



**HEALTH OCCUPATIONS PROGRAM
HEALTH REGULATION DIVISION**

**A Determination in the Matter of
Jerilyn Pipenhagen, Lic. No. 312093
Licensed 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.
2. Pursuant to Minnesota Statutes, Section 146B.08, subdivision 4, the types of discipline MDH may impose include refusal to grant a license, suspension of a license, or any reasonable lesser action.
3. 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 reimburses MDH for costs of the investigation.
4. Pursuant to Minnesota Statutes, Section 146B.03, subdivision 4(a)(4), in order to obtain full licensure, temporary body art technicians must complete 200 hours of "supervised experience" and must include an affidavit from the supervising licensed technician.
5. Minnesota Statutes, Section 146B.01, subdivision 28, defines "supervision" as "the physical presence of a technician licensed under this chapter while a body art procedure is being performed" and may be either "direct" or "indirect" supervision. Both require the "physical presence" of a licensed technician.
6. Minnesota Statutes, Section 146B.03, subdivision 12(1), requires that the supervised experience be "tattoo experience."
7. Minnesota Statutes, Section 146B.01, subdivision 30, defines "tattooing" as "any method of placing indelible ink or other pigments into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. Tattooing also includes micropigmentation and cosmetic tattooing."
8. Minnesota Statutes, Section 146B.05, subdivision 1(6), prohibits any individual from performing a body art procedure without a license as required under this chapter.
9. Pursuant to Minnesota Statutes, Section 146B.08, subdivision 3(1), a technician may be disciplined if it is shown that he or she intentionally submitted false or misleading information to the commissioner.
10. Pursuant to Minnesota Statutes, Section 146B.08, subdivision 3(9), a technician may be disciplined if it is shown that he or she engaged in conduct likely to deceive, defraud, or harm the public.

11. Pursuant to Minnesota Statutes, Section 13.41, disciplinary actions are public data.

Findings of Fact:

1. Jerilyn Rae Pipenhagen ("Technician") was issued temporary Minnesota Body Art Technician-Tattoo license number 312093 on May 15, 2017. Technician's temporary application listed her supervisor as Minnesota Body Art Technician A.H., managing operator ("Operator") of High Brow Studio, 701 N. 3rd Street, Suite 207, Minneapolis.
2. Technician obtained her full license on April 2, 2018, and is currently licensed through March 31, 2021.
3. When Technician submitted her application for full licensure, she included a log of practice hours, as required by MDH. The log was presented very neatly and uniformly. All entries up until the fiftieth hour are exactly four (4) hours in duration. All are presumably initialed by Supervisor, who also provided a written statement, on the same paper as the entire log, declaring that she had supervised Technician during her 200 hours and that Technician's "logged hours [had] been signed off" and were enclosed.
4. During an earlier investigation, Operator and three other individuals provided documentation calling into question the integrity of the application information provided by Technician.
5. One date in Technician's log, September 23, 2017, shows microblading procedures performed on two individuals, E.G., and R.D., for exactly four (4) hours each. Another individual, P.C., is logged as a client on September 22, 2017, also for exactly four (4) hours.
6. A corresponding calendar page for the establishment, included among the evidence in the other investigation, shows three appointments for Technician on September 23, 2017: P.C., E.G., and R.D., for two (2) hours each.
7. In an April 15, 2017, letter to Technician, MDH stated these inconsistencies to Technician and requested an explanation thereof and copies of any available information relating to the appointments in question. Technician responded by letter dated May 15, 2017, that she never tattooed anyone outside her supervisor's presence and remembered that Operator was present on the date of P.C.'s appointment, as she recalled introducing the two.
8. If Technician's log is taken as correct, however, P.C. was attended to on September 22, 2017, not September 23.
9. An August 28, 2017, email from Operator to Technician and three other temporary technicians shows that Operator was not in the studio on September 23, 2017. In the email to the apprentices, Operator states, "I will be out on the 23rd but I'll leave it open for you if you'd like. [Technician] will be there to open and close. I'm busy but can take called [sic] and/or texts."
10. Operator subsequently provided information to MDH acknowledging her absence from the studio on September 23, 2017. She further stated that if microblading was performed on any clients that day, in her absence, it was done without her knowledge or permission.

11. In her May 15, 2017, response to MDH, Technician also included a lengthy description of what an allegedly four-hour initial microblading appointment entails. According to Technician, there is a detailed client consultation to determine risk factors, procedure, possible outcomes, physical factors such as shape and color of existing and proposed brows, and aftercare. Technician and client go over healthcare disclosures and other paperwork. Technician then maps the proposed brows onto the client, applies test colors, applies topical numbing cream, waits for that to take effect, and then does a first pass with the microblading tool. This is followed by another pass, and inspection, and any necessary revisions. The entire involvement with a client may take four (4) hours. Tattoo experience, as defined by statute, comprises only some lesser percentage of that time.
12. From the information collected during the investigation, MDH concludes the following:
 - A. There are inconsistencies in the log provided by Technician and endorsed by Operator that compromise the integrity of both the log and affirmation of it;
 - B. Of the four (4) hours claimed for each procedure, only a portion of that time is spent actually tattooing.
 - C. On September 23, 2017, Technician performed tattoo/microblading procedures while her supervisor, Operator, was not present in the studio.

Conclusion:

Technician violated Minnesota Statutes, Section 146B.08, subdivision 3(1), when she intentionally submitted false information to the commissioner in her application for the full body art technician license.

Technician violated Minnesota Statutes, Sections 146B.05, subdivision 1(6), and 146B.08, subdivision 3(9), by performing microblading services on consumers as a temporary technician without the required supervision.

Determination:

1. Technician is assessed a civil penalty in the amount of \$750, which reimburses MDH for costs of the investigation and proceedings resulting in disciplinary action.
 - a. Technician will make payment by check to "Minnesota Department of Health," referencing File # BAC19088, and mailed to Health Occupations Program, P.O. Box 64882, Saint Paul, MN 55164-0882. Payment is due by the last day of each month; however, technician may prepay at any time.
 - b. If Technician misses a payment by 14 calendar days after the established deadline, this penalty may be referred to the Minnesota Department of Revenue or any other source for collection
2. Technician is prohibited from supervising temporary technicians for a period of two years from the effective date of this Determination.
 - a. After the expiration of that two-year period, Technician may petition to have the restriction lifted. To do so, Technician must submit a written request to:

**Director, Health Occupations Program
Health Regulation Division
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882**

- 3. Technician is placed in a probationary status effective upon the date this Determination takes effect. If Technician is proven to have violated any provisions of Minnesota Statutes, Chapter 146B, Technician's license will be suspended for one (1) calendar year, effective immediately upon the date of such Determination.**