



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

CONDENSED MINUTES OF THE MEETING HELD APRIL 17, 2025

By the authority of AS. 08.01.070(2) and AS08.86.030 and in compliance with the provisions of AS 44.64, Article 6, a scheduled board meeting was held via teleconference/Zoom, April 17, 2025.

April 17, 2025:

Attendance

Members Present: Chair Kevin McKinley, Willie Mae Canady, Jessica Pestrikoff, Jennifer (Jenn) Lombardo, Shannon Thompson, Vice-Chair, Tenaya Miramontes

Staff Present: Cynthia Spencer, Licensing Examiner, Lacey Derr, Program Coordinator, Alison Osborne, Regulation Specialist, Division Director Sylvan Robb

Public Present via Zoom: Courtney Coon, Malissa Lindberg, Rachel Lauesen, Jacqueline Polis, Chrissie Engler

1. Call to Order/Roll Call

The board was called to order at 10:06 a.m. by Chair Kevin McKinley.

Chair McKinley announced that a new board member Jennifer (Jenn) Lombardo was joining the board for her first meeting; Chair McKinley also stated that Ms. Lombardo was a previous board member and board chair.

Jenn greeted the board and introduced herself.

2. Review Agenda

Chair Kevin McKinley asked if there were any amendments to the agenda; hearing none a motion to approve was made requested.

Motion: 1st Mae Canady – 2nd Jenn Lombardo

Approve April 17, 2025, meeting agenda as written.

Motion Approved by majority

3. Ethics Disclosure

The board reviewed the Ethics packet provided.

Board members present stated they had no conflicts to disclose.

The board was ahead of schedule; Chair McKinley asked LE Spencer to confirm with public attendees who would like to address the board for regulation project comments.

LE Spencer asked the following attendees if they would like to address the board:

- Courtney Coon – No response to question
- Malissa Lindberg – Possibly address board
- Rachel Lauesen - Yes
- Jacqueline Polis - Yes
- Chrissie Engler - No

LE Spencer reminded attendees that this public comment section is only to address the proposed regulation project for 12 AAC 09.990.

Before public comment was opened, Attorney Rachel Lauesen addressed the board directly. She questioned why no board meeting packet had been posted. LE Spencer stated that at this time only one written comment had been received and due to the comment period ending at Noon, today, Thursday, April 17, 2025; additional written comments would be provided at Noon and added to the meeting packet. LE Spencer continued, that

the packet would be posted directly after the meeting with all submitted written comments.

Chair McKinley asked if any additional individuals joined the meeting before Noon, would the board be able to allow them time for oral testimony. LE Spencer stated the board could allow them to speak as the comment period doesn't close until Noon.

Chair McKinley asked board members if they'd all read the submitted written comment that is included in the meeting packet.

Regulation specialist Alison Osborne joined the board and introduced herself.

The board was still ahead of schedule; Chair McKinley addressed the board regarding strategic planning; Chair McKinley stated that due to issues sending out this regulation project public notice, the boards originally scheduled a strategic planning meeting which had been scheduled for April 17, 2025, had to be moved to the May 15, 2025, meeting. Chair McKinley stated that the May meeting only allowed a short time to review and begin strategic planning; Chair McKinley apologized for this and stated if the May meeting allowed for additional time this topic would continue to be discussed/reviewed, and the board may need to schedule another meeting to deal only with strategic planning.

Chair McKinley informed staff that he would allow each person who wanted to comment on the regulation project three (3) minutes to speak.

Recess The Board recessed at 10:18 a.m. for a break; reconvened at 10:26 p.m. Majority of the board confirmed by roll call.

Chair McKinley asked PC Derr to speak to public comments prior to opening the floor.

PC Derr thanked Chair McKinley and stated, as attendees are prepared to provide public testimony, we kindly ask that all remarks be presented in a respectful and constructive manner. This is an opportunity to share your perspective on the regulations at hand, and your voice is a valuable part of this process, we encourage you to focus your comments on the topic rather than on the individuals. Please refrain from personal attacks or disparaging remarks directed at staff board members or others involved. PC Derr continued, our goal is to foster a respectful environment where all participants feel heard and valued. We appreciate your commitment to a productive, professional, and respectful dialogue.

Chair McKinley thanked PC Derr and asked if Regulation Specialist Alison Osborne would like to address the board.

RS Osborne thanked the board and stated she was here to assist the board through this regulation process and would be available to answer questions if needed. RS Osborne reiterated PC Derr's comment statement and continued the comments must be focused on this regulation project that had been public noticed and not any of the previous drafts. RS Osborne also reminded the board that the public comment period closes at Noon and if any testimonies are allowed after Noon cannot be considered as part of this comment period.

Chair McKinley thanked RS Osborne and requested PC Derr begin calling individuals to speak.

4. Oral Public Comment for Regulation 12 AAC 09.990(b) Defining Devices for the Purposes of AS 08.13.220(5)

Rachel Lauesen, Attorney, Lauesen law Team, representing Skinlife Medspa, and service consumer.

Client Teesha Northcott, submitted a written comment which follows:

"It says my name is Teesha Northcott, and I'm a licensed esthetician in the State of Alaska, and owner of The Skinlife. Medspa, LLC. This email is intended to be a comment on the proposed 12, AAC 09.990(b). On June 15, 2023. The Board of Barbers and Hairdressers expressed an intention and intent to petition the legislature to create a tiered license to distinguish between practitioners of esthetics and practitioners of advanced esthetics. This has not occurred. I strongly urge this board to petition. The legislature to create an advanced esthetics license and update the curriculum and training for regular esthetics to align with modern practice. I support the proposed definition of appliance, and I just want to clarify that under."

And I'm stepping away. I'm not Teesha anymore. But the agenda says that this is defining devices for the purposes of as 08.13.285, and it's actually appliances that's being defined.

