



Board of Barbers & Hairdressers Meeting

Alaska Division of Corporations, Business and Professional Licensing
March 04, 2024 at 9:00 AM AKST to March 04, 2024 at 4:30 PM AKST
Videoconference Meeting

ZOOM Meeting Info:

<https://us02web.zoom.us/j/87152537830?pwd=UFoxWUlnK2NZeVhIS29TbGgwbUFFQT09>

Meeting ID: 871 5253 7830

Passcode: 829805

OR Call In: 1 253 205 0468

TENTATIVE MEETING AGENDA

Working Groups May Occur

Agenda:

- 1. 9:00 a.m. March 4, 2024 Call to Order/Roll Call**
- 2. 9:05 a.m. Review/Amend Agenda**
- 3. 9:10 a.m. Ethics Disclosure**
- 4. 9:30 a.m. Public Comment**
- 5. 10:00 a.m. Investigations**
 - A. Investigative Memo
 - B. Investigative Probation Report
 - C. Executive Session
- 6. 11:00 a.m. Division and Financial Update**
 - A. Executive Order 129
 - B. Legislative Guidance 2024 – Questions from board members
 - C. FY23 4th Quarter Budget Report
- 7. 12:00 p.m. Lunch**
- 8. 1:00 p.m. Regulation Drafting**
- 9. 2:00 p.m. New Business**
 - A. Request to Delegate Online Blood Borne Pathogen Course Approval to Division (AS 08.13.030)
- 10. 2:45 p.m. Administrative Business**
 - A. Review/Edit/Approve Meeting Minutes
 - i. October 2, 2023 Meeting

- B. Officer Elections
- C. Correspondence
 - i. Jacqueline Polis - Suggested Definitions
 - ii. Paige Hinshaw - Request for Mobile Shop Exemption (12 AAC 09.111)
 - iii. Hannah Hollembaek - Nanostamp 360, Biorepeel, Lancents
- D. The Esthetics District Follow Up
- E. Application Review

11. 4:30 p.m.

Adjourn

TENTATIVE

Board of Barbers & Hairdressers FY23 Goals and Objectives

- 1.** Conduct three one-day, face-to-face meetings, one of which will be scheduled to coincide with the first week of legislative session (January), and teleconferences, as needed.
- 2.** Continue to have an operating budget so the board can more efficiently accomplish goals. This includes having a member of the division present during board meetings.
- 3.** Have representation on the national level.
- 4.** Supported staff for licensing to properly handle the growing volume of licenses, apprentice, and student paperwork.
- 5.** Update service and practices of estheticians to meet current industry standards and practices.
- 6.** Increase the length of time licensed as a tattooist or permanent cosmetic colorist from one year to a minimum of three years before taking on apprentices.
- 7.** The board be given authority to create and edit licensing requirements they regulate for each of the professions.
- 8.** Increase the 12-hour manicuring license to bring it up to national standards as well as protect our community members by ensuring the health and safety of this industry.

State of Alaska

2024 STATE CALENDAR

State Holidays

Date	Holiday
01/01/2024	New Year's Day
01/15/2024	MLK Jr.'s Birthday
02/19/2024	Presidents' Day
03/25/2024	Seward's Day
05/27/2024	Memorial Day
07/04/2024	Independence Day
09/02/2024	Labor Day
10/18/2024	Alaska Day
11/11/2024	Veterans' Day
11/28/2024	Thanksgiving Day
12/25/2024	Christmas Day

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.



JANUARY

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

JULY

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

AUGUST

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

MARCH

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

SEPTEMBER

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

APRIL

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

OCTOBER

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

MAY

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

JUNE

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

DECEMBER

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



Board of Barbers & Hairdressers Meeting

Alaska Division of Corporations, Business and Professional Licensing
March 04, 2024 at 9:00 AM AKST to March 04, 2024 at 4:30 PM AKST
Videoconference Meeting

ZOOM Meeting Info:

<https://us02web.zoom.us/j/87152537830?pwd=UFoxWUlnK2NZeVhIS29TbGgwbUFFQT09>

Meeting ID: 871 5253 7830

Passcode: 829805

OR Call In: 1 253 205 0468

TENTATIVE MEETING AGENDA

Working Groups May Occur

Agenda:

- 1. 9:00 a.m. March 4, 2024 Call to Order/Roll Call**
- 2. 9:05 a.m. Review/Amend Agenda**
- 3. 9:10 a.m. Ethics Disclosure**
- 4. 9:30 a.m. Public Comment**
- 5. 10:00 a.m. Investigations**
 - A. Investigative Memo
 - B. Investigative Probation Report
 - C. Executive Session
- 6. 11:00 a.m. Division and Financial Update**
 - A. Executive Order 129
 - B. Legislative Guidance 2024 – Questions from board members
 - C. FY23 4th Quarter Budget Report
- 7. 12:00 p.m. Lunch**
- 8. 1:00 p.m. Regulation Drafting**
- 9. 2:00 p.m. New Business**
 - A. Request to Delegate Online Blood Borne Pathogen Course Approval to Division (AS 08.13.030)
- 10. 2:45 p.m. Administrative Business**
 - A. Review/Edit/Approve Meeting Minutes
 - i. October 2, 2023 Meeting

- B. Officer Elections
- C. Correspondence
 - i. Jacqueline Polis - Suggested Definitions
 - ii. Paige Hinshaw - Request for Mobile Shop Exemption (12 AAC 09.111)
 - iii. Hannah Hollembaek - Nanostamp 360, Biorepeel, Lancents
- D. The Esthetics District Follow Up
- E. Application Review

11. 4:30 p.m.

Adjourn

TENTATIVE

State of Alaska Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
 - accept compensation from anyone other than the State for performing official duties;
 - use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
 - take or withhold official action on a matter in which they have a personal or financial interest; or
 - coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
State of Alaska © 2016 Webmaster

State of Alaska Department of Law Ethics Act Procedures for Boards & Commissions

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.
- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *"Ethics Information for Public Employees."* Both guides and disclosure forms may be found on the Department of Law's ethics website.

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair.**

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter. 5
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.6

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.7

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website.

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.

- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

1 The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

2 The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

3 You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

4 In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

5 The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

6 In this manner, a member's detailed personal and financial information may be protected from public disclosure.

7 When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

8 The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
 Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
 State of Alaska © 2016 Webmaster

Ethics Disclosure Form

CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board, Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?
 Yes No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?
 Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved


Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*



MEMORANDUM

DATE: December 21, 2023
 TO: Board of Barbers & Hairdressers
 THRU: Erika Prieksat, Chief Investigator ^{DS}
 FROM: Jennifer Summers, Investigator
 RE: Investigative Report for the January 25, 2024 Meeting

The following information was compiled as an investigative report to the Board for the period of September 29, 2023 thru December 21, 2023; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

OPEN - 31

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
BARBER			
2023-000882	Unlicensed practice or activity	Complaint	08/15/2023
2022-000448	Unlicensed practice or activity	Investigation	05/17/2023
BODY PIERCER			
2023-000535	Unlicensed practice or activity	Complaint	06/29/2023
ESTHETICIAN			
2023-000698	Unlicensed practice or activity	Intake	06/28/2023
2023-001123	Unlicensed practice or activity	Complaint	11/13/2023
2022-000154	Unlicensed practice or activity	Investigation	02/22/2023

2022-000249	Unlicensed practice or activity	Closed-Investigation	
HAIRDRESSER			
2022-000451	Unlicensed practice or activity	Complaint	05/27/2022
2023-000384	Unlicensed practice or activity	Complaint	05/08/2023
2023-000385	Unlicensed practice or activity	Complaint	05/08/2023
2022-000820	Unlicensed practice or activity	Monitor	
2021-000676	Unlicensed practice or activity	Investigation	08/31/2022
2023-000271	Unlicensed practice or activity	Investigation	06/29/2023
INSTRUCTOR			
2023-000526	Unprofessional conduct	Intake	06/07/2023
2021-000531	Violation of licensing regulation	Investigation	08/30/2022
SCHOOL			
2021-000550	Violation of licensing regulation	Investigation	01/23/2023
2021-000860	Unlicensed practice or activity	Investigation	04/17/2023
2021-000883	Unlicensed practice or activity	Investigation	04/17/2023
2021-001088	Violation of licensing regulation	Investigation	01/23/2023
2022-000149	Violation of licensing regulation	Investigation	01/23/2023
2023-000219	Violation of licensing regulation	Investigation	06/27/2023
SHOP OWNER			
2023-000109	Violation of licensing regulation	Complaint	02/06/2023
2023-000383	Unlicensed practice or activity	Complaint	05/08/2023
2023-000442	Unlicensed practice or activity	Complaint	05/23/2023
2023-000455	Unlicensed practice or activity	Complaint	05/24/2023
2023-000675	Violation of licensing regulation	Complaint	06/26/2023
2022-000808	Unlicensed practice or activity	Investigation	05/16/2023
2023-000467	Compliance Inspection	Investigation	06/27/2023
2023-000475	Compliance Inspection	Division Inspection	

TATTOOIST

2022-000291	Unlicensed practice or activity	Investigation	03/13/2023
2022-000736	Violation of licensing regulation	Investigation	03/09/2023

Closed - 1

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
----------------------	------------------------------	---------------------------	----------------------	-----------------------


SHOP OWNER

2022-000388	Unlicensed practice or activity	Closed-Investigation	10/10/2023	License Action
-------------	---------------------------------	----------------------	------------	----------------

END OF REPORT



PROBATION REPORT

DATE: December 21, 2023
TO: Board of Barbers and Hairdressers
THRU: Erika Prieksat, Chief Investigator ^{DS}
FROM: Jenni Summers, Senior Investigator
SUBJECT: Probation Report for the January 25, 2024 Board Meeting

The following is a complete list of individuals on probation for this Board. There are currently **Five (5)** individuals being monitored on probation. **Zero (0)** were released from probation since the last report. Individuals **non-compliant** or on **“hold”** with their probation are noted next to **“**”**.

<u><i>NAME</i></u>	<u><i>Case Number</i></u>	<u><i>Probation Start</i></u>	<u><i>Probation End</i></u>
Saeed McKoy	2022-000587	6/18/2022	1/25/2024
**Elijah Young	2020-001049	10/06/2020	Suspended
Hayley Moore	2023-000448	05/16/2023	05/16/2025
Connie Dougherty	2023-000449	05/16/2023	05/16/2025
Sara Grocott	2022-000249	10/3/2023	10/2/2025

RELEASE FROM PROBATION:

<u><i>NAME</i></u>	<u><i>Case Number</i></u>	<u><i>Probation Start</i></u>	<u><i>Probation End</i></u>
--------------------	---------------------------	-------------------------------	-----------------------------

END OF REPORT

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Barbers & Hairdressers enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____; Board staff to remain during the session.

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- 1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;**
- 2. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- 3. matters which by law, municipal charter, or ordinance are required to be confidential;**
- 4. matters involving consideration of government records that by law are not subject to public disclosure.**

Received in the Senate: 1/15/24; Introduced: 1/16/24

Referred: Labor & Commerce

Received in the House: ; Introduced:

Referred:

EXECUTIVE ORDER NO. 129

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance
2 with AS 24.08.210, I order the following:

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 FINDINGS. As governor, I find that it is in the best interests of efficient
6 administration to transfer the functions relating to the licensure, professional standards, and
7 administration of barbers and hairdressers from the Board of Barbers and Hairdressers to the
8 Department of Commerce, Community, and Economic Development. Additionally, with the
9 transfer of these functions, I find there is no longer a need for the Board of Barbers and
10 Hairdressers and its elimination is in the best interests of efficient administration.

