



Effective July 9, 2014

June 5, 2014

Protecting, maintaining and improving the health of all Minnesotans

Kelly L Rehbein

RE: MDH File Number: BAC14012

Dear Mr. Rehbein:

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, subdivisions 3(3), and Minnesota Statutes, section 146B.03, subdivisions 1. Therefore, the Department is issuing you a reprimand and imposing a civil penalty in the amount of \$216. 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)201-3727. 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". The signature is written in a cursive, flowing style.

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Anne Kukowski, Assistant Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Kelly L. Rehbein
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 214.131, subdivision 2; and 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 licensee of any economic advantage gained by the violation and that 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 tattooing unless the individual holds a valid technician license issued by MDH.

FINDINGS OF FACT

1. Kelly L. Rehbein (Hereinafter "Technician"), was issued a temporary body art technician-tattoo license, effective August 29, 2012. Technician's temporary body art technician-tattoo license expired on August 29, 2013.
2. On September 10, 2013, MDH sent Technician a letter advising he failed to renew his license and that it expired on August 29, 2013.
3. On September 12, 2013, MDH received a full body art technician license application from Technician. A body art technician license was not issued to Technician as the application was incomplete.
4. On September 28, 2013, MDH sent a letter to Technician advising him his application could not be processed as it was incomplete. The letter had a list of items the Technician needed to provide to MDH in order to process his application. The list included

verification of experience: (1) log of 200 supervised hours and (2) an affidavit signed by the Technician's supervisor.

5. On January 21, 2014, MDH sent Technician a letter advising the closure of his application as MDH did not receive the information requested in order to process it. MDH also advised if Technician wanted to apply for licensure, he would have to submit a new application.
6. On February 6, 2014, MDH received a full body art technician license application from Technician. A body art technician license was not issued to Technician as the application was incomplete.
7. On February 6, 2014, MDH sent a letter to Technician advising him his application could not be processed as it was incomplete. The letter had a list of items the Technician needed to provide to MDH in order to process his application. The list included verification of experience: an affidavit signed by the Technician's supervisor.
8. On February 26, 2014, MDH received the necessary paper work to process Technician's application.
9. On February 27, 2014, Technician was issued a full body art technician license.
10. Processing Technician's full body art license application revealed unlicensed practice on September 6, 2013. Technician's file was referred to Investigation/Enforcement unit for further investigation.
11. A Notice of Illegal Practice was sent to Technician on March 26, 2013 for unlicensed practice on September 6, 2013. MDH requested a written response from Technician no later than April 28, 2014.
12. On May 15, 2014, MDH received a letter from Technician. Technician admitted to performing a touch up tattoo without a license on September 6, 2013 and provided a copy of the informed consent form for it.

CONCLUSION

1. Technician did not comply with the requirements under Minnesota Statutes, section 146B.03, subdivision 1 because he continued to practice body art after expiration of his temporary license on August 29, 2013 and before issuance of his full body art technician license on February 27, 2014.

DETERMINATION

1. Technician is hereby reprimanded and assessed a civil penalty in the amount of \$216, which deprives Technician of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - 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.
 - 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 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.