

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

5  
6 MINUTES OF MEETING  
7 October 4 - 5, 2021  
8

9 By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62,  
10 Article 6, a scheduled meeting of the Alaska Board of Barbers and Hairdressers was via teleconference  
11 and video conference and at the State Office Bldg. 9<sup>th</sup> Floor, Conference Room A, October 4<sup>th</sup> & 5<sup>th</sup>,  
12 2021.

13  
14 **Item 1. Call to Order/Roll Call**  
15

16 The meeting of the Board of Barbers and Hairdressers was called to order by Michelle McMullin, Chair at  
17 9:01 a.m. Members present were:

18  
19 **Board Members Present, constituting a Quorum:**  
20

21 Michelle McMullin, Nail Technician, Chairperson  
22 Holly Andrews, Esthetician  
23 Connie Dougherty, Hairdresser/Esthetician  
24 Knitsana, Sypahanphay, Tattoo/Permanent Cosmetic Colorist  
25 Tina Taylor, Hairdresser  
26

27 **Excused from Attending**  
28

29 Vershawn Idom (Shawn), Barber  
30

31 **Present from the Division of Corporations, Business and Professional Licensing were:**  
32

33 Sara Chambers, CBPL Division Director  
34 Sharon Walsh, CBPL Deputy Director  
35 Cynthia Spencer, Records and Licensing Supervisor  
36 Wanda Whitcomb, Licensing Examiner  
37

38 **Members of the Public**  
39

40 Gloria Bamberg-Merritt, Instructor and Shop Owner  
41

42 **Item 2. Review the Agenda:**  
43

44 Board Chair, Michelle McMullin, requested that the board review the-agenda.  
45

46 Cynthia Spencer asked the board's approval to add a sub-category to item 8 for discussion of hairdresser  
47 licensees with no manicuring training. Ms. Spencer stated there were around six  
48 hairdresser licenses that were caught in a period of time where they did not complete the manicuring  
49 curriculum and do not have this included with their hairdresser license. Ms. Spencer explained to the  
50 board that if these licensees completed the 12-Hour manicuring training, could they possibly have the  
51 manicuring added to their hairdresser licenses.  
52

53 Wanda Whitcomb confirmed with Chair McMullin the addition of “Definitions” to item number 5.D New  
54 Legislation – Definitions and Curriculum.

55

56 Chair McMullin also wanted to add from October 1, 2012 board meeting minutes the discussion of  
57 dermaplaning.

58

59 **Chair McMullin polled the board to approve the meeting minutes from the August 12, 2021 meeting.**  
60 **By a unanimous vote the board approved the August 12, 2021 board meeting minutes.**

61

62 **Item 3. Ethics Disclosure:**

63

64 There were no ethics violations reported

65

66 **Item 4. Public Comment**

67

68 Gloria Bamberg-Merritt, shop owner and licensed instructor, addressed the board requesting a review  
69 of the regulation of licensees allowed to provide hair braiding as a service and provide instruction in hair  
70 braiding.

71

72 Ms. Bamberg-Merritt stated that the current wording of the regulations governing the licensees allowed  
73 to provide hair braiding and instruction in hair braiding; current legislation stops barbers, non-chemical  
74 barbers and barber instructors from advancing their careers of apprenticing and teaching of braiding  
75 education to students in Alaska. Ms. Bamberg-Merritt referred to 12 AAC 09.096 of the Board of  
76 Barbers and Hairdressers Statutes and Regulations.

77

78 Ms. Bamberg-Merritt went on to explain to the board that providing hair braiding should be allowed by  
79 barbers and non-chemical barbers and that this was a part of her culture and has been historically part  
80 of the services provided by barbers and non-chemical barbers. Ms. Bamber-Merritt continued to  
81 explain to the board how this affects her income and is a barrier to her professionally.

82

83 Ms. Bamberg-Merritt reviewed with the board the definitions of barbering and hairdressing to show the  
84 similarities of the two license types. She continued with an explanation of the similarities between the  
85 hairdressing curriculum and barbering curriculums, study materials used in schools and apprenticeships,  
86 and the curriculum of hair braiding.

87

88 Ms. Bamberg-Merritt petitioned the board to review this regulation and requested that some  
89 consideration be offered to her such as the possibility of being grandfathered in and allowed to provide  
90 hair braiding and hair braiding instruction under her barber instructor’s license.

91

92 Chair McMullin thanked Ms. Bamberg-Merritt for her comments and explained that the definitions are  
93 part of regulation; when the additions and omissions were passed through legislation, the board’s  
94 barber member, Shawn Idom, immediately brought to attention of the board that barbers were no  
95 longer allowed to provide hair braiding services and barber instructors could not provide hair braiding  
96 instruction.