11 * **Sec. 2.** AS 08.01.010(7) is amended to read:

12 (7) regulation of barbers and hairdressers under AS 08.13
13 [BOARD OF BARBERS AND HAIRDRESSERS (AS 08.13.010)];

14 * **Sec. 3.** AS 08.01.065(h) is amended to read:

15 (h) Notwithstanding (c) of this section, the department shall establish fee
16 levels under (a) of this section so that the total amount of fees collected by the
17 department [BOARD OF BARBERS AND HAIRDRESSERS] approximately equals
18 the total regulatory costs of the department [, THE BOARD,] and the Department of
19 Environmental Conservation for all occupations regulated by the department under
20 AS 08.13 [BOARD]. For purposes of this subsection, the regulatory costs of the
21 Department of Environmental Conservation for the occupations regulated by the
22 department under AS 08.13 [BOARD] include the cost of inspections under
23 AS 08.13.210(b), the cost of developing and adopting regulations under AS 44.46.020
24 for barbershop, hairdressing, hair braiding, manicuring, esthetics, body piercing, ear
25 piercing, tattooing, and permanent cosmetic coloring establishments, and the cost to
26 the Department of Environmental Conservation of enforcing the regulations for body

1 piercing, tattooing, and permanent cosmetic coloring establishments. The department
 2 shall set the fee levels for the issuance and renewal of a practitioner's license issued
 3 under AS 08.13.100 so that the license and license renewal fees are the same for all
 4 occupations regulated by the **department under AS 08.13** [BOARD OF BARBERS
 5 AND HAIRDRESSERS].

6 * **Sec. 4.** AS 08.13.030 is amended to read:

7 **Sec. 08.13.030. Powers and duties of the department [BOARD].** (a) The
 8 **department** [BOARD] shall exercise general control over the vocations of barbering,
 9 hairdressing, hair braiding, manicuring, esthetics, body piercing, tattooing, and
 10 permanent cosmetic coloring.

11 (b) The **department** [BOARD] shall

12 (1) examine applicants and approve the issuance of licenses and
 13 permits to practice;

14 (2) authorize the issuance of licenses for schools of barbering,
 15 hairdressing, manicuring, and esthetics;

16 (3) develop written instructions and notices that tattooing, permanent
 17 cosmetic coloring, and body piercing shop owners and practitioners are required to
 18 give or display under AS 08.13.215;

19 (4) enforce the provisions of this chapter, regulations adopted under
 20 this chapter, and regulations relating to barbering, hairdressing, hair braiding,
 21 manicuring, and esthetics adopted under AS 44.46.020(a)(5)(C).

22 (c) The **department** [BOARD] may

23 (1) suspend or revoke a license or permit;

24 (2) on its own motion or upon receipt of a written complaint, conduct
 25 hearings and [REQUEST THE]

26 (A) [DEPARTMENT OF COMMERCE, COMMUNITY,
 27 AND ECONOMIC DEVELOPMENT TO] investigate the practices of a
 28 person, shop, or school involved in the practice or teaching of barbering,
 29 hairdressing, hair braiding, manicuring, or esthetics; or

30 (B) [DEPARTMENT OF COMMERCE, COMMUNITY,
 31 AND ECONOMIC DEVELOPMENT OR THE DEPARTMENT OF

1 ENVIRONMENTAL CONSERVATION TO] investigate or request the
 2 Department of Environmental Conservation investigate the practices of a
 3 person, shop, or school involved in the practice or teaching of body piercing,
 4 tattooing, or permanent cosmetic coloring;

5 (3) adopt regulations or do any act necessary to carry out the
 6 provisions of this chapter.

7 * **Sec. 5.** AS 08.13.040 is amended to read:

8 **Sec. 08.13.040. Examinations [MEETINGS AND EXAMINATIONS].** (a)
 9 The department [BOARD SHALL MEET AS OFTEN AS NECESSARY TO
 10 CONDUCT ITS BUSINESS. IT] shall conduct separate examinations covering the
 11 following fields of practice: barbering, hairdressing, advanced manicuring, and
 12 esthetics. Examinations shall be given at least twice in every year for each of these
 13 fields of practice for which applications for licensure or endorsements are pending. An
 14 applicant may take an examination in more than one field during the same testing
 15 session. The department [BOARD] may not require an applicant for licensure as a
 16 manicurist to take or pass an examination conducted by the department [BOARD] for
 17 the field of manicuring; however, nothing in this sentence prohibits the department
 18 [BOARD] from requiring a licensed manicurist to pass an examination to obtain an
 19 optional endorsement as an advanced manicurist under AS 08.13.080(f).

20 (b) The department [BOARD] may not require a person applying for a
 21 limited license to practice non-chemical barbering under AS 08.13.100(f) to take an
 22 examination that tests the person's knowledge of chemical processes, including
 23 permanent waving, bleaching, coloring, or chemical straightening.

24 * **Sec. 6.** AS 08.13 is amended by adding a new section to article 1 to read:

25 **Sec. 08.13.055. Records of the department.** The department shall maintain
 26 records relating to the issuance, refusal, suspension, and revocation of each license and
 27 permit under this chapter. The records must contain the name of the person to whom a
 28 license or permit is issued, the person's place of business, the date of issuance for each
 29 license and permit, and whether it is currently valid. The records shall be open to
 30 inspection by the public at all reasonable times.

31 * **Sec. 7.** AS 08.13.080(a) is amended to read:

1 (a) An applicant for an examination authorized under AS 08.13.040 must

2 (1) have successfully completed all courses that a school with a
3 curriculum in barbering approved by the department [BOARD] is required to teach in
4 order to be licensed under AS 08.13.110 if applying for a license to practice barbering;
5 the curriculum may be limited for non-chemical barbering under AS 08.13.100(f);

6 (2) have successfully completed all courses that a school with a
7 curriculum in hairdressing approved by the department [BOARD] is required to teach
8 to be licensed under AS 08.13.110 if applying for a license to practice hairdressing;

9 (3) have successfully completed all courses that a school with a
10 curriculum in esthetics approved by the department [BOARD] is required to teach in
11 order to be licensed under AS 08.13.110 if applying for a license to practice esthetics;

12 (4) have served an apprenticeship under AS 08.13.082;

13 (5) specify the field of practice in which the applicant intends to teach
14 and have held a license to practice in the field for three years or have held a license in
15 the field for one year and have completed 600 hours of student training as an instructor
16 in the field of practice from a licensed school with a curriculum approved by the
17 department [BOARD] if applying for a license as an instructor, except that a person
18 licensed as an instructor in hairdressing may be an instructor in manicuring for courses
19 that satisfy the requirements of (e) of this section, and the department [BOARD]
20 may, by regulation, establish requirements for other manicuring instructors, including
21 instructors who teach courses that satisfy requirements for an advanced manicurist
22 endorsement; or

23 (6) have completed course work and, if applicable, an apprenticeship
24 acceptable to the department [BOARD].

25 * **Sec. 8.** AS 08.13.080(d) is amended to read:

26 (d) An applicant for a license to practice body piercing, tattooing, or permanent
27 cosmetic coloring shall

28 (1) satisfy the training requirement of AS 08.13.082(d);

29 (2) by passing a written examination approved by the department
30 [BOARD], demonstrate to the department [BOARD] or the department's
31 [BOARD'S] designee safety, sanitation, sterilization, aseptic, and practice techniques

1 that indicate that the applicant has adequate knowledge of infection control practices
2 and requirements relating to tattooing, permanent cosmetic coloring, or body piercing,
3 as applicable; this demonstration may, at the option of the **department** [BOARD],
4 also include a practical examination in addition to the written examination; and

5 (3) pay the appropriate fee.

6 * **Sec. 9.** AS 08.13.080(e) is amended to read:

7 (e) An applicant for a license to practice manicuring shall

8 (1) submit documentation that the applicant has completed a course of
9 12 hours of instruction or training approved by the **department** [BOARD] that
10 addresses health, safety, and hygiene concerns of manicuring customers and
11 practitioners that are relevant to the practice of manicuring from a school licensed
12 under AS 08.13.110 as a school of manicuring; documentation of completion of the
13 course must include certification from the school that the applicant has passed a test
14 given by the school covering the health, safety, and hygiene concerns of manicuring
15 customers and practitioners that are relevant to the practice of manicuring; and

16 (2) pay the appropriate fee.

17 * **Sec. 10.** AS 08.13.080(f) is amended to read:

18 (f) An applicant for an endorsement to a license to practice manicuring or
19 hairdressing indicating that the person is an advanced manicurist shall

20 (1) hold, or be approved for, a current license issued under this chapter
21 for manicuring or hairdressing;

22 (2) request the endorsement;

23 (3) submit documentation from a licensed school of manicuring or
24 hairdressing certifying completion of 250 hours of instruction in manicuring that
25 meets the requirements of AS 08.13.110(e);

26 (4) pass an examination given by the **department** [BOARD] for
27 advanced manicurists; and

28 (5) pay the appropriate fee.

29 * **Sec. 11.** AS 08.13.080(g) is amended to read:

30 (g) An applicant for a license to practice hair braiding shall

31 (1) apply in writing on a form prescribed by the **department**

1 [BOARD];

2 (2) complete, to the satisfaction of the **department** [BOARD], 35
3 hours of instruction in hair braiding, health, safety, and sanitation

4 (A) at an accredited school of hairdressing;

5 (B) at a professional association of hairdressing or hair
6 braiding; or

7 (C) from an individual or school licensed under this chapter
8 and approved by the **department** [BOARD]; and

9 (3) pay the appropriate fee.

10 * **Sec. 12.** AS 08.13.082(a) is amended to read:

11 (a) The period of apprenticeship required to qualify an applicant for a license
12 to practice barbering is 2,000 hours. The apprenticeship must be served in a shop
13 approved by the **department** [BOARD]. The apprenticeship may not be completed in
14 less than 12 months from the date of its commencement and must be completed in not
15 more than two years from the date of its commencement. The **department** [BOARD]
16 may set by regulation a period of apprenticeship of less than 2,000 hours for an
17 applicant for a license to practice non-chemical barbering. The **department** [BOARD]
18 may not require an applicant for a license to practice non-chemical barbering under
19 AS 08.13.100(f) to perform apprenticeship hours or practical operations relating to
20 chemical processes, including permanent waving, bleaching, coloring, or chemical
21 straightening.

22 * **Sec. 13.** AS 08.13.082(b) is amended to read:

23 (b) The period of apprenticeship required to qualify an applicant for a license
24 to practice hairdressing is 2,000 hours. The apprenticeship must be served in a shop
25 approved by the **department** [BOARD]. The apprenticeship may not be completed in
26 less than one year from the date of its commencement and must be completed in not
27 more than two years from the date of its commencement.

28 * **Sec. 14.** AS 08.13.082(c) is amended to read:

29 (c) The period of apprenticeship required to qualify an applicant for a license
30 to practice esthetics is 350 hours. The apprenticeship must be served in a shop
31 approved by the **department** [BOARD]. The apprenticeship may not be completed in

1 less than six months from the date of its commencement and must be completed in not
2 more than one year from the date of its commencement.

3 * **Sec. 15.** AS 08.13.082(d) is amended to read:

4 (d) The number of hours of training required to qualify an applicant for a
5 license to practice tattooing, permanent cosmetic coloring, or body piercing shall be
6 set by the **department** [BOARD] in regulations. The trainee must be at least 18 years
7 of age when the training commences. The training required under this subsection

8 (1) may only be received

9 (A) in a licensed shop in this state under a person who has a
10 practitioner's license under this chapter in the field in which the trainee seeks
11 training; or

12 (B) outside the state from a person approved by the
13 **department** [BOARD] at a site approved by the **department** [BOARD];

14 (2) must include at least 12 hours of training in safety, sanitation,
15 sterilization, aseptic, and other practices necessary to prevent transmission of diseases
16 and infection;

17 (3) shall be completed in not more than 12 months from the date of its
18 commencement; and

19 (4) shall be documented by certification from the trainer that the
20 training was successfully completed by the trainee.

21 * **Sec. 16.** AS 08.13.090 is amended to read:

22 **Sec. 08.13.090. Examinations and other requirements.** (a) A written
23 examination shall be given to each applicant for examination at a time and place
24 determined by the **department** [BOARD. THE BOARD MAY DELEGATE THE
25 POWER OF EXAMINATION TO A COMMITTEE OF THE BOARD OR A
26 BOARD MEMBER].

