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**VIRTUAL/TELECONFERENCE  
COSMETOLOGY EXAMINING BOARD  
Virtual, 4822 Madison Yards Way, Madison  
Contact: Will Johnson (608) 266-2112  
March 27, 2023**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**9:30 AM**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of January 23, 2023 (4-11)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff, and Board Updates
  - 2) Delegation of Authorities **(12)**
  - 3) Board Members – Term Expiration Dates
    - a. Blake, Melissa K. – 7/1/2024
    - b. Cwojdzinski, Kayla M. – 7/1/2024
    - c. Halverson, Georgianna – 7/1/2023
    - d. Hoepfner, Ann M. – 7/1/2023
    - e. Jackson, Megan A. – 7/1/2023
    - f. Lee, Kristin N. – 7/1/2023
    - g. Quintal, Daisy L. – 7/1/2023
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (13)**
  - 1) Final Draft of Cos 2, 3, 5, and 8, Relating to Scope of Practice, Mobile Practice, and Distance Learning **(14-18)**
  - 2) Cos 1, 2, 5, and 6, Relating to Scope of Practice and Education **(19-20)**
  - 3) Finalized 2023 Rules Biennial Report **(21-22)**
  - 4) Pending and Possible Rulemaking Project **(23)**
- H. Deliberation on Items Added After Preparation of Agenda
  - 1) Introductions, Announcements and Recognition

- 2) Election of Officers, Appointment of Liaison(s), Delegation of Authorities
- 3) Administrative Matters
- 4) Education and Examination Matters
- 5) Credentialing Matters
- 6) Practice Matters
- 7) Legislative and Policy Matters
- 8) Administrative Rule Matters
- 9) Liaison Reports
- 10) Public Health Emergencies
- 11) Board Liaison Training and Appointment of Mentors
- 12) Informational Items
- 13) Division of Legal Services and Compliance (DLSC) Matters
- 14) Presentations of Petitions for Summary Suspension
- 15) Petitions for Designation of Hearing Examiner
- 16) Presentation of Stipulations, Final Decisions and Orders
- 17) Presentation of Stipulations and Interim Orders
- 18) Presentation of Proposed Final Decision and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagement(s), Travel, or Public Relation Request(s)

## **I. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).**

## **J. Deliberation on Division of Legal Services and Compliance (DLSC) Matters**

- 1) Administrative Warnings**
  - a) 20 BAC 020 – J.M.M. **(24-26)**
- 2) Case Closings**
  - a) **20 BAC 006 – F.N., S.N. (81-89)**
  - b) 20 BAC 047 – C.B., S.C., I.A.H. **(27-34)**
  - c) **21 BAC 008 – S.J. (90-93)**
  - d) 21 BAC 044 – N.N.B. **(35-41)**
  - e) 22 BAC 022 – 17.A.S.A.S. **(42-47)**
- 3) Proposed Stipulations and Final Decision and Orders**
  - a) 20 BAC 040 – Son T. Lieu **(48-53)**
  - b) 21 BAC 037 – Wanda K. Kramer-Hanson **(54-59)**
- 4) Proposed Final Decisions and Order of Default**
  - a) 20 BAC 036 – Gijeila Rivera Quiles **(60-66)**
  - b) 21 BAC 040 – Katelyn E. Sorey **(67-73)**

**K. Deliberation of Items Added After Preparation of the Agenda**

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspension
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decision(s) and Order(s)
- 9) Proposed Final Decision(s) and Order(s) of Default
- 10) Proposed Interim Orders
- 11) Administrative Warnings
- 12) Review of Administrative Warnings
- 13) Proposed Final Decisions and Orders
- 14) Orders Fixing Costs/Matters Related to Costs
- 15) Case Closings
- 16) Board Liaison Training
- 17) Petitions for Assessments and Evaluations
- 18) Petitions to Vacate Orders
- 19) Remedial Education Cases
- 20) Motions
- 21) Petitions for Re-hearings
- 22) Appearances from Requests Received or Renewed

