

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Carlos Mayans, at 1:30 p.m. on February 19, 1997 in Room 423-S-of the State Capitol.

All members were present.

Committee staff present: Emalene Correll, Legislative Research Department  
Norman Furse, Revisor of Statutes  
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:

Representative Jene Vickrey  
Tom Burgess, Representing Balley Total Fitness, Topeka  
Tia Willows, Balley Total Fitness, Overland Park  
Representative Peggy Long  
Judy Riggs, Sedan  
Kent Buford, Secretary, National Cosmetology Association of Kansas (NCA), Fort Scott  
Judith Buford, Co-Chair, Kansas Education Committee, NCA of Kansas  
Robin Wolfe, Charisma Salon, Wichita  
Cindy Clark, Manicurist, Topeka  
Nancy Shobe, Executive Director, Kansas State Board of Cosmetology

Others attending: See Guest List (Exhibit 1).

Chairperson Mayans opened the hearing on **HB 2097 - regulation of physical fitness centers.**

Representative Jene Vickrey, sponsor of the bill, presented testimony in support (see Exhibit 2). Committee members posed questions about the effect on small, rural fitness centers with their relaxed membership requirements; the impact on extended memberships and discounts; and why the bill is necessary in view of the state's caveat emptor policy. Representative Vickrey responded that he didn't believe it would impact the small, rural centers; but he believed some consumer protection was necessary with respect to fitness centers.

Tom Burgess, representing Balley Total Fitness, testified in opposition to the bill (see Exhibit 3) and introduced Tia Willows, of Balley Total Fitness. Ms. Willows described Balley's operations in Kansas and stated that other states' legislation usually does not limit the dollar amount in memberships, nor limit the term of a contract. Missouri does have a bonding requirement, but since Balleys has been in existence for several years, it was grandfathered in and is not required to post bond. There are other successful centers in the Kansas City area: Gold's, Health Plus, and the Athletic Club of Overland Park. (See testimony, Exhibit 4).

Representative Geringer asked Representative Vickrey if he had any objection to grandfathering certain clubs (as Missouri has done) if a bonding requirement is added to the bill. Representative Vickrey had no objection. There being no others present to testify on **HB 2097**, the hearing was closed.

Chairperson Mayans opened the hearing on **HB 2106 - continuing education hours required for renewal of cosmetologist license**, which proposed to reduce from 20 to 10 hours the number of continuing education hours required for renewal of cosmetologist's, cosmetology technician's, esthetician's, electrologist's or manicurist's licenses.

Representative Peggy Long, a sponsor of the bill, gave testimony in support. She spoke of the high number of letters and calls she had received from those in support of the bill (see Exhibit 5).

Chairperson Mayans questioned the reluctance of cosmetologists to continuing education since many other professions have similar requirements for improvement. Committee members asked (1) if product sales were implicit in their education classes; (2) how are students monitored to insure attendance for the length of classes; and (3) why wouldn't rural cosmetologists be interested in professional development. Some of the answers indicated that many cosmetologists in the rural area only work limited hours and that most do not perform the more complicated cosmetology procedures.

Chairperson Mayans advised committee members to read the written testimony of Representative Bonnie Sharp in support of the bill (see Exhibit 6).

Judy Riggs, Sedan, testified in favor of **HB 2106** (see Exhibit 7).

CONTINUATION PAGE

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S of the State Capitol, at 1:30 p.m., on February 19, 1997.

Kent Buford, National Cosmetology Association of Kansas (NCA), presented testimony to amend **HB 2106** to require no less than eight hours per year of continuing education (see Exhibit 8).

Judith Buford, NCA Kansas Education Committee, testified in support of amending **HB 2106** as set out by her husband (see Exhibit 9).

Robin Wolfe, Charisma Salon, explained opposition to the bill stating that differences arise among those affected by the bill because of the disparity in kinds and sizes of businesses, geographical locations, and professional levels. She explained the education requirements can be easily met using area resources for health issues and satellite television options.

Cindy Clark, a manicurist from Topeka, presented testimony questioning disparities in education requirements for the different licenses; tracking licenses; questioning the contract with Education Data Services, Inc. of Wichita; and the quality of education classes (see Exhibit 10).

Nancy Shobe, Kansas State Board of Cosmetology, presented testimony in opposition to **HB 2106**. She described the board's administration relating to continuing education and licensing; and the problems encountered in reaction to the 1995 changes in the law and the board's responses. Ms. Shobe asked the committee to not enact the bill, but allow the board time to improve their licensing and education practices (see Exhibit 11). The board estimates a one-time cost of \$9,000 in agency expenditures if the bill is passed.

Emalene Correll asked if the board would like to have a statutory definition to determine those who are actively engaged in cosmetology. Ms. Shobe agreed that would be a good idea.

The meeting was adjourned at 3:05 p.m.

The next meeting is scheduled for February 20, 1997.

