

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4 BOARD OF BARBERS AND HAIRDRESSERS

5
6 MINUTES OF MEETING
7 January 22, 2018
8

9 By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of
10 AS 44.62 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held
11 January 22, 2018 in Juneau, Alaska, State Office Bldg., 9th Fl., Conference Rm C.
12

13 **Item 1. Call to Order/Roll Call**
14

15 The meeting of the Board of Barbers and Hairdressers was called to order by Kevin McKinley,
16 Chair at 8:02 a.m. Members present were:

17
18 Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist, Chair
19 Terriann Shell, Public Member
20 Michelle "Mitch" Black, Hairdresser
21 Glenda Ledford, Barber
22 Mae Canady, Hairdresser/Esthetician
23 Michelle McMullin, Nail Technician
24 Jennifer Lombardo, Industry License, Tattooist/Permanent Cosmetic Colorist
25

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

27
28 Cynthia Spencer, Licensing Examiner
29 Alexa Adelmeyer, Licensing Examiner
30 Sher Zinn, Records & Licensing Supervisor
31 Jun Maiquis, Regulation Specialist
32 Jasmin Bautista, Investigator
33 Karina Medina, Non Health Care Probation Monitor
34 Greg Francois, Chief Investigator
35 Sarah Chambers, Deputy Director
36 Melissa Dumas, Administrative Officer
37

38 Present from the public were

39
40 Kierke Kussart, Alaska Commission on Postsecondary, Education Program
41 Coordinator

42 Jeannine Jabaay
43 Danielle Schwab

44
45 Present telephonically from the public were:

46
47 Kate Thompson, Admissions Specialist, Micropigmentation, Paramedical
48 Permanent Cosmetics & Advanced Aesthetics, Eii Images Enterprises, LLC
49 Jackie Berry Fisher, Educational Director, Eii Images Enterprises, LLC
50 Carla Whiteside, Esthetician
51 Tina Baker, Instructor (hairdressing & esthetics)
52 Aislynn Ward, Esthetician Student – pending licensure
53 Sean Clark, Hairdresser
54 Cassidy DiRutigliano, Hairdresser

55
56 **Item 2. Review/amend agenda**

57
58 Kevin McKinley asked Board members and staff if there were any changes to the agenda.

59
60 Cynthia Spencer reviewed the following additions with the board:

61 Item 8 added the current fine schedule
62 Item 9 added a copy of the Oregon board’s definition of manicuring
63 Item 10 added a second page to the currently provided correspondence from Kate Thompson,
64 EII and added current 2018 Legislative Guidance which replaces the 2017 Legislative Guidance
65 documentation currently in the packet

66
67 Ms. Spencer informed the board that there were two applications that required board
68 approval; these applications could be reviewed at any time and would be added to Item 10.

69
70 Mr. McKinley asked the Board to consider an “open agenda” which would allow the Board to
71 move around the agenda without keeping to a specific order in order to conduct a smooth
72 flowing meeting.

73
74 **On a motion duly made by Glenda Ledford, seconded by Terriann Shell, and**
75 **approved unanimously, it was**

76
77 **RESOLVED to approve the agenda allowing for deviations.**

78
79 Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing
80 no objections Mr. McKinley polled the Board. Hearing no disagreements, the agenda was
81 approved.

82
83 **Item 3. Ethics Disclosure**

84
85 The Board reviewed the provided ethics information.

86 Ms. Spencer asked new board members if they had reviewed information provided in board
87 training manuals and had had the chance to watch the ethics videos. Michelle McMullin,
88 Terriann Shell, and Jennifer Lombardo stated they had reviewed all information. Ms. Spencer
89 asked if they had any questions or concerns; all board members stated they had no questions.

90

91 Ms. Ledford stated she is currently first Vice President of the National-Interstate Council of
92 State Boards of Cosmetology.

93

94 The board had no ethic violations to report.

95

96 **Item 4. Review/Amend/Adopt Meeting Minutes**

97

98 The Board reviewed the draft October 9, 2017 meeting minutes.

99

100 Mr. McKinley asked the Board if there were any edits for the drafted minutes. Hearing none
101 Mr. McKinley requested a motion.

102

103 **On a motion duly made by Terriann Shell, seconded by Mitch Black, and**
104 **approved unanimously, it was**

105

106 **RESOLVED to adopt the October 9, 2017 meeting minutes as written.**

107

108 Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing
109 no objections Mr. McKinley polled the Board. Hearing no disagreements, the motion passed
110 and the minutes were approved.

111

112 The board was ahead of schedule so chose to review the applications.

113

114 **Item 10. Board Business/Discussion.**

115

116 **• Application Review**

117

118 Ms. Spencer informed the board that licensing examiner Alexa Adelmeyer would be joining the
119 board in just a moment to review the applications. Ms. Spencer went on to state that
120 application with the November 8, 2017 memo had been sent out as a mail vote and had been
121 tabled; the application with the January 19, 2018 memo was new. Ms. Spencer stated the
122 January 2018 application was for an existing school which the board had approved for an online
123 only 12 hour safety/sanitation 12 hour manicurist course during the board's April 2015
124 meeting; but had relocated back to Alaska, moved into a brick and mortar facility and wanted
125 to add esthetics, student instructor and manicurist endorsement curriculums.