27 (b) The written examination must cover subjects designated by the
28 **department** [BOARD] and must test the applicant's knowledge of sanitary practices,
29 safety of all procedures, and use of instruments, equipment, and chemicals permitted
30 within the field of practice for which the applicant is seeking a license.

31 (c) The **department** [BOARD] may by regulation establish requirements for a

1 practical examination for licensure.

2 * **Sec. 17.** AS 08.13.100(a) is amended to read:

3 (a) The **department** [BOARD] shall authorize the issuance of a license for the
4 practice of barbering, hairdressing, or esthetics to each qualified applicant who has
5 passed an examination under AS 08.13.090 and meets other applicable requirements
6 under this chapter. The **department** [BOARD] shall authorize the issuance of a
7 license for the practice of tattooing, permanent cosmetic coloring, or body piercing to
8 each applicant who has satisfied the requirements of AS 08.13.080(d). The
9 **department** [BOARD] shall authorize the issuance of a license to practice manicuring
10 to each applicant who has satisfied the requirements of AS 08.13.080(e). The
11 **department** [BOARD] shall authorize the issuance of an endorsement to a license to
12 practice manicuring or hairdressing indicating that the person is an advanced
13 manicurist to each applicant who has satisfied the requirements of AS 08.13.080(f).
14 The **department** [BOARD] shall authorize the issuance of a license for the practice of
15 hair braiding to each applicant who has satisfied the requirements of AS 08.13.080(g).

16 * **Sec. 18.** AS 08.13.100(c) is amended to read:

17 (c) The **department** [BOARD] may by regulation create areas of limited
18 professional licensing in the field of esthetics. Any limitation must be stated on the
19 license.

20 * **Sec. 19.** AS 08.13.100(d) is amended to read:

21 (d) A person who holds a current valid license from a board of barbering,
22 hairdressing, manicuring, or esthetics in another state or who is licensed by another
23 state to practice hair braiding, tattooing, permanent cosmetic coloring, or body
24 piercing is entitled to a license or endorsement under this chapter without examination
25 or a new period of training in this state. An application must include

26 (1) proof of a valid license issued by another licensing jurisdiction; and

27 (2) proof of completed training, testing, and working experience that

28 the **department** [BOARD] finds to meet the minimum requirements of this state.

29 * **Sec. 20.** AS 08.13.100(f) is amended to read:

30 (f) The **department** [BOARD] shall by regulation create an area of limited
31 professional licensing in the field of barbering for non-chemical barbering that allows

1 a person to practice barbering without the use of chemicals and chemical processes.

2 The limitation must be stated on the license.

3 * **Sec. 21.** AS 08.13.110(a) is amended to read:

4 (a) The **department** [BOARD] shall adopt regulations for the licensing of
5 schools of barbering, hairdressing, manicuring, and esthetics. The regulations must
6 include details of the curriculum, minimum hours of instruction, physical condition of
7 the facilities, and financial responsibility of the owner. The curriculum required for a
8 school of hairdressing must include the curriculum required for a school of
9 manicuring.

10 * **Sec. 22.** AS 08.13.110(d) is amended to read:

11 (d) The **department** [BOARD] shall issue a license to a school of manicuring
12 if the school offers a curriculum of 12 hours of instruction or training approved by the
13 **department** [BOARD] that addresses health, safety, and hygiene concerns of
14 manicuring customers and practitioners that are relevant to the practice of manicuring.
15 A school of manicuring may offer instruction in addition to the 12 hours required for a
16 license, but the **department** [BOARD] may not issue a license to a school of
17 manicuring if the school requires its students to complete more than 12 hours of the
18 required instruction or training in health, safety, and hygiene concerns before the
19 school will certify that the student has completed the school's manicuring course for
20 purposes of AS 08.13.080(e).

21 * **Sec. 23.** AS 08.13.110(e) is amended to read:

22 (e) A school of manicuring may seek approval from the **department**
23 [BOARD] for a curriculum designed to qualify students for an advanced manicurist
24 endorsement. The **department** [BOARD] shall establish the curriculum requirements
25 applicable under this subsection through its authority under (a) of this section.

26 * **Sec. 24.** AS 08.13.120 is amended to read:

27 **Sec. 08.13.120. Shop license.** (a) The **department** [BOARD] shall adopt
28 regulations for the licensing of shops. The regulations must require that a shop for
29 tattooing, permanent cosmetic coloring, or body piercing be inspected and certified by
30 the Department of Environmental Conservation as being in compliance with the
31 regulations adopted under AS 44.46.020 before a shop license may be issued under

1 this subsection. A shop owner shall be licensed to operate a shop without examination,
2 but, unless the shop owner is a practitioner, the shop owner may not conduct business
3 without employing a manager who is a practitioner. This subsection does not apply to
4 a shop for the practice of barbering, hairdressing, hair braiding, or esthetics located in
5 a community having a population of less than 1,000 people that is not within 25 miles
6 of a community of more than 1,000 people.

7 (b) The regulations adopted under (a) of this section must include provisions
8 under which the **department** [BOARD] may issue a temporary shop license to a
9 person who has a license or temporary permit under this chapter to practice tattooing,
10 permanent cosmetic coloring, or body piercing. The temporary shop license authorized
11 under this subsection may only be issued to cover a site where the practitioner intends
12 to hold a workshop or to demonstrate techniques as part of a convention or other
13 special event, as defined by the **department** [BOARD], that includes other
14 practitioners of tattooing, permanent cosmetic coloring, or body piercing. Each
15 practitioner of tattooing, permanent cosmetic coloring, or body piercing who holds a
16 workshop or demonstrates techniques at a convention or special event shall have a
17 separate temporary shop license and a license or temporary permit under this chapter
18 to practice tattooing, permanent cosmetic coloring, or body piercing. The **department**
19 [BOARD] shall issue a temporary shop license upon receipt of an application from a
20 practitioner demonstrating compliance with the regulations adopted under this section
21 and payment of the appropriate fee; however, the temporary shop license may be
22 summarily revoked, without refunding of the fee, if the Department of Environmental
23 Conservation determines after an inspection that the cleanliness or sanitation
24 conditions at the site covered by the temporary license pose a clear and immediate
25 danger to the public health or safety. A licensee may appeal a summary revocation
26 under this subsection to the superior court.

27 * **Sec. 25.** AS 08.13.140 is amended to read:

28 **Sec. 08.13.140. Lapsed license.** A lapsed license may be reinstated if the
29 license has not been lapsed for a period of more than three years, or otherwise at the
30 discretion of the **department** [BOARD], and all renewal and delinquent fees for the
31 period during which the license has been lapsed are paid.

1 * **Sec. 26.** AS 08.13.150 is amended to read:

2 **Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license**
3 **or permit.** The department [BOARD] may, in addition to the actions authorized
4 under AS 08.01.075, refuse, suspend, or revoke a license, student permit, temporary
5 license, or temporary permit for failure to comply with this chapter, with a regulation
6 adopted under this chapter, with a regulation adopted by the Department of
7 Environmental Conservation under AS 44.46.020, or with an order of the department
8 [BOARD].

9 * **Sec. 27.** AS 08.13.160(e) is amended to read:

10 (e) The department [BOARD] shall adopt regulations to permit a person
11 licensed under this chapter to practice barbering, hairdressing, hair braiding,
12 manicuring, or esthetics outside a licensed shop or school for limited purposes
13 including

14 (1) care of clients confined to an institution or health care facility;

15 (2) care of clients with limited mobility;

16 (3) participation in charitable events; and

17 (4) participation in workshops or demonstrations of techniques or
18 products.

19 * **Sec. 28.** AS 08.13.170 is amended to read:

20 **Sec. 08.13.170. Temporary permits.** The department shall issue a temporary
21 permit to an applicant for licensing who holds a license to practice barbering,
22 hairdressing, hair braiding, manicuring, esthetics, tattooing, permanent cosmetic
23 coloring, or body piercing in another state. The permit is valid until the department
24 [BOARD] either issues a permanent license or rejects the application. The
25 department [BOARD] shall act on an application within six months.

26 * **Sec. 29.** AS 08.13.180 is amended to read:

27 **Sec. 08.13.180. Student permits.** A person attending a licensed school of
28 barbering, hairdressing, manicuring, or esthetics and a person apprenticed to a licensed
29 instructor in a shop approved by the department [BOARD] or receiving training from
30 a practitioner of tattooing, permanent cosmetic coloring, or body piercing shall obtain
31 a student permit. A student permit to practice barbering or hairdressing is valid for two

1 years. A student permit to practice esthetics, tattooing, permanent cosmetic coloring,
2 or body piercing is valid for one year. A student permit may not be renewed, but, upon
3 application, the department [BOARD] may issue a new permit to the same person or
4 extend an expired permit to the date of the next scheduled examination. Credit earned
5 under an expired student permit may be transferred to a new permit as determined by
6 the department [BOARD].

7 * **Sec. 30.** AS 08.13.195(a) is amended to read:

8 (a) In addition to any other provision of law, if a person violates AS 08.13.070
9 or 08.13.217, the department [BOARD] may enter an order levying a civil penalty.

10 * **Sec. 31.** AS 08.13.195(b) is amended to read:

11 (b) A civil penalty levied under this section may not exceed \$5,000 for each
12 offense. In levying a civil penalty, the department [BOARD] shall set the amount of
13 the penalty imposed under this section after taking into account appropriate factors,
14 including the seriousness of the violation, the economic benefit resulting from the
15 violation, the history of violations, and other matters the department [BOARD]
16 considers appropriate.

17 * **Sec. 32.** AS 08.13.195(c) is amended to read:

18 (c) Before issuing an order under this section, the department [BOARD] shall
19 provide the person written notice and the opportunity to request, within 30 days of
20 issuance of notice by the department [BOARD], a hearing on the record.

21 * **Sec. 33.** AS 08.13.195(d) is amended to read:

22 (d) In connection with proceedings under (a) and (b) of this section, the
23 department [BOARD] may issue subpoenas to compel the attendance and testimony
24 of witnesses and the disclosure of evidence, and may request the attorney general to
25 bring an action to enforce a subpoena.

26 * **Sec. 34.** AS 08.13.195(f) is amended to read:

27 (f) If a person fails to pay a civil penalty within 30 days after entry of an order
28 under (a) of this section, or if the order is stayed pending an appeal, within 10 days
29 after the court enters a final judgment in favor of the department [BOARD] of an
30 order appealed under (e) of this section, the department [BOARD] shall notify the
31 attorney general. The attorney general may commence a civil action to recover the

1 amount of the penalty.

2 * **Sec. 35.** AS 08.13.210 is amended to read:

3 **Sec. 08.13.210. Health and sanitary conditions.** (a) Health and sanitary
4 conditions in shops and schools of

5 (1) barbering, hairdressing, hair braiding, manicuring, and esthetics
6 shall be supervised by the **Department of Commerce, Community, and Economic**
7 **Development** [BOARD];

8 (2) tattooing, permanent cosmetic coloring, and body piercing shall be
9 supervised by the Department of Environmental Conservation.

10 (b) The Department of Environmental Conservation shall conduct an annual
11 inspection of each shop licensed for the practice of tattooing, permanent cosmetic
12 coloring, or body piercing to ensure that the shop meets the department's standards of
13 cleanliness and sanitation established under AS 44.46.020. If the Department of
14 Environmental Conservation determines that the shop is not in compliance with **its**
15 **regulations** [A REGULATION OF THE DEPARTMENT], the **Department of**
16 **Environmental Conservation** [DEPARTMENT] shall report the violation to the
17 **Department of Commerce, Community, and Economic Development** [BOARD]
18 and take appropriate action under its own regulations.

19 * **Sec. 36.** AS 08.13.215 is amended to read:

20 **Sec. 08.13.215. Notification requirements for tattooing, permanent**
21 **cosmetic coloring, and body piercing.** (a) Before performing a tattooing, permanent
22 cosmetic coloring, or body piercing procedure on a client, a practitioner shall give
23 written educational information, approved by the **department** [BOARD], to the client.

