

April 6, 2018

Ashley Morgan


RE: MDH File Number BAC19054

Dear Ashley Morgan,

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health (MDH) has determined that you violated multiple sections of Minnesota Statute 146B. Therefore, the Department is issuing you a reprimand and imposing a civil penalty of \$1,505. MDH has the authority for this action pursuant to Minnesota Statute, section 146B.08, subsections 4(4) and 4(5).

This decision is final and effective 30 days from the date of service. During that 30-day period, you have the right to challenge this decision in a contested case hearing, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing must be in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send a written hearing request, within 30 days of your receipt of this letter, to:

Catherine Dittberner Lloyd, Manager
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 Ms. Lloyd at (651)201-3839. If you have any questions about this matter, please contact Patricia Forsberg at (651)201-3721.

Sincerely,



Michelle Larson, Division Director
Health Regulation Division

Enclosure

HEALTH OCCUPATIONS PROGRAM
HEALTH REGULATION DIVISION

**A Determination in the Matter of
Ashley Miranda Morgan
Temporary Body Artist-Piercer**

Authority:

1. The Minnesota Department of Health (MDH) has authority to discipline a technician or operator of a body art establishment for violations of law under Minnesota Statute, section 146B.08, subdivision 3.
2. Pursuant to Minnesota Statute, section 146B.08, subdivision 4, the types of discipline MDH may impose includes refusal to grant a license, suspension or revocation of a license, impose a civil penalty, or any reasonable lesser action.
3. Pursuant to Minnesota Statute, section 146B.03, subdivision 1 (a), no individual may perform tattooing unless the individual holds a valid tattoo technician license.
4. Pursuant to Minnesota Statute, section 146B.08, subdivision 3(3), the commissioner may take disciplinary action on proof that a technician or operator of an establishment violated any provision of this chapter.
5. Pursuant to Minnesota Statute, section 146B.03, subdivision 7 (a)(3), the commissioner may issue a temporary license to an applicant who submits to the commissioner on a form provided by the commissioner: a letter from a licensed technician who has agreed to provide the supervision to meet the supervised experience requirement under subdivision 4.
6. Pursuant to Minnesota Statute, section 146B.03, subdivision 12 (2), an applicant for a body art technician license must perform 250 body piercings under direct supervision and 250 body piercings under indirect supervision.
7. Pursuant to Minnesota Statute, section 146B.08, subdivision 3 (9), the commissioner may take disciplinary action on proof that a technician or an operator of an establishment engaged in conduct likely to deceive, defraud, or harm the public.
8. Pursuant to Minnesota Statute, section 146B.08, subdivision 3 (1), the commissioner may take disciplinary action on proof that a technician or operator of an establishment has intentionally submitted false or misleading information.

Findings of Fact:

1. Ashley Miranda Morgan is a licensed body art technician-piercer (332378). She obtained her temporary body art license on April 10, 2018. Morgan renewed the temporary license on

February 15, 2019. Minnesota licensed body art technician, Benjamin Karner, at Mutiny Tattoo, in Minneapolis, Minnesota, supervises Morgan.

2. On November 13, 2018, MDH received a complaint that Morgan provided piercing services while her supervisor, Karner, was out of state and not present to supervise her work.
3. MDH sent a notice of investigation requesting an in-person interview on November 21, 2018, and December 27, 2018, to the address of record. After receiving no response, MDH sent the letter to Mutiny Tattoo on January 23, 2019. Morgan received the letter on February 2, 2019. Technician called and scheduled an in-person for February 5, 2019.
4. On February 5, 2019, Morgan participated in an in-person interview with MDH staff. Morgan denied conducting body art piercing services while unsupervised.
5. MDH requested Morgan's informed consent documents for all clients, from the day she was licensed, through January 1, 2019. She provided MDH with the forms and her procedure log.
6. MDH has two informed consent forms that were provided by the complainant. The two forms are for piercing procedures performed on August 17, 2018. The complaint alleges that the supervisor was not on site on that date and that he was actually out of state. Morgan did not account for these piercings on the log she provided MDH. Further, she did not provide these specific forms when she provided the informed consent forms for her procedures to MDH.
7. MDH asked Morgan for all informed consent forms for the period of August 13, 2018 through August 23, 2018. MDH also asked for the specific form of a woman who obtained piercings with the initials "MS." Morgan responded, "I have sent you all of the forms that I have."

Conclusion:

Temporary body art technician, Ashley Morgan, violated multiple sections of Minnesota Statute 146B, when she provided piercing services to multiple clients without direct supervision from her supervisor, Benjamin Karner. Further, on multiple occasions, she intentionally submitted false or misleading information to MDH. First, when she unequivocally denied conducting body art procedures without supervision. Then again, when she knowingly removed two informed consent forms for procedures she conducted without supervision from the documents she provided MDH and removed them from her procedure log.

Determination:

MDH is imposing a civil penalty and applying conditions to Ashley Morgan's body art temporary technician license.

1. Ashley Morgan must pay a civil penalty of \$1,505, to reimburse MDH for the cost of investigation and to deprive the licensee of economic advantage gained by her violations.

- a. Technician must make the payment by check or money order, to “Minnesota Department of Health,” within 30 days of the effective date of this Determination and mailed to the address below:

Health Occupations Program
Body Art Civil Penalty
PO Box 64882
Saint Paul, MN 55164-0882

- b. MDH may refer the penalty to 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.
2. Morgan’s temporary body art license is conditioned in the following manner effective of the date of this Determination:
 - a. Morgan must follow all Minnesota Statutes under 146B. Any additional violations of statutes will result in the suspension of her temporary body art license.
 - b. If MDH substantiates an allegation of any additional violation of any sections of Minnesota Statute 146B, MDH will refuse to grant Morgan a full body art technician license if she chooses to apply for such.
 - c. Morgan cannot supervise any technicians until two years from the effective date of this determination.
 3. Within twelve months of the effective date of this Determination, Morgan shall successfully complete the following course available online through www.businesstrainingworks.com. If this course is not available, Morgan may substitute it with an alternative course with similar content, if preapproved by the Department.
 - a. Online Business Ethics Course (<https://www.businesstrainingworks.com/online-courses/business-ethics-training-course/>).
 - b. Morgan is responsible for all costs associated with taking the course.
 - c. Morgan must provide MDH with a certificate demonstrating successful completion of the course within twelve months of the effective date of this Determination.

Morgan’s temporary body art technician license will hold these conditions indefinitely. If Morgan successfully completes all conditions and payment of the civil penalty and she is granted a full body art technician license, the license will be granted without conditions.