Rachel Lauesen continued to read Ms. Northcott's statement; "I support this proposed definition of appliance. The proposed definition of appliance does not directly forbid any of the modalities that I and other estheticians perform at my Med Spa. We do not use class 3 or class 4 laser devices. We use cold, non-ablative lasers that do not destroy live tissue. The non-ablative lasers that Skinlife Medspa uses on its clients do not require a medical license to purchase them. However, part C of the definition does not involve an incision. However, part C of the definition quote does not involve an incision beyond the epidermis end quote is unclear and imprecise for all estheticians not just advanced esthetics, practitioners, I do think part C should be clarified to make clear that an incision is distinguishable from a puncture. For example, imagine a client has a whitehead as a result of acne. The proper method to address the whitehead would be to use a sterile lancet to puncture the whitehead; the alternative would be squeezing the whitehead, which could cause scarring pain, spread infection and increase healing time. This is an example of a puncture that could go below the epidermis. Additionally, microneedling is another modality frequently performed by advanced esthetics. Practitioners, microneedling, does not involve "an incision into the skin beyond the epidermis".

Ms. Lauesen stated she was told that there was only one letter submitted and was unsure if it was from her client. Ms. Lauesen stated she is finishing up and that we have an hour and a half; this was rescheduled, and this meeting was supposed to happen on March 30, 2025.

Ms. Lauesen stated microneedling does involve a puncture that could extend beyond the epidermis for the purpose of stimulating natural physiological processes intended to improve the health and appearance of a person's skin. The difference between a puncture and an incision would be the delineation of the practice of medicine. A highly trained, licensed esthetician is not practicing medicine by puncturing the skin with a tiny needle. Tattoo artists are also not practicing medicine by puncturing skin with a tiny needle. The act of microneedling punctures the skin similarly to a tattoo artist, and no one would state that a tattoo artist is practicing medicine similarly to laser devices. The microneedling machines that are used.

Chair McKinley informed Ms. Lauesen that the board would be reviewing the letter from her client later in this meeting.

Malissa Lindberg, Esthetician in Alaska for over 25 years.

- Attending this meeting too listen and understand more of what you are speaking about on the agenda.
- Thank you for the time to speak.
- Clarify from last year – board spoke about grandfathering estheticians in specific years or is this we want to address that, too or is that not something the board will address during today's meeting.

Chair McKinley stated that grandfathering is not part of this regulation project so would not be a topic discussed today, however, this is a topic the board could discuss later. Chair McKinley asked RS Osborne if she could speak about this topic.

RS Osborne stated this is entirely up to the board as to how they want to define this particular section of the statute and asked if we can just get a little bit of clarity on what we're doing here during this meeting is a definition which you have in statute at the moment where the word appliances is addressed for devices, or appliances used in the methods of esthetics. So, we want to be able to define what that appliance is. The definition of those appliances is restricted, due to the difficulties between medical use, etc., and microneedling that we've covered previously, and that is not being addressed at this meeting. RS Osborne continued, if the comments that are received are such that the Board feel they want to revisit the entire definition itself, and have some time to think about it; make any changes reflecting on any comments received, then we can certainly do that at discussion, point the purpose right now is just to collate all of those comments, and then the Board can take a decision later on as to how they want to use those. RS Osborne stated grandfathering is not the discussion point grandfathering is more of a send in your comments for review at another meeting or address the board with these concerns at another meeting. RS Osborne informed the board that they could consider and discuss these concerns during another meeting and start addressing areas that are outside of the realms of this definition that is

included here that would incorporate an additional change to those regulations as they've been approved by the Board and approved by the Department of Law, which would instigate a new project, or at least a significant revision of the project.

Malissa Lindberg thanked RS Osborne for this information and continued her testimony.

- So as far as an esthetician license, under the scope of a medical director, my hope is that these devices will be guaranteed and grandfathered in the way that we've been holding our licenses.
- In agreement with the representative for Skinlife Medspa, and what she brought to the menu for her comment is exactly where I'm coming from, because, as a trained esthetician for over 25 years in the State I've always worked under a medical provider, and puncturing versus putting pressure and allowing to rupture on its own is far more dangerous than extracting with a lancet, a sterile lancet. And so, things like that. We've always been taught that we are only allowed to go to Epidermis and the Dermis Junction, but with lasers, because it's light. You have the device that travels further than that, and you're covered under the medical providers and the medical director's scope of practice. But yeah, I want to say I challenge anything. And that you are that you're doing as far as changing statutes, and I need to know more, but that's all I have to say.

Malissa Lindberg thanked the board.

Jacqueline Polis, Esthetician in Wasilla

Jacqueline Polis stated her thoughts on it like I'm reading through the appliances, and where we are now, I do feel like that. We're definitely in a much better place as far as the wording and the way things are going.

Jacqueline Polis stated she also questions it because of like, even though, I'm not in the medical field, I'm wondering how this definition change will apply to the ones that are currently doing services under that medical supervision that's allowable. Will this change their scope of practice, and which makes me just wonder, even though I'm looking at this and thinking we're moving in a positive direction. I'm wondering if we're kind of putting the cart before the horse where the talk about the advanced master esthetician program and just the structure of everything. As far as Alaska goes, our structure and everything obviously needs to be Redone and worked on. But I wonder if we should start at the beginning of that before we changing the law side of it like, get it all kind of organized and structured. Get things in place. Who's going to be? Where? Who can do what and then start making the legal side of it line up with it so that we're not recreating something or creating issues that we have to re-address later.

Jacqueline Polis asked the board what their thoughts are.

Chair McKinley asked Ms. Polis if she had attended other meetings. Ms. Polis stated she had attended previous meetings.

Chair McKinley stated Ms. Polis has some very good points and he will broad stroke address her comment. Chair McKinley stated Ms. Polis is correct, all of this needs to be packaged and put in order of how the board will move forward. Also as mentioned the master class, by the way, or master esthetician; there was a couple other grades in there between master and an esthetician license.

Chair McKinley asked if Ms. Polis was attending the Medical Spa Services Work Group meetings. Ms. Polis stated she attended some but not all of those meetings but has been involved so that she is aware of the moving working pieces that are going on right now, and things that the board is working on. Ms. Polis stated this is why she feels compared to over a year ago when this all started, we're working through stuff, and that's good. I'm excited about that, however, she still has concerns with everyone's thought processes.

Char McKinley stated it was good to have concerns and attending meetings and addressing the board were the avenues to take. Chair McKinley continued that this process finds/defines what certain things are., so the board must complete this before moving on; for example, talking about creating a master esthetician license or other processes and procedures.

Chair McKinley suggested Ms. Polis contact Sara Chambers, Boards and Regulations Advisor, as she has been leading the Medical Spa Services Work Group meetings and assisting boards with these processes. Chair McKinley continued that the Work Group is the start of beginning changes addressing esthetic matters which would include but not be limited to, master esthetician license, training requirements, continuing education, etc.