97

98 Chair McMullin reviewed the history and reason behind adding the hair braiding license to the Board of  
99 Barbers and Hairdressers licenses. She explained to the board and attending members of the public  
100 that the goal in adding the hair braiding license was to allow hair braiders the opportunity to provide  
101 services in licensed shops and salons without having to provide services that include chemicals and  
102 prevents hair braiders from doing a full apprenticeship program.

103

104 Chair McMullin informed the board that this discussion falls in line with the agenda scheduled for the  
105 day as the board scheduled time to discuss changes to definitions and curriculum within the statutes

106  
107 and regulations.

108  
109 Ms. Spencer stated that as soon as Shawn Idom, board member and barber, saw this omission of  
110 barbers in the updated statues from legislation, he immediately began working on how to correct this  
111 and the board immediately began work on a new bill to be submitted to the legislature; however the  
112 state experienced the lock down due to COVID-19 ; the bill was not picked up by legislators, but the bill  
113 is ready to go as soon as there is support from a representative.

114  
115 **Item 5. New Business**

116 A. Proficiency Exam

117  
118 Chair McMullin reviewed with the board the training completed on the process of changing items in  
119 statute or regulation. She continued to explain how the board worked on the change of the practical  
120 exams to proficiency exams for over a year. Due to the COVID-19 shut down, the process was delayed  
121 and was not picked up by the legislature.

122  
123 Chair McMullin explained how board kept the public informed and had around nine meetings including  
124 a town hall meeting just on the subject of removal of the practical exam. During this time the public  
125 comment period was extended from sixty to ninety days to accommodate everyone as the state was  
126 shut down due to COVID-19.

127  
128 Chair McMullin reviewed the negative issues associated with the practical exam which brought about  
129 the need for the change from practical exam to proficiency exam at the school level.

130  
131 Chair McMullin stated the need right now was to move forward with changes and updates to the  
132 statutes and regulations including changes to definitions and curriculum. She continued to explain that  
133 many items included in the statutes and regulations for barbers and hairdressers have remained the  
134 same since the 1980's. She stated that working on updating the statutes and regulations was a priority  
135 rather than trying to change the proficiency exam.

136  
137 Ms. Spencer stated that she and Ms. Whitcomb had been paying close attention to written exam scores  
138 since the change from practical exam to proficiency exams. Ms. Spencer stated they they've noted the  
139 pass/fail rate for the written exams has not change at all

140  
141 Ms. Whitcomb agreed and gave the example of August 2021 written exams; this group of exams was  
142 smaller than normal, but out of the around 20 candidates there was only one failure. Ms. Whitcomb  
143 went on to state that having the proficiency exams instead of the practical exams has had no obvious  
144 effects on the passing rate of the written exams.

145  
146 Chair McMullin concluded that the proficiency exams allow instructors to know exactly how students  
147 are progressing and that it meets the Right Touch Regulation requirements to assist people in getting to  
148 work faster.

149  
150 Connie Dougherty requested to address the board. Ms. Dougherty stated that students coming out of  
151 school are not taught everything they need to know and do not know everything about running a  
152 business. She continued that to get good at doing something requires working on your own without an  
153 instructor checking your work every step of the way.

154  
155 Ms. Dougherty stated that hopefully people straight out of school get a job where they have the support  
156 they need and can work with a good team. She continued that students coming straight out of training  
157 will not know all the things they need to know to run a business successfully. Ms. Dougherty continued  
158 that in terms in performing procedures that we get better by performing procedures and this is true in  
159 every industry.

160 Chair McMullin agreed with Ms. Dougherty and explained that replacing the practical exam with the  
161 proficiency took a great deal of pressure off the state and put it on the schools. Chair McMullin  
162 continued that this is also the trend in many other states; many states are removing the practical exams  
163 and requiring just the written exams through National Interstate Council of State Boards of Cosmetology  
164 (NIC). Chair McMullin stated this would allow an easier participation in an interstate compact, and this  
165 is beneficial to military and military spouses.

166  
167 The board agreed that being a part of an interstate compact would be beneficial. Chair McMullin stated  
168 that there is a group that has a compact made up of about fifteen states currently. Board members  
169 were able to listen in on their presentation recently, and the board is trying to have them present during  
170 a board meeting as well.

171  
172 Ms. Whitcomb verified that she had contacted the National Center for Interstate Compacts, but  
173 they were not able to meet with the board on this date but are willing to meet at a later date.

