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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE
DISCIPLINARY PROCEEDING
AGAINST:

ANNA M. MAAS d/b/a ANN GEIGER ELECTROLYSIS and ANN GEIGER STUDIOS, RESPONDENTS	FINAL DECISION AND ORDER LS0204081BAC
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Division of Enforcement Case No. 01 BAC 067

The parties to this action for the purposes of section 227..53 of the Wisconsin statutes are:

ANNA M. MAAS
d/b/a ANN GEIGER ELECTROLYSIS
3602 Atwood Avenue
Madison, Wisconsin 53714

ANN GEIGER STUDIOS
302 E. Wilson Street
Madison, Wisconsin 53703

ANN GEIGER STUDIOS
301 Hartwig Blvd.
Johnson Creek, Wisconsin 53038

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of

this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Ann Geiger Electrolysis, 3602 Atwood Drive, Madison, WI 53714, is duly licensed as an electrolysis establishment in the State of Wisconsin (license #70-237). This license was first granted on May 30, 1986.
2. Ann Geiger Studios, 301 Hartwig Boulevard, Johnson Creek, Wisconsin, is duly licensed as an electrolysis establishment in the State of Wisconsin, (Lic.# 70-580).
3. Ann Geiger Studios, 302 E. Wilson, Madison, Wisconsin, is duly licensed as an electrolysis establishment in the State of Wisconsin, (Lic.# 70-579).
4. Anna M. Maas is listed with the Department of Regulation and Licensing as the owner of Ann Geiger Electrolysis and Ann Geiger Studios. The latest known address for Anna M. Maas in the Department of Regulation and Licensing records is 3602 Atwood Drive, Madison, WI 53714.
5. Anna M. Maas is a licensed electrologist in the State of Wisconsin (license # 84-47). Ms. Mass's license was first granted on May 17, 1968. Maas performs electrolysis at all three of the establishments.
6. On June 22, 2001, a complaint was received by the Department from an individual who alleged that Maas failed to wear disposable gloves while performing electrolysis, did not sterilize the client's face prior to the treatment, and did not use sterilized equipment. The complaint also alleged that Maas left the room during the procedure to answer the telephone several times and did not wash her hands upon returning to continue the electrolysis procedure.

Initial Inspection

7. On November 7, 2001, an unannounced inspection was conducted by the Department investigator, Michelle Krisher. The investigator examined the electrolysis treatment room and found several sanitation violations. There was a dried substance on the countertop of the electrology cart. A dirty tweezers was lying next to the electrology machine, along with several other tweezers, which were lying in an uncovered storage container. Clean towels were not stored in a covered container.
8. Maas told the investigator that the tweezers lying next to the electrology machine had been used in a previous treatment and needed to be sterilized. Maas stated that the other tweezers probably also needed to be sterilized.
9. When asked to describe her sterilization procedures, Maas told the investigator that she begins by placing the dirty needles into a container containing ultrasonic cleaner solution. After the needles have soaked, Maas pours the needles into a metal tray in the sterilizer. Maas runs the dry heat sterilizer for one hour at 350 degrees.
10. The investigator saw approximately 50-100 gold needles lying on the bottom of the metal sterilizer tray. Some of the needles were bent. There was a dried faint whitish residue along the inside front of the tray.
11. Maas stated that she does not remove the sterilized needles from the metal tray in the sterilizer until she is ready to use them. The needles are not placed into a sterile covered storage container. Maas indicated that if there are any sterilized needles left in the tray when she is ready to run the sterilizer again, she places the sterilized needles into the ultrasonic cleaner with the contaminated needles and re-sterilizes all of them.
12. Maas stated that she purchased the pre-owned sterilizer from another electrologist approximately six years ago. Maas admitted that she has never had the unit tested according to the manufacturer guidelines. Maas may run a test strip in the sterilizer occasionally, but she has never sent the strips to the manufacturer to determine if the sterilizer was functioning properly.
13. When questioned about whether she wears gloves during electrology procedures, Maas told the investigator that she wears disposable gloves at all times. Maas stated that she disposes of the gloves in a plastic trash bin in the electrology room when she finishes each treatment.
14. On the day of the inspection, Maas had two electrology appointments. Maas told the investigator that she had worn disposable gloves during both treatments and disposed of them in a trash container in the treatment room. When the investigator opened the trash container, one pair of disposable gloves was observed. When asked to produce the second pair of gloves, Maas stated that she had not worn gloves during one of the treatments that she had performed that morning.
15. Upon conclusion of the inspection, the investigator issued an Order to Correct, which required Maas to wear disposable gloves while performing each electrology procedures, to dispose of the gloves after each use and to

wear new gloves for each client. Maas was also ordered to clean the electrology workstation and to store clean or sterilized contact equipment in covered containers.