24 (b) After completing a tattooing, permanent cosmetic coloring, or body
25 piercing procedure on a client, the practitioner shall give written aftercare instructions,
26 approved by the **department** [BOARD], to the client. The written instructions

27 (1) must include advice to the client to consult a physician at the first
28 sign of infection;

29 (2) must contain the name, address, and telephone number of the shop
30 where the procedure was performed;

31 (3) shall be signed and dated by the client and the practitioner; the

1 practitioner shall keep the original and provide a copy to the client.

2 (c) The owner of a shop for tattooing, permanent cosmetic coloring, or body
3 piercing shall prominently display

4 (1) a copy of the statement provided by the **department** [BOARD]
5 under AS 08.13.030(b) that advises the public of the health risks and possible
6 consequences of tattooing, permanent cosmetic coloring, or body piercing, as
7 applicable;

8 (2) the names, addresses, and telephone numbers of the Department of
9 Commerce, Community, and Economic Development and the Department of
10 Environmental Conservation and a description of how a complaint about the shop or a
11 practitioner in the shop may be filed with either entity [OR WITH THE BOARD].

12 * **Sec. 37.** AS 08.13.220 is amended by adding a new paragraph to read:

13 (17) "department" means the Department of Commerce, Community,
14 and Economic Development.

15 * **Sec. 38.** AS 44.62.330(a)(30) is amended to read:

16 (30) **Department of Commerce, Community, and Economic**
17 **Development concerning the licensing and regulation of barbers and hairdressers**
18 **under AS 08.13** [BOARD OF BARBERS AND HAIRDRESSERS];

19 * **Sec. 39.** AS 08.03.010(c)(4); AS 08.13.010, 08.13.050, and 08.13.220(3) are repealed.

20 * **Sec. 40.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 TRANSITION. (a) The terms of the members of the Board of Barbers and
23 Hairdressers established under AS 08.13.010 terminate on the effective date of this Order.

24 (b) Employees of the Board of Barbers and Hairdressers whose duties have been
25 transferred by this Order to the Department of Commerce, Community, and Economic
26 Development shall be transferred to the Department of Commerce, Community, and
27 Economic Development on the effective date of this Order.

28 (c) Litigation, hearings, investigations, and other proceedings pending under a law
29 repealed or amended by this Order, or in connection with a function transferred by this Order,
30 continue in effect and may be completed notwithstanding a transfer, repeal, or amendment
31 provided for in this Order.

1 (d) Contracts, rights, liabilities, and obligations created by or under a law repealed or
 2 affected by this Order, and in effect on the effective date of this Order, remain in effect
 3 notwithstanding this Order's taking effect.

4 (e) Certificates, licenses, orders, and regulations in effect on the effective date of this
 5 Order that were issued or adopted under the authority of a law amended or repealed by this
 6 Order, or in connection with a function transferred by this Order, remain in effect for the term
 7 issued and shall be enforced by the agency to which the function is transferred under this
 8 Order until revoked, vacated, or amended by the agency to which the function is transferred.

9 (f) Records, equipment, appropriations, and other property of an agency of the state
 10 whose functions are transferred under this Order shall be transferred to implement the
 11 provisions of this Order.

12 * **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to
 13 read:

14 REVISOR INSTRUCTION. The revisor of statutes is requested to change the heading
 15 of article 1 of AS 08.13 from "Board of Barbers and Hairdressers" to "Barbers and
 16 Hairdressers."

17 * **Sec. 42.** This Order takes effect July 1, 2024.

DATED: _____

 Mike Dunleavy
 Governor



2024 Legislative Guidance for CBPL Board & Commission Members

As a member of a professional licensing board or commission, you have considerable latitude—as well as responsibility—to recommend changes to your licensing program’s enabling statutes. Members of the public, consumers, other professionals, and your industry’s association (if applicable) confidently approach members of the Legislature to affect the change they wish to see in your practice. Whether taking the initiative or reacting to an “active” bill, board members also need to be prepared to champion their cause!

THE OPEN MEETINGS ACT ALWAYS APPLIES

AS 44.62.310(h) provides detailed definitions of "governmental body", "meeting", and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three (3) members or a majority of the members, whichever is less, engage collectively in discussion of a subject on which the body is authorized to act and set policy and is therefore subject to the Open Meetings Act (OMA). Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact in any location, including the office of a Legislator or an industry gathering.

Members of boards and commissions should be cautious not to conduct business over email or end up in situations that could be seen as a violation of the OMA, lest the public be removed from the process. Members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged that way and publicly noticed as required. Remember, all member email correspondence is discoverable, and your board business is also the public’s business.

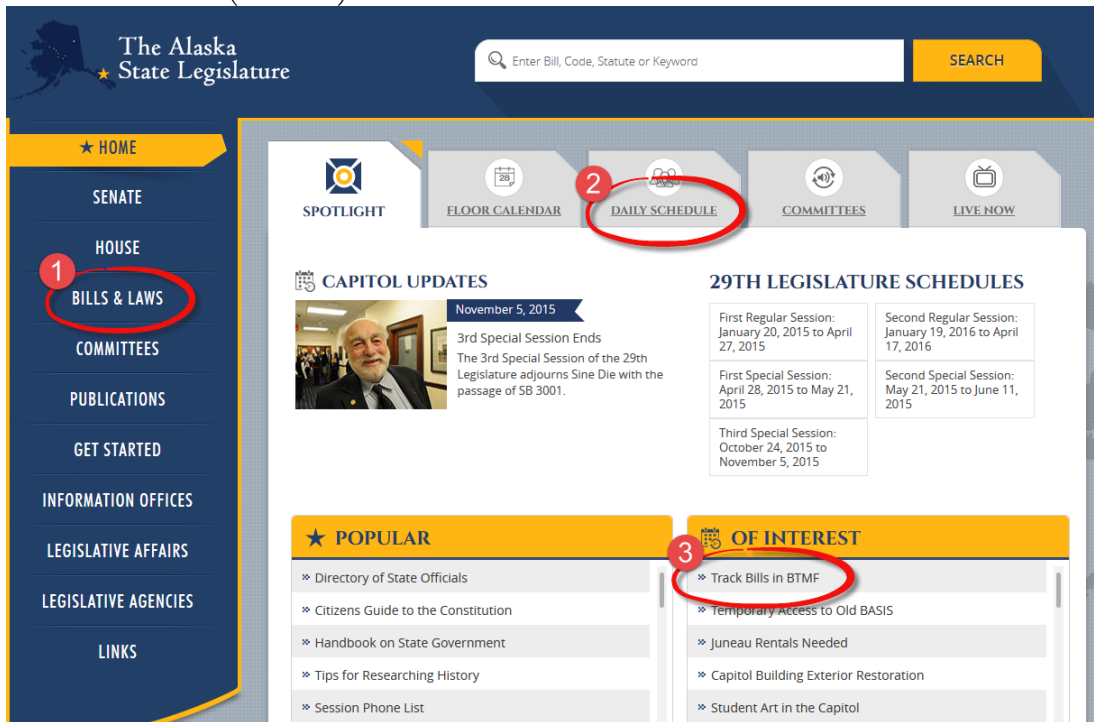
This information is contained in the *CBPL Guide to Excellence in Regulation*, which can be found here along with many other board resources: www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardMemberResources.

BE INFORMED: IF NOT YOU, THEN WHO?

- Ahead of Legislative session (which starts in mid-January every year), select – on the record – a member who will serve as the point person for legislative activity.
 - In the absence of this person, the division will look to the chair of the board for input and interpretation.
 - If the board is championing a piece of legislation, a history of the meeting minutes reflecting the issues and board’s perspective should be compiled by this leader and made available to board members and division management, who will be at every hearing. This research and history will be especially helpful to new board members who are appointed.

- When a bill is filed, division management will alert program staff. The examiner or executive should ensure that their board members are made aware of legislation that is filed that will affect them. With sometimes hundreds of bills to track, analyze, and testify on, division management may not be able to keep the board apprised of every late-breaking detail. Division management will periodically send updates to staff regarding legislation or request discussion with the board.
- However, it is up to board membership to track the progress of a bill the board is interested in, to call in to testify as desired by the board, submit support or opposition letters as determined by the board, etc. The division will do its best to inform members of scheduled hearings as a courtesy, but board members should utilize the tools identified below to track hearings as well.
- Bill progression and “companion”/“sister” bills:
 - When a bill is introduced, it will either be a House Bill (or “HB”, indicating it was introduced by a Representative) or a Senate Bill (or “SB”, indicating it was introduced by a Senator).
 - Occasionally, the same bill will be introduced by both a Senator and Representative. It will have the same “short title” but different bill numbers. These are often called “sister” or “companion” bills.
 - Once the bill is introduced, it will be referred to one or more committee(s) in that body (i.e., the House or the Senate) and must be heard and passed by those committee(s) before it can go to the Floor – meaning before it is voted on by all members of that body.
 - Committees can amend legislation however they see fit, including changing the text originally included, adding new text, or taking things out. If a committee amends a bill, that amended version is called the “Committee Substitute” and that is what’s considered by the next committee.
 - When the bill reaches the body floor, the latest version of the bill is what’s considered and voted on.
 - If the bill passes its committees of referral and passes on the floor, then it must go to the other body (i.e., if it passes out of its House Committees and passes on the House Floor, now it goes to the Senate) at which point the process starts over – the bill is referred to committees within that body.
 - If the bill is amended further and then is passed in the second body, it must then go back to the first body for concurrence since it is no longer the same bill they voted on.
 - If all of that occurs, the bill is passed by the Legislature and then goes to the Governor for consideration and signature.
 - The bill keeps the same HB or SB number throughout the entire process.
 - When sister/companion bills are introduced, the legislation is often expedited because the bill is basically working its way through both bodies at the same time. If one of the two companion bills pass out of its original body, it will be referred to whatever committee its companion is currently in, and that committee can choose which version to advance. This is why you will often see that whenever the Governor introduces a bill, he introduces it in both the House and Senate, to give it the best chance of getting through all committees of referral in each bill simultaneously rather than one and then the other.
 - For more guidance on the bill progress process, consider reviewing the following resources available on the Alaska State Legislature’s website:
 - Steps in Passage of a Bill: <https://akleg.gov/docs/pdf/passbill.pdf>
 - Legislative Process: <https://akleg.gov/docs/pdf/legprocess.pdf>
- Know where to find your bill using the Alaska State Legislature’s website (also known as BASIS): akleg.gov – *See screen shot on next page:*
 - The **BILLS & LAWS** section on the sidebar links to a searchable list of documents. If you know the bill number, you can search using the bar at the top of the screen.
 - The **DAILY SCHEDULE** shows all committee activity for the day you choose. It is subject to change, but it is a good starting place to see what is happening where.
 - The **BTMF**—or Bill Tracking Management Facility – is your best friend when trying to keep up with a bill. Take the time to set up your profile and register the bill you want to track, then you will receive email updates when its status changes or is scheduled for a hearing.

- You can also sign up to receive SMS text alerts on bill hearings and bill movement by texting the bill number (ex: HB1) to 559-245-2529.



GUIDELINES FOR BOARD MEMBER TESTIMONY

- Encourage the board to become engaged:
 - Track the bill online;
 - Participate in hearings;
 - Write a letter supporting the board’s official position; and/or
 - Discuss the legislation in a public meeting.
- It is a best practice for organizations to speak with “one voice.” Any testimony or correspondence by a board member on behalf of a board must represent deliberation and action taken on the record in a public meeting.
- Staff may not express opinions on behalf of the board or discuss legislation with elected officials except in rare circumstances when they have obtained prior approval from division management and clearance from the Governor’s Legislative Office – so the board will need to ensure they have a plan to express their position(s) on legislative bill(s).
- If the board has published a resolution or letter regarding the legislation because of a vote at a public meeting, staff may provide that document to legislators per department procedures.
- If a board has voted to pursue legislation, this must be an effort by the board membership.
 - Staff cannot participate or assist (aside from providing guidance as needed) unless pre-approved by the Commissioner’s Office and Governor’s Legislative Office.
 - This is because division staff – whether it be the Director, Deputy Director, an Executive Administrator, Licensing Examiner, or other – represent the Governor in the eyes of the Legislature.
- Individual board members may offer their personal or professional opinions on the legislation by clarifying that while they are appointed to a board, they do not speak on behalf of the board.

