

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

**MINUTES OF MEETING
January 25, 2016**

By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held January 25, 2016 in Juneau, Alaska, State Office Bldg., 9th Floor, Conference Room A.

Monday, January 25, 2016

Item 1. Call to Order/Roll Call

The meeting of the Board of Barbers and Hairdressers was called to order by Glenda Ledford, Chair at 8:38 a.m. Members present were:

Glenda Ledford, Barber, Chair
Deanna Pruhs, Hairdresser
Jeannine Jabaay, Public Member
Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist
Derrick Slaughter, Barber

Present from the Division of Corporations, Business and Professional Licensing were:

Cynthia Spencer, Licensing Examiner
Dawn Bundick, Investigator
Al Kennedy, Senior Investigator
Nina Akers, Investigator Probation Monitor
John Clark, Investigator
Gregg Francois, Investigator
Sara Chambers, Division Director
Martha Hewlett, Administrative Office

Present from the public were:

Maria Messina, Instructor
Kierke Kussart, Program Coordinator, Alaska Post-Secondary Education

Item 2. Review/amend agenda

Glenda Ledford asked Board members and staff if there were any changes to the agenda.

Cynthia Spencer stated that agenda item 7 had additional handouts which had been provided to Board members.

Ms. Ledford asked the Board if there were any other changes needed; hearing no further additions, Ms. Ledford polled the Board. Hearing no disagreements the agenda was approved.

Item 3. Ethics Disclosure

The Board reviewed ethics disclosure forms in the meeting packet.

The Board had no ethics violations to report.

Item 4. Review/Adopt Meeting Minutes

1. October 5, 2015
2. November 2, 2015 Teleconference
3. December 22, 2015 Teleconference

The Board reviewed the draft October 5, 2015, November 2, 2015, and December 22, 2015 meeting minutes. Ms. Ledford asked the Board if there were any edits/corrections needed; hearing none Ms. Ledford polled the Board. Hearing no response Ms. Ledford requested a motion.

On a motion duly made by Kevin McKinley, seconded by Jeannine Jabaay, and approved unanimously, it was

RESOLVED to approve the October 5, 2015, November 2, 2015, and December 22, 2015 meeting minutes as written.

Ms. Ledford asked the Board if they would like any discussion on this motion; hearing none Ms. Ledford polled the Board. Hearing no disagreements the motion passed.

Ms. Ledford stated that the Board was ahead of schedule and would move on to another agenda item until Public Comment, Item 5 at 9:15 a.m.

Item 6. Application Review

Ms. Spencer informed the Board that there were two applications; one barber and one hairdresser. Both applications reflect out of State training. The Board broke into two groups to facilitate the review process.

- Levi Connally, Barber out of State training, no license.

Mr. Slaughter and Mr. McKinley reviewed the file with the Board and stated that Mr. Connally meets the training requirements of 12 AAC 09.160.

Mr. Slaughter asked Ms. Spencer if there was any information regarding Mr. Connally's previous Oregon State Barber license. Ms. Spencer informed the Board that several years ago Mr. Connally had begun the application process by having a license verification from OR and transcripts sent; the license verification from the OR Board did reflect a Barber license and examinations; Ms. Spencer went on to state that in accordance with record retentions, documentation received without an application were only kept for 12 months and the documentation had been destroyed January 2015.

Mr. Slaughter and Mr. McKinley stated that they felt Mr. Connally should be issued a barber license when he passed the practical and written examinations.

The Board agreed with the groups findings.

On a motion duly made by Derrick Slaughter, seconded by Kevin McKinley, and approved unanimously, it was

RESOLVED to accept the out of state training and issue a barber license after passing the Alaska State Board practical and National written examinations for Levi Connally.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford polled the Board; hearing no disagreement the motion passed.

- Alondra Gonzalez-Feliciano, Hairdresser out of State training, no license.

Ms. Pruhs and Ms. Jabaay reviewed the file with the Board and stated that Ms. Gonzalez-Feliciano meets the training requirements of 12 AAC 09.160. Ms. Pruhs and Ms. Jabaay also stated that Ms. Gonzalez-Feliciano also qualifies for a Nail Technician license and requested Ms. Spencer inform Ms. Gonzalez-Feliciano.

The Board agreed with the groups findings.