174  
175 B. Setting 2022 Written Exam Dates

176  
177 Ms. Spencer addressed the board regarding the dates for the written exams and asked the board to  
178 consider scheduling them on Tuesdays instead of Mondays to alleviate some scheduling issues staff  
179 were having with space availability for the Anchorage exams.

180  
181 Chair McMullin stated that having the exams on Mondays is typically better for examinees in the  
182 industry, but this could be an accepted change. Chair McMullin further stated that examinees are  
183 notified a month ahead of time of the exam date and should have time to prepare.

184  
185 Ms. Whitcomb explained some of the scheduling issues for the Anchorage office such as division staff  
186 proctoring exams, and this must be scheduled during the normal 8:00 am to 4:30 pm; Monday through  
187 Friday work week.

188  
189 The following exam dates were approved by poll for 2022:

190  
191 January 11      May 17              September 13      February 8      June 14              October 11  
192 March 15      July 12              November 15      April 12              August 9              No December Exams

193  
194 C. Setting Meeting Dates for 2022

195  
196 Chair McMullin stated that the January meeting is normally scheduled in Juneau to provide the board  
197 members an opportunity to meet with legislative staff.

198  
199 Ms. Spencer stated that the board historically has one-day meetings. Ms. Spencer informed the board  
200 that for the January meeting, the board typically has either a full day on the Monday and uses Tuesday  
201 to meet with legislators or any legislative business or the board can do two half day meetings.

202  
203 Chair McMullin agreed to a two-day meeting in January and to follow with one-day meetings for the  
204 remainder of the 2022 meetings.

205  
206 The following dates were approved by poll for the 2022 Board meetings:  
207 January 24 – 25, 2022      May 9, 2022      October 3, 2022

208  
209 *Recess The Board recessed at 10:14 a.m. for a break; reconvened at 10:27 a.m. Wanda Whitcomb*  
210 *conducted a roll call vote – all board members present.*

211  
212 D. New Legislation

213

214 Chair McMullin requested that the board review following items listed in statutes and regulations:  
215 definitions, curriculum, hair braiding and the addition of wording so that the beauty industry could be  
216 added to workshops, demonstrations and conventions.

217  
218 Chair McMullin reviewed definitions beginning on page 8 of the statues and regulations. She asked Ms.  
219 Spencer about the definition of “shampoo person.”

220  
221 Ms. Spencer stated that a few years ago the board removed “shampoo person” and decided that if  
222 anyone was to shampoo an individual, they needed to be licensed; however, at some point “shampoo  
223 person” was added back to definitions. Ms. Spencer went on to state currently a shampoo person does  
224 not need a license to provide this service, however, the shampoo person may only provide shampooing  
225 and cannot blow dry or style the hair. Ms. Spencer further stated that often this is a service that  
226 apprentices will provide as part of their training.

227  
228 Chair McMullin moved on to “limited esthetics.”

229  
230 Ms. Spencer stated this is typically attached to the hairdresser licenses and accompanying instructor  
231 licenses as esthetics is still listed in the hairdressing curriculum along with manicuring, applying makeup  
232 and eyelashes.

233  
234 Ms. Dougherty asked about the “manicuring” definition; the manicuring definition states this does not  
235 include massage treatment, but during training this was part of the hairdresser curriculum.

236  
237 Ms. Spencer stated that this part of the manicuring covering hand and arm massage does need  
238 updating. Ms. Spencer informed the board that the verbiage needs to be edited carefully or eliminated  
239 entirely as there is a fine line that could be crossed over into massage therapy.

240  
241 Chair McMullin suggested that manicuring should read instead “application of lotions or scrubs.”

242  
243 Ms. Spencer stated that she would like to work with the regulation specialist on removing or modifying  
244 Sec. 08.13.220 (10) subsection (B) (i and ii) under the manicuring definition to be more specific and to  
245 prevent any confusion of manicurist offering medical advice or services under the manicuring license in  
246 any form.

247  
248 Chair McMullin stated that historically there has been no difference between the services allowed  
249 Advanced Manicuring license and the 12-hour manicuring license.

250  
251 The board went on to discuss separating the Advanced Manicuring license from the 12-hour manicuring  
252 license so that the serviced allowed under each of these two license types are more specific and limits  
253 the 12-hour manicuring license to be only natural nail services. And application of artificial nails only  
254 under the Advanced Manicuring license.

