



Effective 3-25-15

February 9, 2015 *Protecting, maintaining and improving the health of all Minnesotans*

Katie Bissell

RE: MDH File Number: BAC12114

Dear Ms. Bissell:

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 a technician at Kat's Tats LLC, Albert Lea, an establishment you own, provided body art services without a body art establishment license, in violation of Minnesota Statutes, section 146B.08 subdivision 3(3) and Minnesota Statutes 146B.02, subdivision 1. MDH has also determined that, as owner and operator of the body art establishment, you failed to maintain proper records for each body art procedure performed, in violation of Minnesota Statutes, section 146B.08 subdivision 3(3) and Minnesota Statutes, section 146B.07 subdivision 4. Therefore, the Department is issuing this reprimand and assessing a civil penalty in the amount of \$1,336. 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:

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)201-3839. If you have any questions about this matter, please contact Chee Lee at (651)201-3728.

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy Miner", is written over a horizontal line.

Darcy Miner, Director
Health Regulation Division

Enclosure

cc: Gilbert Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Kat's Tats LLC, Albert Lea
Body Art Establishment**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline owners of body art establishments 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, for each violation, a civil penalty not exceeding \$10,000 that deprives the operator of an establishment of any economic advantage gained by the violation and reimburses MDH for costs of investigation.
3. Pursuant to Minnesota Statutes, section 13.41, disciplinary actions are public data.
4. 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.
5. Pursuant to Minnesota Statutes, section 146B.02, subdivision 1, effective January 1, 2011, no establishment may provide body art services unless the establishment has a valid establishment license issued by MDH.
6. Pursuant to Minnesota Statutes, section 146B.07, subdivision 4, for each client, the establishment operator shall maintain proper records for each procedure. The records must be kept for three years and must be available for inspection. The record must include the date of procedure, information on the required picture identification showing the name, age, and current address of the client, and the name and license number of the technician performing the procedure.

FINDINGS OF FACT

1. Kat's Tats LLC (hereinafter "Establishment"), a body art establishment, is located at 115 West College Street, in Albert Lea, Minnesota.
2. The owner of the establishment is Katie Bissell (hereinafter "Operator"). Operator is a licensed Body Art Technician.

3. Operator owns a second body art establishment, also known as Kat's Tats LLC, in Owatonna, Minnesota.
4. On January 6, 2012, MDH received a body art establishment license application from Operator for the Establishment in Albert Lea.
5. In the body art establishment license application, Operator listed _____, and herself as technicians who will be providing body art at the Establishment.
6. At that time, _____ had a full body art technician license while _____ had a temporary body art technician license.
7. In his temporary body art technician license application, _____ listed Operator as his supervisor.
8. On June 4, 2012, MDH received a phone call with information that _____ was providing tattoo services at the Establishment without Operator being physically present and therefore without proper supervision.
9. On June 6, 2012, MDH sent a Notice of Illegal Practice letter to Operator. MDH requested a written response no later than July 9, 2012.
10. On July 2, 2012, MDH received a written response from Operator. Operator stated in her response, _____ and also by me finding out that he was doing tattoos without my knowledge to make money on the side."
11. Referring to _____ and the Establishment, Operator also stated in her response, "Once we opened the second shop we would bounce back and forth to cover appointments that were scheduled. Then he decided that he wanted to keep the Albert Lea location open all the time and set up appointments and answer questions, this is when I found out he was doing work behind my back, so at this point he was let go."
12. Operator also stated, "Presently _____ in Albert Lea running that shop unless I have a request to have them in Owatonna. _____ did start in Owatonna before the new shop was open, and continued doing every other day with me for a while so we could keep clients in both places."
13. On September 19, 2012, MDH sent a letter with questions to Operator. MDH requested a response no later than October 19, 2012. MDH did not receive a written response from Operator.
14. On July 17, 2014, MDH sent another letter with questions. The letter asked Operator why _____ was at the Establishment by himself, knowing _____ could not tattoo without Operator present. The letter also asked Operator what the expectations

were for the Establishment to be opened to the public but not be able to provide body art, including walk-ins. MDH also requested all the informed consent forms in which provided body art at the Establishment. MDH requested a written response from Operator no later than August 18, 2014.