**L. Consulting with Legal Counsel**

- 1) **Report of Cases Delegated to Chief Legal Counsel**
  - a) Proposed Final Decision and Order: Tamir L. Williams, Respondent – DHA  
Case Number SPS-22-0036, DLSC Case Number 21 BAC 036 **(74-80)**

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

- M. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- N. Open Session Items Noticed Above Not Completed in the Initial Open Session

**ADJOURNMENT**

**NEXT MEETING: JUNE 12, 2023**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE  
COSMETOLOGY EXAMINING BOARD  
MEETING MINUTES  
JANUARY 23, 2023**

**PRESENT:** Melissa Blake, Kayla Cwojdzinski, Ann Hoepfner, Megan Jackson, Kristin Lee  
(*arrived at 9:37 a.m.*), Daisy Quintal

**EXCUSED:** Georgianna Halverson

**STAFF:** Tom Ryan, Acting Executive Director; Joseph Ricker, Legal Counsel; Dana Denny, Administrative Rule Coordinator; Dialah Azam, Bureau Assistant; and other Department staff.

**CALL TO ORDER**

Megan Jackson, Chairperson, called the meeting to order at 9:32 a.m. A quorum was confirmed with five (5) members present.

**ADOPTION OF AGENDA**

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 31, 2022**

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to approve the Minutes of October 31, 2022 as published. Motion carried unanimously.

**9:30 A.M. PUBLIC HEARING - CLEARINGHOUSE RULE 22-085 ON COS 2, 3, 5, AND 8  
RELATING TO SCOPE OF PRACTICE, MOBILE ESTABLISHMENTS AND DISTANCE  
LEARNING**

**Review Public Hearing Comments and Respond to Clearinghouse Report**

**MOTION:** Ann Hoepfner moved, seconded by Megan Jackson, to review Clearinghouse comment numbers 2.b, 2.c, 4.a, 5.a, 5.b, 5.f, and to accept all remaining Clearinghouse comments for Clearinghouse Rule CR 22-085 (COS 2, 3, 5, and 8), relating to Scope of Practice, Mobile Establishments and Distance Learning. Motion carried unanimously.

**MOTION:** Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to authorize the Chairperson (or other member) (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to make a final determination on Clearinghouse comment numbers 2.b, 2.c, 4.a, 5.a, 5.b, 5.f, and to approve the Legislative Report and Final Rule Draft for Clearinghouse Rule CR 22-085 (COS 2, 3, 5, and 8), relating to Scope of Practice, Mobile Establishments and Distance Learning for submission to the Governor's office and Legislature. Motion carried unanimously.

(Kristin Lee joined at 9:37 a.m.)

## ADMINISTRATIVE MATTERS

### Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities

#### Election of Officers

##### *Chairperson*

**NOMINATION:** Kayla Cwojdzinski nominated Megan Jackson for the Office of Chairperson. Megan Jackson accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Megan was elected as Chairperson by unanimous voice vote.

##### *Vice Chairperson*

**NOMINATION:** Daisy Quintal nominated Georgianna Halverson for the Office of Vice Chairperson.

**NOMINATION:** Kayla Cwojdzinski nominated Kayla Cwojdzinski for the Office of Vice Chairperson. Kayla Cwojdzinski accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Roll Call Vote: Melissa Blake: Kayla Cwojdzinski; Kayla Cwojdzinski: Kayla Cwojdzinski; Ann Hoepner: Kayla Cwojdzinski; Megan Jackson: Georgianna Halverson; Kristin Lee: Kayla Cwojdzinski; and Daisy Quintal: Georgianna Halverson.

Kayla Cwojdzinski was elected as Vice Chairperson by majority roll call vote.