HOUSE COMMITTEE ON HEALTH AND HUMAN  
SERVICES COMMITTEE GUEST LIST  
FEBRUARY 19, 1997

NAME	REPRESENTING
Dorothy Medless	
Helene Hawkins	
Janey Riggs	
Dorothy Skitt	
Spurley Neal	
Louise Rush	
Michelle Peterson	Peterson Public Affairs
Dr. Ann Riggs	
Sandra J. Bieker	
Judith P. Buford	NCA of Ks.
Kerit A. Buford	NCA of Ks.
Maury Shorn	KS. State Bd. of Cos.
CJQU	Nail-Techs
Susan Murphy	C
Joyce Edwards	
Curt Johnson	
IA Willows	Bally Total Fitness
Tom Burgess	Bally Total Fitness
Jerry Peterson	

7

HOUSE COMMITTEE ON HEALTH AND HUMAN  
SERVICES COMMITTEE GUEST LIST  
FEBRUARY 19, 1997

NAME	REPRESENTING
Robin R. Welch	Charisma Sabo Wichita
Kathy Peterson	Peterson & Assoc
Rick Petrus	Health Midwest
Susan M. Baker	Hein + Wein
David Lubin	Intern - Rep. Long
David Hszlida	KDA
Melodie Amfeld	KDA



TOPEKA

HOUSE OF  
REPRESENTATIVES  
February 19, 1997

JENE VICKREY

REPRESENTATIVE 6TH DISTRICT  
MIAMI COUNTY  
6740 W. 263RD ST.  
LOUISBURG, KS 66053  
(913) 837-2585

STATEHOUSE—175-W  
TOPEKA, KS 66612-1504  
(913) 296-7653

913-294-9444 EX 5400

## COMMITTEE ASSIGNMENTS

MEMBER: FEDERAL & STATE AFFAIRS  
TAXATION  
VICE-CHAIR: ECONOMIC DEVELOPMENT  
EDUCATION BUSINESS  
COALITION

JOINT HOUSE & SENATE ECONOMIC  
DEVELOPMENT COMMITTEE

SPECIAL COMMITTEE TASK FORCE ON  
LONG TERM CARE

TESTIMONY ON HB 2097  
HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES

Kansas is one of a few states who do not provide consumer protection for fitness club members. I am confident that every one of you can remember turning on the evening news and seeing a disgruntled group beating at the door of a fitness club chanting, "Give us our money back!"

Kansas consumers need protection from both unscrupulous owners but maybe most common occurring loss as a result of poor business management.

Being in small business myself, I believe this bill is fair to the club industry, but still provides consumer protection. The bill does not inhibit a club's ability to sell any length of contract along with discount incentives, however, it will limit a customer's potential loss to 6 months of the charges for services.

I have discussed this with IHRSA, who provided the sheet of laws and bonding requirements in other states. IHRSA also provided the Maryland "Packet".

I believe HB 2097 would provide good public policy and would improve the public perception of this industry.

Many, my wife being one, have little or no confidence that buying a "membership" has any value, at least any you can count on.

This bill provides a great opportunity for free and positive public relations for reputable clubs, without heavy regulation. The real benefit is that with better consumer confidence, these honest club owners will recapture some of their lost market. The people who are on their Health Riders at home may come back to try a membership one more time.

HOUSE HEALTH/HUMAN SERVICES

Attachment 2  
2 - 19 - 87

# BURGESS & ASSOCIATES

Suite 1100 - 800 SW Jackson - Topeka, Ks. 66612  
(913) 234-2728 Fax (913) 233-7991  
Governmental Relations - Legislative Consulting

---

Testimony  
before the House

## Health and Human Services Committee

HB 2097

Presented by Tom Burgess of Burgess & Associates for  
Bally Total Fitness  
February 19, 1997

Mr. Chairman and members of the committee:

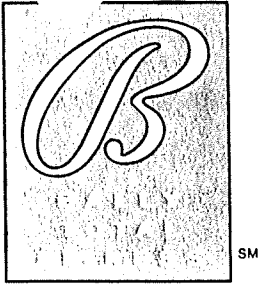
I am Tom Burgess representing Bally Total Fitness. Bally has one club in Kansas, in the Kansas City area and many clubs in other states. I am appearing in opposition to HB 2097.

We are opposed to this bill because it would not allow payment for club services for more than 6 months in advance. We believe that this bill will create an undo hardship on clubs. We are afraid that the effect of this bill, though not the intent, could be to raise the price of health club services and make them less affordable for the consumer.

Studies of the industry have shown that the bulk of expenses relating to the consumer occurs in the acquisition of the member and the preparation of the member to properly use the equipment in the health club. If this bill were to become law it would drive up the cost of exercising because clubs could not spread these costs over the length of the membership. Many health clubs at the request of the consumer, sell term memberships of two and three years. These payments allow individuals who could otherwise not afford a health club membership to be members.

Thank you for the opportunity to testify on House Bill 2097.