Chair McKinley asked PC Derr to provide attendees contact information for Ms. Chambers. PC Derr stated this information would be provided.

PC Derr asked Courtney Coon if they would like to address the board with comments regarding the proposed regulation.

Malissa Lindberg informed the board that Courtney Coon's microphone was not working so they would not be providing public testimony.

Chair McKinley asked if the board could move on and if Courtney Coon was able to connect with the board would they be able to allow for the testimony. PC Derr informed the board that they could move on and if anyone else joined the meeting and would like to speak before the Noon cutoff, they would be allowed to provide testimony. PC Derr also stated there is a telephonic call in number on the agenda which offers another option to attend the meeting and may allow easier access for attendees to speak with the board.

PC Derr asked Chrissie Engler if she would like to address the board about the regulation project. Chrissie Engler stated that she had no comments at this time.

Chair McKinley asked if there was anyone else that would like to address the board and asked if Ms. Lauesen would like to continue her testimony.

Ms. Lauesen thanked the board and continued her testimony.

Rachel Lauesen, Attorney, Lauesen law Team, representing Skinlife Medspa, and service consumer.

Ms. Lauesen continued, additionally, you know, we question, and we want to point out that there's no demonstrated danger to the public or harm which justifies limiting the current modalities used in med spas. Ms. Northcott, along with Ms. Lindbergh and others, are highly trained licensed professionals that regard safety as paramount and the performance of their duties. If licensed estheticians are unable to perform modalities, they are trained to perform safely then they will effectively be eliminated from the market because they are not expensive enough procedures for physicians or other trained medical personnel to perform. Furthermore, we think that there's an implicit bias against advanced esthetics because it is a field primarily dominated by women and performed on women; there is a sexist perception that the modalities that are performed in the field of advanced esthetics are frivolous and promote vanity.

Ms. Lauesen continued, the modalities are the appliances being performed on the clients; it's the application these modalities, through the use of these appliances are not less valuable because they are consumed by women, and the women who perform and utilize these appliances have made extensive investments in obtaining education and credentialing on their own because this board has not been able to keep up with modern practice, and has only required the minimum hours for an aesthetic license. The esthetics industry should not be dumbed down and estheticians relegated to lotion rubbers because the board has not been able to keep up; this board should create a second tier license, if it wants to officially distinguish between advanced esthetics and regular esthetics, and not leave licensed estheticians, who are already deeply invested and trained in their field to fend for themselves as unlicensed agents of a physician. Licensed practitioners with advanced esthetics should not lose their professional independence and the judgment which they have demonstrated through past performance is good, safe judgment. Additionally, the board should also ensure that any kind of definitions are, you know, crystal clear with regards to what scope of practice is, and not because that can also have insurance implications with regards to these practitioners as to whether they're operating outside of the scope.

Ms. Lauesen continued, you know we support the proposed definition of appliance so long as it doesn't change the scope of practice for existing practitioners who operate safely, professionally, and have been

operating so under their existing license that they've been paid for and operating under openly and as long as this board recognizes the difference between an incision and a puncture and does not rely on this definition to avoid modernizing the esthetics curriculum and establishing a second tier license for advanced esthetics , so we just want to ensure that this isn't changing this.

Chair McKinley asked Ms. Lauesen to repeat her previous comment as he had missed it.

Ms. Lauesen stated we do not want this board to rely on this definition to avoid modernizing the esthetics curriculum and establishing a second-tier license for advanced esthetics. We're unclear as to you know what this definition of appliance means with regards to practitioners and whether it's a limitation on the scope of practice or recognition on the scope of practice for advanced esthetics. That's what's unclear if it's a recognition like formalizing what this open, obvious practice that has been, in effect, for 20 years to the knowledge of the board, then we do support it.

Ms. Lauesen thanked Chair McKinley and stated she was almost done. Ms. Lauesen continued if this is a limitation on the scope of practice, then you know that's a concern and the fact that we're not really sure, you know as to whether or not this is a going to be interpreted; you know the fact that it's unclear how to interpret the interpretation of the Board, I think, is concerning. So that that's, you know, essentially, our comment here is concerns about why this is happening, how we interpret this interpretation and what it means as applied to existing practitioners of advanced esthetics, regular esthetics concerns about the delineation between a puncture and an incision and the ability of these practitioners to be able to understand really what is prohibited and what is not. I mean, I did look up the 21 C.F.R. 1040.10, and it you know it is I don't know if you guys have looked at it, but it is very complicated. It has a lot of math and equations of you know.

Chair McKinley stated It looks like calculus equations and math that he's never even seen. Chair McKinley agreed with Ms. Lauesen that it can be difficult looking at that. Chair McKinley stated he is looking at the letter Ms. Lauesen has been reading and thinks it is a very good letter and has several items that the Work Group is currently working on/addressing. Chair McKinley continued that the Work Group is more than just estheticians, there's a lot of different groups that are that make up the Work Group and one of the things they're doing is looking at is this in scope of practice and education; do we look at continuing education, do we look at creating a master esthetician, do we try to keep up with national standards.

Chair McKinley urged attendees to reach out to Ms. Chambers and participate in the Medical Spa Services Work Group meetings.

Chair McKinley thanked Ms. Lauesen for speaking.

Courtney Coon, Esthetician

Guess my concern is I came from Utah, where there is basic and master esthetician, and am just confused on if we start limiting the devices that we use before there is a license to use these, who is doing the micro needling, who is doing these laser devices. Before that there's a license: open for us to do these procedures.

Chair McKinley stated at this time we're talking about the proposed regulation project defining appliances and asked Ms. Coon if she has any comments towards the regulation project.

Ms. Coon stated she had no comments about the regulation project. Chair McKinley thanked Ms. Coon.

PC Derr informed the board that as they allowed Ms. Lauesen a lot more time than was allotted, the board would need to allow any other members of the public additional time to speak and asked for attendees to raise their hands if they would like additional time to address the board and they would be given an additional five (5) minutes. PC Derr reported that no attendees raised their hands for additional time.

Chair McKinley asked for the time. PC Derr stated the time is 11:00 a.m. which allows another hour for oral testimony.