126

127 Ms. Adelmeyer reviewed the applications with the Board.

- 128 • Argelis De Los Santos, Barber by Examination with Out of Country Training
129

130 The board reviewed the application packet and stated they were unable to determine if Mr. De
131 Los Santos had met the minimum practical operations in accordance with 12 AAC 09.160.
132

133 Ms. Spencer suggested the board request the school or certified translator complete a barber
134 curriculum affidavit. The board agreed with Ms. Spencer and stated once documentation was
135 received a mail vote would be conducted.
136

137 **On a motion duly made by Glenda Ledford, seconded by Michelle McMullin and**
138 **approved unanimously, it was**

139
140 **RESOLVED to table the barber application of Argelis De Los Santos and**
141 **request the school, Jariko Jaspe International University Beauty Center, or**
142 **certified translator complete a barber curriculum affidavit reflecting the**
143 **practical operations of 12 AAC 09.160 had been met.**
144

- 145 • Alaska Nail & Skin Academy (formerly Alaska Nail Academy), Curriculum Additions to
146 Existing School
147

148 Alexa Adelmeyer informed the board that Mae Canady had been the inspecting board member
149 for this facility.
150

151 Ms. Canady informed the board that she had inspected the school with Jennifer Lombardo. Ms.
152 Canady reported that the facility met the requirements for teaching esthetics, 12 hour
153 manicuring, student instructing in those fields, however the facility did not have a manicuring
154 ventilation system which is required for the advanced endorsement nail course.
155

156 The board reviewed the application and documentation for Alaska Nail & Skin Academy. The
157 board discussed the importance of having a ventilation system for manicuring due to the
158 chemicals used and resulting dust from acrylic, gel, etc., components.
159

160 Ms. Spencer informed the board that they could require a Municipality of Anchorage (MOA)
161 Shop Inspection to be conducted as the MOA has strict ventilation guidelines for its shops that
162 provide nail services.
163

164 The board agreed with Ms. Spencer and stated once documentation was received a mail vote
165 would be conducted.
166

167 **On a motion duly made by Glenda Ledford, seconded by Michelle McMullin and**
168 **approved unanimously, it was**

169
170 **RESOLVED to table the application of Alaska Nail & Skin Academy (formerly**
171 **Alaska Nail Academy) until a current shop inspection conducted by the**

172 **Municipality of Anchorage had been completed and documentation that an**
173 **approved ventilation had been submitted.**

174
175 Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing
176 none Mr. McKinley polled the Board. Hearing no disagreements, the motion passed
177 unanimously.

178
179 Jun Maiquis, Regulation Specialist joined the board.

180
181 **Item 5.Regulation Projects Update**

182
183 Jun Maiquis, Regulation Specialist, introduced himself to the board.

184
185 Mr. Maiquis informed the board that the regulation project approved at the October 9, 2017
186 meeting, reflecting changes to 12 AAC 09.086, 09.088, 09.125, 09.130, 09.160, 09.163, 09.165,
187 09.167, 09.169, 09.173, 09.180, 09.185, and 09.190., had been submitted to the Lt. Governor's
188 office for signature before Christmas and was still awaiting signature.

189
190 Mr. Maiquis informed the board that the regulation project the board had approved for public
191 noticing during the October 9, 2017 reflecting changes to 12 AAC 09.002, 09.005, 09.006,
192 09.066, 09.106, 09.108, 09.109, 09.115, 09.125, 09.127, 09.144, 09.146, 09.148, 09.155, 09.160,
193 09.180, 09.190, and 09.990, in response to June 2017 legislative changes rolling back
194 manicuring and nail technician/manicurist with advanced endorsement training and licensing
195 requirements to pre 2016 requirements, had been mailed out on December 27, 2017 and the
196 comment period is set to end February 1, 2018.

197
198 Mr. Maiquis informed the board that many of the comments that had already been received
199 reflected licensees were confused about what this project was about.

200
201 Mr. McKinley asked Mr. Maiquis if he had any advice for the board about the stalled regulation
202 project and what the board could do to assist finalizing this project.

203
204 Mr. Maiquis stated that he recommended the board contact the Director Janey McCullough or
205 Sarah Chambers, Deputy Director, for more information and assistance. Mr. Maiquis stated he
206 thought that if one portion of the project was causing issues, that specific section of the project
207 may be able to be pulled/tailed from the existing project and the remaining regulations could
208 be approved.

209
210 Ms. Spencer assured the board that they would be informed of any changes in the regulation
211 project status and once the February 1, 2018 public comment had closed staff would
212 coordinate a teleconference.

213
214 The Board thanked Mr. Maiquis for his time and assistance.

Item 9. Public Proposed Regulations

- **Definition for manicuring**

Ms. Spencer stated that the board did not have the authority to change the current definition of manicuring as it is set in statute 08.13.220; if they did want to change or update the definition it would require legislation. Ms. Spencer informed the board that she and Ms. Adelmeyer really liked the Oregon board definition as it also includes “massaging”.

Mr. McKinley asked the board for an update on their assigned community outreach projects which were assigned during the October 9, 2018 board meeting.

Ms. Canady reported she had spoken with one school which had concerns relating to the 250 manicurist endorsement course and that she would continue to reach out to schools.

Ms. McMullin reported she has spoken with a few shops and licensees; those she has spoken to have stated they feel the 12 hour manicurist license is ridiculous as individuals who have taken the 12 hour course require at least an additional 6 to 8 months of additional training before being competent to provide services. Ms. McMullin stated she would also continue to reach out to shops and licensees regarding manicuring issues.