HOUSE HEALTH/HUMAN SERVICES  
Attachment 3  
2 - 19 - 97



BALLY TOTAL FITNESS CORPORATION  
CORPORATE WELLNESS DIVISION  
6700 WEST 110TH STREET  
OVERLAND PARK, KANSAS 66211

TELEPHONE 913-491-1327  
FAX 913-491-0753

## **Bally Total Fitness Tia Willows Area Director**

Bally Total Fitness operates 3 facilities in the Kansas City area. Two facilities are located on the Missouri side and one location, affected by this bill, is located on the Kansas side in Overland Park. Bally Total Fitness has done business in Kansas since January 1986. We have 14,000 members enrolled at our Overland Park location.

Bally Total Fitness opposes House Bill 2097 on the grounds it will limit the consumers opportunity for cost savings and in turn increase the average monthly cost the consumer will pay. Currently approximately 25% of consumers purchasing memberships at our Overland Park location choose to pay their memberships in full or with greater than required down payments. This affords the member interest and dues savings. Eliminating the consumers ability to prepay, eliminates their choice of convenience and savings.

Bally Total Fitness offers the consumer a choice of membership, one facility, local facilities, or national facilities. The membership purchased is available financed (up to 36 months) at a 10% APR. or paid in full. The choice to finance for what term and with what down is the the consumers. A written agreement outlining services provided and cancellation rights is signed by each purchasing member and a copy is provided.

Per our written agreement the member has the right to cancel for the following reasons:

- Cancellation within 3 days.
- Cancellation upon death or disability.
- Cancellation upon relocation.

All the above cancellations must be made in writing to our regional service center (address provided in the agreement).

**HOUSE HEALTH/HUMAN SERVICES**

Attachment 4  
2 - 19 - **97**

PEGGY LONG  
REPRESENTATIVE, 76TH DISTRICT  
HC-1, BOX 58  
HAMILTON, KANSAS 66853  
(316) 673-3826  
ROOM 181-W CAPITOL BLDG.  
TOPEKA, KANSAS 66612  
(913) 296-7667



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
AGRICULTURE  
ECONOMIC DEVELOPMENT  
FEDERAL AND STATE AFFAIRS

February 19, 1997

Esteemed Chairman and members of the committee:

I want to thank you for the opportunity of appearing before you today. I want to stress at the onset of this hearing that the core issue is not education. The issue is government intrusion and infringement on the personal business decisions of a group of individuals who operate a legitimate business in their shops and support their families and the community by the service they provide.

I have gone to a continuing ed class unannounced and unidentified to listen to the the concerns of these honest individuals, and heard their comments about the lack of education actually offered in their continuing education classes; and the lack of respect they receive from the big providers who know that they have a captive audience. As you can see, I have received many phone calls and letters from people all across the state that are upset and incensed by the treatment that they have received by the elitist attitude of big suppliers and sometimes the State Board itself.

I am not a member of the 10th amendment society, but I am a firm believer in the statement that it makes. Our form of government was designed, not to dictate to the people; but to preserve and protect. How can we justify a law that demands 20 hours of continuing education for beauty operators when the board itself has admitted that it is difficult to teach even five hours that pertain to health and safety issues. My constituents and stylist all across the state are traveling great distances and paying to get training hours. Instead, they are receiving a costly sales presentation and little information to further their industry. We owe these individuals more than an apology. We owe them a change in legislation. They deserve to know that we are listening and that we care when a group of people are being victimized by legislation which has passed out of this house and into their private businesses across the state.

HOUSE HEALTH/HUMAN SERVICES

Attachment 5-1  
2 - 19 -97



I have been told by providers of the continuing ed classes that this process is necessary to weed out all of the undesirables in the industry. (I am sure that this statement was made in reference to the many operators who were practicing their craft before this man was a twinkle in his mother's eye.) My response to his comment is that his attitude was around even before Adolf Hitler. It is not continuing education that gives value to a person in a craft; but it is caring and concern, dedication and experience that make the people I am representing great at what they do. These qualities are obviously missing in his character. I am proud to be on the side of the small independent operator and not the power grabbing, money loving lot who want to make the industry available only to the elite.

Thank-you again for your time and consideration into a matter that is very important, not only to cosmetology; but to many of our elderly and less fortunate who benefit from the attention given from the lady who washes, cuts and curls their hair; who speaks kind words to them and tells them the latest going on around town every week. She makes my Mom's week a little brighter. Perhaps she does the same for yours. Please don't force them to discontinue their business because of unnecessary regulation that profits only the manipulators of the system.