255  
256 Ms. Spencer stated if the board could go back and make the Advanced Manicuring license a Nail  
257 Technology license and the 12-hour manicuring license changed to a Natural Nails license, this would be  
258 beneficial in protecting the public as far as safety and sanitation. Ms. Spencer continued to clearly state  
259 that doing this would also need to be modified for the Hairdresser license so that it would specifically  
260 state manicuring to be only natural nail services.

261  
262 Ms. Spencer provided an overview of the history of manicuring as part of the older cosmetology  
263 training, hairdresser license and the separation of advanced manicuring licensure and manicuring  
264 licensure. Ms. Spencer continued if the board decides to split the licenses again into nail technology  
265 and natural nails manicuring, staff would review every hairdresser license for training completed and  
266 many hairdresser licenses would be specific in that they could only offer natural nail services.

267 Ms. Spencer stated that staff pays very close attention to the types of training received for hairdresser  
268 licensure.

269  
270 Chair McMullin discussed changes to the industry in breaking down the types of licenses into esthetics  
271 and nail technology. Chair McMullin continued in explaining the current national standards for nail  
272 technology training courses are 400 hours and average esthetics training is 600 hours. She further  
273 stated that comparing the national standard to the Alaska requirements puts the Alaska training  
274 requirements in these areas very far behind. Chair McMullin continued that she would feel very  
275 confident in an esthetics student with 600 hours of training to provide services immediately upon  
276 graduating. In comparison a student completing only 350 hours of training does not get the extra  
277 training time with the instructor that is needed.

278  
279 The board discussed the cosmetology training licensees received many years ago and how these  
280 trainees were required to do all of the training that is now separated under separate license types. The  
281 board continue discussing the changes in national licensing practices and how students are wanting  
282 specific training to be licenses in only certain areas. The board pointed out how there are very few  
283 cosmetology licenses being offered as states move to separate licenses into areas such as esthetics and  
284 nail technology.

285  
286 The board continued to discuss changes to apprenticeships for esthetic trainings listed in statute  
287 08.13.082(c); the apprenticeship training for estheticians cannot be completed in less than six months.  
288 This is part of the legislation packet the board plans to present to the legislature for changes.

289  
290 The board continued to review the items listed in the legislative packet currently in place and the need  
291 to meet the national standards which will help in the transference of licenses for military families. The  
292 board moved on to discuss what is currently in place to assist military families in transferring their  
293 licenses to the state of Alaska such as the issuance of a temporary license.

294  
295 The board continued with discussion of the history of hairdresser licenses having limited esthetics  
296 included on their licenses and the reasoning for this addition. The board reviewed 12 AAC 08.13.160(e)  
297 regarding permission for licensees to provide services outside a license shop and the addition of a  
298 subsection under this regulation so licensees can provide services outside of a shop for special  
299 occasions.

300

### 301 **Item 6. Division and Financial Updates**

302

303 Division Director Sara Chambers and Deputy Director Sharon Walsh joined the meeting.

304 A. FY 21 4<sup>th</sup> Quarter Budget Report

305

306 Director Sara Chambers informed the board that quarterly budget reports are not available until the end  
307 of October.

308

309 B. COVID-19 Update

310

311 Ms. Spencer asked the board if there were questions regarding COVID-19 updates for Director  
312 Chambers.

313

314 Chair McMullin stated that she had not heard of any new updates to COVID-19 restrictions. She  
315 continued that as far as she could tell, salons and licensees were continuing to use masks and follow  
316 safe practices. Chair McMullin also stated that business is slower, but this is probably due to people's  
317 fear of COVID-19.

318

319 Director Chambers informed the board there have been no updated mandates from the governor, but  
320 there have been new mandates from municipalities; service providers will need to continue to follow  
321 local mandates.

322  
323 Director Chambers informed the board that Anchorage has not instated any masking mandates, but  
324 Juneau has; it is important that licensees be aware of their local laws and mandates.

325  
326 The board members shared local concerns from their areas.

### 327 C. Military Licensing

329  
330 Director Chambers informed the board that there was a new law taking effect January 2022 to reduce  
331 artificial barriers for military staff and their spouses in transferring licenses to other states. Director  
332 Chambers stated that there is a group of six to ten professions that tends to come up annually. This  
333 group includes a couple of professions that falls under the board of barbers and hairdressers.

334  
335 Director Chambers explained to the board the concept of making a way for these populations to transfer  
336 their licenses more easily. Director Chambers stated that military families are one of the larger groups  
337 of applicants experiencing these barriers; these applicants need a way to go to work while finishing any  
338 requirements needed and that are state specific.