Ms. Lombardo reported that she has spoken with 3 or 4 shops regarding permanent make-up; most professional cosmetic coloring organizations she has spoken with feel splitting the tattoo/permanent cosmetic colorist license is very important and most feel at least 125 hours of training is a very low number and should be higher. Ms. Lombardo stated she would continue to reach out to shops and licensees.

Ms. McMullin informed the board that most of the estheticians she has spoken with have stated they do not feel estheticians should be allowed to provide microblading services under an esthetician license. Ms. Ledford agreed with Ms. McMullin and stated tattooists she has spoken with don't feel they could provide permanent cosmetic services and vice versa with licensees practicing permanent cosmetic services.

Ms. Black reported she has spoken with a few shops and licensees and they have all felt the same, estheticians should not be providing microblading services. Ms. Black went on to report that those she spoke with agreed that an endorsement for microblading which required at least 380 hours of training would be acceptable. Ms. Black stated she would continue outreach.

Ms. Shell reported she had not done any outreach; however feels that the board needs to regulate licenses with good training.

Mr. McKinley stated that he had recently spoken with Ed Lopez, whom he met at the at the manicure town hall meeting in Anchorage which was addressing the new nail technician requirements. Mr. McKinley went on to state that during his conversation with Mr. Lopez, Mr.

260 Lopez had stated that individuals who had taken the 12 hour manicurist course required at least
261 6 additional weeks of training and that he supported a written examination, specifically a
262 National exam. Mr. McKinley responded to Mr. Lopez stating that an additional 6 weeks of
263 training translated into 250 hours and the board currently administers the NIC Nail Technician
264 written exam for the advanced endorsement. Mr. Lopez also stated that he would support
265 legislation changes as long as “grandfathering” language was included.

266
267 Mr. McKinley suggested the board change the 12 hour manicurist license to be a natural nail
268 only license and put the nail technician back into place as it was prior to June 2017 legislation
269 roll back (was manicurist with endorsement, then nail technician license, then back to
270 endorsement).

271
272 Ms. Ledford stated that board must be cautious that they do not violate the opens meeting act,
273 however, she asked Ms. Zinn if the board could hold town hall meetings in different locations as
274 part of the boards outreach. Ms. Zinn responded that as long a no violations of the opens
275 meeting act occurred and the board allows for required public notice time, town hall meetings
276 could occur.

277
278 The board briefly discussed town hall meeting locations and the possibility of handing out flyers
279 and notices on the boards website. Mr. McKinley appointed Ms. Shell as the board’s town hall
280 meeting coordinator and requested she work with licensing staff to set up these types of
281 meetings.

282 283 **Item 6. Public Comment**

284
285 Kate Thompson, Admissions Specialist, Eii Images Enterprises, LLC and Jackie Berry Fisher,
286 Educational Director, Eii Images Enterprises, LLC

287
288 Ms. Thompson and Ms. Berry-Fisher introduced themselves to the board.

289
290 Ms. Thompson stated she had submitted documentation for the correspondence section of the
291 meeting agenda; Eii offers virtual training for permanent cosmetics; would the board accept
292 this type of online training.

293
294 Mr. McKinley responded that the board is waiting on final approval of a regulation project
295 which would allow online training. Mr. McKinley asked Ms. Thompson to clarify what she
296 meant by “virtual” training.

297
298 Ms. Thompson stated the virtual training would be book and observation of practical
299 operations.

300
301 Mr. McKinley responded the board would respond thoroughly to this question during the
302 correspondence review under Item 10. Ms. Spencer stated she would contact Ms. Thompson

303 when the board got to the correspondence item so she could be on the line during the
304 discussion.

305

306 Ms. Berry-Fisher asked the board what an instructor from Eii would need as far a licensing or
307 permitting to come to Alaska to teach a permanent cosmetic course and if attendees could
308 qualify for a license upon completion of the course.

309

310 The board stated they would discuss this question in more detail during the correspondence
311 item and would get their response to Ms. Berry-Fisher in writing.

312

313 The board thanked Ms. Thompson and Ms. Berry-Fisher for their participation.

314

315 Carla Whiteside, Esthetician & Shop Owner

316 Ms. Whiteside introduced herself to the Board and stated she has been providing esthetics
317 services for several years.

318

319 Ms. Whiteside stated her shop is now offering microblading services and she would like to
320 receive notification of changes that occur for microblading.

321

322 Ms. Spencer asked Ms. Whiteside if she would like to be added to the boards interested parties
323 list which means she would receive email and mail (when required) notifications of statute or
324 regulations changes. Ms. Whiteside asked to put on the list.

325

326 The Board thanked M. Whiteside for her participation.

327

328 Tina Baker, Instructor (hairdressing & esthetics)

329 Ms. Baker introduced herself to the board and stated she had been providing hairdressing &
330 esthetics services for a long time and that she has been a licensed instructor for 15 years.

331

332 Ms. Baker stated she wanted to add barbering to her instructor license but due to her
333 experience does not feel she should have to do all the barber curriculum requirements and
334 asked the board if there is a way to change this type of requirement.

335 Ms. Baker stated that she lives in Fairbanks which has no barbering instructors or a school that
336 teaches barbers; enrolled in a school in Anchorage and having to commute back and forth on
337 top of high cost of school. Not having barber training in resources in Fairbanks is a problem.

338

339 Ms. Black responded that she too had to go through a similar process to add barbering to her
340 instructor license. Ms. Black went on to state she only had to complete curriculum
341 requirements that she had not completed under her hairdresser training; once she completed
342 training she went through the barber exam process; was issued the license which she was
343 required to hold for three years and then barbering was added to her instructor license. Ms.
344 Black went on to state there is no way around the training and work experience requirements.