Thank -you,

PEGGY LONG  
REPRESENTATIVE, 76TH DISTRICT  
HC-1, BOX 58  
HAMILTON, KANSAS 66853  
(316) 673-3826  
ROOM 181-W CAPITOL BLDG.  
TOPEKA, KANSAS 66612  
(913) 296-7667



TOPEKA

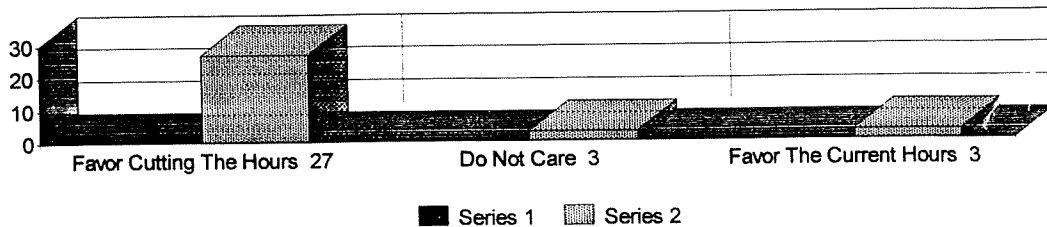
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
AGRICULTURE  
ECONOMIC DEVELOPMENT  
FEDERAL AND STATE AFFAIRS

# BRIEF ON H.B. 2106

- **On January 30, 1997 my office contacted 22 shops representing 33 cosmetologists in my district. Through these calls I learned that many are not satisfied with the continuing education hours. Some of the statements made were:**
- Many feel they are being driven out of business due to the influx in prices necessary to attain the hours.
- Only one felt she had learned anything health related.
- Many felt it was nearly impossible to justify spending nearly \$ 500 to attend the continuing education classes while only making \$ 10,000 per year.
- Nearly all the cosmetologist felt that the classes were not catering to their specific needs .
- Some referred to the classes as a " bunch of bologna " and " a joke " .
- Many felt that the classes were only an opportunity for suppliers to push their products. Statements were made that referred that the instructors were more concerned with making them buy products than teaching.
- Some were forced to attend classes on techniques they will never use in order to renew their license ( i.e. dying hair purple and pink)

**OPINION OF CONTINUING ED HOURS**  
RESULTS OF TELEPHONE POLL



STATE OF KANSAS

**BONNIE SHARP**  
REPRESENTATIVE, THIRTY-FIRST DISTRICT  
WYANDOTTE COUNTY  
4218 DIXIE COURT  
KANSAS CITY, KANSAS 66106  
(913) 831-2339

STATE CAPITOL—RM. 278-W  
TOPEKA, KANSAS 66612-1504  
(913) 296-7680



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: ECONOMIC DEVELOPMENT  
FEDERAL AND STATE AFFAIRS  
GOVERNMENTAL ORGANIZATION  
AND ELECTIONS

TESTIMONY ON HB 2106 IN SUPPORT OF THE AMENDMENTS

Thank you Mr. Chairman for the opportunity to appear before your committee.

As a newly elected State Representative, I have heard from many cosmetologists in the 31st District and in the Kansas City area. They have expressed their concerns about the educational hours mandated by the State. Not that they are against education, but they see little correlation between their certification and benefits to their patrons. They see this as another way for the State of Kansas to receive money at their expense. They have stated that the educational seminars, which they are required to attend for certification, provide new product information. This information is already provided to them by sales persons that service their salons. Recently, I received phone calls from several hairdressers that attended a seminar in the Kansas City area. They attended a 2 day seminar and said it provided them with no new information about their profession. Therefore, they have expressed to me that this mandate is about more than education: they see it as a way of discouraging small shop owners from staying in business. Many have expressed their concerns to State Board Representatives and have been told that the educational requirements are necessary, because there are a lot of small shops throughout the State that should not be operating. After hearing this statement, it exacerbated their suspicions. Many of the small salons still provide services for minimal fees, and most have provided those services to their patrons for over 20 years. They agree that the added requirements are aimed at their elimination.

Many cosmetologists have expressed their frustration about spending time and money on a mandate that is not addressing the issue of education, but instead is a product information seminar. Because of their complaints and concerns, I am in favor of the amendments to HB 2106. I think the completion of five clock hours annually of continuing education will better serve the cosmetologists of my area. I would also recommend to the State Board of Cosmetology that the mandated hours specifically target the technical aspect of the profession.

Thank you Mr. Chairman and Committee Members. I stand for questions.

HOUSE HEALTH/HUMAN SERVICES

Attachment 6  
2 - 19 - 07

Well, I'm Judy Riggs my home is Sedan, Kansas, that is in the south east corner of our state. I thank you for allowing me to be here. I'm here on behalf of all Cosmetologists who are in favor of having CCE hours reduced and abolish the tracking company or revoke the entire bill dealing with Cosmetology CE.

Today most households have both parents working and there are many that have just one parent in the home. We do not deal with life threatening drugs in our profession. Our clients have the choice of what salon they want to go to and what operator, manicurist, and etc they would like to have perform the service they desire. I believe we should be home with our families instead of out collecting CE hours, on week-ends and nights. There is so much talk today about the breakdown of

the family. When government passes laws requiring CE hours on a profession that is not life threatening, and people do have a choice, they are adding to this breakdown of the family. I believe my child has more of a threat of contacting Aids at school, a hospital, or dentist than my clients do in my shop or any other salon in our state.

The classes to acquire the CE hours have not been easily available. We've had to make contacts about when and where these classes are. There is an exception of a supply company who is making money by getting paid to show us their products.