- Boards must provide a member to testify telephonically (or in person, if the individual resides in Juneau) at every hearing when being considered for reauthorization per AS 08.03 (i.e., a “sunset” bill). Without member interest and advocacy for the board or commission’s continuation, it is possible that the sponsor could withdraw the bill and the board could sunset.
 - Boards must also provide a member to testify at each hearing for a bill that was introduced at the request of the board.
 - The chair or elected board spokesperson should be prepared to answer questions posed by staff or legislators, testify on bills that require subject matter expertise or upon request, and otherwise be available on short notice to engage in this process.
- Be sure to differentiate the State licensing board from the industry association. Sometimes, they share the same goals. Sometimes, they do not. Legislators must keep track of a lot of names and organizations, so be sure that you are clear that you represent the State of Alaska.
- Nervous? Don’t worry! You can email or call the Division Director or Deputy Director to discuss tips or even run through some potential questions/roleplay. Their contact information is provided at the end of this document.

LEGISLATIVE TESTIMONY CALL-IN DO’S AND DON’TS

- **Do** use the streaming video available on the “Live Now” tab on akleg.gov or Gavel Alaska (ktoo.org/gavel) to watch for your bill to come up in a scheduling hearing.
 - The chairman will announce the order of bills at the beginning of the meeting.
 - Callers may be disconnected from the meeting if they call in prior to their bill being taken up.
 - If video streaming is not an option for you, please contact the committee aide prior to the hearing to arrange to call in early.
 - Once the bill is before the committee, call 844-586-9085, 844-563-9085, 907-586-9085, or 907-563-9085. Give your name, the bill number, state whether you are on the line to testify and/or answer questions, and ask to be connected to the _____ Committee.
- Do **not** call in before the bill you are testifying on comes before the committee.
- Do **not** call in for a hearing if you simply want to listen – utilize the streaming video as noted above.
- **Do** use the “mute” function of your phone until called on to testify. If this function is not available on your phone, ask the Legislative Information Office (LIO) moderator to mute your call.
- Do **not** use the “hold” function while connected to a legislative committee. (It may result in hold music playing on the loudspeaker in the committee room which is very disruptive.)
- **Do** try to be in a quiet room without distractions or interruptions while testifying or on the line for questions. Please treat the important responsibility of testifying with utmost respect and professionalism.
- **Do** remember that everything transmitted over your phone will be broadcast directly into the meeting room and recorded to become part of the permanent record.
- **Do** remember to be in a location with good reception if using a cell phone. Disruptions coming into the meeting via the phone lines may result in all callers being disconnected from the system. This will require testifiers to call back to be reconnected.

- Do **not** have your computer or TV speakers on if you are listening online and on the line to testify or for questions, as this will create an audio “loop”.
- **Do** try to adhere to time limits imposed by the chairman.
- **Do** feel comfortable asking for a question to be repeated or clarified if you did not hear or understand what is being asked.
- **Do** feel comfortable referring a question to the division if it’s related to a day-to-day administrative matter or the fiscal note provided for a bill.

Remember: There are a limited number of phone lines coming into the Capitol. These lines are also used by LIOs around the state. When all the phone lines are used up, an LIO may not be able to call in with a room full of people.

ADDITIONAL RESOURCES:

Additional resources on [BASIS](#) that will be helpful in understanding how to navigate BASIS, understand what you’re seeing, and become more familiar with the legislative process:

- Tips for Using Basis: <https://akleg.gov/docs/pdf/basis.pdf>
- Frequently Asked Questions: <https://akleg.gov/faq.php>
- Legislative Abbreviations & Acronyms: <https://akleg.gov/docs/pdf/abbracro.pdf>
- Glossary of Legislative Terms: <https://akleg.gov/docs/pdf/glossary.pdf>
- How to Read a Bill History: <https://akleg.gov/docs/pdf/readbill.pdf>
- Layman’s Guide to the Budget Process: <https://akleg.gov/docs/pdf/budgproc.pdf>

DIVISION CONTACT INFORMATION:

You can always route questions through the staff to your boards. However, if you have an urgent matter that requires you contact division management quickly:

- CBPL Director – Sylvan Robb: sylvan.rob主@alaska.gov, (907) 465-2524, (907) 419-7678
- CBPL Deputy Director – Glenn Saviers: glenn.saviers@alaska.gov, (907) 465-2691, (907) 321-1423

Division management is often in meetings or hearings throughout the day during legislative session, so email may sometimes be the quickest way to get a response. If you opt to call, make sure to leave a voicemail and consider following up with an email. Please do understand that while management will get back to you as quickly as possible, they may not always be able to get back to you the same day.

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Barbers and Hairdressers	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium	FY 22	FY 23	Biennium	FY 24 1st QTR
	Revenue									
Revenue from License Fees	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,035,686	\$ 349,898	\$ 1,385,584	\$ 820,450
General Fund Received				\$ -	\$ -	\$ -	\$ 21,523	\$ 5,933	\$ 27,456	\$ -
Allowable Third Party Reimbursements	-	-	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL REVENUE	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,057,209	\$ 355,831	\$ 1,413,040	\$ 820,450
Expenditures										
Non Investigation Expenditures										
1000 - Personal Services	190,824	195,815	386,639	187,928	154,229	342,157	177,685	201,311	378,996	55,097
2000 - Travel	10,451	6,127	16,578	2,521	-	2,521	2,862	-	2,862	-
3000 - Services	59,241	58,111	117,352	44,123	39,463	83,586	29,742	27,235	56,977	10
4000 - Commodities	300	193	493	-	-	-	-	-	-	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	260,816	260,246	521,062	234,572	193,692	428,264	210,289	228,546	438,835	55,107
Investigation Expenditures										
1000-Personal Services	108,332	126,521	234,853	163,905	87,573	251,478	97,978	157,238	255,216	6,116
2000 - Travel	-	-	-	723	-	723	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	1,425	1,489	2,914	558	288	846	8,185	767	8,952	-
3094 - Inter-Agency Hearing/Mediation	-	868	868	-	-	-	3,624	-	3,624	-
3000 - Services other	-	481	481	757	81	838	241	643	884	4
4000 - Commodities	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	109,757	129,359	239,116	165,943	87,942	253,885	110,028	158,648	268,676	6,120
Total Direct Expenditures	370,573	389,605	760,178	400,515	281,634	682,149	320,317	387,194	707,511	61,227
Indirect Expenditures										
Internal Administrative Costs	205,071	177,867	382,938	217,172	164,610	381,782	196,546	192,783	389,329	48,196
Departmental Costs	104,226	96,684	200,910	76,526	60,003	136,529	71,313	70,880	142,193	17,720
Statewide Costs	33,433	34,066	67,499	46,351	33,188	79,539	34,649	38,993	73,642	9,748
Total Indirect Expenditures	342,730	308,617	651,347	340,049	257,801	597,850	302,508	302,656	605,164	75,664
TOTAL EXPENDITURES	\$ 713,303	\$ 698,222	\$ 1,411,525	\$ 740,564	\$ 539,435	\$ 1,279,999	\$ 622,825	\$ 689,850	\$ 1,312,675	\$ 136,891
Cumulative Surplus (Deficit)										
Beginning Cumulative Surplus (Deficit)	\$ 202,694	\$ 700,349		\$ 442,059	\$ 736,355		\$ 586,103	\$ 1,020,487		\$ 686,467
Annual Increase/(Decrease)	497,655	(258,290)		294,296	(150,252)		434,384	(334,020)		683,559
Ending Cumulative Surplus (Deficit)	\$ 700,349	\$ 442,059		\$ 736,355	\$ 586,103		\$ 1,020,487	\$ 686,467		\$ 1,370,026
Statistical Information										
Number of Licenses for Indirect calculation	8,514	6,784		7,460	6,956		7,507	7,086		

Additional information:

- General fund dollars were received in FY21-FY23 to offset increases in personal services and help prevent programs from going into deficit or increase fees.
- Most recent fee change: New fee added FY19
- Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Appropriation Name (Ex)	(Multiple Items)
Sub Unit	(All)
PL Task Code	BAH1

Sum of Budgetary Expenditures Object Name (Ex)	Object Type Name (Ex)		Grand Total
	1000 - Personal Services	3000 - Services	
1011 - Regular Compensation	29,614.98		29,614.98
1016 - Other Premium Pay	30.19		30.19
1023 - Leave Taken	7,726.75		7,726.75
1028 - Alaska Supplemental Benefit	2,294.35		2,294.35
1029 - Public Employee's Retirement System Defined Benefits	6,756.13		6,756.13
1030 - Public Employee's Retirement System Defined Contribution	554.97		554.97
1034 - Public Employee's Retirement System Defined Cont Health Reim	350.03		350.03
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	105.47		105.47
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	1,606.23		1,606.23
1040 - Group Health Insurance	9,872.83		9,872.83
1042 - Worker's Compensation Insurance	254.27		254.27
1047 - Leave Cash In Employer Charge	862.51		862.51
1048 - Terminal Leave Employer Charge	597.53		597.53
1053 - Medicare Tax	527.54		527.54
1077 - ASEA Legal Trust	42.98		42.98
1079 - ASEA Injury Leave Usage	8.93		8.93
1080 - SU Legal Trst	7.27		7.27
3035 - Long Distance		9.84	9.84
3044 - Courier		4.35	4.35
3979 - Inter-Agency Management/Consulting		-	-
Grand Total	61,212.96	14.19	61,227.15

Sec. 08.13.220.(5)

“esthetics” means the use of hands, **appliances**, cosmetic preparations, antiseptics, or lotions in massaging, cleansing, stimulating, or similar work on the scalp, face or neck, including skin care, make-up, and temporary removal of superfluous hair, for cosmetic purposes for a fee;

Amendment to 12 AAC 09.990 definitions to add:

(12) “appliances” any medical device in the FDA class I designation and Class II devices with settings that allow for class I treatment with low to moderate risk requiring general controls to be used by estheticians without medical supervision for the noninvasive treatment of the skin



DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF BARBERS AND HAIRDRESSERS

DRAFT MINUTES OF THE MEETING HELD OCTOBER 02, 2023

By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.64, Article 6, a scheduled board meeting was held via teleconference/Zoom and in person in Anchorage on, October 02, 2023

These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the board.

October 02, 2023:

Attendance

Members Present: Chair Michelle McMullin, Connie Dougherty, Khitsana Sypakanphay, Tenaya Miramontes, Wendy Palin

Members Absent:

Glenda Ledford, Breanna Hardy

Staff Present: Sara Chambers, Boards and Regulations Advisor; Cynthia Spencer & Wanda Whitcomb, Licensing Examiners; Melissa Dumas, Administrative Operations Manager; Alison Osborne, Regulation Specialists; Renee Carabajal, Program Coordinator; Jennifer (Jenni) Summers, Investigator

Public Present via Zoom:

There were 46 attendees via Zoom.

1. Call to Order/Roll Call

The board was called to order at 9:12 a.m.

Board members present via roll call: Michelle McMullin, Connie Dougherty, Tenaya Miramontes, Khitsana Sypakanphay, Wendy Palin

A. New Board Member Introductions – Wendy Palin and Tenaya Miramontes

Wendy Palin and Tenaya Miramontes greeted the board and introduced themselves.

2. Review Agenda

The board reviewed the agenda.