339  
340 Director Chambers informed the board that military spouses have a difficult time because they often  
341 have to change states or jurisdictions every couple of years; it's a lot of paper work and expense for  
342 these families, and transferring their licenses is part of a list of things these families must do when  
343 moving states including selling and buying homes, setting up their utilities and changing schools for their  
344 children.

345  
346 The Department of Defense (DOD) asked states to look at ways to make licensing processes a little  
347 friendlier. The DOD had asked states to do this before but it was voluntary, however, now, they are  
348 asking that states find a way to make license reciprocity mandatory. This is currently what has been  
349 present to our boarded programs.

350  
351 Director Chambers stated this process will be easier for the board of barbers and hairdressers as there is  
352 a current, robust way to receive a temporary license in place for applicants. When someone submits an  
353 application for this board, they usually are licensed fairly quickly; there are ways in place that are useful  
354 to quick licensing.

355  
356 Director Chambers reviewed the highlights of what will be required under this law that may affect the  
357 boards current policies and regulations. Boards are required to issue temporary licenses to all active  
358 duty military and their spouses that hold substantially equivalent, unencumbered licenses. Other  
359 boards are talking about a number of hours or an exam that may be required in Alaska but are the  
360 licenses substantially equivalent so that they can obtain a license to work here under a temporary  
361 license. The temporary license would be issued for 180 days which would give the applicant time to  
362 gather all the documentation and meet all Alaska requirements to be fully licensed.

363 Director Chambers highlighted that the board may want to review their current processes to see if they  
364 meet these guidelines. The board may need to address in regulation or take on a case by case basis  
365 depending on how applicants there are and that it needs to be completed within 30 days for the license  
366 to be issued. Director Chambers continued, the board may say that an applicant who has no violations  
367 or discipline attached to their license from another state or has no limitations on their out-of-state  
368 license can safely practice in Alaska while waiting to complete their application for full license, their  
369 application would be processed within 30 days after receipt. Director Chambers added there could also  
370 be a possibility of extending the temporary license for an additional 180 days if the applicant has  
371 extenuating circumstances.

372

373 Director Chambers informed the board that the division is required to submit a report to the legislature  
374 every year on how each board is doing to meet these requirements. Director Chambers continued to  
375 review the other elements of law that are currently on the books. These include applicants who  
376 received training while in the military and want to use this for licensure and boards are required to look  
377 at this training.

378  
379 Chair McMullin followed up with the information that Director Chambers offered and stated this follows  
380 right along with the steps the board is wanting to take to make sure that Alaska's training and licensing  
381 requirements are more along the lines of the national standard which will also assist in making  
382 transferring licenses easier for military families.

383  
384 Director Chambers stated that while this legislation is not a compact and not relevant to anyone other  
385 than the military, the interstate compact legislation is still under development for cosmetology. Once  
386 this compact has been completed the board will want to come back and address this again, however the  
387 compact would have a similar effect. Director Chambers stated Senate bill 21 makes more fluid and  
388 more opportunities for military personnel and their spouses.

389  
390 Director Chambers informed the board that compliance with this bill will need to move quickly. She  
391 suggested that board chairs either complete the review of their regulations or assign someone from the  
392 board to take on this project to partner with herself to review the statutes and regulations. Then at the  
393 next meeting or in a teleconference ahead of time develop a draft regulations project to bring to the  
394 legislature.

395  
396 Ms. Dougherty volunteered to take on the project of reviewing the statutes and regulations and work  
397 with Director Chambers to bring regulations into compliance with Senate Bill 21.

398  
399 Chair McMullin thanked Ms. Dougherty and stated that this is an opportunity to become familiar with  
400 regulations and the legislative process. Chair McMullin went on to review some of the items she would  
401 like to see accomplished to bring the Alaska regulations up to industry standards such as continuing  
402 education for all of the industries under the Board of Barbers and Hairdressers. The compact and the  
403 allowances for the military families will be a great way to get this move forward.

404  
405 D. Hair Braiding

406  
407 Ms. Spencer explained to the board that in 2019 Senate Bill 4 went through and created the hair braider  
408 license. Unfortunately, in the process hair braiding was removed from services allowed under a  
409 barber's and non-chemical barber's license and removed as an area that could be taught under a barber  
410 instructor's license.

411  
412 Ms. Spencer continued that 80% of the barbers and non-chemical barbers were affected by this. The  
413 board does have legislation written to correct this and put hair braiding back under the barbers, non-  
414 chemical barbers and barber instructor licenses. However, due to COVID-19, this has not moved  
415 forward.

416  
417 Ms. Spencer asked Director Chambers if there was any regulatory authority or statement the board  
418 could issue now to address this situation until legislation is pushed through.