I quote from the paper sent out by the State Board of Cosmetology in June of 1996, "and if you work for 40 hours a week, 50 weeks a year for 2 years, 20 hours really does equal only .005% of your work time."

Does the time it takes to get to these places for the CE hours Count? What about the expense it takes to acquire the hours. We have to absorb the Cost or pass it on to the Customer. We all do not live in Wichita, Topeka and the bigger towns like our board of directors do, who are suppose to represent their fellow Cosmetologists. My time is valuable! Our State Board never sent out any news letter informing us before the bill was passed.

Also in the letter from our board they say we "join the ranks" of doctors, nurses, and etc. Apparently we are not quit up to rank, they don't all require a tracking company. My husband is a D.V.M. and he shows proof of his CE hours as does EMT and EMT-I. Please figure 20,000 Cosmetologists at \$15 a piece per year. Don't computers suppose to cut down on the number of people it takes to do a job? It all adds up to money for a tracking company.

There is much more to being a professional than CE. I believe our Cosmetologist and Manicurist do attend and acquire on their own what they feel is needed in order to operate as a professional. Let us face it, all the education in the world won't do any good if Common Sense isn't applied too.

Last June I mailed in my Salon license for renewal. The letter was sent back to me stamped with a different address. I talked with Wanda Mills this month, she experienced the same thing. We were not notified of the move the Board of Cosmetology made. How many more letters were returned? I consider the above not very responsible or professional.

July Riggs



# NATIONAL COSMETOLOGY ASSOCIATION OF KANSAS

Kent A. Buford Secretary  
701 South Margrave Fort Scott, Kansas 66701  
316.223.5634

RE: H.B. 2106

Committee Members:

I am here today representing the National Cosmetology of Kansas. I would like to invite you to review the lesson plan, reprint of a page from our December 1996 newsletter, and our brochure titled Tell Me More about the National Cosmetology Association we have provided for you.

First the lesson plan. As you can see we teach proper sanitation and safety procedures for each technique covered in our presentation. Public safety has been a major part of all National Cosmetology of Kansas educational presentations for many years.

Second the reprint from our December 1996 newsletter. The article outlined in yellow demonstrates our ongoing effort to provide high quality continuing education presentations in a timely fashion to licensed cosmetologists in all areas of Kansas. All offerings are free to members and at a very economical cost to non-members. Any profits from our presentations are reinvested in future presentations and providing other membership services. Our association officers and education committee members receive no pay for their efforts other than the satisfaction of helping fellow cosmetologists.

Third our brochure Tell Me More About the National Cosmetology Association. After reviewing our brochure you will see the multitude of advantages membership in our non-profit organization provides to the cosmetologist.

In addition we will soon be offering presentations to cosmetologists concerning compliance with the Occupational Safety and Health Administrations Hazard Communication Standard Part 1910.1200 of 1983. HCS is also known as "Worker Right To Know" and was created to protect employees from unnecessary exposure to hazardous chemicals.

The more you examine our industry, the need for mandatory continuing education is easier to justify. We sincerely hope you can find sufficient reason to amend H.B. 2106 to require no less than eight hours per year of continuing education.

Respectfully Submitted:

Kent A. Buford  
Secretary  
National Cosmetology Association  
of Kansas

HOUSE HEALTH/HUMAN SERVICES

Attachment 8-1  
2 - 19 - 97



## REPORTS FROM OFFICERS

### FIRST PRESIDENT *Sharan Bailey*

Another year has sped by and it has been an exciting one! A lot has happened, Danny Ewert last November, District Classes in February, Jack Myers in April, Steven Lai in August, District Classes in September, and yesterday Peggy Schmoltdt. All have been well attended and received.

I'm looking forward to attending the Presidents Council in Kissimmee, Florida, in January. I hope to learn a lot and I look forward to a great experience.

We have some wonderful education lined up for the following year. And our goal for this Association should be to become the Best Providers for Continuing Education in the State. Hard work, commitment and unity among our Board members will be the key to this. Hard work -- making sure each and every class runs as smoothly as possible, from advertising to pre-registration, to on site registration, the meeting room set up, help for the instructors, to the hand out of Con-Ed Certificates and finally the timely submission of attendees and hours to the tracker. Commitment and Unity -- from all of us to make this work. I know this will take a lot of time and work and I know we all have family, work and play, but we're all here today, which shows a commitment to this Association.

Budgeting our small amount of extra time for this commitment isn't always easy. Making the most of this time is the key with positive work and positive attitude. Helping each other positively and happily will make things run smoothly. And those of us with longer experience with the Association can help the new member or the old member wanting to become more involved within the Association. Our positive time with them will make their undertaking easier and help them to make the commitment. And in the long run, the more of us having this commitment there are, we'll all be able to spend less time away from family, work and play. Remember, to do this will take lots of Positive Time and Positive Attitude! What's the old saying? "A little honey draws more flies than vinegar." Well, we don't really want flies, but a little smile, a pleasant voice, and a good word does tend to draw people!

And I'd like to conclude by saying, if I start having a bad attitude, slap me and remind me about the honey!