##### *Secretary*

**NOMINATION:** Kayla Cwojdzinski nominated Ann Hoepner for the Office of Secretary. Ann Hoepner accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Ann Hoepner was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
<b>Chairperson</b>	Megan Jackson
<b>Vice Chairperson</b>	Kayla Cwojdzinski
<b>Secretary</b>	Ann Hoepner

**Appointment of Liaisons and Alternates**

<b>LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaisons</b>	Kayla Cwojdzinski <i>Alternate: Georgianna Halverson</i>
<b>Monitoring Liaison</b>	Kristin Lee <i>Alternate: Daisy Quintal</i>
<b>Professional Assistance Procedure (PAP) Liaison</b>	Georgianna Halverson <i>Alternate: Kayla Cwojdzinski</i>
<b>Education and Examinations Liaison</b>	Megan Jackson <i>Alternate: Melissa Blake</i>
<b>Legislative Liaison</b>	Ann Hoepner <i>Alternate: Megan Jackson</i>
<b>Newsletter Liaison</b>	Georgianna Halverson <i>Alternate: Kristin Lee</i>
<b>Travel Authorization Liaison</b>	Daisy Quintal <i>Alternate: Melissa Blake</i>
<b>Screening Panel</b>	Daisy Quintal, Ann Hoepner, Kayla Cwojdzinski <i>Alternate: Megan Jackson</i>

***Document Signature Delegations***

**MOTION:** Ann Hoepner moved, seconded by Kayla Cwojdzinski, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** Ann Hoepner moved, seconded by Megan Jackson, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

***Delegated Authority for Urgent Matters***

**MOTION:** Ann Hoepfner moved, seconded by Kayla Cwojdzinski, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

***Delegation to Chief Legal Counsel Due to Loss of Quorum***

**MOTION:** Ann Hoepfner moved, seconded by Megan Jackson, to delegate the review and authority to act on disciplinary cases to the Department’s Chief Legal Counsel due to lack of/loss of quorum after one meeting. Motion carried unanimously.

***Delegation to Chief Legal Counsel for Stipulated Resolutions***

**MOTION:** Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

***Monitoring Delegations***

**Delegation of Authorities for Monitoring**

**MOTION:** Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the January 23, 2023 agenda materials on pages 32-34. Motion carried unanimously.

**Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

***Credentialing Authority Delegations***

**Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to delegate credentialing authority to the Department to act upon applications that meet all

credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

#### **Delegation of Authority for Predetermination Reviews**

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

<https://docs.legis.wisconsin.gov/statutes/statutes/111/ii/335/4/f>

#### **Delegation of Authority for Conviction Reviews**

**MOTION:** Megan Jackson moved, seconded by Ann Hoepfner, to delegate authority to the Department Attorneys and Paralegals to make decisions regarding applications according to Wis. Stat. § 454.06(1)(b). Motion carried unanimously.

#### **Delegation to DSPS When Applicant's Discipline History Has Been Previously Reviewed**

**MOTION:** Ann Hoepfner moved, seconded by Megan Jackson, to delegate authority to Department staff to approve applications where Applicant's prior discipline has been approved for a previous credential and there is no new discipline. Motion carried unanimously.

#### **Delegation to DSPS When Applicant's Conviction History Has Been Previously Reviewed**

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record. Motion carried unanimously.

#### **Delegation of Authority for Reciprocity/Endorsement Reviews**

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Department Attorneys to review and approve reciprocity/endorsement applications in which the out of state services are substantially the same as those in Wisconsin. Motion carried unanimously.

#### **Delegation of Authority for Military Reciprocity Reviews**

**MOTION:** Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.



### **Delegated Authority for Application Denial Reviews**

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

### **Delegation to DPCP Legal Team Paralegals and Attorneys to Approve AODA/FTP Evaluators/Assessors**

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the DPCP Legal Team Attorneys and Paralegals to review and approve Applicant's proposed Evaluators/Assessors for AODA and FTP assessments, unless the request specifically requires full-Board or Board liaison approval. Motion carried unanimously.

### ***Voluntary Surrenders***

**MOTION:** Kayla Cwojdzinski moved, seconded by Ann Hoepfner, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

### ***Education and Examination Liaison(s) Delegation***

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education and examinations. Motion carried unanimously.

### ***Authorization for DSPTS to Provide Board Member Contact Information to National Regulatory Related Bodies***

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

### ***Optional Renewal Notice Insert Delegation***

**MOTION:** Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal

notice at the Board's or Board designee's request. Motion carried unanimously.