On a motion duly made by Jeannine Jabaay, seconded by Deanna Pruhs, and approved unanimously, it was

RESOLVED to accept the out of state training and issue a hairdresser license after passing the Alaska State Board practical and National written examinations for Alondra Gonzalez-Feliciano.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford polled the Board; hearing no disagreement the motion passed.

Ms. Ledford announced that the first group of barber students from Goose Creek Correctional Barber School tested in Wasilla, AK. Ms. Ledford stated that the examinations went well and she was impressed with the candidates and very pleased the examinations went so well. Ms. Ledford asked Ms. Spencer about future examination candidates from Goose Creek Correctional Barber School.

Ms. Spencer stated that this was the first group of candidates and that much had been learned about the administration of the examinations. Ms. Spencer went on to state that due to logistics and security the next group of candidates would be tested in the barber facility located at Goose Creek Correctional; examination proctors were willing to go to the facility to administer exams but they had asked that a Board member be present.

The Board stated they would be willing to attend examinations at the Correctional Facility. Ms. Spencer thanked the Board and stated she would rotate through Board member for these exams. Ms. Ledford asked Ms. Spencer to email Goose Creek Correctional a list of Board member names so they could begin the security vetting process needed to be allowed into the facility.

Ms. Ledford stated she would like to see a partnership with Goose Creek Correctional and shops for job placement of inmates upon their release. The Board agreed that this type of program would be great. Mr. Slaughter stated that he believed Alaska Workforce or Workplace was an available tool for inmates. Mr. Slaughter stated he would look into this process for inmates and provide the Board more information at their next meeting.

Item 5. Public Comment

Maria Messina, Instructor

- Why is there no cosmetology license?
- Why does/did it take so long to renew license?
- Why remove shampoo person from Statute 08.13.220 and now require license?

The Board informed Ms. Messina the cosmetology license was split into a hairdresser and esthetician license during the 1980's; this was due to schools, students, apprentices, etc., asking why the needed training in a field they were not seeking licensure.

Ms. Spencer apologized for the delay in processing renewal applications during the 2015-2017 cycle. Ms. Spencer stated that the Division had two physical moves and implemented a new licensing database during this renewal. Ms. Spencer thanked Ms. Messina for her patience during these changes.

The Board stated that they were unable to regulate exactly what services a shampoo person were providing on a daily basis and in order to provide better protection to the public "shampoo person" was removed from Statute 08.13.220.

In order to avoid miscommunication, the Board requested Ms. Messina submit any other questions and/or concerns in writing via email to Ms. Spencer to be reviewed and

responded to during the next Board meeting. The Board stated this would assist in providing Ms. Messina clear responses to her concerns.

The Board thanked Ms. Messina for her time and participation.

Ms. Ledford stated the Board still had a few minutes before Item 7, Investigative Report and asked to begin Item 9.

Item 9. Board Business/Discussion

❖ Microblading Type of License Required (Spencer)

The Board reviewed email correspondence from Lindy Northcutt.

The Board reviewed microblading/microstroking or eyebrow embroidery process and found that this type of service does pierce the skin and inject dye. The Board agreed that any service that pierces the dermal layer of skin and/or injects dye requires the service provider to be a licensed body piercer and/or tattooist/permanent cosmetic colorist. The Board also stated that clients of this type of service should ask the service provider if to show proof/verify they have been certified by the product company/manufacture.

The Board briefly discussed the benefits of separating the current tattoo/permanent cosmetic colorist license into two separate licenses. The Board agreed that the training and equipment were different for the different aspects. Ms. Spencer informed the Board that a Statute change would be required to split the current license.

❖ Tattoo Curriculum review/update (McKinley & Ledford)

Mr. McKinley provided a body piercer and tattoo/permanent cosmetic colorist curriculum. The Board requested this Item be moved to the May 2, 2016 meeting to allow the Board more time to review the provided information.

Recess The Board recessed at 9:53a.m.; reconvened at 9:55a.m.

Item 7. Investigative Report

Dawn Bundick, Investigator greeted the Board and introduced Al Kennedy, Senior Investigator, Nina Akers, Investigator Probation Monitor, John Clark, Investigator, and Gregg Francois, Investigator.

Mr. Kennedy, Ms. Akers, Mr. Clark and Mr. Francois greeted the Board. Mr. Clark informed the Board he was a temporary Investigator for the Board to assist with manicurist applications.