345 Ms. Baker stated she felt the training requirement should be changed and the three year
346 experience should also be changed if the applicant already has an instructor license and holds
347 the instructor license for so many years.

348
349 Mr. McKinley responded that he could not promise changes but stated the board would discuss
350 this topic.

351
352 Ms. Black added that she completely understands this issue and empathizes with Ms. Baker but
353 pointed out that changes to these requirements would also need a statutory change and
354 suggested Ms. Baker contact her representative with this issue.

355
356 Ms. Baker informed the board that she runs a full spa and has several employees who want to
357 provide microblading services, she and the employees are very consciences of the requirements
358 and are working on the required processes; however there are many people in the community
359 who are providing this service without training or a license. Ms. Baker went on to state that she
360 understands this is a big concern and feels that this type of service has nothing to do with
361 tattooing and people are wasting time going through tattoo apprenticeships or schools for
362 training that doesn't apply to the specific field and feels microblading should be its own
363 category.

364
365 The Board thanked Mr. Baker for her time and participation.

366
367 Aislynn Ward, Esthetician Student – pending licensure

368 Ms. Ward introduced herself to the Board.

369 Not sure what results of microblading conversation, came in at the end of discussion. Trying to
370 get into microblading for over a year now, have been emailing Ms. Spencer, talking with
371 Fairbanks providers, and out of state schools. Based on her conversations with providers and
372 school most feel estheticians should be allowed to provide microblading under esthetician
373 license.

374
375 Mr. McKinley informed Ms. Ward the board would be having more microblading discussion
376 around 11am if she would be interested in lisening in. Mr. McKinley asked Ms. Spencer to add
377 Ms. Ward to the interested parties list; Ms. Spencer stated Ms. Ward was already on the list.

378
379 The Board thanked Ms. Ward for her time and participation.

380
381 Sean Clark, Hairdresser

382 Mr. Clark introduced himself to the Board.

- 383 • Other speakers addressed his concerns relating to barbering.
- 384 • Reiterated how isolated Fairbanks is and how difficult and expensive it is to get training
385 in Fairbanks and other smaller isolated communities.
- 386 • Would be great if board allowed virtual training.
- 387 • Town hall meetings, didn't hear board mention Fairbanks locations.

388 Mr. McKinley stated that Fairbanks would definitely have town hall meetings and that the
389 board would keep him posted. Mr. McKinley also stated that virtual training was on the board's
390 radar and would be discussed, however he could not promise changes would be made.

391
392 Mr. Clark asked how he could get notifications of changes. Ms. Spencer responded that as this
393 was a public forum she did not want to get his personal contact information at this moment,
394 however if he could please email Ms. Adelmeyer, let her know he spoke during this meeting,
395 provide a current mailing and email address that would be appreciated.

396
397 The Board thanked Mr. Clark for his time and participation.

398
399 Cassidy DiRutigliano, Hairdresser

400 Ms. DiRutigliano introduced herself to the Board.

- 401 • Other speakers addressed her concerns relating to barber license.
- 402 • Not a lot of incentive for people especially younger people to stay In state to get
403 licensing as it is so difficult to get needed training; easier to go to the West coast for
404 example where you could get training and licensure much easier which allows you to
405 begin working and earning a living right away.
- 406 • Not a lot of incentive to stay in Alaska
- 407 • Very difficult to get training/education

408
409 Mr. McKinley stated he understands her concerns and this issue is on the board's radar. Mr.
410 McKinley asked if part of the problem was that there is no barber instructor in Fairbanks. Ms.
411 DiRutigliano responded that there are no barber instructors in Fairbanks; she understands Ms.
412 Baker is working to get her barber license but would have to wait three years before barbering
413 could be added to her instructor license.

414
415 The Board thanked Ms. DiRutigliano for her time and participation.

416
417 Ms. Spencer stated she has spoken with Ms. Baker several times regarding the lack of barbering
418 instructors in Fairbanks and urged her and everyone else to possible contact and coordinate
419 with Mane Place Academy of Hair Design, Randy Reynolds, as he may know if an instructor who
420 could come to the school or he may be able to have an instructor from Anchorage come in to
421 teach barbering. Ms. Spencer went on to state that adding barbering to the school's curriculum
422 would be an easy process.

423
424 Mr. Clark asked Ms. Spencer if the school was able to provide barbering training he and others
425 could enroll, complete what training was needed to qualify for the barber license and then take
426 exams. Ms. Spencer stated that was correct; Ms. Spencer also stated that in accordance with
427 regulation 12 AAC 09.097, all the training and hours completed for a hairdresser license could
428 be applied towards a barber license and vice versa, so typically no one would have to complete
429 additional hours they would just need to complete the missing practical operations. Ms.
430 Spencer clarified licensing would complete a worksheet for each applicant in this situation
431 which would reflect exactly what training was needed.

432 **Item 7. Budget Report**

433
434 Sarah Chambers, Deputy Director and Melissa Dumas, Administrative Officer joined the board.

435
436 Ms. Chambers introduced herself and Ms. Dumas to the board.

437
438 Ms. Chambers reviewed the FY17 4th Quarter report, FY18 First Quarter report, FY17 CBPL Cost
439 Allocations and FY17 Indirect Cost Methodology reports with the Board.

