



Effective 08/22/14

Protecting, maintaining and improving the health of all Minnesotans

July 18, 2014

Cheryl Lynn Hetrick

RE: MDH File Number: BAC12008

Dear Ms. Hetrick:

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, the Department is issuing you a reprimand and a civil penalty in the amount of \$269. This action 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:

Gil 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 Gil 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 black ink that reads "Darcy Miner" with a checkmark at the end.

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Gil Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Cheryl Lynn Hetrick
Body Art Technician**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline body art technicians for violations of law under Minnesota Statutes, section 146B.08, subdivision 3. Pursuant to Minnesota Statutes, section 148B.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 not exceeding \$10,000 that deprives the licensee 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. On July 29, 2011, MDH Investigations and Enforcement (I&E) staff received information that Technician was providing body art services under the business name "Alluring Eyes Permanent Makeup" in Shoreview, MN.
2. By letter dated August 2, 2011, a body art application packet was mailed to Technician's residential address.
3. On August 4, 2011, Technician telephonically acknowledged receipt of the application packet and stated she had been providing permanent makeup services out of her residence on a part-time basis for approximately ten years. During the telephone conversation, Technician was provided with instructions as to how to complete the required applications and information regarding available training to complete required coursework.
4. On her body art technician licensure application, dated August 5, 2011, and received on August 15, 2011, Technician stated that she had been doing business as Alluring Eyes Permanent Makeup in Shoreview, MN, since September 2010. Evidence of experience

provided by Technician included client information forms for a total of 2,113 hours completed during the period from August 20, 2006, to August 20, 2011. Of the documented hours presented, 200 hours were completed after January 1, 2011.

5. Cheryl Lynn Hetrick (Hereinafter "Technician"), was issued a body art technician-tattoo license, effective October 6, 2011.
6. On April 9, 2014, MDH sent Technician a letter requesting the informed consent forms from January 1, 2011 through October 5, 2011. MDH requested Technician respond by May 9, 2014.
7. Technician responded with a letter received on May 22, 2014. Technician did not include the informed consent forms.
8. On May 23, 2014, MDH sent Technician a second letter requesting the informed consent forms.
9. On June 20, 2014, MDH received the informed consent forms from Technician. Based on the informed consent forms, Technician provided 2 permanent makeup services in April 2011, 3 in May 2011, and 2 in July 2011. Technician could not provide copies of informed consent forms from January 2011 through March 2011.
10. Also enclosed with the informed consent forms was a copy of Technician's 2011 tax form for profit or loss from business. The form shows Technician did not make a profit due to miscellaneous expenses.

CONCLUSION

1. Technician 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 on October 6, 2011, in violation of Minnesota Statutes, section 146B.03, subdivision 1(a).

DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$269, which reimburses MDH for costs of the investigation.
 - Technician may pay the \$269 civil penalty in monthly installments of up to 3 months after the effective date of this action. If Technician 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. Technician 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.