***Legislative Liaison Delegation***

**MOTION:** Ann Hoepfner moved, seconded by Megan Jackson, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

***Newsletter Liaisons Delegation***

**MOTION:** Ann Hoepfner moved, seconded by Kayla Cwojdzinski, to delegate authority to the newsletter liaisons to handle all matters relating to newsletters. Motion carried unanimously.

***Travel Authorization Liaison Delegation***

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Ann Hoepfner moved, seconded by Daisy Quintal, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss. 19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Megan Jackson, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Melissa Blake-yes; Kayla Cwojdzinski-yes; Ann Hoepfner-yes; Megan Jackson-yes; Kristin Lee-yes; and Daisy Quintal-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:13 a.m.

**DELIBERATION ON DIVISION OF LEGAL SERVICES  
AND COMPLIANCE (DLSC) MATTERS**

**DELIBERATION ON PROPOSED FINAL DECISION AND ORDERS**

**Tamir L. Williams, Respondent – DHA Case Number SPS-22-0036, DLSC Case Number 21  
BAC 036**

**MOTION:** Ann Hoepfner moved, seconded by Megan Jackson, to delegate to DSPS Chief Legal Counsel the Board's authority to preside over and resolve the

matter of disciplinary proceedings against Tamir L. Williams, Respondent – DHA Case Number SPS-22-0036/DLSC Case Number 21 BAC 036. Motion carried unanimously.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Ann Hoepner moved, seconded by Megan Jackson, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 11:17 a.m.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Ann Hoepner moved, seconded by Daisy Quintal, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)*

### **ADJOURNMENT**

**MOTION:** Ann Hoepner moved, seconded by Daisy Quintal, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:19 a.m.

**State of Wisconsin  
Department of Safety & Professional Services  
AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  Amber Cardenas, Credentialing Attorney		<b>2) Date When Request Submitted:</b> 1.30.2022  Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting
<b>3) Name of Board, Committee, Council, Sections:</b> Cosmetology Examining Board		
<b>4) Meeting Date:</b>  3.27.2023	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  Delegation of Authorities
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b>  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>
<b>10) Describe the issue and action that should be addressed:</b>  In order to continue improving processing application legal reviews in a timely manner, the credentialing legal team is proposing one (1) additional delegation:  <p style="text-align: center;"><b><u>Delegation of Authority to Credentialing Liaison (Generic)</u></b></p> <p><b>MOTION:</b>     moved, seconded by , to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.</p>		
<b>11)</b> <i>s/Amber Cardenas</i>	<b>Authorization</b>	<b>1.30.22</b>
Signature of person making this request		Date
Supervisor (if required)		Date
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date		
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.		

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Dana Denny Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 3/23/23 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Cosmetology Examining Board			
<b>4) Meeting Date:</b> 3/27/23	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters - Discussion and Consideration  1. Final Draft of COS 2, 3, 5, and 8, Relating to Scope of Practice, Mobile Practice, and Distance Learning 2. COS 1, 2, 5 and 6, Relating to Scope of Practice and Education 3. Finalized 2023 Rules Biennial Report 4. Pending or Possible Rulemaking Projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DS/PS Staff)</i>  <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Attachments: 1. Cos 2, 3, 5, and 8, Relating to Scope of Practice, Mobile Practice, and Distance Learning Final Draft 2. Cos 1, 2, 5 and 6 Scope of Practice and Education Project Scope 3. Signed 2023 Biennial Report 4. Rule Project Chart			
<b>11) Authorization</b>			
<i>Dana Denny</i>		3/20/23	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
<b>Directions for including supporting documents:</b> 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
COSMETOLOGY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : COSMETOLOGY EXAMINING  
COSMETOLOGY EXAMINING BOARD : BOARD ADOPTING RULES  
: (CLEARINGHOUSE RULE 22-085)

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PROPOSED ORDER

An order of the Cosmetology Examining Board to amend Cos 2.025 (2) (c) 1. and 2.; to repeal and recreate Cos 5.01; to create Cos 2.01 (title), (1), (2), (3), (4), (5), and (6), Cos 2.02 (1m), and Cos 2.025 (2) (d), (e), and (2m), related to scope of practice, mobile establishments, and distance learning.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Sections 454.02, 454.04, and 440.62 (5) (b) 1., Stats.

