pennie-certified
24 insurance brokers throughout the Commonwealth of
25 Pennsylvania. He also noted that coverage cannot be

1 denied because of a preexisting condition or increase
2 the premium.

3 Mr. Yeager offered to provide a toolkit with
4 educational materials free of charge directly to
5 their shop or colleagues. He noted that individuals
6 could also be referred to pennie.com. He welcomed
7 everyone to attend Pennie's Community Workgroup on
8 the second Friday of every month to share information
9 and provide feedback to improve service to the
10 residents of Pennsylvania.]

11 ***

12 Public Comment

13 [The Board was asked whether a readily accessible
14 sink could be down the hall or in the square footage.

15 Mr. Barrett again noted that he could not give
16 advisory or legal opinions and directed her to Board
17 regulations on their website.

18 Rachell Joseph-Dudley, Nails Instructor,
19 Christine Valmy International School for Esthetics,
20 Skin Care, and Makeup, noted that someone requested
21 that she attend the meeting because her license
22 application was forwarded to the Board. She
23 commented that she is aware that all members were not
24 present and no voting would take place at this
25 meeting. She mentioned being a licensed New York

1 State educator and being licensed in cosmetology in
2 both New York and Pennsylvania.

3 Ms. Joseph-Dudley informed Board members that she
4 applied for reciprocity for her license with
5 reference to teaching and submitted all the
6 requirements for a final vote. She asked whether she
7 would need to wait until September when all Board
8 members would be present for a verdict on her
9 application.

10 Mr. Barrett explained that applications would be
11 addressed through the Board's Applications Committee
12 but some would be placed on the September agenda. He
13 noted the Board cannot take any official action at
14 this meeting and suggested she keep an eye on the
15 September agenda. He also noted that the Board would
16 notify her of any changes.

17 Mr. Barrett welcomed Ms. Joseph-Dudley to attend
18 the September Board meeting and provided a summary of
19 the application process.]

20 ***

21 Adjournment

22 [Arion R. Claggett, Acting Commissioner, Bureau of
23 Professional and Occupational Affairs, thanked
24 everyone for their time.]

25 ***

1 [There being no further business, the State Board of
2 Cosmetology Meeting adjourned at 11:28 a.m.]

3 ***

4
5 CERTIFICATE

6
7 I hereby certify that the foregoing summary
8 minutes of the State Board of Cosmetology meeting,
9 was reduced to writing by me or under my supervision,
10 and that the minutes accurately summarize the
11 substance of the State Board of Cosmetology meeting.

12
13
14 

15 Derek Richmond,

16 Minute Clerk

17 Sargent's Court Reporting
18 Service, Inc.

19
20
21
22
23
24
25
26

STATE BOARD OF COSMETOLOGY
REFERENCE INDEX

July 31, 2023

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:33	Official Call to Order
10:33	Roll Call
10:34	Introduction of Attendees
10:37	Appointment - Michael McDonald
10:43	Public Comment
10:54	Appointment - Nicole Campbell, Coordinating Secretary, State Board of Private Licensed Schools, Pennsylvania Department of Education
11:04	Appointment - Pennsylvania Insurance Department - Pennie Presentation
11:23	Public Comment (cont.)
11:28	Adjournment