15. On August 21, 2014, MDH received a letter of response from Operator. Operator stated she first found out [redacted] was providing unsupervised body art services at the Establishment was when she “had a customer from Albert Lea come to the Owatonna location wanting a touch up done on a tattoo. I looked through all the paperwork that was filed from [redacted] doing the procedures, and hers was not in there. Then she stated she had got it in the Albert Lea location without my knowledge.”
16. Operator answered the questions to the letter with, [redacted] wanted to open his own shop called [redacted] in the Albert Lea location...During this time he would answer phones & talk to clients when they came in. He was not suppose to be doing any tattoos during this time without my presence!! I went down to do a couple tattoos myself that he would schedule for me but he did not do any tattoos in that location with me there during this period!!”
17. Operator also stated, “I have no release forms for [redacted] at the Albert Lea location.”
18. On November 19, 2014, MDH sent a letter with more questions to Operator. The letter requested all the informed consent forms from the Establishment from February 22, 2012 through March 31, 2012. The letter requested a response from Operator no later than December 22, 2014.
19. On December 19, 2014, MDH received a letter of response from Operator. In the letter of response, Operator stated, “Here are the release forms I found from the date the Albert Lea shop opened which was 2-22-12 through 3-31-12. [redacted] was fired before this time so I have no documentation of him doing any tattoos in that location.”
20. A review of all the informed consent forms from February 22, 2012 through March 31, 2012 belonged to [redacted]
21. On January 5, 2015, MDH sent another letter with questions to Operator. In Operator’s previous responses, she state: [redacted] was fired on February 15, 2012 and that she went to the Establishment to provide tattoos that [redacted] had scheduled. However, Operator did not submit any of her informed consent forms. The letter also asked Operator why she was tattooing at the Establishment when the establishment license was not issued until February 22, 2012. MDH requested a written response from Operator no later than February 5, 2015.
22. On January 30, 2015, MDH received a written response from Technician. In the written response, Operator stated, “To start out the questioning yes my Albert Lea location was opened on Feb. 22nd 2012, and yes [redacted] was fired before that. I was wrong on my dates in the previous statement, I did not go back to my release forms to see the exact

dates that certain things started. Yes [redacted] was in the location before the opening date and yes we did have people coming in to see the new shop due to us putting up a sign before opening. [redacted] was also planning on opening the shop in his own name after he was fully license names [redacted] but it did not get that far. He was doing remodeling during the month or so before opening the 2nd Kat's Tat's location. This is when I showed up to look things over and found a [redacted] in the basement, so he was fired on the spot. I do not allow any illegal activities in my business!!!! After we opened the location I had a couple customers called in and say they got tattooed down there by [redacted] so I dealt with that issue as well as I could. There were no procedures done in that location until after we got licensed, other than the ones performed by [redacted] that I was unaware of. After we received the establishment license I sent [redacted] there to run the 2nd shop since he was fully licensed already. Once again I had my dates wrong previously until I dug through totes after totes that were in storage to get the release forms that you requested.”

CONCLUSION

1. Operator failed to comply with the requirements under Minnesota Statutes, section 146B.02, subdivision 1 and Minnesota Statutes, section 146B.08 subdivision 3 (3). By having the Establishment opened to the public and answering phone calls to set up appointments, the Establishment became operational. Therefore, Operator laid the foundation where body art services eventually occurred in the Establishment before the issuance of an establishment license on February 22, 2012. This may have been prevented if the Establishment did not open until after the issuance of the Establishment license.
2. Operator failed to comply with the requirements under Minnesota Statutes, section 146B.08 subdivision 3 (3), and Minnesota Statutes, section 146B.07, subdivision 4 (5). Operator did not have any informed consent forms that occurred at the Establishment for

DETERMINATION

1. Operator is hereby reprimanded and assessed a civil penalty in the amount of \$1,336, which deprives Operator of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Operator may pay the \$1,336 civil penalty in monthly installments of up to 12 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 Department of Revenue (MDR), or any other source for collection, if Operator 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 MDR, MDR is authorized by Minnesota Statutes, section 16D.17, to obtain a judgment against Operator without further notice or proceedings.