Ms. Chambers reminded the public that the upcoming public comment, Item 5, was not the avenue to speak about the proposed regulation change packet because the board had not provided public notice of an oral hearing. This regulation project had a written public comment period that began August 29, 2023, and closed September 29, 2023. Ms. Chambers stated any other public comments would be accepted during Item 5.

Motion: 1st Michelle McMullin – 2nd Wendy Palin

Approve agenda as written.

Approved by majority.

3. Ethics Disclosure

Considering several new members participating in their first meetings, Ms. Chambers reviewed the ethics requirements of the Executive Ethics Act with the board.

All Board members present declared by roll call they had no conflicts to disclose.

4. New Business

A. Legislative Proposal Update

1. Previous legislative proposal

Chair McMullin reviewed legislative proposals from the board's FY24 Annual Report, as well as

the letter and previously proposed legislative change packet to representatives written by former Chair, Jennifer Lombardo. Chair McMullin also reviewed the 2023 letter to Senator Jesse Bjorkman and proposals from former board member Tina Taylor.

Chair McMullin stated the board would continue to draft legislation as needed to meeting industry changes and standards and that she had been working with Senator Jesse Bjorkman on the current legislative change proposals.

Ms. Chambers stated interested parties could review the board's annual reports for legislative and regulatory recommendations; these reports are available on the division's website.

The chair briefly discussed the November 2022 AAG memo regarding estheticians using dermal lights. Chair McMullin suggested dermal light use is a standard for estheticians and removing the ability to use/provide this type of service if allowed by law would be detrimental to the profession. Ms. Chambers added some context and details to help the new board members and public understand the history of the legal advice, how the board may decide to act on it, and potential next steps for clarification of existing regulations and potentially pursuit of statute changes. Chair McMullin suggested further discussion with the Department of Law, the Medical Board, and Board of Nursing is needed. Chair McMullin foreshadowed that she would be asking the board to "push pause" on the sections of proposed regulations pertaining to esthetician curriculum later in the meeting.

The board agreed there has to be a line for estheticians working a medical office and those working in a traditional shop; what services are able to be provided are completely different.

2. New proposal(s) to Add

a. Discusstion Creation of New License Type, Advanced Esthetician

Chair McMullin reviewed documentation she provided reflecting the Idaho Board of Cosmetology's esthetician scope of practice. Chair McMullin clarified that this was simply one example of how another state regulates this type of work.

Chair McMullin reported Idaho scope of practice reflects non-invasive care of skin and allows estheticians to utilize medical devices classified as Class-1 the United States, Food and Drug Administration designed for care of the skin; except that a Class-2 medical device designed for skin care may be used as directed and supervised by an authorized and licensed health care practitioner. Their law also permits estheticians to provide temporary removal of superfluous hair by lotion, creams, wax and tweezing to depilatories or other means, as well as tinting or perming of the eyebrow and the eyelashes. Chair McMullin stated she felt this information covers everything Alaska estheticians should currently be able to do and opens up Class-1 medical devices for esthetician use.

Chair McMullin stated there are only five states that offer an advanced esthetician license that don't require training and licensure as a health care provider; these states require between 400 and 600 hours of training.

Ms. Chambers stated she encourages board members, while considering these changes, to remember that each state has its own requirements, laws, and regulations which should be considered. Alaska has different requirements, laws, and regulations – which could be changed using the appropriate processes. Ms. Chambers also encouraged the board to speak with the Department. of Law, State Medical Board, and Board of Nursing to obtain a complete and full understanding of the context of all laws for Alaska. Ms. Chambers also stated that these discussions may also result in statutory/regulatory changes for the medical and nursing boards, especially addressing delegation and supervision requirements., so everyone must ensure changes are done appropriately, with so many levels of types of technology as well as levels of practitioners, it's important to have all stakeholders at the table to openly discuss all aspects and impacts of potential changes. She reminded the board the legislature will begin session January 2024, so time is running out to expect changes to be completed the end of the 33rd Alaska State Legislature.

The board briefly reviewed several position statements published by the State Medical Board and explained to the public where these documents could be located online:

- i. Guideline Regarding Delegating to Medical Assistants (Unlicensed Assistive Personnel), 2011
- ii. Guideline Regarding the Use of Lasers and Laser Surgery, 2007, incorporating the position from the American College of Surgeons regarding use of lasers, pulsed light, radiofrequency devices or other techniques
- iii. Guidelines for Physicians in Delegating Procedures to Non-physician Personnel When Performing Certain Dermatological Procedures, 2017

Chair McMullin read sections of the State Medical Board guidance suggesting that some current practices known to be operating in Alaska are required to be under direct physician supervision and required to be operated by a person with an appropriate health care license. The practices are regulated by the State Medical Board and may constitute unlicensed practice of medicine. These are some of the areas for discussion with the State Medical Board and Board of Nursing.

The board was behind schedule and paused Item 4 to open the meeting for public comment.

5. Public Comment – The chair reminded listers that oral testimony for public noticed regulations would not be accepted because the board did not authorize an oral hearing.

➤ **Jacqueline. Polis, Esthetician.**

Ms. Polis stated that she is excited for changes moving forward in the industry and licensing; recognizes there are logistics that a lot of us are just out here working in the industry that don't have a full grasp of as the board does. She was frustrated seeing esthetician scope of practice being discussed and changed as detailed in the May 15, 2023 position statement which removed modalities.

She supported working with the medical and nursing boards towards updating esthetics and/or creating an advanced esthetician license.

She supported following FDA approval/guidelines should be followed and suggested verbiage like "over the counter" or "prescriptive device".

She stated that if types of modalities are removed from the current scope of practice it will negatively impact hers and other estheticians' businesses.

The board thanked Ms. Polis for her time and participation.

➤ **Rachel Lauesen, Attorney, Lauesen Law Team, representing Skinlife Medspa.**

Ms. Lauesen stated today's discussion from the board is positive with respect to the acknowledgement that the statutes have not kept up with the times and stating that there needs to be a conversation with the Department of Law to ensure that nothing is taken away from the existing scope of practice.

Ms. Lauesen stated that the November 2022 memo from the Department of Law reflects the board's statutes are outdated and does not reflect current practices allowed in most states. Ms. Lauesen said some of the procedures the board is concerned with are taught as part of the standard esthetician curriculum with these procedures begin performed at out-of-state establishments where Alaska estheticians may go to complete training hours that are required by Alaska.

Ms. Lauesen criticized the board for not allowing public comment, oral or written, during the June 15, 2023, meeting and only allowing 15 minutes for public comment during this meeting. She raised concern that Chair McMullin stated future legislation would include an allowance for grandfathering which was there is no mention of in the June 15, 2023, meeting minutes. Ms. Lauesen felt frustrated that none of the documents being presented during this meeting were included in the public board packet.

Ms. Lauesen stated the board's May 15, 2023 esthetician scope of practice memo eliminating modalities and declaring them unlawful stigmatized business and licensees.

Ms. Lauesen said open discussion with medical boards were good decisions. Ms. Lauesen stated based on all of this information and current discussion, the board should withdraw the esthetician position statement and that the board should recognize their statutes are outdated which the board has repeatedly recognized but have taken no action to correct.

Ms. Lauesen thanked the board.

The board thanked Ms. Lauesen for her time and participation.

Ms. Chambers noted that time was short for public comment and asked if other attendees who would like to address the board to raise their hands; seeing only Gloria Bamberg-Merritt as wanting to address the board, Ms. Bamberg-Merritt was recognized. Ms. Chambers also stated that everyone's comments were appreciated and that they were providing great feedback.

➤ **Dr. Gloria Bamberg-Merritt, Instructor/Barbering**

Dr. Bamberg-Merritt greeted the board and thanked them for allowing her the opportunity to speak and stated she appreciated the board being available to speak with the public in reference to issues at hand and past issues.

Dr. Bamberg-Merritt stated open and clear communication, and keeping practitioners involved and part of the dialog is important as changes discussed effect the livelihood of licensees.

The board thanked Dr. Bamberg-Merritt for her time and participation.

6. Division and Financial Update

Melissa Dumas, Administrative Operations Manager joined the board and introduced herself.

A. Division and Financial Update: FY23 3rd Quarter Budget Reports

Ms. Dumas reviewed the 3rd quarterly report with the board and provided a review of the fee setting process. Ms. Dumas asked the board if there were any questions; hearing none, Ms. Dumas thanked the board for their time.

The board thanked Ms. Dumas for her time and reporting.

Recess The board recessed at 10:29 a.m. for a short break; reconvened at 10:37 a.m. Staff confirmed by roll call that a quorum was present.

4. New Business, continued

A. New proposal(s) to add Legislative Proposal Update

3. Proposal from Tenaya Miramontes

Ms. Miramontes informed the board she had been working on a bill prior to being appointed to the board. Ms. Miramontes stated she has been contacted by many young people asking about how to enter the industry. They would like to see what is involved before beginning a training program. Current statutes allow for unlicensed individuals to only wash hair, and the current hair braider license does not allow the use of hot tools. Ms. Miramontes stated the proposed changes would add the use of hot tools and allow the addition of hair washing/drying. The changes would allow more interested individuals to learn and provide basic services.

The documentation provided in the meeting packet is a draft from Representative Jesse Sumner's office. OLE Spencer stated the draft legislation, as written. would remove the current hair braiding license and add an aspect that is already covered under the current body piercing license.

Ms. Miramontes requested input from the board as there is a draft deadline which she wants to make sure she meets and provides edits to the draft bill. Ms. Miramontes informed the board she did not want to eliminate the hair braiding license, just add services to the license. Ms. Miramontes also asked the board if there was anything they might want to add to the draft bill.

The board agreed, as the draft bill was written, it would deregulate/remove the hair braiding license.

Ms. Chambers stated she believes the draft bill intention is to move hair styling into an updated hair braiding license, which would allow hair styling without chemicals, along the lines of the non-chemical barber license. Ms. Chambers suggested the board put together a working group to discuss the proposed bill.

Chair McMullin cautioned the board that Representative Sumner may not want to add elements to the draft bill and that the board needed to be careful of deregulation since the purpose of the board is to protect the public.

Ms. Miramontes stated that there is quite a bit of sanitation and regulation hours required for training, so possibly changing or adding training areas would be the best avenue.

The board briefly discussed changes to the hair braiding license, creating a new hair styling license, and training requirements.

Ms. Chambers recommended if the board supported Ms. Miramontes' legislative concept, a motion stating that would be helpful in the legislative process.

Ms. Sypakanphay stated she felt this was a great idea and including hairstyling in the hair braiding license is a good idea.

Ms. Dougherty stated she also felt this bill was a good idea, however further review and discussion is needed.

Board members agreed with Ms. Sypakanphay and Ms. Dougherty. Chair McMullin asked Ms. Chambers to assist Ms. Miramontes in responding to Rep. Sumner.

Motion by Chair McMullin to conceptually approve Ms. Miramontes' legislative proposal to add shampooing, blow drying, and the use of hot tools to the hair braider license scope of practice. The motion was approved unanimously.

B. Apprenticeship fees/wages information

OLE Whitcomb informed the board that a new federal apprenticeship program called Atarashii recently began in Alaska. OLE Whitcomb registered concerns about a grant structure used by this company; her understanding is that the apprentice is paid a wage, and there should be no payment by the apprentice for the education.

Alaska Department of Labor and Workforce Development (DOLWD) and Alaska Commission on Postsecondary Education (ACPE) both had questions regarding the Atarashii program charging apprentices for their education. ACPE information provides that if an apprentice is being charged for their education, this is considered a tuition and the shop/instructor becomes a school and must apply for and receive school approval from ACPE.

OLE Whitcomb informed the board that several instructors have begun working with the Atarashii program and there would most likely be more individuals obtaining their education through this program as well.

The board discussed this information and requested staff work with these state and federal agencies to gather information prior to revisiting with the board at their next regular meeting.

Action Item: Request additional apprentice wage, instructor fees/payment information from the Federal Dept. of Labor, Alaska DOLWD, and ACPE for presentation at next meeting.

Recess The board recessed at 11:13 a.m. for a short break; reconvened at 11:23 a.m. Staff confirmed by roll call that a quorum was present.