Chair McKinley asked LE Spencer as all attendees spoke and there was still time remaining, could she please reach out to Director Sylvan Robb or Deputy Director Glenn Saviers to see if they could join the board to review House Bill (HB) 158.

PC Derr informed the board they were welcome to start discussion of the regulation project now, there is nothing that prevents discussion however the board must leave public testimony open and allow anyone who joins the opportunity to speak.

Chair McKinley noted Malissa Lindberg has her hand raised and asked if she would like to address the board.

Malissa Lindberg, Esthetician

Speaking to devices and circling back on Jacqueline's comment; I'm totally in favor of that. I think that this is such a delicate situation that we should all have respect for, because, like somebody that is an esthetician that's already been practicing under a medical provider, a medical director, and they have not only have they done their due diligence, and have done the time for getting their aesthetic license, they have they have done the countless certifications and hours that the practitioner requires them to actually use the device in their office under their license. It's not something to scoff at, it's quite a big deal like the hoops and the education that we have to go through before we're allowed to even touch these devices. I know that not everybody does that, and that's why you're doing that. So, my hopes in changing this statute on the devices is that it would be something that could benefit the public, the people, so that, you know, they're walking into a place where they know that they're being addressed by somebody that's qualified. So, I can see both sides; but then you have the person that's already qualified has been practicing, and they have advanced training. That goes back to my question on grandfathering in, say, for instance, somebody that's been practicing like myself or Jacqueline, or Skinlife Medspa estheticians; they have been practicing for some time, and do they have to go, therefore, and do accredited hours on top of already doing the certifications that the medical providers are requiring them to have in order to practice under their license. That's something to consider. I think it's also something to consider when you had in the wording the last time when we had to make a stop on all devices, microneedling and dermal light, just the basic red-light therapy that people can buy on Amazon and Instagram that they're marketing. I know there's different quality of red light therapy and derma lights, but those fall into the same category as derma light therapy like IPL Salam and again, an esthetician can buy hydro facial machine that they have dermal lights added into them and practice without being under a medical director. So, I think these types of things are great to address, so that there can be more clarity on the regulations and when you're dealing with medical devices, I think the Medical Board is obviously involved with that, and they do their due diligence as well as holding us accountable. And so I'm just confused on what we can and can't do as a standalone esthetician and what we can and can't do under a medical director. So those are things to consider if you haven't already considered, I'm sure you have but I just want to state that and lay that out there and medical or microneedling devices can actually do, Nano needling where you aren't even truly, you're not even hardly pricking the epidermis, it's like 0.25 and again, that falls into the same category as lanceting versus creating a lesion to the skin. So, such a different skill set and different requirements. So yeah, I hope that stirs up some information so that we can be more, have more clarification as an esthetician, and as the public, so that they know go on.

Malissa Lindberg thanked the board. Chair McKinley thanked Ms. Lindberg for her testimony.

Chair McKinley asked if there was anyone else that would like to speak and asked LE Spencer if there were any additional written comments.

LE Spencer stated that the only written comment she was aware of was in the meeting packet and was from Mechille South and Melanie Walker of You MedSpa & Salon. LE Spencer continued additional written comments may have been received by RS Osborne, but they have not been provided for addition to the meeting packet

RS Osborne informed the board no additional written comments had been received. Ms. Lauesen stated that her client did submit a written comment, and asked if she could resend it for addition to the meeting. RS Osborne assisted Ms. Lauesen with submitting the written comment by email. RS Osborne confirmed receipt and emailed the written comment to LE Spencer and PC Derr for addition to the meeting packet.

Chair McKinley stated that there were still 45 minutes left for oral testimony and if there were any other agenda items the board could move onto.

PC Derr informed the board that Jacqueline Polis had raised her hand. Chair McKinley acknowledged Ms. Polis and invited her to speak.

Jacqueline Polis, Esthetician

Ms. Polis stated that she's just thinking and wondering with the proposed regulation change of appliances, currently not having the advanced or master esthetician structure in place; would that affect current estheticians working under medical locations, you know supervision. Would that affect them to not be allowed to do services that they're currently allowed to do.

PC Derr cautioned Chair McKinley not to move into the realms of interpretation as this is outside the scope of this meeting and regulation project.

Chair McKinley thanked PC Derr and encouraged Ms. Polis to contact Ms. Chambers and the Work Group.

Ms. Polis continued her testimony and stated she has Ms. Chambers' contact information and that she's been involved with this for a long time now and so has been through the ups and downs with it and as I've said I'm feeling positive and hopeful with the direction we're going and the way things are being considered and adjusted as we go along. But with the concerns, you know, still potential concerns of how it will look when things are in place, and so, and that. I guess my question so the reason why I have that question and my thought process on. It is if potentially, that will affect current estheticians that are working right now doing services of different modalities, that they are not being restricted to do at this current time under and then, if this appliance definition is changed and adopted and implemented, then at that time they are not able to continue doing what they're doing until the advanced esthetician structure is created, and then those things are more in place, and then and then they have that advanced licensing underneath them and allowable services. It seems to me that it would be better to do it like what my comment was before; get that in place first so that those estheticians are covered and protected to keep moving forward and doing life and their careers until all that stuff is in place to separate and isolate the differences and so, and I guess for you to not like for her, and I'm sorry I apologize, I don't know her name, but that just cautions you to answer that it makes me even more concerned because it should be and I know things are not easy, but I'm going to use the word easy. It should be an easy answer. It should be something where yes or no esthetician out there you will or won't be able to keep working, doing what you're doing and I think that's where, as a public we have such concern and fear of the direction on how these things are being handled, because ultimately, as an Alaskan and a person of our community altogether, I would think that we would try to move forward and make changes that help each other and make things better, and not make a change that that limits the livelihood of someone and I know safety is first, and I know that that's the direction and the focus and absolutely, I think that's what we should be doing. But I'm just wondering if the approach on how we are creating this amazing change what steps should be taken 1st in order to ensure that people are still able to do what they do until we get everything else changed, and in place.

Ms. Polis stated so again my question. You know it's I'm wondering with this appliance change, will it make estheticians that work under, you know the medical which I am not that like I'm not a medical spa, but I still have compassion and concern for all fellow estheticians, and even just medical providers like, I want to see the best-case scenario for everybody. But I think it's important. We think about how these changes are going to impact people's lives.