Follow-up Inspection

16. Maas did not sign and return the Order to Correct issued on November 7, 2001 to confirm that she was in compliance with its requirements. As a result, the investigators conducted an unannounced follow-up inspection in December 19, 2001 at approximately 10:00 a.m.

17. There was no one in the front reception area when the investigators arrived, but they heard voices coming from the electrolysis treatment room. As the investigators waited, they observed Maas come out of the treatment room talking on a portable phone. Maas was not wearing disposable gloves.

18. When Maas finished the electrolysis treatment, one of the investigators entered the treatment room. The investigator first observed that there was a tweezers lying next to the electrology machine. The investigator then examined the sterilizer machine and found that it was cool to the touch, although Maas told the investigator that she had run the sterilizer that morning.

19. The investigators then asked Maas whether she wore disposable gloves for each electrology treatment since the last inspection and order to correct was issued. Maas stated that she may have not worn gloves a "couple of times" since the last inspection. When asked for specifics as to how many times that she has not worn gloves, Maas estimated about one in every twenty clients. Maas indicated that she has about ten to fifteen clients per week.

20. Maas stated that that the reason that she does not wear gloves with some of her clients is because they are allergic to latex and they request that she not wear gloves. Maas admitted that sometimes she chooses not to wear gloves, even when the client does not express a preference. Maas indicated that some treatment procedures are difficult to perform while wearing gloves.

21. Maas showed the investigators how she sterilizes contaminated contact equipment. Maas placed the contaminated electrology needles into a container with ultrasonic cleaner, then she poured off the liquid by tipping the container down at an angle. After the liquid is drained off, Maas places the needles into a dry heat sterilizer. Maas denied that combines the dirty and sterilized needles as she had described at the time of the initial inspection.

22. Maas stated that the dry heat sterilizer has never been tested according to the manufacturer guidelines to determine if it is operating properly. Maas stated that she has used test strips occasionally, but throws them away when she is finished. According to Maas, the last time that she used a test strip in her sterilizer was approximately six weeks prior. Maas did not have any test strips available to show to the investigators and could not recall the brand name of the test strips that she used.

23. Maas informed the investigators that she transports the contaminated needles from her two other establishments to the Atwood establishment for sterilization because she does not have sterilization equipment at those locations. Maas indicated that she will use disposable needles at the other establishments if the client makes a special request for disposable needles.

Inspection of Ann Geiger Studios (lic.# 70-579)

24. On December 20, 2001, the Department investigator, Michelle Krisher, conducted an inspection of Maas's electrology establishment at 302 E. Wilson Street, Madison, Wisconsin. The investigator observed that Maas does not have sterilization equipment at this establishment. Maas told the investigator that she usually transports needles and contact equipment between this establishment and her establishment on Atwood Avenue. Maas indicated that sometimes she uses pre-sterilized disposable needles at this location.

25. The only supply of needles found at the establishment consisted of two disposable needles in the original packaging. Maas identified several needles lying in an uncovered round container as contaminated. Maas stated that the dirty needles would eventually be taken to Atwood establishment for sterilization. Maas did not have any of the bottles that she had indicated were used to transport the dirty equipment at the establishment. Maas did not have a supply of bandages at the establishment.

Inspection of Ann Geiger Studios (lic. # 70-580)

26. On January 2, 2002, the Department investigator, Michelle Krisher, conducted an inspection of Maas's electrology establishment at Johnson Creek, Wisconsin. Maas told the investigator that she does not have sterilization equipment at this establishment and that she transports the dirty equipment to the Atwood Avenue establishment for sterilization. Maas described a covered metal container as the method of transport, but did not have a container available for examination at the time of the inspection.

CONCLUSIONS OF LAW

The owner of a licensed establishment is responsible for compliance with ch. 454, Stats. and Wisconsin Administrative Code chs. BC 2, 3 and 4.