440
441 Ms. Chambers informed the board that the FY18 2nd Quarter Report would be available soon
442 and staff would email the report to the board. Ms. Chambers directed Ms. Spencer to email the
443 FY17 CBPL Cost Allocations and FY17 Indirect Cost Methodology reports to the board.

444
445 The board thanked Ms. Chambers & Ms. Dumas for their time and assistance.

446
447 Mr. McKinley asked Ms. Chambers if she had any suggestions she could share and updates on
448 the board regulation project that has been sitting at the Lt. Governor's office. Mr. McKinley
449 also asked what would happen to the project if it was not signed.

450
451 Ms. Chambers informed the board she had no updated information to share other than the
452 project still had not been signed. Ms. Chambers stated she thought if the project was not
453 approved by the Lt. Governor, Mr. Maiquis would be able to repackage the project by removing
454 whatever section(s) had caused the denial and resubmit to the Lt. Governor's office for
455 approval. Ms. Chambers assured the board she would contact them as soon as she received
456 any updates on this project.

457
458 The board thanked Ms. Chambers for this information.

459
460 Ms. Ledford asked Ms. Chambers if the Division was still using PSI as a test administrator. Ms.
461 Chambers responded that the division was still using PSI for construction contractor
462 examinations.

463
464 Ms. Ledford asked if it may still be possible to add this boards written examinations to the
465 existing PSI contract and possibly add the NIC barber, hairdresser, esthetician and instructor
466 practical examinations. Ms. Ledford added that NIC may possibly resolve previous examination
467 administration issues with PSI.

468
469 Ms. Chambers stated she would look into adding the written examinations, however due to the
470 low number of practical examination candidates, no company would take on administering
471 these examinations as it would not be cost effective to the administration company.

472
473 The board thanked Ms. Chambers for her time and assistance.

474
475 **Item 8. Investigative Report**

476 Jasmin Bautista, Investigator and Karina Medina, Office Assistant greeted the Board.
477
478 Ms. Bautista introduced herself to the board and informed them that she was filling in for
479 Investigator Dawn Bundick who was out of the office. Ms. Medina introduced herself and
480 stated she would be reviewing the probation report with the board.
481
482 Ms. Bautista reviewed the investigative report; the report is for September 16, 2017 through
483 December 15, 2017. Ms. Bautista reported the division opened 15 new matters and closed 15;
484 28 matters remain on-going and under active investigation or are pending litigation and/or
485 board action. Ms. Bautista also informed the board that the division conducted 16 license
486 compliance checks.
487
488 Ms. Ledford asked for the status of open case 2015-000747. Ms. Bautista responded that this
489 case was still an open case and in an active investigation process. Ms. Bautista stated that she
490 would inform Investigator Bundick that the board would like more information on this case.
491 Ms. Ledford thanked Ms. Bautista.
492
493 Ms. Medina reviewed the probation report with the board. Ms. Medina stated that Case 2017-
494 000099, Kelly Nash, was in the process of being revoked due to Ms. Nash not being in
495 compliance with board adopted consent agreement as no fine payments have been submitted
496 and no response had been received as a result of the board denying an extension request
497 presented to the board during its October 9, 2017 meeting.
498
499 Mr. McKinley asked what does "on hold" mean for case 2014-001940. Ms. Medina responded
500 that the licensees were no longer in State and licenses were not active; she went on to assure
501 the board that if either of those individuals came back to Alaska and renewed, the fines,
502 probation, etc., would be reactivated.
503
504 Mr. McKinley asked the board if they had any other questions which could be addressed before
505 executive session, hearing none, Mr. McKinley requested a motion for executive session.
506

507 **On a motion duly made by Michelle McMullin, seconded by Jennifer Lombardo,**
508 **and approved unanimously, it was**

509
510 **RESOLVED to enter into Executive Session under the authority of AS**
511 **44.62.310(C) to discuss with the investigator the investigative report.**

512
513 The Board entered into executive session at 10:20 a.m., and returned from executive session at
514 10:32 a.m.

515
516 **On a motion duly made by Michelle McMullin, seconded by Mitch Black, and**
517 **approved unanimously, it was**

518
519 **RESOLVED to adopt the Consent Agreement as written for case 2017-001096.**

520 Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing
521 none Mr. McKinley requested a roll call vote.

522

523

Roll Call Vote

524

525	NAME	YES	NO	ABSTAIN
526	Kevin McKinley	X		
527	Terriann Shell	X		
528	Michelle McMullin	X		
529	Jennifer Lombardo	X		
530	Glenda Ledford	X		
531	Mae Canady	X		
532	Mitch Black	X		

533

534 **THE MOTION PASSED UNANIMOUSLY FOR CASE 2017-001096, ELVIS RODRIGUEZ & MARLIN**
535 **PAULINO D/B/A GENESIS**

536

537 The Board thanked Ms. Bautista and Ms. Medina for their time.

538

539 **Item 10. Board Business/Discussion**

540

541 **• Microblading (Lombardo)**

542

543 Mr. McKinley asked the board if they had read the research document compiled and written by
544 Ms. Lombardo; Mr. McKinley also thanked Ms. Lombardo for all the time and effort she put into
545 this project. Board members responded they had read the document. Mr. McKinley asked if
546 Ms. Lombardo had any points she wanted to share.