Ms. Bundick reviewed the Investigative and Probation Report with the Board.

Mr. McKinley stated he was surprised at the number of falsified applications reflected on the report. Ms. Bundick assured the Board that this was unusual and would be reviewed in more detail during Executive Session.

Ms. Jabaay asked why the number of investigations, complaints, etc., reflected in the narrative on the first page were not reflected elsewhere on the report (29 cases). Ms. Bundick and Mr. Kennedy stated that these cases may still be ongoing investigations and not eligible for this current report.

On a motion duly made by Derrick Slaughter, seconded by Jeannine Jabaay, and approved unanimously, it was

RESOLVED to enter into Executive Session under the authority of AS 44.62.310(C) to discuss with the investigator the investigative report.

The Board entered into executive session at 10:16 a.m., and returned from executive session at 11:14 a.m.

On a motion duly made by Deanna Pruhs, seconded by Kevin McKinley, and approved by roll call vote, it was

RESOLVED to revoke the manicurist licenses in accordance with Statute 08.13.070(8), for the following case numbers: 2015-001876, 2015-001882, 2015-001884, 2015-001885, 2015-001886, 2015-001891, 2015-001894, 2015-001895, 2015-001898, 2015-001903, 2015-001904, 2015-001905, 2015-001907, 2015-001908, 2015-001911, 2015-001919, 2015-001922, 2015-001923, 2015-001926, 2015-001927, 2015-001928, 2015-001929, 2015-001933, 2015-001934, 2015-001940, 2015-001941, 2015-001957, 2015-001958, 2015-001960, 2015-001961, 2015-001963, 2015-001964, 2015-001965, 2015-001971, 2015-001972, 2015-001975, 2015-001979, 2015-001980, Fnu Ang, Fnuam, Huong Thi Thu Cao, Phung Thi Dang, Anh Thi Hong Doan, H. Neng Eban, Hai Minh Ha, Houng Thu Diep, Rupertun Hart, Thanh Thi Le Ho, Binh Trong Hoang, Sam Ka, Phiengvilay Khantivong, Rotana Khov, Htee Klain, Tuet Kpuih, Phong Jan Kra, Binh Hoa Lee, Tuyet Thi Ngoc Le, Hoa Xau Lee, Em Ngo, Kiem Thi Ngo, Han Le Nguyen, Quoc Jimmy Minh Tauong Nguyen, Tran Thi Bao Nguyen, Tai Huu Pham, Lina Roo, Rung Y, H Aye Siu, H Buc Siu, Tuyen Le Smith, Sokunthea Soeu, Tung Thanh To, Diep Thi Ngoc Tran, Tich Thi Tran, Yen Quach Tran, Kim Thi Ngoc Vo, Tai Huu Vuong.

The Board revoked these licenses based on falsification of an application, falsification of training and/or falsification of Social Security Number.

Ms. Ledford asked the Board if they would like any further discussion on this motion; hearing none Ms. Ledford asked for a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Kevin McKinley	X		
Jeannine Jabaay	X		
Derrick Slaughter	X		
Glenda Ledford			X consulted on case
Deanna Pruhs	X		

THE MOTION PASSED BY A MAJORITY VOTE.

On a motion duly made by Deanna Pruhs, seconded by Kevin McKinley, and approved by roll call vote, it was

RESOLVED to deny the manicurist license applications in accordance with Statute 08.13.070(8), for the following case numbers: 2015-001981, 2015-001989, 2015-001990, 2015-001991, 2015-001992, 2015-001993, 2015-001994, Suen Ting Pang, Phuc Huynh, Van Thi Cam Huynh, H. Rum Ksor Kpa, Hanh Thi Hong Le, Thao Thi Phung Ho, Nga Thi Thu Nguyen and hairdresser applications for the following case numbers: 2015-000894 and 2015-000992, Marisol Pino and Barion Ruiz.

The Board denied these applications based on falsification of an application, falsification of training and/or falsification of Social Security Number.