Chair McKinley thanked Ms. Polis for her comments.

Chair McKinley asked if there was anyone else that would like to speak. Hearing none, Chair McKinley asked LE Spencer if the board could begin discussing the regulation project or if that discussion must wait until public comment closes.

LE Spencer stated that the board would need to remain open for oral comments until Noon but could review written comments and if Director Robb and/or Deputy Director Saviers were able, they would join the board to briefly discuss HB158. LE Spencer suggested the board may want to briefly discuss strategic planning and schedule a secondary meeting only for strategic planning as this was originally the meeting that the board would have begun this process.

PC Derr concurred with LE Spencer and informed the board that their meeting packet had been refreshed with the second written comment letter addressing the regulation project so the board could review written comments now.

Chair McKinley agreed to review written comments and reiterated if any additional individuals wanted to speak before the Noon cut off for the comment period, the board would pause to hear comments.

6. Review Submitted Written Testimony

Chair McKinley asked PC Derr if the board would be reviewing the new written comment or would they begin with the first submitted written comment. PC Derr stated the board would begin with the first written comment from Mechille South and Melanie Walker of You Aesthetics and then review the comment from Teesha Northcott, The Skinlife Medspa.

Chair McKinley asked if the board needed to read the written comments into the record. PC Derr stated that the written comments do not need to be read into the record and informed the board that as they had already read the comments from Ms. South and Ms. Walker, they could move onto the written comment from Ms. Northcott.

The board read the written comments submitted by Ms. Northcott. Board members stated they had read both submitted written comments.

Chair McKinley requested a brief at ease for a few moments and requested board members remain online with the meeting.

Malissa Lindberg requested additional time to address the board. Chair McKinley agreed.

Malissa Lindberg, Esthetician

Earlier, when you were speaking to Jacqueline, there was mention of Med Spa meetings that were keeping up to date on the proposals. All my clinic has received is a letter from board and barbers. That's it so I didn't know if maybe you could share that with the rest of the estheticians.

Chair McKinley asked LE Spencer or Lacey to provide Work Group information to Ms. Lindberg. LE Spencer stated that people could navigate to the Boards website, there they would see a blue box with Medial Spa Services Work Group information, link to the Work Group page which provided additional contact information, meeting dates, agendas, and meeting minutes.

Ms. Lindberg thanked the board.

Chair McKinley stated PC Derr was sharing her screen which reflected the Work Group information and thanked PC Derr for doing that. Chair McKinley continued navigating to the board's website for Work Group information was the quickest was to get to the Work Group page and again urged attendees to contact Ms. Chambers with questions and to attend the Work Group meetings.

PC Derr announced that no additional individuals expressed an interest in addressing the board and no new written comments had been submitted.

Chair McKinley thanked PC Derr and asked Ms. Pestrikoff if she had any updates regarding strategic planning.

Ms. Pestrikoff stated that she had no updates and would be getting in touch with Ms. Chambers shortly.

PC Derr informed the board that Director Robb may be able to attend the meeting shortly, however, that we are still in public testimony and if anybody does join, we will have to cut off Director Robb to go back into public testimony.

Chair McKinley thanked PC Derr for the update and reminder. Chair McKinley stated if any attendees were wondering why this public comment period is so long, as this has been such a hot topic, when building the agenda he wanted to make sure that everybody had time to speak without being cutoff and not knowing how many people would be here to speak, he made an educated guess with the time frame. Chair McKinley continued that

he really did want the oral comment period to allow everybody the chance to speak, and that's why we ran through the list once, then went back to see if anybody else had anything to say.

RS Osborne stated that she noticed a question that had been brought up during oral comments that had to do with medical or the use of devices or appliances under collaborative agreements with medical license professionals. RS Osborne stated that this is something that's been addressed under the frequently asked questions (FAQ's) document; so, if the board wanted, they could reference that document.

LE Spencer informed the board Director Robb had joined the meeting. PC Derr requested the board make a motion to discuss HB158 as the topic had not been included in the agenda.

Motion: 1st Jenn Lombardo – 2nd Mae Canady

Add discussion of House Bill (HB) 158 to the April 17, 2025. meeting agenda.

Motion Approved by roll call.

Director Sylvan Robb greeted the board and gave the Board an update on House Bill 158; Director Robb informed the board of a companion Senate Bill (SB) was introduced in the Senate titled SB145. Director Robb stated this bill is the Governor's universal temporary licensure bill and does two things; one of which is to create a universal temporary license, however the Marine Pilot and Big Game Commercial Services Boards as exempt from this bill due to specific Alaska knowledge requirements.

Director Robb continued for all other programs this bill will allow applicants to obtain a temporary license on the way to permanent licensure and the bill will slim down the number of temporary licenses the Division has. Director Robb stated the bill retains the option for boards to create courtesy licenses for special events, etc. Director Robb continued the bill also aligns Alaska statutes with new Federal statutes that were passed January 2023 which are the Service Members Civil Relief Act (SCRA); SCRA addresses portability of professional licensure for service members, their family members, and spouses. Director Robb stated that SCRA laws state if the person is coming to Alaska on military orders, they need a small number of qualifications, primarily, that they have a license in good standing from another US Jurisdiction then they are entitled to that license in Alaska. Director Robb stated that qualifications also include the license from another US Jurisdiction has substantially equivalent requirements for the Alaska license being applied for, the license needs to be in good standing, and they can't have done anything in the past 10-years that would be a cause for them not be able to obtain a license in Alaska.

Director Robb asked the board if they had any questions.

Chair McKinley asked board members if they had any questions; hearing none Chair McKinley asked if the bill changes are strictly for service members, or does it include all people that use the temporary permitting process.

Director Robb stated the primary impact of the bill is to create this universal temporary licensure; this allows the Governor's intent and Division intent to make it easier for people to get to work quickly in Alaska. Director Robb stressed the reason that applicants will be able to do this is because they have been licensed in another State in good standing, and that State has substantially equivalent requirements. Director Robb also stated that if a program requires education and examination to qualify for a license that is what will be considered when reviewing applications; some applicants may need additional education and/or examination. Director Robb continued if applicants do meet program requirements, they will be eligible for the temporary license while working on completing their application.

Chair McKinley thanked Director Robb and asked for clarification; this bill will replace sections of the Board's statutes and regulations that already address temporary permits and temporary licenses.