547

548 Ms. Lombardo reviewed her hand out with the board. Ms. Lombardo informed the board that
549 she had been open to the idea of adding an endorsement to an esthetician license which would
550 allow for this type of service, however after completing her research she now firmly feels that
551 this service is certainly a tattoo/permanent cosmetic colorist (tattoo/pcc) service and should
552 only be allowed under the tattoo/pcc license. Ms. Lombardo summarized definition of
553 microblading from the *American Academy of Micropigmentation*; "the procedure places
554 minute, metabolically inert pigment granules by hand, below the dermis", which Ms. Lombardo
555 pointed out is a tattoo/pcc services.

556

557 Mr. McKinley asked for confirmation, if someone does a microblade service on a client and the
558 service stays that means the procedure was done in the dermis layer of skin. Ms. Lombardo
559 agreed.

560

561 Ms. Shell asked if there are aftercare procedures. Ms. Lombardo responded that there are
562 aftercare procedures which are similar to tattoo/pcc aftercare.

563

564 Ms. Lombardo also stated she felt splitting the tattoo/pcc license into two separate licenses is
565 the right decision and it would allow the board to have two separate curriculums address each
566 license type needs.

567
568 Mr. McKinley and Ms. Ledford informed the board that splitting the tattoo/pcc license into two
569 separate licenses had been on the board's legislation wish list for at least ten years.

570
571 Ms. Ledford asked if microblading was similar to "soft tap" service. Ms. Lombardo responded
572 that procedures may vary slightly but ultimately it's the same service.

573
574 Ms. Lombardo informed the board that The *Society for Permanent Cosmetic Professionals*
575 states that Microblading, by any of its names (not limited to these); Permanent Cosmetics,
576 Micropigmentation, Dermal Implantation, Microstroking, Eyebrow Embroidery, and Long-
577 time/Long-lasting Make-up are all synonyms for the same procedure; Cosmetic Tattooing.

578
579 The board briefly discussed microblading procedures, training, and allowing estheticians to
580 provide services.

581
582 Greg Francois, Chief Investigator, joined the board. Mr. Francois informed the board that the
583 microblading information had been submitted to the Attorney General's (AG) office in
584 November or December and as of today, no response had been received from the AG's office;
585 Mr. Francois stated that this delay is a result of budget cuts and the AG's office being short
586 staffed. Mr. Francois went on to state that he hoped to have a response by February 2018.

587
588 Ms. Spencer stated that staff would coordinate a teleconference with the board to review the
589 AG's response and hopefully include the regulation project which is in current public notice
590 period.

591
592 The board requested this information be posted to the board's website.

593
594 **On a motion duly made by Jennifer Lombardo, seconded by Michelle McMullin,**
595 **and approved by roll call vote, it was**

596
597 **RESOLVED that Microblading, by any of its names, not limited to, Permanent**
598 **Cosmetics, Micropigmentation, Dermal Implantation, Microstroking, Soft**
599 **Tap, Eyebrow Embroidery, and Long-time/Long-lasting Make-up, are all**
600 **considered to be tattoo/permanent cosmetic coloring services and providers**
601 **must hold a tattoo/permanent cosmetic colorist license issued by this board.**

602
603 Mr. McKinley asked the Board if they would like any further discussion; hearing none Mr.
604 McKinley requested a roll call vote.

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Roll Call Vote

NAME	YES	NO	ABSTAIN
Terriann Shell	X		
Glenda Ledford	X		
Mae Canady	X		
Mitch Black	X		
Jennifer Lombardo	X		
Kevin McKinley	X		
Michelle McMullin	X		

THE MOTION PASSED BY A UNANIMOUS VOTE.

- **12 AAC 09.143 approved text book(s) for 12 hour manicurist curriculum. (Spencer)**

Ms. Spencer informed the board that the text book requirement for 12 AAC 09.143 had been brought to her attention by Kierke Kussart, Alaska Postsecondary Education; Ms. Spencer went on to state that Ms. Kussart warned not to approve a specific edition of a book as that would require constant regulation changes each time a new edition was published. Ms. Spencer went on to state that whatever text(s) the board approved could be listed in a similar format as the board approved online blood borne pathogen courses.

The board briefly discussed different texts.

On a motion duly made by Terriann Shell, seconded by Glenda Ledford, and approved unanimously, it was

RESOLVED to approve text books published by Milady, Pivot Point, CLiC in accordance with 12 AAC 09.143(b).

Mr. McKinley asked the Board if they would like any further discussion on this motion; hearing no objections Mr. McKinley polled the Board. Hearing no disagreements, the motion passed.

Recess The Board recessed at 11:36 a.m. for a break; reconvened at 11:49 a.m.

- **Esthetician practical exam update (Ledford)**

Ms. Ledford and the board discussed the current esthetician practical examination and agreed the exam could use updating.

Ms. Ledford reviewed the NIC practical examination process and informed the board that if they adopted the NIC practical examinations candidates would be tested in a more controlled environment, tested on current practices, and any licensee applying for an out of state license

648 would have a much easier time obtaining that states license as that individual would have taken
649 the National examination and not just a State Board practical exam.

650

651 Mr. Ledford informed the board that NIC would fly proctor trainers to Alaska to train proctors.
652 Ms. Ledford also stated that if the board could use a test administrator organization to not only
653 administer the NIC written examination they could possibly also administer the NIC practical
654 examinations. The board briefly discussed examination administration and agreed using NIC
655 practical examinations and using a test administration company would be beneficial to
656 licensees, assist licensing staff in reducing workloads, and possibly eliminate many of the
657 examination proctor issues.

658

659 Ms. Spencer asked Ms. Ledford would NIC need to send proctor trainers each time a new
660 proctor was approved. Ms. Ledford responded she would check during the next NIC meeting.