Ms. Ledford asked the Board if they would like any further discussion on this motion; hearing none Ms. Ledford asked for a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Kevin McKinley	X		
Jeannine Jabaay	X		
Derrick Slaughter	X		
Glenda Ledford	X		
Deanna Pruhs	X		

THE MOTION PASSED UNANIMOUSLY

On a motion duly made by Kevin McKinley, seconded by Jeannine Jabaay, and approved by roll call vote, it was

RESOLVED to adopt the Surrender of License for case 2014-001957, Ryan Cunningham.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Jeannine Jabaay	X		
Derrick Slaughter	X		
Kevin McKinley	X		
Glenda Ledford	X		
Deanna Pruhs	X		

THE MOTION PASSED UNANIMOUSLY.

On a motion duly made by Kevin McKinley, seconded by Derrick Slaughter, and approved by roll call vote, it was

RESOLVED to adopt the Surrender of License for case 2014-001946, Michelle Williams.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Deanna Pruhs	X		
Kevin McKinley	X		
Jeannine Jabaay	X		
Derrick Slaughter	X		
Glenda Ledford	X		

THE MOTION PASSED UNANIMOUSLY.

On a motion duly made by Kevin McKinley, seconded by Derrick Slaughter, and approved by roll call vote, it was

RESOLVED to adopt the Imposition of Civil Fine for case 2015-001070, Trung Q. Nguyen as written.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Derrick Slaughter	X		
Jeannine Jabaay	X		
Glenda Ledford	X		
Kevin McKinley	X		
Deanna Pruhs	X		

THE MOTION PASSED UNANIMOUSLY.

On a motion duly made by Kevin McKinley, seconded by Derrick Slaughter, and approved by roll call vote, it was

RESOLVED to adopt the Imposition of Civil Fine for case 2015-001073, Nhu Giang T. Johnson as written.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Deanna Pruhs	X		
Glenda Ledford	X		
Derrick Slaughter	X		
Jeannine Jabaay	X		
Kevin McKinley	X		

THE MOTION PASSED UNANIMOUSLY.

On a motion duly made by Kevin McKinley, seconded by Derrick Slaughter, and approved by roll call vote, it was

RESOLVED to adopt the Imposition of Civil Fine for case 2015-001074, Trinh Ellis as written.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Glenda Ledford	X		
Jeannine Jabaay	X		
Derrick Slaughter	X		
Deanna Pruhs	X		
Kevin McKinley	X		

THE MOTION PASSED UNANIMOUSLY.

On a motion duly made by Kevin McKinley, seconded by Derrick Slaughter, and approved by roll call vote, it was

RESOLVED to adopt the Imposition of Civil Fine for case 2015-001075, Thu Thi Nguyen as written.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Glenda Ledford	X		
Derrick Slaughter	X		
Jeannine Jabaay	X		
Kevin McKinley	X		
Deanna Pruhs	X		

THE MOTION PASSED UNANIMOUSLY.

On a motion duly made by Kevin McKinley, seconded by Derrick Slaughter, and approved by roll call vote, it was

RESOLVED to adopt the Imposition of Civil Fine for case 2015-001112, Melonet Martin as written.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Deanna Pruhs	X		
Kevin McKinley	X		
Jeannine Jabaay	X		

Derrick Slaughter X
Glenda Ledford X

THE MOTION PASSED UNANIMOUSLY.

On a motion duly made by Kevin McKinley, seconded by Derrick Slaughter, and approved by roll call vote, it was

RESOLVED to adopt the Consent Agreement for case 2015-001106, Michele Christensen D/B/A Great Lengths as written.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Jeannine Jabaay	X		
Derrick Slaughter	X		
Kevin McKinley	X		
Glenda Ledford	X		
Deanna Pruhs	X		

THE MOTION PASSED UNANIMOUSLY.

On a motion duly made by Kevin McKinley, seconded by Derrick Slaughter, and approved by roll call vote, it was

RESOLVED to adopt the Consent Agreement for case 2015-000884, Total Eclipse, Ltd D/B/A Great Clips as written.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Deanna Pruhs	X		
Glenda Ledford	X		
Jeannine Jabaay	X		
Kevin McKinley	X		
Derrick Slaughter	X		

THE MOTION PASSED UNANIMOUSLY.

The Board reviewed correspondence submitted by Lana De’Rossett requesting a reduction of her current Civil Fine. The Board reviewed payments submitted by Ms. De’Rossett with Ms. Bundick.

On a motion duly made by Jeannine Jabaay, seconded by Deanna Pruhs, and approved by roll call vote, it was

RESOLVED to accept an extension of the \$10,000 balance of the current imposed civil fine; the balance of the fine is due 18 months from the date of this meeting, January 25, 2016 with the stipulation if there is a missed payment the full \$20,000 is owed.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford requested a roll call vote.