Director Robb stated he was correct; barbers and hairdressers appear frequently in the bill as this program has more statutory language addressing temporary licenses and permits. Director Robb stated HB158 does repeal the existing temporary licenses and replaces them with the new universal temporary license. Director Robb informed the board that they do have a number of temporary licensure options, however not all programs have these types of avenues; this bill would instate temporary licensure options to programs that don't have those options in place. Director Robb reiterated HB158 would not be applied to the Marine Pilot or Big Game Commercial Services programs.

Chair McKinley asked if the fees and that structure would stay the same as currently reflected in their statutes and regulations.

Director Robb informed the board that fees for the temporary licenses would be repealed by the passage of this bill, as the current temporary license would no longer exist. Director Robb stated the Division would realign the fees with the new structure that's being created by the bill.

Chair McKinley thanked Director Robb for this information and asked if any other board members had questions.

Jenn Lombardo stated she was curious about two matters which Chair McKinley and Director Robb touched on so she needed to confirm that the board's current statutes and regulations would be repealed and how would this universal temporary license work specifically to our industries as to credentials that would be reviewed and how these licenses would be issued.

Director Robb stated to obtain the new temporary license it may be helpful to know that this is a process that exists already for nurses and physicians; both programs have numerous license types, right now they can obtain a temporary license on their way to permanent licensure. Director Robb stated for nurses, if we're looking for 12 items to get them to permanent licensure, however once we've received 7 items that allow us to feel the applicant is safe to practice and are knowledgeable in their field, yet the application is still missing the remaining 5 items such as a third party verifications, and/or transcripts, a temporary license would be issued to the applicant. Director Robb continued once all required items were received, a full license would be issued. Director Robb assured the board that an application, fees, and required documentation would need to be submitted.

Director Robb informed the board that the Division would ascertain that the applicants license is in good standing, and that other State has substantially similar requirements to Alaska; for example, if we're requiring education and an exam, and the other state only requires education, that doesn't qualify as being substantially similar, and so the applicant wouldn't qualify for the temporary license, or they would need to just go through the standard licensing process set by programs.

Ms. Lombardo thanked Director Robb and stated most of her questions were answered. Ms. Lombardo asked if this new universal temporary license is a national license, who decides what requirements will be needed for each of this board's industries as they are all so different.

Director Robb stated that the Division will be looking at the state requirements that applicants were coming in from; the division would be verifying if that incoming state had substantially equivalent licensure requirements.

Chair McKinley stated that's what the board does now for temporary permits which are valid for 180 days and allows applicants to work while completing their application for full licensure. Chair McKinley stated this new temporary license does the same thing but would be valid for longer and asked why the Division doesn't just add a new temporary permitting process for service members instead of adding this to existing processes that already exist and are successful.

Director Robb stated Chair McKinley is correct, this new license is quite similar, and the temporary license would be valid for 180 days, so it does align with what the board is currently doing. Director Robb stated part of the issue is the new license would be universal, and the sort of universality of it is within the division and among the 125 professions that we license now, not all of them have a temporary licensure option, for boarded and non-boarded programs that just doesn't exist, so HB158 creates that option for all programs.

Kevin McKinley: What happens to the people in the middle of the permitting process when this change goes into effect.

Director Robb assured the board that HB158 contains transitional language for applicants who are currently going through this process with very little disruption.

Ms. Lombardo asked for clarification as there is not necessarily a universal guideline for an esthetician temporary license or tattooing temporary license; it sounds like information being discussed leads to the Division making decisions for our industries in Alaska based on the guidelines of this universal temporary licensing; is this correct.

Director Robb stated the Division would be ensuring that the jurisdiction the individual applicant was coming from

had substantially equivalent requirements that the Legislature and Board have determined are appropriate. Director Robb continued that the Division and Board would be the authority to say if a person qualifies for a temporary or full license as requirements were specified in statute and regulations.

Ms. Lombardo thanked Director Robb. Ms. Lombardo stated the Division will be removing from our statutes and regulations, current temporary licensing language and the Division will be using those removed statutes and regulations as guidelines or will the Division be consulting with the board for each application. Ms. Lombardo continued she understands that the Division says there won't be much of a change, however right now, current statutes and regulations are clear cut and the HB158 changes don't provide clear direction.

Director Robb stated the universal temporary license will take the boards existing temporary license and streamline them into one single temporary license. Director Robb continued the Division will be ascertaining whether the applicant is coming from a state that has substantially equivalent requirements; these substantially equivalent requirements are those set by the Legislature and the Board. Director Robb stated the Division won't allow licensure if Alaska requires an exam and the applicant hasn't taken/passed that exam; the Division will communicate to the applicant the Board's requirements and the applicant will need to complete that requirement to obtain full licensure.

Ms. Lombardo thanked Director Robb and stated that this information mostly sums up and she appreciates the clarification. Ms. Lombardo stated this bill makes her uneasy with the removal of statutes that are proven to work and are clear with something that sounds like it will be "pretty" equivalent and not equivalent.

Director Robb stated the bill is a twofold benefit for applicants and programs by streamlining temporary licenses as there are many temporary licenses not just for this program but others, for example there are five different types of temporary licenses, a temporary license, temporary permit, and a locum tenants. Director Robb continued with so many temporary license options it's difficult for applicants to figure out which they may qualify for. Director Robb stated a universal temporary license makes it easier for applicants to get their foot in the door and be able to being working in State quickly. Director Robb continued the universal temporary license will not affect courtesy licenses. Director Robb also stated she believes this will also be easier for staff as they will only need to learn one temporary license process.

Vice Chair Tenaya Miramontes thanked Director Robb for speaking with the board on this and stated she is worried about applicants who may not meet Alaska requirements and may need additional education and examination. Vice Chair Miramontes asked if applicants do need additional training do they need to enroll for the training, or would the Division make that decision/determination or would the board be the decider on additional education and possible examination.

Director Robb stated that if an applicant is coming in from a State that doesn't have substantially equivalent required requirements, for example education and exam is required and the applicant was only required to complete education, then the applicant doesn't qualify for the temporary license. Director Robb continued if the applicant is interested in obtaining an Alaska license, they would be required to go through the normal process of applying for obtaining that permanent license.

Vice Chair Miramontes thanked Director Robb for the clarification.