7. Review & Adopt Proposed Regulations: 12 AAC 09.002, 12 AAC 09.004, 12 AAC 09.005, 12 AAC 09.010, 12 AAC 09.075, 12 AAC 09.106, 12 AAC 09.162, 12 AAC 163, 12 AAC 09.185, and 12 AAC 09.190

Regulation Specialist, Alison Osborne joined the meeting and introduced herself to the board.

Ms. Osborne informed the board that about 90% of the received written public comments were against changes to the esthetician curriculum.

Ms. Chambers asked the board if they had time to read the submitted comments since many came in just before the board meeting; members of the board stated they had read through some but not all of the submissions. Ms. Chambers suggested the board take time to read all written comments prior to deliberating on them.

The board began reading submitted public comments at 11:27 a.m. and completed their review at 11:44 a.m.

Ms. Osborne reviewed the regulation changes with the board, including clarification that the division was proposing a confirming change in 12 AAC 02.140(4) and (7) to repeal written exam fees.

Ms. Chambers explained that the board had contracted with Prov to begin computerized test administration October 2022; and stated the fee changes were an administrative clean up as examination fees are now paid directly to Prov.

The board briefly discussed the regulation packet and found there was consensus to request Ms. Osborne remove proposed changes to 12 AAC 09.162 and 12 AAC 09.163 relating to dermal lights from the current packet. Chair McMullin clarified that the board would go back to the Department of Law for further discussion regarding the use of dermal lights by estheticians.

Action Item: Request further review of AS 08.13.220(5), particularly the use of dermal lights, from the Department of Law.

Motion by Connie Dougherty to table proposed changes to 12 AAC 09.162 and 12 AAC 09.163 and adopt the proposed changes to 12 AAC 09.002, 12 AAC 09.004, 12 AAC 09.005, 12 AAC 09.010, 12 AAC 09.075, 12 AAC 09.106, 12 AAC 09.185, and 12 AAC 09.190. Seconded by Wendy Palin.

The motion was approved unanimously.

Ms. Osborne explained the next steps in the process. The board thanked Ms. Osborne for her time and assistance.

The board thanked Ms. Osborne for her time and assistance.

Recess The board recessed at 12:18 p.m. for a lunch break; reconvened at 1:22 p.m. Staff confirmed by roll call that a quorum was present.

9. Investigations

Senior Investigator Jennifer (Jenni) Summers joined the board and introduced herself.

Investigator Summers informed the board that public members are not selected as reviewing board member (RBM) for case reviews as they are not licensees and not subject matter experts. Investigator Summers began board member investigative process training.

A. Board Investigative Process Training

1. Investigative Process
2. Confidentiality Training
3. Board Communications Training
4. Board Member Reviews Training

Investigator Summers reminded the public that the investigative process is explained on the division website.

The board thanked Investigator Summers; Investigator Summers urged the board to contact her if they had any questions or concerns with the investigative process.

Ms. Chambers announced that the division was offering additional board member trainings which all board members were encouraged to attend. Ms. Chambers stated training information can be found on the website under the quick link in the sidebar titled, "Board Member Training".

B. Investigative Memo

Investigator Summers reviewed the Investigative Memo with the board and reported 31 open matters and 28 closed matters during April 26, 2023 – September 28, 2023. The board had no questions.

C. Investigative Probation Report

Investigator Summers reviewed the probation report with the board and reported three licensees were still on probation and one licensee had been released due to surrendering their license. The board had no questions.

D. Executive Session

Motion to enter executive session: 1st Khitsana Sypakanphay – 2nd Michelle McMullin
Alaska state Board of Barbers and Hairdressers enter executive session in accordance with AS 44.62.610(c) and Alaska constitutional right to privacy provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion. Board staff to remain during the session.

Approved by majority roll call.

Board entered executive session at 2:34 p.m. and returned from executive session at 2:57 p.m. Staff confirmed by roll call that a quorum was present.

Ms. Chambers announced that prior to adjourning into executive session, it wasn't noted that board members Michelle McMullin and Khitsana Sypakanphay were recused from certain executive session discussions because they were the reviewing board members for presented cases.

Motion: 1st Connie Dougherty – 2nd Wendy Palin

Adopt Voluntary Surrender of License for Case 2022-000249, Sara Grocott, as presented.

Michelle McMullin and Khitsana Sypakanphay were recused from voting on this matter.

Approved by majority of quorum via roll call vote.

Motion: 1st Michelle McMullin – 2nd Connie Dougherty

Adopt Consent Agreement for Case 2022 – 000388, Francisco Valladolid, as presented.

Khitsana Sypakanphay was recused from voting on this matter.

Approved by majority of quorum via roll call vote.

10. Old Business

A. AS 08.13.220(4) Body Piercing; does allow licensees to pierce ear lobe.

The board reviewed the June 28, 2023, email from OLE Spencer stating Director Robb and Deputy Director Saviers reviewed the board's request for assistance in interpreting whether AS 08.13.220(4) allows licensed body piercers to provide ear lobe piercings. Director Robb confirmed that a license as a body piercer is not required to pierce the "external part of the outer ear."

Ms. Chambers stated that she felt the definition was still unclear and that the image really didn't provide specifics of "outer ear." The chair stated that the outer ear is medically defined as the lobe. Ms. Spencer provided a brief history of this definition; it was created to allow jewelry stores, like Claire's and Icing, to provide ear lobe piercings without having to obtain a body piercing license.

Ms. Spencer displayed a diagram of the ear on the screen. Ms. Miramontes suggested that the board clarify this definition in regulations. Ms. Chambers recommended OLE Spencer continue this conversation with Director Sylvan Robb and Deputy Director Glenn Saviers.

Chair McMullin agreed with Ms. Chambers and stated for the record that AS 08.13.220(4) does allow licensed body piercers to pierce the ear lobe. Ms. McMullin felt the definition was worded awkwardly.

Ms. Chambers suggested this definition also be added to the board's legislative proposal packet and that they could also consider a regulation project to add clearer definition.

Action Item: Ms. Spencer will follow up with Director Robb to clarify whether her interpretation includes only the lobe or the entirety of the outer ear. The board requested adding this discussion to the next meeting agenda.

11. Administrative Business

Ms. Chambers stated that a comment had been received about the board's meeting minutes and the board not having public comment during its June 15, 2023 meeting. Ms. Chambers stated meeting minutes are not transcripts but are condensed minutes of a meeting. Ms. Chambers also stated that no public comment had been public noticed for this meeting; it was considered a special meeting of the board because it was only working on creating definitions for statutes which would be included in future proposed legislative changes. The board could have opted to take public comment but was not required to because it was not advertised.

Ms. Spencer stated that she typically had meeting minutes drafted within 10 days of a meeting. The drafted minutes were then sent to her supervisor for review; once reviewed by staff, minutes were emailed to the board chair for review with a 2 – 3 day turn around. If edits were received back from the chair within the time frame, those edits were incorporated into the version posted in draft format on the website and to other board members.

A. Review/Edit/Approve Meeting Minutes

1. May 15, 2023 Meeting
2. June 15, 2023 Meeting

The board reviewed drafted May 15, 2023 and June 15, 2023, meeting minutes.

Motion: 1st Khitsana Sypakanphay – 2nd Connie Dougherty

Accept the May 15, 2023 and June 15, 2023, meeting minutes as presented.

Roll Call - Approved unanimously.

B. FY24 Annual Report

Ms. Chambers stated that annual reports were due June 30 of every year per statute. The division prioritized providing boards with the FY24 report template with the hope that boards would have plenty of time to complete the report by the June 30 deadline. Ms. Chambers encouraged board members to begin drafting their required submissions now.

C. Officer Election Notification – Announcement for January 2024 Meeting

Ms. Chambers informed the board that Chair McMullin was terming out March 1, 2024 and encouraged the board to begin thinking about electing a new chair during the January 2024 meeting. Ms. Chambers also encouraged the board to consider electing a vice-chair in case the new chairperson was unable to attend a meeting. Ms. Chambers stated that having these elections during the January 2024 meeting would allow time for mentorship and training with the exiting chairperson.

D. Out of Country Applicants – Announcement

OLE Spencer informed the board that staff had been receiving an influx of out of country applicants; using the checklists in regulation, practical operation resources the board provided several years ago, documentation available in board resources file in OnBoard, and the creation of transcript evaluation worksheets, staff were usually able to verify out of country training met training requirements for the license type being applied for.

OLE Spencer also stated that typically, staff is able to verify training requirements with provided transcripts, however there were cases where staff may be unable to verify training requirements. These applications would be loaded to OnBoard for consideration and packaged with a detailed memo stating the license type being applied for, training staff was able to verify, and what assistance staff needed from the board to complete the application. OLE Spencer stated these applications would be open for a 10-day review/vote by board members and reminded the board that their participation was mandatory during these reviews.

E. Correspondence

There were no items to review.

F. Application Review

There were no applications to review.

Ms. Chambers and Chair McMullin discussed scheduling additional meetings to discuss scopes of practice. The board briefly discussed the benefits of holding a town hall meeting to also discuss scopes of practice and esthetics issued. The board also briefly discussed date conflicts with the already scheduled January 18, 2024 meeting and agreed to change the date.

The board scheduled the following meeting dates and times:

- October 18, 2023, 5:00 p.m. – 7:00 p.m., Town Hall meeting on esthetics and other topics of public interest. This will be a Zoom meeting.
- November 08, 2023, 9:00 a.m. – 4:00 p.m., Scope of practice work session to draft requested legislative changes. This will be a Zoom meeting.
- January 25, 2024, 9:00 a.m. – 4:30 p.m., Regular board meeting. This will be a Zoom meeting with possible travel to Juneau depending on if the board has a complete legislative packet for submission.

Action Item: Ms. Chambers will discuss a potential meeting of the three boards with the executive administrators of the Medical Board and the Board of Nursing.

12. Adjourn

The chair declared the board off the record at 3:53 p.m.

Respectfully submitted:

Cynthia Spencer, Licensing Examiner

Approved:

Michelle McMullin, Chairperson
Board of Barbers and Hairdressers

Date: _____

Spencer, Cynthia R (CED)

From:
Sent: Tuesday, October 17, 2023 8:46 AM
To: Board of Barbers Hairdressers (CED sponsored)
Subject: Suggested definitions

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear All Members of The Board of Barbers and Hairdressers and State Licensing,

I realize there are many different people involved with our licensing and the majority may not be aware of the effect the June meeting plans will have for many Estheticians. I've attached a letter that helps explain how things will affect us. I want to thank everyone involved on and off the board who make a positive effort with our professional licensing. I know there's many things on a daily basis with what you do and I appreciate it! Cynthia was helpful when I was doing my shop license and I always appreciated her assistance. Prior good experiences with the state and board have made this situation hard to comprehend. I don't understand how anyone could be part of the ideas that will hurt so many estheticians. I always assumed that everyone on the board was there to benefit our industry but it doesn't feel that way lately. I'm not sure where the ideas are coming from but I disagree and unfortunately I've lost trust with members on the board that are doing this and anyone else in support of what's happening. I'm not sure who or why these plans are happening but I do know that they don't benefit Estheticians. I'm hoping who ever on the board is leading these ideas will reconsider their approach and make better choices to help people and our industry. A large number of Estheticians feel the same way I do and it would be nice if trust was reestablished so we can all work together to build an amazing industry for our state.

I noticed the board has thankfully started making changes and I hope it keeps moving in that direction. I notice important things that still need to be adjusted and I hope our feedback is used to help make things better.

I also see there's a request to have board authority over decisions with our industry licensing and I don't think that's reasonable after what was proposed in June. I think there needs to be a process with multiple stages of approval when making such important decisions and changes.