661

662 The board requested Ms. Spencer find out what the cost would be for the board to adopt the
663 NIC practical examinations for barbers, hairdressers, estheticians, and instructors and report at
664 the next meeting.

665

666 • **Tattoo/Permanent Cosmetic Colorist & Body Piercer Written Exam Update (Board)**

667

668 Ms. Spencer informed the board that she had asked them several times over the years to
669 update the tattoo/permanent cosmetic colorist (tattoo/pcc) and body piercer written
670 examination as the content is very outdated and study materials are either/or/and outdated
671 with current standards and practices, out of print, or very expensive to obtain. Ms. Spencer
672 went on to state that over the last couple of years she has been getting requests from
673 examination candidates for study materials, mostly the National Environmental Health
674 Association, book which is out of print, very expensive to obtain a copy and that she is unable
675 to make copies of the book she has.

676

677 Mr. McKinley agreed that the written examinations were out dated and asked if they could use
678 the National NIC written exam. Ms. Spencer responded that the board's current statute
679 (08.13.080(d)(2)) clearly prohibited testing on anything other than safety and sanitation and the
680 NIC exam also included practical operational questions.

681

682 Ms. Ledford asked if NIC could remove the practical questions if the board could use the exam.
683 Ms. Zinn and Ms. Spencer both agreed the board could use the NIC Tattooing written exam.
684 Ms. Ledford informed the board she would see if this option was possible at the next NIC
685 meeting.

686

687 Ms. Spencer also stated that if the board could get legislation to split the tattoo/pcc license,
688 that would be an excellent avenue to change the examination requirements of 08.13.080(d)(2)
689 to all the full NIC Tattoo written examination. The board agreed and Ms. Ledford stated there
690 was a NIC Micropigmentation written examination which is specific for permanent cosmetics.

691

692 The board requested this item be tabled to the next meeting agenda to allow for possible
693 legislation change(s).

694

- 695 • **Update service and practices of estheticians (Board)**

696

697 Ms. Spencer informed the board this item had been put on the agenda with the thought that
698 the board may add microblading/microstroking to the esthetician license as an endorsement;
699 however in response to the board's earlier microblading discussion this seemed a moot topic.
700 The board agreed.

701

702 Jeannine Jabaay, previous public member, joined the board. Mr. McKinley greeted Ms. Jabaay
703 and informed the board that Ms. Jabaay had a limited amount of time she could be with the
704 board and requested that the board move to legislative guidance right away. The board agreed

705

- 706 • **Board member Legislative Guidance for 2018**

707

708 The Board reviewed the provided handout.

709

710 Ms. Spencer informed the board that no more than two board members could team up for
711 meetings with legislators, etc., and suggested that the board coordinate with new board
712 members that haven't been through this process so they could get some training before being
713 on their own.

714

715 Ms. Jabaay spoke to the board about their previous legislative projects and what they learned
716 by trial and error. Ms. Jabaay stressed the importance of allowing license requirements be
717 done via regulation and not set in statutes; setting requirements in statute locks the board into
718 one set of requirements and does not allow for changes to be done via regulation to meet
719 industry needs, etc.

720

721 Ms. Jabaay stressed the importance of board members to be active with legislation, be
722 available for Legislator questions, attend hearings and speak during public comment times. Ms.
723 Jabaay informed the board using the legislative website and BTMF system were excellent tools.
724 Ms. Jabaay also stressed the importance of thoroughly reading legislation; Ms. Jabaay informed
725 the board that legislation could be changed without any notification at any time and it is the
726 board's responsibility to stay current.

727

728 Ms. Jabaay also informed the board that listening and heeding the advice of licensing staff was
729 very important. Ms. Jabaay stated that licensing staff know board statutes and regulations and
730 also how changes may impact licensees on a daily basis.

731

732 The board thanked Ms. Jabaay for joining them and for all her time and assistance with last
733 year's legislation.

734 The Board stated their most urgent legislative change requests are:

- 735 • Removing DEC shop inspection requirements for shops that do not provide body
736 modification services.
- 737 • Splitting the tattoo/pcc license into two separate license types.
- 738 • Continue supporting Senate Bill 4, hair braiding and non-chemical barbering
739 licenses.
- 740 • Changing manicuring requirements by possibly changing 12 hour license to be
741 natural nail services only and readopting previous nail technician requirements
742 with grandfathering language.

743

- 744 • **Examination proctor issues - Why board members cannot proctor**

745

746 Ms. Spencer informed the board that due to examination proctor issues, Ms. Zinn and Ms.
747 Chambers had updated the “procedures for the practical examination” and “practical
748 examination rating chart”; Ms. Spencer went on to state that Ms. Ledford has been approved as
749 the board approved proctor trainer and a special proctor trainer contract had been created for
750 this purpose.

751

752 Ms. Spencer informed the board that historically, board members used to proctor all
753 examinations in Anchorage, Fairbanks, and Juneau; however due to costs, this practice ended
754 and non-board member examination proctors began to be used. Ms. Spencer went on to state
755 that even with the use of non-board member proctors, board members would still attend
756 practical examinations; the use of board member proctors and the attendance of a board
757 member at practical examinations resulted in an extremely high number of complaints from
758 candidates, instructors and school. Ms. Spencer informed the board that once board members
759 were completely removed from the examination process 95% of examination complaints
760 stopped.