419  
420 Director Chambers stated that she didn't see anything that would prevent barbers from offering hair  
421 braiding as barbers are allowed to provide hair styling and braiding would be considered part of hair  
422 styling. She continued that she didn't think that there was anything in regulation that would prevent  
423 hairdressers, barbers, or non-chemical barbers from providing hair braiding. Director Chambers  
424 continued that at the time you needed a hairdresser license to provide hair braiding in a shop. Since  
425 this was a lot of training required of someone who just wanted to do hair braiding. This was the  
426 purpose behind this regulation. Director Chambers stated that the board had not been very engaged in

427 this legislation, and there were areas where it needed to be cleaned up that weren't caught during the  
428 legislative process.

429  
430 Director Chambers stated that she would like to work with the board on some regulations that clarify  
431 that hair braiding is something that barbers and hairdressers can provide and can teach. This could  
432 mean that this needs to be corrected in legislation or it could mean that the board creates a policy  
433 stating they interpret the regulations to allow this to be included under the barbers, non-chemical  
434 barbers and barber instructors' services.

435  
436 Ms. Spencer asked if there was a way to do both as in include this in the regulation projects and also  
437 today, draft a policy statement clarifying that the board finds barbers and non-chemical barbers can  
438 provide hair braiding; this would include barber instructors to provide hair braiding instruction.

439  
440 Chair McMullin stated that this was never taken away from barbers and non-chemical barbers but was  
441 an omission in the writing of the regulation. This was never intended as taking away a service of  
442 licensed professionals, but just an error in the writing.

443  
444 The board and Director Chambers agreed that these changes are needed to enable the board to make  
445 changes as needed without having to put items through legislation.

446  
447 Director Chambers asked that with the board's approval she would like to write up a policy statement  
448 that would allow barbers and non-chemical barbers to provide hair braiding services and hair braiding  
449 instruction.

450  
451 The board continued to review regulations covering hair braiding to ensure the policy statement would  
452 be within the board's abilities.

453  
454 Director Chambers stated that since the board has set a standard of not allowing barbers to provide  
455 these services at this point, they must move quickly on regulation changes. She continued that the  
456 board could issue a policy stating that while these regulation changes are in progress the board will not  
457 issue any discipline actions for barbers to provide hair braiding and to instruct in hair braiding; this  
458 references 12 AAC 09.096.

459  
460 *Recess The board recessed at 11:51 a.m. for lunch; reconvened at 1:03 p.m. Wanda Whitcomb*  
461 *conducted a roll call vote – all board members present.*

462

## 463 **8. Administrative Business**

464

### 465 A. Review Meeting Minutes:

466

467 The board reviewed the drafted meeting minutes from the August 12<sup>th</sup>, 2021 meeting.

468

469 **In a motion duly made by Holly Andrews, seconded by Tina Taylor, and with a majority vote, it**  
470 **was resolved to approve the August 12, 2021 meeting minutes.**

471

472 B. Document Signing – Board Moved to Correspondence and Agreed to come back to Document  
473 Signing later in the meeting.

474

### 475 C. Correspondence

476

477 An emailed letter submitted by Connie Dougherty was reviewed by the board. In the letter Ms.  
478 Dougherty has questions regarding ownership of salons and shop, the elimination of the practical exam,  
479 the fee for shop owners license renewal and other questions from Ms. Dougherty's email.

480

481 Chair McMullin explained that shop owners can be licensed under the board of barbers and  
482 hairdressers.

483  
484 Ms. Whitcomb reviewed with the board the requirements for a shop owner license to be issued in that  
485 an owner either must be licensed with the board or if not licensed must have a manager on staff who  
486 does hold an current license with the board of barbers and hairdressers.

487  
488 Chair McMullin went on to the practical exam question from the letter; this was resolved in an earlier  
489 discussion by the board. Chair McMullin stated that currently the board had more pressing matters  
490 such as a regulation change and a change for the definitions portion of the statutes and regulations at  
491 this time.

492  
493 Chair McMullin moved to discussing the comments in the letter asking that all members of the board  
494 attend the meetings. Chair McMullin agreed and emphasized how important it was for all board  
495 members to attend so especially when working on regulations as there are often quick votes so the  
496 board can move forward. There is always work that needs to be address in board meetings and having  
497 the members of the board attend is imperative.

498  
499 Holly Andrews stated that some of the board members were new and joined just earlier this year. She  
500 continued that with her shop she pre-books out six months in advanced and this made it hard to attend  
501 some meetings in their entirety. Ms. Andrews stated she made schedule adjustments so that the future  
502 meetings will be planned out.

