



Board of Barbers and Hairdressers

Esthetician Work Group and Town Hall Meeting
Alaska Division of Corporations, Business and Professional Licensing

DRAFT MEETING MINUTES

December 14, 2023, at 9:00 AM AKST via Zoom

These minutes have not yet been reviewed or approved by the board.

Work Group Members Present: Michelle, Wendy, Khitsana—anyone else?

Staff Present:

Call to Order

Add info about call to order, conflict statements, quorum, etc. It was not on the recording.

Chair McMullin reviewed the history leading up to this meeting. She mentioned that the board took up the issue of what specific practices were within the current statutory definition (AS 08.13.220(5)) last summer, requested advice from its attorney. The advice they received resulted in the position statement that was published. The board subsequently removed the position statement, realizing that more analysis would be needed to fully and clearly address all the questions arising within this rapidly changing industry. The work group was convened at the board's November meeting to begin this research.

Given the nature of the meeting, many speakers could not be identified from the recording.

There was a discussion about how industry training and education, attorney knowledge about the practice of esthetics, how the various esthetics, medical, and nursing stakeholders can work together to identify appropriate pathways. The chair said that at the time the statutory definition was created, many technologies in use today had not been developed, so they were not within the scope of the definition.

Comments from the public:

- How can estheticians have a more active voice in this clarification, having open and transparent conversations?
- How could FDA classification be incorporated into Alaska's definition or scope?
- How will the depth of skin penetration be defined? The 2022 Department of Law memo suggested "below the dermal layer" as the board had voted on in previous years or deeper than .03 millimeters. The memo also reiterated that these definitions should be in statute or regulation. This is what the practitioners want so there is clarity—this will reduce risk to estheticians who may be practicing techniques that are popular but outside of current Alaska law.
- We are concerned that the board is not taking action or engaging the Department of Law when they have asked to assist the board with this project.
- The legislature should create a separate board to manage advanced estheticians because the current makeup of the Board of Barbers and Hairdressers does not include the expertise needed to properly address these issues.
- Attorneys and insurance companies may not be willing to work with estheticians delivering medical services without direct supervision of a physician, but not all estheticians know this.

- How can the attorney interpret the statutory definition of “appliances” to limit the type of appliance?
- Why is attorney advice to the board considered confidential?
- Doesn’t the board have the authority to interpret its own statutes and regulations?
- The public was frustrated about public testimony not being allowed when 50 members of the public showed up and were upset about the position statement the board had issued.
- When will the meeting with the Medical Board and Board of Nursing occur?
- Would the board support a new board being created to manage advanced esthetics or creating additional seats on the board for advanced esthetics?
- Are schools teaching techniques and products beyond what is allowed within the statutory scope of practice?
- Maybe estheticians don’t need state oversight to ensure safety to customers.
- The stories being shared about harm are hypothetical and being used to oppress practitioners.
- Rules and regulations should be made based on the majority.
- How can we make sure that training is accessible to practitioners and not overly restrictive or expensive?
- How can the board incorporate certification by the manufacturers as part of their training/continuing education?
- Can advanced estheticians be required to show that they are insured or bonded?
- How are the esthetician and hairdresser “limited esthetics” scopes of practice differentiated? Why are hairdressers allowed to apply lashes but estheticians aren’t? Lash extensions are more complicated since the regulation was adopted and estheticians should be able to do that.
- Estheticians aren’t technically allowed to permanently remove hair, but that is also in demand. Why only temporary removal of hair?
- Why are estheticians only able to provide services on the scalp, face, and neck?
- How will estheticians currently providing advanced services be able to continue to do so?
- Will the board consider setting a specific depth for estheticians (i.e. dermal layer) instead of establishing guidelines for specific technologies or classes of devices?
- Who governs the practice of a licensed esthetician working under physician or APRN supervision—this board or the Medical Board or Board of Nursing?
- What changes have the board already provided to the state legislature?
- The June meeting minutes don’t reflect an intention to allow current estheticians continue to practice if the requirements are increased in statute.
- We are frustrated that the board calls meetings and doesn’t show up. We need the opportunity to understand what is going on. The town hall is helping.
- It sounds like the industry would support some of the board’s changes now that we understand them. We felt threatened because we didn’t understand what was happening.
- We appreciate the board’s hard work, especially now that we understand the board’s intentions with the changes.
- We want to keep derma lights for estheticians.

Work Group Responses:

- Companies selling technology to individuals and training them are not always scrupulous. Some mislead buyers that they will be able to legally practice under an Alaska esthetician license.
- People can go online and buy tools that may not be safe to use without training and may not be allowable to safely use for compensation under the laws of various states.

- The meeting with the Medical Board and Board of Nursing is being planned for a time in early 2024 when those boards finish other projects they have underway.
- The derma lights regulations are pending. The board has requested more guidance on the best way to proceed.
- Oversight is important because members are aware of cases when estheticians have been trained by being given a handbook and no supervision or training, resulting in injury. If they are not properly trained and if there is no oversight, they don't know how to screen patients, ask the right questions, or operate equipment properly. The board exists to provide oversight and redress in the cases where this happens.
- The statutes and regulations need to be updated to encompass upcoming technologies. The board will look at defining the esthetics scope in regulation by Class I/Class II.
- The advanced esthetics license would require additional training and education, but that hasn't been determined yet.
- The meeting minutes from June should be corrected to accurately reflect the board's discussion about esthetics and advanced esthetics.
- Once we have a solid clarification and public engagement, we can move forward with legislation. We said we would move forward in 2025 because it may not make sense to move forward in 2024 because it is the second year of a two-year legislature.

The work group did not take any further action on any items during this session.

The work group adjourned at X p.m.