Sincerely,
Jacqueline Polis

To Whom It May Concern,

Alaska Estheticians are extremely concerned about licensing the Board of Barbers and Hairdressers are implementing new structure and "Definitions" during the June meeting with a meeting of business. If we don't have 600+ hours of initial schooling for our credentials by eliminating Class 1 and Dermal Lights (LED) and everything we do and go back to school for 400-500 additional school hours from 350 would be reasonable for newly enrolled that established estheticians haven't acquired those hours. It's actually a huge misconception that we haven't. We have been acquiring continued education with more hours under our current requirement nationwide. Class 1 modalities and Dermal Lights are part of the Alaska curriculum and part of our exam since 1995 that I know of. The school hours we're trained and qualified. If anything, Alaska has grandfathered into the new structure change.

We were given notice with Proposed Regulations C 12 AAC 09.163 to remove Dermal Lights, which they announced at the Oct. meeting. It was mentioned that they are in collaboration with the Board of Barbers and Hairdressers regarding Estheticians not doing services below the Dermal Lights, which is restricting us from using Dermal Lights (Light Therapy). The Board is restricting non-invasive services that are common in other states for Estheticians without medical supervision such as nano-needling, Cryoskin 3.0 (without nitro), and derma-planing. It's apparent that they've suppressed in their industry and we're asking for the Board to reconsider with improving our license so it actually improves our ability to work away. We should be going forward with growth and opportunity.

Many of us have financial investments with our careers. Personally, I have a HydraFacial machine that was an investment that no longer be able to use as a full service if Light Therapy is not able to use it at all if they take away my Class 1 modalities. I'm concerned that I'll be stuck paying and not able to do much

Thank you for taking the time to read and consider the
“Definitions” that multiple Estheticians have put thought to
consider them as new verbiage to improve our licensing.

Sincerely,
Jacqueline Polis, Licensed Esthetician

SUGGESTED “DEFINITIONS”

Hairdressers

“Limited Esthetics” means makeup application including facial
removal of superfluous hair above the shoulders by lotions,
depilatories or other means.

Estheticians

“General Esthetics” means noninvasive care of the skin by
preparations, antiseptics, tonics, lotions, creams and essences
exfoliate, hydrate and stimulate; makeup application; pore
exfoliants approved for professional esthetic use; particle
superfluous hair by lotions, creams, waxing, tweezing, dep
enhancement of eyelashes and eyebrows; use of any class
the United States food and drug administration, use of any
non-invasive or FDA over the counter (OTC) designed for c

“Master Esthetics” means to include all of the “General Est
modalities to include Class 2 medical device without medic
device, may be used as directed under supervision or direc
practitioner.

From: [Paige Hinshaw](#)
To: [Board of Barbers Hairdressers \(CED sponsored\)](#)
Subject: Re: Mobile Body Art Question
Date: Sunday, December 17, 2023 9:57:07 AM

You don't often get email from paigehinshaw@gmail.com. [Learn why this is important](#)

Hello,

My apologies, I thought Cynthia Spencer mentioned that I could submit a request for exemption from the mobile shop requirements of regulation 12 AAC 09.111 so the previous email was my attempt to do so. If it wasn't detailed enough in the services I would be providing or the reasoning I am requesting the exemption I can rewrite that request. I believe she said once it was received it could be presented to the board for consideration.

She said that she had not seen the board allow a body art facility to date, so I know it is a long shot, but I thought it was worth an attempt.

Thank you for all of your help,

Paige Hinshaw
573-356-6555

On Dec 12, 2023, at 6:58 PM, Board of Barbers Hairdressers (CED sponsored)
<boardofbarbershairdressers@alaska.gov> wrote:

Hello Paige,

Unfortunately, we do not have anything in our statutes and regulations that allows for a mobile shop for any of the body arts.

I do understand that other states may have different regulations that they follow, but we must follow the statutes and regulations that are the laws here in Alaska that provide guidance in issuing licenses to our applicants.

It may be that you could provide this comfortable environment in a studio/shop building rather than a mobile shop.

If you wish to compose a letter to our board members to review, I will be happy to pass that along, but please note they too are bound by our current statutes and regulations. We currently have no changes to statutes and regulations regarding mobile units under discussion by our board.

Sincerely,

[Wanda Whitcomb](#)
[License Examiner](#)
[Board of Barbers and Hairdressers](#)
<[image001.png](#)>

From: Paige Hinshaw <paigehinshaw@gmail.com>
Sent: Monday, December 11, 2023 12:16 PM

To: Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>

Subject: Re: Mobile Body Art Question

You don't often get email from paigehinshaw@gmail.com. [Learn why this is important](#)

Hello,

I am requesting an exemption for mobile tattooing. I am requesting exemption because from my experience, as well as many of my clients, tattoo shops can be traumatic places. The last time I gusted at a tattoo shop I had a panic attack while I was tattooing. I've operated a fully licensed private tattoo studio working by appointment only for the past two years in Missouri. As a female business owner I have had unprofessional comments from males in the studio I am renting, so since mobile tattoo studios are allowed in Missouri I am building a mobile studio specifically for my craft in a vintage airstream/argosy. While Missouri does not have specific mobile requirements, I am closely following the requirements in all states that allow mobile tattooing. I am most specifically referencing California's guidelines since they have through mobile requirements. There will be a bathroom on board, as well as sink in the bathroom and general procedure area. Client seating will be able to be sectioned off by door, or full length sliding wall. I currently work by appointment only so it is generally only my client in the studio. It is my hope in requesting exemption to provide a safe, relaxing and comfortable environment for both my clients and myself.

Thank you for your consideration.

Paige Hinshaw

573-356-6555

On Dec 5, 2023, at 10:33 AM, Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov> wrote:

Hello Paige:

You may submit a request for exemption from the mobile shop requirements of regulation 12 AAC 09.111; however, to date, I've not seen the board allow body art to be provided in a mobile shop unit.

We do offer a temporary shop owner license (12 AAC 09.112); this license is specific for an event(s) and event location(s). This license is issued to licensees that are attending events and providing services outside of a licensed shop.

Please be aware, if you are not licensed in Alaska, you are required to have an individual who is licensed (tattoo, body piercing, hairdresser, etc.) by this board be the mobile shop manager during business hours. You are also required to be licensed by this board to be issued a temporary shop owner license.

If you would like to submit a request to the board for exemption from 12 AAC 09.111, please send us an email detailing services you will be providing and why you are requesting the exemption. Once this is received, it will be presented to the board for consideration.

Following is a link to the board's website where you can find FAQ's, applications,

forms, statutes, regulations, and more.

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofBarbersHairdressers.aspx>

Contact this office with questions by replying to this email.

Respectfully,
Cynthia Spencer
Occupational Licensing Examiner
[Div. of Corporations, Business and Professional Licensing](#)
[Professional Licensing](#)
<image001.png>

-----Original Message-----

From: Paige Hinshaw <paigehinshaw@gmail.com>

Sent: Sunday, December 3, 2023 12:29 AM

To: Board of Barbers Hairdressers (CED sponsored)

<boardofbarbershairdressers@alaska.gov>

Subject: Re: Mobile Body Art Question

Hello Wanda,

Thank you so much for getting back to me! Is there anything that could be done about this? I know in Wisconsin you can request a variance.

It seems like the majority of states allow them in some capacity (although a few only allow for temporary use). I can't think of any equipment that would make it troublesome. Most states just require you to use disposables only — which makes sense if you don't have a brick and mortar location to sterilize tubes.

I understand of course that I would also need to pass a Department of Environmental Services Inspection. Thank you again for all of your help.

Best,
Paige Hinshaw
573-356-6555

> On Nov 29, 2023, at 5:46 PM, Board of Barbers Hairdressers (CED sponsored)
<boardofbarbershairdressers@alaska.gov> wrote:

>

> Hello Paige,

>

> We do offer a mobile shop license however, this license is not available for the body arts licenses. This may be due to the fact that body arts shops do require the special equipment to provide those services. Then tattoo, body piercing and permanent cosmetic coloring shops must pass a Department of Environmental Services inspection.

>

> Our statutes and regulations do not allow for a mobile shop to provide any of

the body arts services. You would find this in our Statutes and Regulations booklet page 23 under 12 AAC 09.111.

>

> Sincerely,

>

> Wanda Whitcomb

> License Examiner

> Board of Barbers and Hairdressers

>

>

> -----Original Message-----

> From: Paige Hinshaw <paigehinshaw@gmail.com>

> Sent: Sunday, November 19, 2023 4:38 PM

> To: Board of Barbers Hairdressers (CED sponsored)

> <boardofbarbershairdressers@alaska.gov>

> Subject: Mobile Body Art Question

>

> CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

>

> Hi,

>

> I currently tattoo in a private studio in Kansas City, Missouri. Mobile facilities are allowed here so I'm getting ready to purchase a motorhome and make the necessary adjustments. I am just curious if mobile facilities are also allowed in Alaska. I didn't see any rules and regulations that state anything in regards to mobile facilities specifically one way or another.

>

> Thank you,

> Paige Hinshaw

> <Mobile Shop App bah4462.pdf>

> <Temp Shop App bah4463.pdf>

Spencer, Cynthia R (CED)

From: Hannah Hollembaek
Sent: Thursday, December 21, 2023 10:08 AM
To: Board of Barbers Hairdressers (CED sponsored)
Subject: Re: Web Authorization for Your Esthetician File

You don't often get email from [redacted]. [Learn why this is important](#)

Hello, I wanted to see if estheticians in Alaska are allowed to use the Nanostamp 360, It has a depth of 0.25 or .5? I can't find on the site what depth is allowed?

Thank you, Hannah Hollembaek

[Sent from Yahoo Mail for iPhone](#)

On Monday, November 27, 2023, 3:37 PM, Hannah Hollembaek

wrote:

I appreciate you getting back to me, thank you for the information.

On Monday, November 27, 2023 at 01:22:29 PM AKST, Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov> wrote:

Hello Hannah.

Apologies for the delayed response.

Estheticians may not provide services that puncture the skin and go below the dermal layer.

Sec. 08.13.220. Definitions. In this chapter,

- (1) "apprentice" means a person who receives on-the-job training under direct supervision;
- (2) "barbering" means shaving, trimming, or cutting, styling, curling, permanent waving, bleaching, coloring, cleansing, or chemically straightening the beard or hair of a living person for a fee and for cosmetic purposes;
- (3) "board" means the Board of Barbers and Hairdressers;
- (4) "body piercing" means puncturing the body of a person by aid of needles or other instruments designed to be used to puncture the body for the purpose of inserting jewelry or other objects in or through the human body, except that, for purposes of this chapter, "body piercing" does not include puncturing the external part of the human ear;
- (5) "esthetics" means the use of the hands, appliances, cosmetic preparations, antiseptics, or lotions in massaging, cleansing, stimulating, or similar work on the scalp, face or neck, including skin care, make-up, and temporary removal of superfluous hair, for cosmetic purposes for a fee;
- (6) "hair braiding" means braiding natural hair; natural fibers, synthetic fibers, and hair extensions, trimming hair extensions for braiding purposes, and attaching natural and synthetic hair by braiding for cosmetic purposes and for a fee; "hair braiding" does not include styling wigs or making wigs;

-8-

Respectfully,

Cynthia Spencer

Occupational Licensing Examiner

[Div. of Corporations, Business and Professional Licensing](#)

[Professional Licensing](#)



From: Hannah Hollembaek

Sent: Saturday, October 28, 2023 3:32 PM

To: Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>

Subject: Re: Web Authorization for Your Esthetician File

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I wanted to check and see if estheticians in Alaska are allowed to do the Biorepeel and also if we are allowed to use lancets? I figure not since it punctures the skin , but wanted to double check :) I couldn't find anything about it on the website, unless I'm just looking in the wrong spot.

Thank you very much!

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, August 2, 2023, 3:51 PM, Hannah Hollembaek

Hello, I have received your emails. Thank you very much!

Hannah Hollembaek

Sent from my iPhone

On Aug 2, 2023, at 2:54 PM, Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov> wrote:

Hello,

I just sent you a prompt to your email informing you that you can now check the status of your application through our web Portal, MYLICENSE. The subject line will read, 'State