503  
504 The board continued to discuss that with regulation projects moving forward there may be a need to  
505 schedule some quick meetings outside of the normal three meeting per year.

506  
507 The board discussed amount charged for shop owner license fees, waiver of shop owner license fees and  
508 any considerations that were made for this during the COVID-19 shutdown. Ms. Whitcomb explained  
509 there were no license fees waived for the board of barbers and hairdressers. The board did offer for a  
510 while, in certain circumstances, a payment plan, however, this is not currently being offered. Ms.  
511 Whitcomb stated business licensing is currently not charging for those licenses.

512  
513 D. Manicuring for Hairdressers License

514  
515 Ms. Spencer explained to the board that during a brief time manicuring was removed from the  
516 hairdresser curriculum due to some legislative changes. She continued, that this only lasted for a few  
517 months and only affected about a dozen licenses. Ms. Spencer informed the board that these  
518 individuals were issued hairdresser licenses stating they can provide limited esthetics but not  
519 manicuring services.

520  
521 Ms. Spencer stated the question has come up that if a person holding one of these limited licenses  
522 completes the 12-hour manicuring course, can they have manicuring put back on their hairdresser  
523 license. Ms. Spencer asked the board if this would be an option instead of having to apply for and pay  
524 for a separate manicuring license.

525  
526 The board discussed the manicuring portion of the hairdresser curriculum that is currently in place. This  
527 requires 15 hours of manicuring training as opposed to the 12-hour manicuring course requirements.

528  
529 Chair McMullin stated she did not have an objection to adding manicuring on to a hairdresser license  
530 once they complete the 12-hour training course. This would make sense for those clients who like to sit  
531 with one person while they have all of their services completed.

532  
533 The board discussed that hairdresser licenses may have different services attached to the license

534 depending on the training received by the license holder; some have more than hairdressing and limited  
535 esthetics if the licensee completed more training and if their license was issued during the period of  
536 time when Alaska offered a cosmetology license.

537

538 **Chair McMullin polled the board to approve the addition of manicuring back on to the hairdresser**  
539 **license for the licensees who complete the 12-hour manicuring course. This addition was approved**  
540 **unanimously by the board.**

541

542 C. Correspondence (Continued)

543

544 The board reviewed a letter submitted to the board for consideration of a fine payment hardship. The  
545 letter was regarding asking forgiveness of a fine, the letter was submitted to the board during the  
546 meeting for review only, discussion of the request would be done during executive session on day two  
547 of the meeting.

548

549 The board discussed the situation surrounding the fine and the steps the board takes to inform a  
550 licensee when there has been a violation. The board continued the discussion on good faith payments  
551 and how the board responds to a licensee who upon having a license action, makes efforts to correct  
552 issues and follow through with fine payments.

553

554 Ms. Andrews stated that in this situation it seems like this licensee failed to follow the correct  
555 procedures to ensure the shop met all the guidelines for opening a shop.

556

557 Chair McMullin followed up that Anchorage municipality is the strictest for inspection of new shop and  
558 has a detailed list of requirements that must be met.

559

560 Investigator Michele Hearn joined the meeting briefly. The board decided to continue the discussion on  
561 this request letter during day two of the meeting during executive session for investigations.

562

563 D. Hair Braiding (continued)

564

565 Ms. Spencer presented to the board a draft of the policy statement to be issued regarding hair braiding  
566 services provided under a barbering and non-chemical barbering licenses referencing 12 AAC  
567 09.096(2)(A)(ii) of the Board of Barbers and Hairdresser statutes and regulations.

568

569 To read as follows: "a licensed hairdresser, licensed barber, licensed non-chemical barber, instructor of  
570 hairdressing, barbering, or non-chemical barbering or a licensed hair braider in this state that meets the  
571 requirements of 12 AAC 09.186 may provide/teach hair braiding"

572

573 Chair McMullin and the board worked through the questionnaire for the regulation change clarifying  
574 barbers, non-chemical barbers and barbering instructors be including in hair braiding services and  
575 instruction of hair braiding.

576

577 Ms. Spencer explained to the board that during a regulation change, the board has options on how they  
578 receive public feedback such as written comments only or written comments and oral comments during  
579 a board meeting. If no board meeting is scheduled during the 30-day window of time for public  
580 comment, a board meeting would need to be scheduled. The board would need to hear all public  
581 comments made during the meeting.

582

583 Ms. Spencer recommended that the board have a written comment period since this has been  
584 requested by the public and has been stated as a need from licensees.

