



Effective 9/13/14

Protecting, maintaining and improving the health of all Minnesotans

August 8, 2014

My Thu Thi Truong

RE: MDH File Number: BAC12023

Dear Ms. Truong:

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, subdivision 3(3), and Minnesota Statutes, section 146B.03, subdivision 1 (a). Therefore, MDH is issuing you a reprimand and imposing a civil penalty in the amount of \$323. This action is authorized pursuant to Minnesota Statutes, sections 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 you received this letter. 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:

Gil 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 Gil 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, appearing to read "Darcy Miner", is written over a horizontal line.

Darcy Miner, Director
Compliance Monitoring Division

Enclosure

cc: Gil Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
My Thu Thi Truong
Body Art Technician**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline a body art operator 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 a civil penalty, for each violation, not exceeding \$10,000 that deprives the operator of any economic advantage gained by the violation and 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 body art, including permanent makeup, unless the individual holds a valid technician license issued by MDH.

FINDINGS OF FACT

1. My Thu Thi Truong (hereinafter "Operator") owns Le's Beauty Salon & Permanent Makeup (hereinafter "Establishment") in Minneapolis. Operator provides permanent makeup services at the Establishment.
2. On August 18, 2011, MDH received an email from a Minneapolis code compliance officer with the Minneapolis Environmental Health and Food Safety Department. The email stated an inspection was performed at the Establishment that day and that the Operator was providing permanent makeup without a body art license.
3. On August 19, 2011, a Notice of Illegal Practice letter was sent to Operator. Enclosed with the letter was a body art application packet.
4. On September 8, 2011, MDH received a body art license application from Operator.

5. Operator's body art technician license application was incomplete. On September 9, 2011, and November 18, 2011, MDH sent letters to Operator advising her that her application could not be processed as it was incomplete. The letters had a list of items Operator needed to provide to MDH in order to process her application. The list included verification of experience. Verification of experience is evidence of 2,080 hours of tattooing in the past five years. Minnesota Statutes, section 146B.03, subdivision 10, repealed in 2013, required evidence of 2,080 hours of tattooing to allow an individual to be "grandfathered" in.
6. On November 22, 2011, Operator submitted to MDH all the information needed to process the application.
7. On December 1, 2011, Operator was issued a full body art technician license.
8. On March 3, 2014 and June 24, 2014, MDH sent letters to Operator requesting the informed consent forms from January 1, 2011 to November 30, 2011.
9. On July 25, 2014, MDH received the informed consent forms by mail.
10. A review of the informed consent forms shows Operator provided a total of 9 permanent makeup procedures at the Establishment from February 2011 to July 2011. Operator performed 1 permanent makeup services in February 2011, 1 permanent makeup service in March 2011, 3 permanent makeup services in April 2011, 2 permanent makeup services in June 2011, and 2 permanent makeup service in July 2011.

CONCLUSION

1. Operator did not comply with the requirements under Minnesota Statutes, section 146B.08, subdivisions 3(3), because she practiced body art before she was issued a technician's license, in violation of Minnesota Statutes, section 146B.03, subdivision 1(a).

DETERMINATION

1. Operator is hereby reprimanded and assessed a civil penalty in the amount of \$323, which deprives Operator of the economic advantage gained by the violation and reimburses MDH for costs of the investigation.
 - Operator may pay the \$323 civil penalty in monthly installments of up to 3 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 Collection Enterprise (MCE), part of 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. 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