### 2ND VICE PRESIDENT *Judith Buford*

This past month Terry Chrisco and I were invited to judge the student competition for Affiliate Number Three at Topeka. They had a great turnout and a super program for the members in attendance. The extra effort put forth by their officers was readily apparent.

Strong affiliate performance such as this is what it takes to make the NCA of Kansas a functional and viable part of the Cosmetology Industry in Kansas.

Through the affiliates, we are able to furnish high quality educational opportunities to Kansas cosmetologists in their respective areas.

I would like to urge members of our Association to spread the word, that we are the best source of salon education available to Kansas cosmetologists. Convince other cosmetologists to sign up and become a member of the fastest growing state in the National Cosmetology Association.

### SECRETARY *Kent Buford*

Barely four months have passed since implementation of the new Continuing Education requirements for Cosmetologists and other Licensees. In this brief period of time, members of the Kansas Education Committee have presented numerous offerings in various locations across the state.

Most of these have been a resounding success, with minor rough spots needing attention. At present members of the Board of Directors, are closely examining this past group of offerings. With a determination to iron out the rough spots and structure future offerings to provide the maximum educational value for participants.

Special attention will be focused upon picking the proper locations across the state to hold these offerings. With a special emphasis on providing timely offerings, within a reasonable driving radius for Licensees in the more remote areas of western Kansas.

Future offerings will cover the specifically requested areas, derived from evaluation sheets filled out at the conclusion of past offerings. Future offerings will be presented by top state and national salon educators, of which many will be hands on classes. NCA of K is dedicated to providing the best value in salon education available in your area.

The Board of Directors would like to hear your opinions as to how we can better serve you in the future. Or better yet, become a member of the National Cosmetology Association and be a viable part of the future of cosmetology in our great state.

Direct your correspondence to: Kent A. Buford, Secretary NCA of Kansas, 701 S. Margrave, Fort Scott, KS 66701.

### AFFILIATE #1 *Lesa Beamer, President*

We had our meeting at the NWKAVTS in Goodland for the Global Xtreme Trend Release. The instructors were Cathy Ferguson, Betty Pilcher and Robin Giebler. It was a good class and we had 107 in

attendance. New officers were elected for the next year: Lesa Beamer-Senior Director; Juanita Denning-Junior Director, Barb Winston-Junior Director/Secretary. We are discussing asking a guest artist in our affiliate to be in our area for con-ed hours sometime in April. After delegate session, we hope to be able to answer any and all questions concerning the con-ed hours. We hope to keep growing!

### THE ROAD RUNNERS-AFFILIATE #2

*LuAnne Hays, President*

On September 23 we held our Annual meeting in Hays at the Holiday Inn. We had an Excellent! turnout, 140 cosmetologists from all over Kansas.

Michael Waldera and Betty Pilcher presented a great show on color, perms and hair cuts. We had real good evaluations from the show. We had a brief meeting before lunch for election of officers and naming our affiliate. The officers will remain the same with the exception of a new 3rd Vice President. Julie Keast of Great Bend will be joining our crew. We welcome her and look forward to working with her. The only name anyone came up with was the Road Runners, because we are way ahead of the rest. That just shows some good creativity by our members.

I have had several interesting phone calls from members that are wanting to know what they can do to let Beauty Suppliers know how they feel about Inactive cosmetologists being able to still buy from their companies. They have asked to send petitions for signing to salons, then forward copies to State Board and to Beauty Suppliers. I told them I would mention it to our NCA State Board so maybe they can give you a response.

Our next meeting is scheduled for February in Salina. Stay posted for dates, time and place.

### AFFILIATE #3 *Seth Rislove, President*

Affiliate 3 will be having a Christmas party dinner on Monday, December 9th at Pore Richards Restaurant in Topeka from 5:30 to 9:00 p.m. Pore Richards is located at 705 South Kansas Avenue in downtown Topeka. Dinners are priced from \$8 to \$15 and we will be going dutch treat. We need your input to help us plan the events, times, places, etc. for the next year. So please mark your calendars. All members of Affiliate #3 are welcome and encouraged to attend. Please R.S.V.P. by the first of December so we will know how many to plan for. You can contact the Affiliate President, Seth Rislove, at 913-542-3249. This is your money we are working with, so please come and give us your input on the things you would like your affiliate to spend it on! Hope to see you all there! Happy Holidays to all.



# NATIONAL COSMETOLOGY ASSOCIATION OF KANSAS

Judith E. Buford Second Vice President  
701 South Margrave Fort Scott, Kansas 66701  
316.223.5634

RE: H.B.2106

Committee Members:

I am here on behalf of the National Cosmetology Association of Kansas. We are the Kansas affiliate of the National Cosmetology Association. We are the largest organization in the United States representing licensed professionals in all facets of the cosmetology industry. We are a non-profit organization dedicated solely to the advancement and education of the licensed professional.

Through our affiliation with the National Cosmetology Association we represent the largest organized group of professional cosmetology educators in the United States. In addition to the high quality educators we provide from our state education committee, we are able to bring to our events top educators from all areas of the United States. Thus we are able to provide the highest quality generic cosmetology education in the most economical manner possible.