Roll Call Vote

NAME	YES	NO	ABSTAIN
Glenda Ledford	X		
Derrick Slaughter	X		
Jeannine Jabaay	X		
Kevin McKinley	X		
Deanna Pruhs	X		

THE MOTION PASSED UNANIMOUSLY.

The Board thanked Ms. Bundick and Mr. Kennedy for their time and assistance.

Item 8. Budget Report & Department of Environmental Conservation Shop Inspection Discussion and Board Action

Sara Chambers, Division Operations Manager and Martha Hewlett, Administrative Assistant, joined the Board.

Ms. Hewlett reviewed the Fiscal Year (FY) Year End and FY 16 First Quarter reports with the Board.

Ms. Chambers greeted the Board and stated that she had limited time with the Board as she had another meeting scheduled shortly. Ms. Chambers informed the Board that the Division had done all that is possible to reinstate the Department of Environmental Conservation (DEC) shop inspections for shops providing barbering, esthetics, hairdressing and manicuring services. Ms. Chambers stated that DEC will not provide shop inspections for beauty shops and that DEC will continue to inspect shops providing body piercing, tattooing, and permanent cosmetic coloring. Ms. Chambers also stated that due to DEC’s decision a statute and/or regulation change would need to be considered.

The Board reviewed their submission for proposed legislation; reconfigure Board set up in Alaska Statute (AS) 08.13.010, with Ms. Chambers. The Board stated they would like to add a Nail Technician to the Board set up and possible one additional seat. The Board stated that they may try to add removing DEC inspections from AS 08.13.120.

Ms. Chambers stated the proposed legislation seemed sound and reminded the Board that due to State wide fiscal issues, having legislation with no fiscal note would be beneficial.

The Board asked Ms. Chambers if it would be possible to have a full time investigator to provide shop inspections.

Ms. Chambers stated that with the current media coverage of shops no longer being required to obtain inspections; this type of coverage might prompt DEC to take some sort of action.

The Board asked Ms. Chambers who the Board could speak to about obtaining a full time investigator for shop inspections. Ms. Chambers responded the Board would need to speak with their legislators, senators, and/or representatives.

The Board asked Ms. Chambers if a shop inspection checklist was provided for safety and sanitation issues couldn't an investigator follow the checklist and provide shop inspections. Mr. Kennedy responded that during discussions and meetings with DEC it was learned there is no "checklist" used during or for inspections. Mr. Kennedy also noted that the Board has no statutory authority relating to safety and sanitation requirements for shops.

Mr. McKinley suggested adding the submission of shop floor plans with shop owner applications to Regulation 12 AAC 09.110. The Board agreed this would be a good idea as DEC typically only used floor plans and very rarely would physically inspect any type of shop.

Ms. Chambers suggested the Board submit a regulation project to requesting to remove DEC shop inspection requirements. Ms. Chambers went on to state that at least by making a motion it would allow the regulation specialist to review current statutes and regulations to see if the Board had the authority to make changes and to confirm which regulations and/or statutes the Board would need to amend. Ms. Chambers also stated that the Divisions licensing investigators will do and will do well whatever this Board wants them to do if information is in statute which requires investigative staff to perform tasks, such as shop inspections. Ms. Chambers also stated that she was very confident if shop inspections were added to the investigative staff duties; the program would be very robust and would meet Board needs.

The Board discussed their next move for this project. The Board discussed a checklist, goals/objectives, mission statement or some other detailed listing of what would be needed for this project. Mr. Kennedy suggested the Board review the check sheet for the Pharmacy Board for some good ideas. Ms. Chambers also stated that maybe a

memorandum of agreement between Departments would allow the Board to enforce DEC requirements if DEC was still unwilling to provide inspections and enforce their statutes and regulations. Ms. Chambers went on to state that this Division has similar memorandums of agreement in place for the construction contractor program involving the Dept. of Labor.

The Board thanked Ms. Hewlett and Ms. Chambers for their time and assistance.

Ms. Spencer suggested that the Board either form a subcommittee or working groups of no more than two Board members to compile a detailed statement of what the Board wants for shop inspections and then present it for discussion at the next meeting.