**Statutory authority:** Sections 15.08 (5) (b), 227.11 (2) (a), and 440.62 (5) (b) 1., and 454.01 (2), Stats.

**Explanation of board authority:**

Section 15.08 (5) (b), Stats., provides that an examining board, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 227.11 (2) (a), Stats., states that an agency, “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” This section allows an agency to promulgate administrative rules which interpret the statutes it enforces or administers if the proposed rule does not exceed proper interpretation of the statute.

Section 440.62 (5) (b) 1., Stats., states that “[t]he cosmetology examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of cosmetology and specialty schools and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of cosmetology and specialty schools.”

Section 454.01 (2), Stats., defines “aesthetics” as ... caring for or beautifying the skin of the human body, including but not limited to cleaning, applying cosmetics, oils, lotions, clay, creams, antiseptics, powders or tonics to or massaging, stimulating, wrapping or exercising the skin of the human body.

**Related statute or rule:**

Microdermabrasion is currently considered a delegated medical procedure that must be supervised, with exceptions laid out in Cos 2.025 (2r).

**Plain language analysis:**

The proposed rule creates definitions for “Chemical process,” “Dermaplaning,” “Impact,” “Microblading,” “Microneedling,” and “Stratum Corneum,” clarifies that licensees are not permitted to diagnose diseases of the skin, and modifies the acceptable pH of certain acids used as part of cosmetic or aesthetic procedures.

The proposed rule also provides that under specific circumstances the scope of practice for aesthetics includes dermaplaning, eyelash and eyebrow tinting, microblading, utilization of electromagnetic radiation, use of electric current, use of thermal energy, and microdermabrasion.

The proposed rule also clarifies that courses may be offered to students remotely as deemed appropriate by the school and approved by the Board. Schools may use simulated patrons for practical training upon prior written approval from the Board. The proposed rule makes other changes to definitions consistent with industry practice.

**Summary of, and comparison with, existing or proposed federal regulation:**

There are no existing or proposed federal requirements.

**Comparison with rules in adjacent states:**

**Illinois:**

Cosmetologists are prohibited from using any technique, product, or practice intended to affect the living layers of the skin. Estheticians are prohibited from using techniques, products, and practices intended to affect the living layers of the skin.

**Iowa:**

Iowa code prohibits cosmetologists/estheticians from administering any procedure in which the human tissue is cut, shaped, vaporized, or otherwise structurally altered. The code specifically prohibits dermaplaning.

**Michigan:**

Under Michigan law, the practice of microdermabrasion is limited to the direct supervision and control of a licensed physician. Microblading is considered a body art procedure that must be performed at a licensed body art facility.

**Minnesota:**

Minnesota allows cosmetologists to perform dermaplaning and microdermabrasion unsupervised if they have additional training and an advanced practice esthetician license. Minnesota requires a tattoo license to perform microblading and does not allow

cosmetologists/estheticians/advanced practice estheticians to perform it unless under supervision of a physician.

**Summary of factual data and analytical methodologies:**

The Cosmology Examining Board reviewed their rules to ensure statutory compliance and that the rules are consistent with current practices. Additionally, an advisory committee consisting of members licensed by both the Cosmetology Examining Board and the Medical Examining Board collaborated to provide a series of recommendations to guide the Board's decisions.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The rule was posted for 14 days on the department's website to solicit economic impact comments from stakeholders. No comments were received.

**Fiscal Estimate and Economic Impact Analysis:**

The fiscal estimate and economic impact analysis are attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov), or by calling (608) 266-6795.

**Agency contact person:**

Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-287-3748; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before the public hearing, to be held on a date to be determined, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Cos 2.01 is created to read:

**Cos 2.01 Definitions.** For the purposes of this chapter:



(1) “Chemical process” means the use of chemical reactions to change the texture, style, or length of hair, skin, or nails.

(2) “Dermaplaning,” also referred to as dermablading, means a skin resurfacing procedure that uses a scalpel and blade held at a 45-degree angle to the skin to remove hair and some of the stratum corneum.