Chair McKinley stated the board has a temporary permit for by waiver of exam applicants which is valid for 6 months and a temporary license for students going through the examination process. Chair McKinley asked how the universal temporary license will affect those students or will this change affect all their temporary licenses.

Director Robb stated HB158 was for applicants licensed in another state. Director Robb stated that this board has so many temporary licenses that will be impacted by HB158, she would need to research how it would impact all of this boards temporary licenses. Director Robb stated the Divisions intent is that students would not be impacted by this bill. Director Robb informed the board that she would be happy to look into this and provide LE Spencer additional information to be shared with the board.

Chair McKinley thanked Director Robb and asked what about the universal temporary license is better than the current temporary license processes, is this a better system than what is current in place and why.

Director Robb stated the Division would argue that HB158 takes numerous choices for temporary licensure to one

option which would allow people to get into a number of professions that are currently unavailable. Director Robb continued, this would be less of a change for this board as there are already temporary license options. Director Robb stated that the Division thinks this is an improvement for applicants, because we think it'll make it easier for them to ascertain what they want to apply for if they're interested in getting to work quickly in Alaska. Director Robb continued this will also be easier for the division to go from having numerous temporary licenses across different programs, as it will be easier to train staff, create forms, and will be a streamlined process. I

Chair McKinley stated that he was still confused as there are two temporary licenses this would affect, those who are coming into Alaska and those who have obtained education in Alaska and are applying for their examination. Chair McKinley stated that he was sure the board would be speaking with Director Robb about this bill and process during the upcoming May 15, 2025, meeting.

Director Robb stated that if the board would like further discussion, that would be great.

Chair McKinley stated he was officially inviting Director Robb to the May 15 meeting to continue discussions of HB158.

Ms. Lombardo asked what the fee for a temporary license is. Chair McKinley asked LE Spencer to answer this question.

LE Spencer reported that the board offers a student temporary license which is only available for individuals going through the examination process and need to work and a temporary permit which is available for applicants applying for a license by waiver of exam/reciprocity. LE Spencer stated that the temporary permit and license fee is \$100.00, however, for the student temporary license, only the \$150.00 application fee and \$100.00 temporary license fee is required to move forward; for the temporary permit, all fees are required to be submitted to move forward with a temporary permit, this is the \$150.00 application fee, \$100.00 permit fee, and \$180.00 license fee.

LE Spencer stated that the staff would issue a temporary permit to applicants upon receipt of a complete application, \$430.00, and a copy of a current out of state license.

Ms. Lombardo thanked LE Spencer for this information. Ms. Lombardo stated that she is under the impression that these fees are being collected by the board, however, once HB158 goes through, will the board still be collecting these fees or will the fees be going somewhere else?

Director Robb thanked Ms. Lombardo for this question and stated that those fees will be reflected on the board's revenue line, this means anyone applying for a universal temporary license for this program, those fees will be to support this program.

Ms. Lombardo thanked Director Robb.

PC Derr informed the board that the time was past Noon and public comment needed to be closed.

Chair McKinley thanked PC Derr and asked to confirm no other attendees requested time to speak. PC Derr concurred, no additional requests for public comment had been made and no additional written comments had been submitted.

Chair McKinley announced that the public comment period was now closed.

The board closed the public comment period at 12:05 p.m.

Chair McKinley asked board members if they had any last questions for Director Robb. Chair McKinley thanked Director Robb for joining the board to discuss HB158 and stated he was sure the board would have additional questions once they had more time to review the bill and this discussion. Chair McKinley asked LE Spencer to ensure time to discuss this was included on the May 15 meeting agenda.

Director Robb thanked the board for this discussion and stated that either she or Deputy Director Saviers would join the board at their May 15 meeting.

Chair McKinley asked for one last clarification from Director Robb; the universal temporary permit is only an option

for military people but why not also for firemen and police officers and their family.

Director Robb stated that the portion of the bill relates to the Service Member civil Relief Act that deals specifically with licensing for military members and military spouses.

Chair McKinley thanked Director Robb for joining the board to have this discussion.

Director Robb stated she always appreciates the chance to see the board and appreciates all of your service; understand much work it is to be on a board, with the way the system is structured, we rely on you, this doesn't work if we don't have members of the professions who are willing to donate their time and service to provide expertise; so thank you all a great deal, we really do appreciate it.

Board members thanked Director Robb.

The board agreed to take a 15-minute break and would review any additional written comments if submitted before the Noon cutoff.

Recess The Board recessed at 12:10 p.m. for a short break; reconvened at 12:26 p.m. Majority of the board confirmed by roll call.

PC Derr informed the board that RS Osborne had not received any additional written comments.

7. Board Consider Adopting Regulation 12 AAC 09.990(b)

Chair McKinley asked board members if they had any questions regarding the submitted written comments that had been reviewed earlier or any additional comments.

Ms. Canady stated that there were concerns about certain verbiage in modalities; however, the current definition was so minimal this new definition is fine tuning, so she doesn't feel it changes very much but feels those questions/concerns are very valid.

Ms. Thompson concurred with Ms. Canady's statement. Ms. Thompson stated there was a point made during public comment that relates to a topic that hasn't been actively discussed in this group though it has been introduced during the Medical Spa Services Work Group meetings; the definition between a medical treatment versus non-medical treatment, and tattoo lightening versus tattoo removal, which is a tattoo artist and permanent cosmetic coloring tool. Ms. Thompson continued that the tool used is a tattoo machine or microneedling stylus and has been practiced by tattoo artists. Ms. Thompson continued it uses a neutral product that is used in the healing process for the lightening of the tattoo through the body's natural osmosis. Ms. Thompson stated she was curious if defining those would relate to this proposed definition of the use of those modalities and would it relate across the board to the tattoo and permanent cosmetics side. Ms. Thompson continued, if artists don't have access to this, she didn't think doctors bringing tattooing machines into their offices to provide this service and would eliminate the procedure from tattooists and permanent cosmetic colorists.

Chair McKinley thanked Ms. Thompson for her comment and stated that this was a bit of a stretch to what the board is addressing at this moment, the proposed definition for 12 AAC 09.990.

Ms. Thompson agreed and stated that she thought she might get some clarification and if not plant a seed for thought.