The Board discussed collaborating with DEC through a memorandum of agreement would be good. Mr. Kennedy assured the Board that he and Ms. Bundick were working on obtaining all inspection materials so they could form an idea of what investigative staff would need to do for shop inspections.

Recess The Board recessed at 1:10p.m.; reconvened at 1:43p.m.

Item 9. Board Business/Discussion Cont.

❖ Tattoo Curriculum review/update (McKinley & Ledford)

The Board confirmed that they would like this Item be moved to the May 2, 2016 meeting to allow more time to review the provided information.

❖ Tattoo & Body Piercer Instructor License (McKinley)

The Board discussed adding these license types to current instructor license Regulation 12 AAC 09.106. Ms. Ledford asked since the qualifications currently in place for Instructors tested an individual's ability to teach and not the specific discipline why couldn't the Board just add tattooing/permanent cosmetic coloring and body piercing to the current regulation.

Ms. Spencer responded that this change may also require statutory changes and asked the Board how a school would be able to provide this type of instructor any hands-on/on the floor training as currently schools were not authorized to teach body piercing, tattooing or permanent cosmetic coloring and body piercers, tattooists, and permanent cosmetic colorists could not provide hair, barbering or esthetician services.

Ms. Ledford stated that it would depend what discipline the individual was originally licensed in. Ms. Spencer asked how then, would a person who is only licensed as a tattooist/permanent cosmetic colorist or body piercer enroll in a school for Instructor training when there were no schools offering tattooing/permanent cosmetic coloring or body piercer training. Ms. Ledford responded that you couldn't have this type of Instructor in a school until a tattoo/permanent cosmetic colorist or body pierce Instructor license was issued.

The Board asked Ms. Kussart how a school could add tattooing/permanent cosmetic coloring and body piercing to a school license even though there currently is no Instructor license for these aspects. Ms. Kussart went on to state that as a school application is reviewed license requirements are checked and verified.

Ms. Kussart apologized that she had not brought Post-secondary statutes and regulations with her. Ms. Kussart responded that there is a Post-secondary education regulation that states if a particular or specific license is required then that license must be obtained however if no particular or specific license is required then none would be required.

The Board requested Ms. Spencer verify with Jun Maiquis, Regulation Specialist and if needed the Department of Law to verify if adding a body piercer and tattoo/permanent cosmetic colorist instructor license would require a statutory change. The Board also required an opinion from Department of Law regarding the change to Statute 08.13.080(7); the Board would like to confirm combining apprentice and student training is still allowed. The Board stressed that it was not their intention to not allow combining training.

❖ Proposed Regulation Changes (Board)

The Board reviewed the regulations which the Board adopted December 22, 2015 and changes in statute caused by the adoption of House Bill 131.

Ms. Spencer asked the Board to consider adding back to Statute 08.13.080(6) “have completed a combination of course work and apprenticeship acceptable to the board.” Ms. Spencer stated that removing this section from the statute per the Department of Laws opinion no longer allowed combining two types of training which was causing hardships for in state and out of state applicants.

The Board stated that this was not their intent and they had been counseled by Dept. of Law that by removing this section from 08.13.080 would not eliminate training types being combined. The Board reviewed the current 08.13.080 and stated that the use of “...and if applicable” still allows for the combination. Ms. Jabaay stated that Dep. Of Law had consulted and information provided that the change was ok and would still allow the combination of programs. The Board agreed with Ms. Jabaay and stated that the use of “and if applicable” clearly allows the combination of school and apprenticeship programs.

The Board agreed that since no legislation with fiscal notes would be considered the Board requested Ms. Spencer verify the interoperation with Dept. of Law.

Ms. Spencer reviewed regulation 12 AAC 09.002(g) and (h) with the Board and requested they allow a clean-up regulation project which would remove (2) from each of these subsections; Ms. Spencer informed the Board that (g)(2) an (h)(2) both stated ...”the application fee” and as there is no application fee for either the student and student instructor permits there was no need for this verbiage.

The Board also agreed to add tattooing/permanent cosmetic coloring and body piercing to 12 AAC 09.002 (i)(A) and (B).

On a motion duly made by Jeannine Jabaay, seconded by Kevin McKinley, and approved unanimously, it was

RESOLVED to amend 12 AAC 09.002 (g) and (h) by removing (2) from (g) and (h) as there is no application fee for the student and student instructor student permits.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford polled the Board; hearing no disagreement the motion passed.