By the conduct referred to in the paragraphs above, Anna M. Maas, d/b/a Anna Geiger Electrolysis and Ann Geiger Studios has violated:

Wisconsin Administrative Code BC 2.06(2) The owner of a licensed establishment shall be responsible for compliance with ch.454, Stats., and chs. BC 2, 3, and 4. The owner shall provide supplies and equipment necessary to maintain safe and sanitary establishment conditions.

Wisconsin Administrative Code BC 4.01(1). All areas of an establishment and the equipment, tools and implements used by licensees for services in an establishment shall be maintained in a clean, sanitary and safe condition.

Wisconsin Administrative Code BC 4.02(3a). Clean and disinfected contact equipment shall be placed in one or more covered containers. One or more separate containers shall be provided for the immediate storage of soiled contact equipment until clean and disinfected.

Wisconsin Administrative Code BC 4.03(2). Sterilizers shall be maintained in working order. Equipment should be checked periodically to ensure that it is reaching the required temperatures based upon the manufacturer's recommendations.

Wisconsin Administrative Code BC 4.04(1). All licensees working in a licensed establishment shall be supplied with bandages and disposable gloves.

Wisconsin Administrative Code BC 4.09. Licensees performing electrolysis shall: (1) Use sterilized needles for each patron. This may be accomplished through the use of pre-sterilized disposable needles or through sterilization of needles immediately prior to use.

Wisconsin Administrative Code BC 4.09(2). Wear disposable protective gloves when working on a patron. These gloves shall be changed between patrons and disposed of following use. Hands shall be washed after removal of gloves.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the electrology license of Anna M. Maas, (lic. #84-47) shall be **REPRIMANDED** and **LIMITED** as follows:

1. Within thirty (30) days from the date of this Order, Maas shall successfully complete a course or portion thereof, involving infectious disease control pursuant to the American Electrology Association's Infection Control Standards for the Practice of Electrology. This instruction shall consist of no less than four (4) hours, and must include a written examination administered by the instructor of the course. In addition, to attending the course, Maas is required to review the Wisconsin Administrative Code Chapters BC 3 and 4 pertinent to establishments, sanitation and safety requirements.

2. Maas must provide written verification of her completion of the course and passing score on the examination to the Board. The Board may, in its discretion, require Maas to personally appear before the Board to answer any questions regarding her knowledge of the state rules and acceptable practices for infectious disease control in electrology practice.

3. Within thirty (30) days from the date of this Order, Maas must arrange for a professional review of her sterilization procedures by a provider who is skilled and competent in infectious disease control procedures. The individual conducting the review shall prepare a written report with findings and recommendations. A copy of the report shall be submitted to the Board. Maas must follow the recommendations in the review report and modify her sterilization practices accordingly.

4. within thirty (30) days of the date of the Order, the Respondent Maas must submit to the Board the results of an approved laboratory testing of her dry heat sterilizer in accordance with manufacturer guidelines.

5. Within ninety (90) days from the date of the Order, pay to the Department of Regulation and Licensing a forfeiture of **TWO HUNDRED** dollars (**\$200.00**).

IT IS FURTHER ORDERED that the Board shall review and pre-approve the education course and the provider selected by Maas to fulfill the education and inspection requirements. The request for approval shall not be unreasonably denied by the Board.

IT IS FURTHER ORDERED that Maas shall pay the costs of the education, examination, and review of her sterilization procedures. Upon completion of the required education and review, Maas shall submit the verification from the course instructor and provider to the Department Monitor for approval by the Board. Payment of the

forfeiture shall be made by ***certified check or money order***, payable to the Wisconsin Department of Regulation and Licensing and sent to the following:

Department Monitor
Division of Enforcement,
PO Box 8935,
Madison, WI 53708-8935
tele: (608) 267-9817

IT IS FURTHER ORDERED that in the event the requirements above are not timely completed, the electrologist license of Anna M. Maas (#84-47) and the establishment licenses of Ann Geiger Electrolysis (#70-237) and Ann Geiger Studios (#70-579) and (#70-580) **SHALL BE SUSPENDED**, without further notice or hearing, until Maas has complied with the terms of this Order. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Maas's license pursuant to the procedures set forth in Wis. Admin. Code RL Ch. 6. The Board in its discretion may, in the alternative, impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Barbara Flaherty	4-8-02
A member of the Board	Date