



Effective 08/24/14

Protecting, maintaining and improving the health of all Minnesotans

July 18, 2014

Connie Fisher

RE: MDH File Number: BAC14021

Dear Ms. Fisher:

Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (MDH) has determined that you provided body art services without a license, in violation of Minnesota Statutes, section 146B.08, subdivision 3(3), and Minnesota Statutes, section 146B.03, subdivision 1(a). Therefore, MDH is issuing you a reprimand and imposing a civil penalty in the amount of \$1,052. This is authorized pursuant to Minnesota Statutes, section 146B.08, subdivision 4.

You may either accept the discipline as stated herein or you may appeal. If you accept, please pay the assessed civil penalty by check made payable to "Treasurer, State of Minnesota." If you wish to appeal the discipline, you must provide a written statement as to which facts are in error and the grounds for your appeal. Your written statement must be received within 30 days from the date this letter is received by you. During that 30-day period, you also have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and must include specific grounds for challenging the Department's decision.

You must provide a written statement of your decision to either accept or appeal the discipline outlined in the enclosed Determination, within 30 days of your receipt of this letter, to:

Gilbert Acevedo, Director of the Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Gilbert Acevedo at (651)201-3727. If you have any questions about this matter, please contact Chee Lee at (651)201-3728.

Sincerely,

A handwritten signature in cursive script that reads "Darcy Miner".

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Gilbert Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Connie Fisher
Body Art Technician**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline a body art operator for violations of law under Minnesota Statutes, section 146B.08, subdivision 3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 4, the types of discipline MDH may impose include refusal to grant a license or any reasonable lesser action.
2. Pursuant to Minnesota Statutes, section 146B.08, subdivision 4(5), MDH may also impose a civil penalty, for each violation, not exceeding \$10,000 that deprives the operator of any economic advantage gained by the violation and reimburses MDH for costs of the investigation.
3. Pursuant to Minnesota Statutes, section 146B.08, subdivision 3(3), a violation of any provision in the body art statute is a ground for disciplinary action.
4. Pursuant to Minnesota Statutes, section 146B.03, subdivision 1, effective January 1, 2011, no individual may perform body art, including permanent makeup, unless the individual holds a valid technician license issued by MDH.

FINDINGS OF FACT

1. Connie Fisher (hereinafter "Operator") owns Classic Image Salon (hereinafter "Establishment") in Saint Cloud. Operator provides permanent makeup services at the Establishment.
2. On September 20, 2010, MDH sent a license application packet to the Establishment's former location with an address of 227 First Street South in Waite Park. On October 21, 2010, the application packet came back to MDH. The application packet came back from the post office as "return to sender" and "unclaimed".
3. On September 29, 2011, MDH received a body art license application from Operator.
4. For unknown reasons, Operator's license application was not processed immediately and Operator was not issued a full body art technician license until March 21, 2014.
5. Enclosed with Operator's application were informed consent forms of body art procedures that occurred at the Establishment by the Operator.
6. A review of the informed consent forms shows Operator provided a total of 32 permanent makeup procedures at the Establishment from January 2011 to September 2011.

Operator performed 3 permanent makeup services in January 2011, 3 permanent makeup service in February 2011, 2 permanent makeup services in March 2011, 4 permanent makeup services in April 2011, 6 permanent makeup service in May 2011, 3 permanent makeup services in June 2011, 3 permanent makeup service in July 2011, 2 permanent makeup service in August 2011, and 6 permanent makeup service in September 2011.

7. Operator also performed 19 permanent makeup procedures in October 2011, 22 permanent makeup procedures in November 2011, and 21 permanent makeup procedures in December 2011.

CONCLUSION

1. Operator did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivisions 3(3), because she practiced body art before she was issued a technician's license, in violation of Minnesota Statutes, section 146B.03, subdivision 1(a).

DETERMINATION

1. MDH acknowledges Operator should have been issued a license sooner than March 21, 2014. A reasonable time frame for the issuance of Technician's license is 30 days from the receipt of the application. Therefore, MDH will only focus on Operator's unlicensed practice from January 2011 to September 2011.
2. Operator is hereby reprimanded and assessed a civil penalty in the amount of \$1,052, which deprives Operator of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Operator may pay the \$1,052 civil penalty in monthly installments of up to 10 months after the effective date of this action. If Operator chooses to make installments, she must notify MDH in writing about her intentions, including how many installments she intends to make, in what amount, and over which time period. Operator must send this information to: Health Occupations Program, PO Box 64882, Saint Paul, MN 55164-0882, within 30 days of receipt of this document.
 - Each payment will be made by check to "State of Minnesota, Treasurer" and mailed to Health Occupations Program, PO Box 64882, Saint Paul, MN 55164-0882, or any other address specified by MDH. Each payment is due by the last day of each month; however, technician may prepay at any time.
 - The penalty may be referred to the Minnesota Collection Enterprise (MCE), part of the Minnesota Department of Revenue, or any other source for collection, if Technician misses a monthly payment by 14 calendar days after the established deadline. When this Order for a penalty becomes public and MDH refers the matter to MCE, MCE is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Technician without further notice or proceedings.