On a motion duly made by Jeannine Jabaay, seconded by Kevin McKinley, and approved unanimously, it was

RESOLVED to amend 12 AAC 09.002(i)(2)(3)(A) and (B) by adding tattooist/permanent cosmetic colorist and body piercer .

12 AAC 09.002. REVIEW OF LICENSE APPLICATIONS. (a) An applicant who meets the requirements on the relevant checklist set out in this section has demonstrated the necessary qualifications for the license or permit applied for. An applicant who does not meet the requirements on that checklist or whose application documents do not clearly show that the applicant is qualified to receive a license or permit will not be issued a license or permit unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.13 and this chapter for that license or permit.

(i) The following checklist is established by the board for review of an application for an instructor license by examination. An instructor license will be issued to an applicant who

- (1) submits the documents and fees required by (b)(1), (3), (4), and (7) of this section;
- (2) submits verification of a current license to practice as a barber, hairdresser, manicurist, or esthetician in this state;
- (3) submits verification of at least
 - (A) three years of practice as a licensed barber, hairdresser, esthetician, **tattooist/permanent cosmetic colorist, body piercer** or manicurist in this state or another jurisdiction; or
 - (B) one year of practice as a licensed barber, hairdresser, esthetician, **tattooist/permanent cosmetic colorist, body piercer** or manicurist in this state or another jurisdiction followed by 600 hours of student instructor training in a school approved by the board or another licensing jurisdiction;
- (4) passes the written examination described in 12 AAC 09.070; and
- (5) passes the practical examination described in 12 AAC 09.070; a practical examination is not required for a manicurist.

Ms. Ledford asked the Board if they would like any further discussion.

The Board discussed Statute 08.13.080 in regards to using the National written examinations for tattoo/permanent cosmetic coloring and body piercing. Ms. Spencer informed the Board that Dept. of Law had stated that due to the wording in 08.13.080(d) only allows the Board to test on safety, sanitation and aseptic techniques.

The Board re-reviewed the current regulations to see if the Board would be able to add tattooing/permanent cosmetic coloring and body piercing to 12 AAC 09.002 (i) and adding tattooing/permanent cosmetic coloring and body piercing to 12 AAC 09.125.

Ms. Spencer pointed out that adding an instructor license for tattooing/permanent cosmetic coloring and body piercing would also require the Board to allow these aspects to be taught in a school which will require statutory changes. Ms. Spencer went on to state that the Board should consider adding these aspects to the school license requirements first as a statutory change would be needed and then move forward with adding tattooing/permanent cosmetic coloring and body piercing to the instructor license regulation. Ms. Spencer also pointed out that individuals seeking training in an apprenticeship program would also be effected as to provide training in an apprenticeship program would require the instructor license. Ms. Spencer requested the Board take into consideration the effects this change would cause.

The Board agreed that more review and discussion and conferring with Dept. of Law was needed before moving forward with this motion.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford polled the Board.

THE MOTION WAS TABLED FOR FURTHER DISCUSSION AND CONSULTATION WITH DEPT. OF LAW.

Ms. Spencer asked the Board to consider a reversal to the proposed December 22, 2015 change to 12 AAC 09.190(a)(2). Ms. Spencer stated that the Dec. 22 change removed the wording “the instructor “has been” licensed and replaced “has been” with “is”. Ms. Spencer went on to state that the new interpretation reflects that instructors would now be required to not only hold their instructor license but would also be required to keep current the individual aspect (barber, hairdresser, esthetician, nail technician” license(s)) current. Ms. Spencer asked the Board to remove the change, “is”, and put back “has been”.

The Board stated their intent was not to require instructors also be required to hold the individual aspect licenses; the Board informed Ms. Spencer that the change had been intended only as a clean-up regulation project and not to add a financial hardship to instructors. The Board reviewed the current 12 AAC 09.190 as reflected in the January 2016 statute/regulation booklet 12 AAC 09.106, and the pending Dec. 22, 2015 regulation project.

Ms. Spencer asked the Board if she should submit an opinion request to the regulation specialist and if needed, Dept. of Law to confirm if the Dec. 22, 2015 amendment 12 AAC

09.185 does allow instructors to only keep the instructor license current and not all the individual aspect license. The Board agreed and decided to make a proposed regulation change just in case Dept. of Law decides all the individual aspect licenses must also be kept current.