Chair McKinley agreed and reiterated that this meeting is about the regulation projects and this topic would need to be included in a future meeting. Chair McKinley stated this regulation was the first step in a longer process and the proposed regulation would allow the board to move forward with addressing additional changes that are needed including but not limited to "grandfathering".

Ms. Lombardo stated she thought both letters were great and very glad those folks took their time to write to the board. Ms. Lombardo stated she thinks it is very helpful and beneficial reading the comments and hearing the testimony today, which all had many valid points. Ms. Lombardo continued as a new board member she was curious about a couple of things like where the definition of appliances came from; was

it something that the board created during meetings or was the definition pulled from somewhere.

Chair McKinley reviewed the process of creating the definition with the assistance of the Work Group and Susanne Schmaling, esthetics advisor through her organization, the Aesthetics Council and her work with the Medical Spa Services Work Group. Chair McKinley stated the first draft of the definition was very cumbersome and difficult to understand and locate FDA references; the version being considered now was the rewrite and included easier accessible FDA references. Chair McKinley stated he felt this version would keep estheticians and physicians working in their fields with clearer guidelines.

Chair McKinley asked LE Spencer to expand on this process. LE Spencer stated that in conjunction with Ms. Schmaling and the Work Group, services that require and don't require medical oversight were being discussed and defined. LE Spencer continued with the assistance of Ms. Schmaling and the Work Group, the board has a starting point to move forward with updating esthetics standards and practices bringing Alaska more current National standards.

Chair McKinley agreed with LE Spencer and added that there are different levels of estheticians, for example, Alaska's 350-hour license all the way up to a master esthetician license; the different license types require different training, etc., which the Work Group has been working on with this board's participation.

Chair McKinley requested Shannon Thompson speak to this as she is the assigned board member to the Work Group.

Ms. Thompson stated as a new board member she is still catching up with this board and the Work Group. Ms. Thompson continued to state she's been able to assist during Work Group meetings and a large amount of work and information has been provided by Ms. Schmaling; information provided by Ms. Schmaling has brought the National standards for esthetics to the forefront of discussions. Ms. Thompson also stated that having representation from different boarded programs in the Work Group has also been of great assistance.

Chair McKinley thanked Ms. Thompson for speaking and stated Ms. Schmaling has been a great asset in assisting with draft language that is not as restrictive as the first draft was.

Ms. Thompson agreed with Chair McKinley and stated that one priority of the Work Group and this board was not to shut down estheticians and their business but to make esthetic services clear and to be able to move forward with needed changes.

Ms. Lombardo stated she appreciated this information, but she had a concern with keeping people in the workforce who have been safely practicing services which this regulation may limit. Ms. Lombardo stated that the possibility of estheticians no longer being able to provide some services is very concerning.

Chair McKinley acknowledged Ms. Lombardo's concerns and stated he also was concerned with the possibility of limiting services and people losing their jobs, however during this process he learned that estheticians have been doing a lot of these services for a long time, but come to find out there were some estheticians that have been operating quite out of their scope of practice as they were providing services that require equipment that has been designated a medical device. Chair McKinley continued that the goal is to keep people working but provide adequate oversight if a procedure is in fact a medical procedure.

Ms. Lombardo stated that it does make sense, however she feels there is a fine line between getting people to work and keeping people working. Ms. Lombardo stated obviously health, and safety is our number one priority as the board, however she feels caution on both sides as it is a fine line and stands by her opinion.

Ms. Canady stated attending prior meetings even before being appointed to this board, she now has a clear understanding of the definition that had to be changed before the board could move forward with other changes/updates. Ms. Canady stated that she thinks the public always wants to know if any changes will affect them and their livelihood. Ms. Canady also stated that the current definition is very

minimal and doesn't address what can and couldn't be done; the proposed regulation provides additional clarification will assist estheticians. Ms. Canady also stated that the assistance Ms. Schmaling provided was valuable and knowledgeable; and provided much needed information on the medical and non-medical sides of esthetic services.

Chair McKinley reminded the board that they were currently discussing the submitted written and oral testimonies and did any other board members have comments on those. Hearing no further comments, Chair McKinley requested a motion to be made to adopt this regulation.

Motion: 1st Jenn Lombardo – 2nd Mae Canady

Adopt 12 AAC 09.990(b) definitions to add a definition in regulation for the term "Appliances" used by estheticians and adopt by reference FDA regulation (21 C.F.R. 1040.10) used to define and classify laser products.

Chair McKinley asked the board if they would like additional discussion.

Ms. Canady stated that she had been hearing hairdressers are not allowed to provide esthetic services and asked if this was correct and would this regulation prohibit hairdressers from providing esthetic services.

RS Osborne stated that this proposed definition would have no bearing on hairdressers being able to provide limited esthetics, this proposed regulation just defines appliances esthetician's use.

Ms. Canady thanked RS Osborne for clarifying and stated that this may be a common question for licenses.

Hearing no further questions or comments, Chair Mckinley requested a roll call vote.

Roll Call Vote

NAME	YES	NO	Recuse
Tenaya Miramontes	X		
Kevin McKinley	X		
W. Mae Canady	X		
Jenn Lombardo		X	
Jessica Pestrikoff	X		
Shannon Thompson	X		

THE MOTION PASSED BY A QUORUM VOTE.

Chair McKinley thanked everyone for their time and working through this matter with very good discussions. Chair McKinley asked for the record, what was the motion vote count. PC Derr stated the motion had passed five (5) to one (1).

LE Spencer informed the board that statute 08.13.160(f) reads "a person licensed under this chapter to practice hairdressing is considered to be licensed to practice manicuring hair braiding and limited esthetics under the same license".

Ms. Canady thanked LE Spencer and stated she would review that statute.

Chair McKinley asked if there were any questions before adjournment and thanked Ms. Lombardo for agreeing to be on the board.

Chair McKinley thanked Ms. Thompson for being on the Medical Services Spa Work Group board and assisting this board with that information.

Chair McKinley thanked Vice Chair Miramontes for attending and participating even with a sick child.

8. Adjourn

The chair declared the board off the record at 12:50 p.m.

Respectfully submitted:


Cynthia Spencer

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Cynthia Spencer, Licensing Examiner III

Approved by:



965F57FBB7D0496...
Kevin McKinley, Chairperson
Board of Barbers and Hairdressers

Date: 5/16/2025