In all of our educational offerings proper sanitation procedures and techniques for public safety are emphasized throughout the presentation.

Due to modern technology new products are being offered to cosmetologists at a faster rate than ever in our history. Products such as hair straighteners, perm-antes, dry peroxides, hair removal preparations etc. Can result in minor to severe tissue damage if improperly used.

Due to the constantly evolving nature of our industry, sanitation and technique updates through mandatory continuing education classes are the only way to insure public safety in the metropolitan as well as rural communities across our state.

We are hoping that the committee can find sufficient reason to amend H.B. 2106 to require eight hours of continuing education per year.

Respectfully Submitted

Judith E. Buford  
Co-chairperson  
Ks. Education Committee  
Second Vice President  
N.C.A. Of Kansas

HOUSE HEALTH/HUMAN SERVICES

Attachment 9  
2 - 19 - 97

HOUSE BILL #2106

Cindy J. Clark  
3034 SW Lydia #213  
Topeka, KS 66614  
Hm 913-273-0613  
Wk 913-272-5880 (Leonardo's)

I hold a manicurist's license in the State of KS. and have since 1989.

1. I do not oppose the 20 Ce Hrs I do however oppose this bill that would require me to have 20 CE Hrs and the cosmetologists that do hair, skin care and nails. 10 Hrs less Ce Hrs than I who am in a specialized line of work where I only do nails.
2. When the cosmetology Ass. members brought around their petition for the original bill KSA 19965 for us to sign, they said it would help us weed out the at home and backroom salons with no license. It hasn't! In fact John Q. Public will do that by getting rid of 2nd rate work.
3. I am also opposed to how we are being charged for our CE Hrs. I pay \$6.00 more for the guy to collect my CE Hrs than I pay for my license in 2 years. CE's should be done inhouse. We are a self supported agency of the ST. of KS and Fed Govt. The State Board of Cosmetology told me in their Aug. meeting that the Gov. of Ks. put a hold on hiring for the state, so they can't do the CE Hrs. inhouse. It can't cost \$345,000.00 for a class programmer plus benefits inhouse. That's what the 2300+ of us pay at \$15.00 each per yr.
4. I would also like to see a Post Audit of how the designee got this contract. What bids were run and where?
5. This bill also states that we need to show proof of hours in writing. So why do we need him in Wichita to send our proof of hours to Topeka?
6. I am also opposed to how shows are being run. At the Aug. meeting of the State Board of Cosmetology, they assured me that it was not going to be a sign in and sign out deal at the show, but it was. There was no monitoring of who attended classes. They also assured me that the classes would be further education and not product demos and this they were not.
7. Ticket prices have gone up from \$20.00 on a 2 day show to \$50.00 to \$100.00 on some shows. The providers that teach the classes are charged only \$25.00 a year. To me that does not constitute the increase in price of the class.
8. The vendors are the ones who are making money off of us.

HOUSE HEALTH/HUMAN SERVICES

Attachment 10  
2 - 19 - 07



BILL GRAVES, Governor

2708 NW Topeka Blvd.  
Topeka, Kansas 66617-1139  
Phone: (913) 296-3155  
Fax: (913) 296-3002

HEALTH AND HUMAN SERVICES COMMITTEE  
KANSAS HOUSE OF REPRESENTATIVES  
REPRESENTATIVE CARLOS MAYANS, CHAIRPERSON

TESTIMONY PRESENTED FEBRUARY 19, 1997, BY  
NANCY SHOBE, EXECUTIVE DIRECTOR  
KANSAS STATE BOARD OF COSMETOLOGY

Mr. Chairman and members of the committee, I thank you for the opportunity to speak to you today, on behalf of the Board, opposing House Bill 2106.

In the 1995 legislative session, there were two senate bills before this committee. One was introduced and supported by the Cosmetology Board. It had to do with qualifications of Instructors in Cosmetology schools. The other bill was introduced by the Kansas Cosmetology Association. The Board was neutral on the bill in the Senate, and amendments were added in the House committee with regards to unprofessional conduct as a grounds for a revocation of a license. The Board became supportive of the bill at that time, based on those amendments.

The bill passed out of committee in the form that was finally passed. Some of you may remember amendments on the floor. One was offered to reduce the number of hours to 16. It was defeated. Another was offered with an age exemption to the law. It was also defeated. The bill passed.

That's when the work really began for the board. We finished the process we were in of reviewing and repairing our existing rules and regulations. We then began the process of adopting rules and regulations to implement the Continuing Education. There was language in the bill that made this process difficult.

1. The board could approve the providers and not necessarily the programs. We described through regulations, however, the types of programs that would qualify.
2. Licensees that were renewed after July 1, 1996 would need to show proof of completion of education for that period. The Board thought that meant with their renewal after that, but we were quickly informed by the Attorney General's office that the law did not say that. We came up with a "phasing in" plan. Licensees renewing in September would need 5 hours, October 10 hours, November 15 hours, and December 20 hours.