On a motion duly made by Jeannine Jabaay, seconded by Deanna Pruhs, and approved unanimously, it was

RESOLVED to amend 12 AAC 09.190(a)(2) to read “the instructor has been licensed in the field of practice in which the instructor’s license is held and has met the requirements of 12 AAC 09.106”.

Ms. Ledford asked the Board if they would like any further discussion; hearing none Ms. Ledford polled the Board; hearing no disagreement the motion passed.

❖ Distance/Online Education (Ledford)

Ms. Ledford informed the Board that several companies such as Milady and Mindtap provide on-line training with log-in/out tracking, allows Instructors to verify training, completion of classes and examinations; curriculum assistance and more. Ms. Ledford went on to state that these programs also provide grading of exams, etc., they also allow students the ability to hold other jobs and use the on-line system on their schedule.

The Board agreed with Ms. Ledford that allowing distance/on-line training for the theoretical portions of curriculums was a great idea and supported the addition/allowance of this type of training.

Ms. Pruhs stated the Board had discussed this previously and had passed a motion to allow the use of online training; the discussion had been to allow 500 hours in conjunction with an actual brick and mortar school program. Ms. Spencer responded that the Board had previously discussed and agreed with on-line training but had only allowed for a 12-hour on-line manicurist course. Ms. Spencer stated that to officially allow for on-line training required regulation changes and possible statutory changes.

The Board agreed that allowing a portion of training to be completed on line was needed. Ms. Spencer stated that the Board would need regulation changes which would also need to include curriculum information for all aspects and would the Board also allow on-line training for apprenticeship programs.

The Board stated that the curriculum information would be provided by the on-line program the Board approved for schools or apprentice programs to use. Ms. Spencer asked the Board if they had the authority to select what on-line program a school or apprenticeship program was allowed to use; Ms. Spencer went on to state that by only allowing schools/apprenticeship program to use one on-line program may be seen as a conflict of interest and an ethical conflict.

The Board asked if they had the ability to approve or disapprove an on-line course. Ms. Spencer suggested they may be able to consider on-line courses on a case by case basis as they currently did for on-line blood borne pathogen courses.

The Board discussed on-line course approvals and decided that a case by case approval process was the best option as it allowed for changes in courses, new course programs, etc., without having to submit regulation changes each time there were course changes and it wouldn't lock a school or apprentice program into using only one on-line course program.

The Board asked Ms. Spencer what their first step should be to allow for the addition of "blended" learning to the current educational requirements. Ms. Spencer informed the Board that she wasn't certain if this would just be a regulation project or if statutory changes would be required. Ms. Spencer asked the Board to make a motion on the record detailing what the Board would like; with the motion and information she would be able to submit a request to Mr. Maiquis, Regulation Specialist, for review.

Ms. Ledford informed the Board that Gerard McAvey (sp?) with Milady and another staff member would be willing to attend a Board meeting to review Milady's on-line program with the Board. The Board asked if they would be responsible for the travel costs; Ms. Ledford stated Milady would cover travel costs. The Board asked Ms. Ledford to extend an invitation to Mr. McAvey (sp?) to attend one of their meetings in Anchorage.

Ms. Ledford asked Kierke Kussart if there were any objections or input from the Post-Secondary Education side regarding on-line education. Ms. Kussart responded that there were no objections and informed the Board that Post-Secondary used the term "blended training/learning". Ms. Kussart went on to state that there are other blended learning programs including welding so she didn't foresee problems with a blended learning program for this Board.

The Board stated it is their intent to allow for a blended learning program for schools and apprenticeship for barbering, hairdressing, esthetics, tattoo/permanent cosmetic coloring and body piercers.

On a motion duly made by Jeannine Jabaay, seconded by Kevin McKinley, and approved unanimously, it was

RESOLVED to ask the regulation specialist and if needed confer with Dept. of Law what statutes and/or regulations the Board would need to amend in order to allow blended learning for schools and apprenticeships for all aspects licensed by this Board.

Ms. Ledford asked the Board if they would like any further discussion.

Mr. McKinley asked if this blended learning would include tattooing/permanent cosmetics and body piercing. The Board agreed this would be just as important for these aspects as well as barbering, hairdressing and esthetics.