(3) “Impact” means to touch, change, alter, modify, or transform.

(4) “Microblading” means a permanent makeup technique in which a handheld tool made of several tiny needles is used to cut into the skin in fine, short strokes to insert pigment to change its appearance.

(5) “Microneedling,” also referred to as collagen induction therapy, means a cosmetic procedure that involves repeatedly puncturing the skin with tiny sterile needles in a single use cartridge. The needle depth of the single use cartridge may be adjusted by the operator and is attached to a power-operated device that moves the needle up and down at a rapid pace.

(6) “Stratum Corneum,” also referred to as the horny layer of the skin, means the outermost layer of the epidermis, usually made up of 10-30 layers of corneocytes or dead cells.

SECTION 2. Cos 2.02 (1m) is created to read:

**Cos 2.02 (1m)** No licensee may diagnose any disease of the skin.

SECTION 3. Cos 2.025 (2) (c) 1. and 2. are amended to read:

**Cos 2.025 (2) (c) 1.** Alpha hydroxyl acids of 30% or less, with a ph of not less than ~~3-0~~ 2.0.

**2.** Salicylic acids of 20% or less, with a ph of not less than ~~3-0~~ 2.0.

SECTION 4. Cos 2.025 (2) (d), (e), and (2m) are created to read:

**Cos 2.025 (2) (d)** Microneedling.

**(e)** Any treatment impacting a skin layer below the stratum corneum.

**(2m)** The following are delegated medical procedures unless the licensee has received formal training in the procedure as part of a board-approved curriculum and the treatment, as performed, does not impact a skin layer below the stratum corneum:

(a) Dermaplaning, when performed by an aesthetician licensed under 454.06 (4).

(b) Eyelash or eyebrow tinting.

(c) Microblading.

(d) Utilization of electromagnetic radiation and electric current.

(e) Utilization of thermal energy.

SECTION 5. Cos 5.01 is repealed and recreated to read:

**Cos 5.01 Courses.**

(1) Schools that provide instruction to students for cosmetology practitioner, or specialty schools that provide instruction to students for aesthetician, electrologist, or manicurist licenses shall develop curricula for instruction that are based on the appropriate syllabus as approved by the board in this chapter.

(2) A school or specialty school shall offer at a minimum the practical and theory hours listed for subjects in the appropriate syllabus included in this section chapter.

(3) Courses may be offered to students remotely as deemed appropriate by the school and as approved by the board.

(4) Simulated patrons, such as mannequins, may be used for practical training as deemed appropriate by the board.

SECTION 7. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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# STATEMENT OF SCOPE

## COSMETOLOGY EXAMINING BOARD

**Rule No.:** Chapters COS 1, 2, 5, and 6

**Relating to:** Scope of Practice and Education

**Rule Type:** Permanent

**1. Finding/nature of emergency (Emergency Rule only):**

N/A

**2. Detailed description of the objective of the proposed rule:**

The objective of the proposed rule is for the Board to review the requirements relating to education in Wisconsin Administrative Code Chapters COS 1, 2, 5 and 6 and conduct a comprehensive review on courses of instruction.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

Wisconsin Administrative Code Chapters COS 1, 2, 5 and 6 cover requirements for professional and personal conduct, courses of instruction, and apprenticeship procedures and standards, respectively. The Board has identified the need for a comprehensive evaluation of these rules to ensure that they are clear, consistent with current professional and academic practices and standards, and that they comply with applicable Wisconsin statutes.

The alternative to making these updates is that license and education requirements will continue to be inconsistently interpreted by those currently within and interested in entering the profession.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

Section 15.08 (5) (b), Stats., states that “[each examining board] [s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

Section 227.11 (2) (a), Stats., states that an agency, “may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 440.62 (5) (b) 1., Stats., states that “[t]he cosmetology examining board shall promulgate rules prescribing the subjects required to be included in courses of instruction at schools of cosmetology and specialty schools and establishing minimum standards for courses of instruction and instructional materials and equipment at schools of cosmetology and specialty schools.”