3. We had told the committee that if we did not receive a position in our office to support this program, that the tracking of hours would be contracted out to a private company. We did not get the position and we went through the DOA to request bids. The contract was awarded to the lowest bid. The original lowest bid was \$40 per year per licensee. After the board negotiated that bid the final proposal was \$15 per licensee per year. Part of the agreement of that contract was that they notify all licensees of the requirements and what they needed to do to comply. We printed 25,000 notices and the tracking company mailed them out.

The phones in our office began to ring. Either our notice was not clear or they did not receive it or read it. The phone calls ranged from anger over the law to "how do I meet the requirement?" to "This is great, it's about time". At any rate we answered about 500 phone calls a day. It was overwhelming to our office staff with all its prior duties. Then the mail began to increase. Licensees began to write in with their questions. Even if their license was not due to expire for another 18 months, and they wanted to be inactive, they just wanted to know what they needed to do. We developed a blanket letter, if you will, that answered all the common questions, including Active/inactive status, buying supplies with an inactive license, and out of state approval. We mailed over 3000 responses to these types of inquiries.

During this time we were receiving potential providers applications and answering their questions about their responsibilities. We assisted them in completing their applications so that they could begin offering programs. To date we have approved 85 providers from all areas of the state with a variety of education.

The program has been in effect for 7 months and we began the phasing in period in September which really means 5 months.

- > Has it run smoothly?  
NO
- > Has it been easy?  
NO
- > Did everyone fulfill their responsibilities including the board and Licensees?  
NO
- > Was anyone denied a license because of this process?  
NO
- > Was the Board as flexible and responsive to the needs of its constituents as it could be given the job and the staff?  
YES

We are opposing this bill because it was offered as a solution and we do not believe that it is the solution. We are all aware

of the fact that there are problems. The Board has only had the time to get the program up and running with very little time to devote to the real concerns connected with this law.

The Board is asking this committee to give us the time we need to adjust the problems. We are presenting to you today a list of common complaints and our plan for solutions which may not require legislative changes. If by the next legislative session, we do not have it working better, then we would support most any solution up to and including repeal.

#### COMPLAINTS RELATED TO CON-ED

1. Cost of tracking to licensee - \$15 per year to a contracted company

#### Solution

The Board's budget proposal requests a position for the remainder of this year through 1999. There would be no increase in expenditures for this fiscal year. We have also provided through revenues to support the position in subsequent years. We asked that the position be put in place to handle the tracking and related jobs to continuing education.

This would eliminate the licensee from paying to the tracking company each year. The licensee would continue to renew their license biennially at the rate of \$30, until July 1998 and the fee would increase for an active license to \$40.

Currently, the licensee pays to the board \$30, in addition to the tracking company \$30. A total of \$60.00.

Our proposal saves the licensee a total of \$30 every two years and \$20 beginning after July 1998.

The total savings to the Cosmetology community, over a two year period, would be approximately \$260,000.

The cost of our proposal would be estimated at \$17,789 per year (base salary + benefits) for subsequent years. This is and Office Assistant-1, which is an entry position.

The Employee would be responsible for tracking continuing education programs and requirements for its licensees. The Board feels it could review these programs and requirements in-house at a lower cost provide better service to the licensee. We would provide a newsletter at least twice a year including available classes. The Board hopes that the enhanced service can reduce the number of potential licensees not attaining their license on the first attempt, thus eliminating complaints from Cosmetologists.

2. Rural Access

Solution

The Board plans to make an effort to see that programs are provided in the rural areas. The Board will either negotiate with providers to go to rural areas or the Board will take it's own low cost class into rural areas. There are at least 5 home study courses available, and the Board will continue to encourage this practice. We have also talked with the Board of Education and they have satellite capabilities to most of the Community Colleges and Vo-techs throughout the state. We could satellite out of Topeka to 3 schools in 3 different areas at very little cost. We could broadcast as far west as Goodland and east as Johnson County and south to Cowley County.

3. Older Cosmetologists who only work limited hours or who have difficulty traveling for classes

Solution

The Board is submitting a regulation for approval and adoption to define inactive as an individual who works 20 hours or less. If there is statutory authority for this regulation, then it will be adopted. The Board could offer a test that could be taken at their convenience to determine that they are still safe to practice. If not then we should consider a legislative change.

4. Products or the sale of products being the focus of some classes

Solution

The Board plans to submit a letter to all providers to limit their sales at classes and if the practice continues to be excessive, then the Board is prepared to not approve them as providers in the future. All provider renewals are due July 1, 1997. We believe that this problem will be resolved by then. There are currently 85 providers and approximately 30 have products to sale. Part of the reason that distributors were allowed to be providers was to possibly reduce the cost of the classes. Another reason was that we felt it was necessary to have as many classes as possible to meet the demands.

I am asking that you do not pass this bill out favorably. I believe that it would place another huge hardship on an already struggling agency.

Again, I thank you for your attention and as always I will stand for questions.