761

762 Ms. Black stated she did not feel Ms. Ledford should be used as a proctor trainer as she felt that
763 there was a conflict since Ms. Ledford is a school owner. Ms. Canady agreed with Ms. Black’s
764 statement and repeated her dissatisfaction with Ms. Ledford being a proctor trainer.

765

766 “Mitch Black asked why board members can't be proctor and Cynthia Spencer said because
767 they had complaints when board members was proctors that we would be use for emergency
768 Only Mae Canady said that if Board Member can't proctor why is Ms. Ledford allow to be a
769 proctor trainer and own a school Mae Canady said that was a conflict of interest Mae Canady
770 ask board members were they aware of this decision the board members said No Mitch Black
771 asked Kevin McKinley board chair did he know about the decision he said yes the decision was
772 made by licensing that it was a done deal after the discussion Sher Zinn said that Mae Canady
773 could apply for the proctor trainer.” (Verbiage provide by Ms. Canady and copied directly into
774 minutes – Recording 04:41:05 – 04:45:44)

775

776 Ms. Zinn responded that in accordance with regulation 12 AAC 09.900 only examination
777 administrating proctors could not be school owners, the board’s statutes and regulations do

778 not prohibit the use of a board member, whether or not they are a school owner, to train
779 examination proctors. Ms. Zinn went on to state that Ms. Ledford is a long time board member
780 and proctor with many years of examination administration/proctoring experience and that Ms.
781 Ledford had conducted proctor training events for new proctors since becoming a board
782 member.

783
784 Ms. Canady stated she was very upset as Ms. Spencer keeps saying “board approved” when she
785 was not consulted on this issue at all. Ms. Black agreed with Ms. Canady.

786
787 Ms. Canady also stated that Ms. Spencer had said she was to be the proctor trainer yet she was
788 not being used.

789
790 Ms. Zinn addressed the board and informed them that the November 2017 proctor training was
791 done at the last minute in response to a very serious proctor grading issues and due to the very
792 short amount of time the division had to arrange the training, a proctor trainer contract was
793 created in order to reimburse Ms. Ledford for time and mileage. Ms. Zinn stated that any board
794 member could apply to be a proctor trainer if they chose.

795
796 Ms. Spencer apologized to Ms. Canady and the board for the use of “board approved” when
797 referring to Ms. Ledford as the proctor trainer, not using Ms. Canady as the November 2017
798 proctor trainer, not allowing Ms. Canady and Ms. Black to observe January 2018 examinations.
799 Ms. Spencer went on to state that not using Ms. Canady as a proctor trainer was the result of
800 personal issues Ms. Canady has with a proctor who was scheduled to be a proctor and the
801 examination discussion which occurred during the October 9, 2017 meeting; Ms. Spencer
802 stated she did not feel in good conscience to put Ms. Canady in a situation which may have not
803 gone well or professionally. Ms. Spencer pointed out that Ms. Black had an apprentice who
804 was testing during the January 2018 examinations and therefore in accordance with 12 AAC
805 09.900 Ms. Black could not observe that examination.

806
807 **• Correspondence**

808
809 The Board reviewed correspondence submitted by Kate Thompson, Admissions Specialist with
810 Eii Images Enterprises.

811
812 Ms. Spencer informed the board that she has been in contact with Ms. Thompson who also
813 spoke during public comment. Ms. Spencer informed the board that another question posed
814 by Ms. Thomson was, would the board accept and apply training done for medical esthetics,
815 done on the job, as continuing education or while enrolled in a school. Ms. Spencer went on to
816 state that official transcripts would be required and possibly the in-house esthetician
817 curriculum affidavit.

818
819 The board briefly discussed and stated that if the training was applicable to the current
820 esthetician training/curriculum it could be applied towards licensure requirements as long as
821 official transcripts and if needed the in-house esthetician curriculum affidavit was submitted.

822 Ms. Spencer thanked the board and stated that if licensing staff had any questions regarding
823 this type of training, the esthetician board member would be contacted.

824

825 The board stated that regulation changes to allow for on-line training was still with the Lt.
826 Governor's office waiting on signature; however the regulation change was very specific that
827 the on-line training may only be theoretical/book training and does not allow for online
828 practical operation training.

829

830 The board responded to the question posed by Jacki Berry-Fisher, Educational Director of Eii,
831 during public comment regarding instructors from Eii coming into Alaska to provide training.
832 The board stated to provide permanent cosmetic training in Alaska in accordance with 12 AAC
833 09.185, the trainer is required to be licensed for at least one year/12 months before being
834 allowed up to two apprentices and training is required to be done in a shop licensed to provide
835 tattoo/pcc services. The board went on to say that in accordance with Statute 08.13.160(d) if a
836 trainer/instructor from Eii wanted to come into Alaska to provide a demonstration of
837 techniques or products they could do this in Alaska without holding an Alaska license, however
838 the person(s) could only demonstrate and not teach/train.

839

840 Ms. Ledford informed the board that she would be reaching her term limit on March 1, 2018.
841 Ms. Ledford thanked the board for a great eight years and stated she would remain available if
842 the board needed any assistance.

843

844 The board and staff thanked Ms. Ledford for all her time, assistance and dedication.

845

846 *The Board adjourned at 2:25 p.m.*

847

848 Respectfully submitted:

849

850 _____
851 /s/
852 Cynthia Spencer, Licensing Examiner

853

854 Approved:

855

856 _____
857 /s/
858 Kevin McKinley, Chairperson
859 Board of Barbers and Hairdressers

860

861 Date: February 22, 2018

862