Section 454.075, Stats., states that “[t]he examining board shall identify by rule the accrediting agencies it approves to accredit schools for the purpose of satisfying educational requirements for an initial license or a license renewal under this subchapter.

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

80 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Wisconsin licensed cosmetologists and aestheticians, sponsors and providers of initial and continuing education related to credentials issued by the Cosmetology Examining Board, and those looking to enter those professions.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

None to minimal. The rule is not likely to have a significant economic impact on small businesses.

**Contact Person:** Dana Denny, Administrative Rule Coordinator, [DSAdminRules@wisconsin.gov](mailto:DSAdminRules@wisconsin.gov), (608) 287-3748.

Approved for publication:

Approved for implementation:

  
\_\_\_\_\_  
Authorized Signature

  
\_\_\_\_\_  
Authorized Signature

12/12/2022  
\_\_\_\_\_  
Date Submitted

3/16/2023  
\_\_\_\_\_  
Date Submitted

**Megan Jackson**  
Chairperson

**Kayla Cwojdzinski**  
Vice Chairperson

**Ann Hoepfner**  
Secretary

**COSMETOLOGY EXAMINING BOARD**



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March 6, 2023

Senator Stephen Nass, Senate Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 10 South, State Capitol  
Madison, WI 53702

Representative Adam Neylon, Assembly Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 204 North, State Capitol  
Madison, WI 53702

RE: Biennial Report Submitted in Compliance with s. 227.29 (1), Wis. Stats.

Dear Senator Nass and Representative Neylon:

This report has been prepared and submitted in compliance with the provisions under s. 227.29 (1), Wis. Stats.

**I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:**

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are unauthorized.

**II. Rules for which the authority to promulgate has been restricted:**

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules have their authority restricted.

**III. Rules that are obsolete or that have been rendered unnecessary:**

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules have been rendered unnecessary.

**IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:**

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are duplicative of, superseded by or in conflict with another rule, state statute, or federal statute/regulation or a court ruling.

**V. Rules that are economically burdensome:**

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are economically burdensome.

**VI. 2021 Report Follow up**

<b>Rule</b>	<b>Description of the legislation that restricted the Board's authority</b>	<b>Status of action taken to address</b>
ss. Cos 2.045 (1) and Cos 3.01	2017 Act 82 permits the practice outside of a licensed establishment and requires the Board to promulgate rules in accordance with the statutory change.	Section Rules for Cos 2 and 3 were amended to reflect 2017 Act 82. Final rules (CR 20-025) were effective August 1, 2021.
s. Cos 8.02 (1) and (4)	2017 Act 81 amended the requirements for reciprocal licensure.	Section Rules for Cos 8 were amended to reflect 2017 Act 81. Final rules (CR 20-025) were effective August 1, 2021.
Cos 10, Appendix I – Citation	The Department has relocated to a new office building, and the address needs to be updated.	Final rules (CR 20-025) were effective August 1, 2021.

Sincerely,



Megan Jackson  
Chairperson, Cosmetology Board

**Cosmetology Examining Board  
Rule Projects (updated 3/15/23)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause/ Summary	Current Stage	Next Step
21-020	139-20	4/26/2023	COS 2, 3, 5 and 8	<p><b>Scope of practice, mobile establishments and distance learning</b>/The board is considering revising its rules to establish regulations relating to the provision of certain services, including but not limited to, microdermabrasion, microblading, and dermaplaning. The board will also consider creating standards for licensed establishments that are mobile in nature. Further, the board will consider whether it is desirable to develop a definition for “chemical process,” and if so, what should that definition entail. Finally, the board will consider revising its rules to clarify when remote or distance learning may be allowed for the purposes of meeting the education requirements to receive a credential from the board.</p>	Complete Final Rule Draft and Legislative Report and submit to GORC.	Legislative review.
	008-23	7/23/2025	COS 1, 2, 5 and 6	<p><b>Education and Clarification of courses of instruction</b>/The objective of the proposed rule is for the Board to review the requirements relating to education in Wisconsin Administrative Code Chapters COS 1, 2, 5 and 6 and conduct a comprehensive review on courses of instruction.</p>	Scope implementation.	Rule drafting.