585

586 Chair McMullin included in the questionnaire a statement that during this regulation change the board  
587

587

588 will not discipline licensed barbers, non-chemical barbers and barbering instructors for providing hair  
589 braiding services or teaching hair braiding as allowed under traditional barbering services.

590

591 **In a motion duly made by Tina Taylor, seconded by Holly Andrews, and with a majority vote, it**  
592 **was resolved to amend 12 AAC 09.096(2)(A)(ii) of the Board of Barbers and Hairdresser**  
593 **Statutes and Regulations to add barbers, non-chemical barbers and barbering instructors.**

594

595 The board agreed to issue the following policy statement:

596

597 “The Board discussed barbers, non-chemical barbers and barbering instructors providing hair braiding  
598 services and teaching hair braiding during its October 4 through 5, 2021 board meeting. The board  
599 agreed to start a regulation project to amend 12 AAC 09.096 (2)(A)(ii) to add barbers, non-chemical  
600 barbers and barber instructors. During this time the board agreed that that no license action will be  
601 taken against licensed barbers, non-chemical barbers or instructors in barbering if these license types  
602 practice and/or teach hair braiding.”

603

604 **In a motion duly made by Tina Taylor, seconded by Holly Andrews, and with a majority vote, it**  
605 **was resolved to accept the policy statement to allow barbers, non-chemical barbers and**  
606 **barbering instructors can teach hair braiding. This statement will be mass emailed to all**  
607 **licensees and reads as follows: The Board discussed barbers, non-chemical barbers and**  
608 **barbering instructors providing hair braiding services and teaching hair braiding during its**  
609 **October 4 through 5, 2021 board meeting. The board agreed to start a regulation project to**  
610 **amend 12 AAC 09.096(2)(A)(ii) to add barbers, non-chemical barbers and barber instructors.**  
611 **During this time the board agreed that that no license action will be taken against licensed**  
612 **barbers, non-chemical barbers or instructors in barbering if these license types practice**  
613 **and/or teach hair braiding.**

614

615 **Item 5 New Business (Continued)**

616

617 **Item 5-D New Legislation (Definitions Continued)**

618

619 The board reviewed the definition of “tattooing” under statute 08.13.220(16) to remove the word  
620 “microneedling.”

621

622 Chair McMullin stated that this project has been under works for around three years but must go before  
623 legislation.

624

625 Chair McMullin reviewed the tentative statute changes the board plans to bring to legislation. The  
626 board has been working on these changes for two to three years. She continued to explain the goal was  
627 to have one big packet to bring before legislators because these changes can take years.

628

629 **In a motion duly made by Holly Andrews, seconded by Tina Taylor, and with a majority vote, it**  
630 **was resolved to add to the regulation project the amendment of 12 AAC 09.186 the Board of**  
631 **Barbers and Hairdresser Statutes and Regulations adding barbers, non-chemical barbers and**  
632 **barbering instructors.**

633

634 **In a motion duly made by Holly Andrews, seconded by Connie Dougherty, and with a majority**  
635 **vote, it was resolved to add to the regulation project the amendment of 12 AAC 09.112**  
636 **Temporary Shop License in the Board of Barbers and Hairdressers Statutes and Regulations.**

637

638 **Item 8. Administrative Business (Continued)**

639

640 C. Correspondence (Continued)

641

642 Investigator Michele Hearn joined the meeting to discuss the request for fine forgiveness letter.  
643 However, the board requested that this be postponed until day two and in executive session.

644  
645 *Recess The Board recessed at 3:24 p.m. until October 5, 2021 at 9:00 a.m.*

646  
647 **Item 10. Call to Order/Roll Call October 5, 2021**

648  
649 The October 5, 2021 meeting of the Board of Barbers and Hairdressers was called to order by Michelle  
650 McMullin, Chair at 9:02 a.m.

651  
652 **Board Members Present, constituting a Quorum:**

653  
654 Michelle McMullin, Nail Technician, Chairperson  
655 Holly Andrews, Esthetician  
656 Khitsana Sypakanphay, Tattoo/Permanent Cosmetic Colorist  
657 Tina Taylor, Hairdresser  
658 Vacant, Public Member

659  
660 **Board Members Excused from Attending**

661  
662 Tina Taylor, Hairdresser/Esthetician  
663 Vershawn (Shawn) Idom, Barber

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

665  
666 Wanda Whitcomb, Licensing Examiner  
667 Cynthia Spencer, Records and Licensing Supervisor  
668 Michele Hearn, Investigator  
669 Shauna Muraco, Investigator

670  
671 **Members of the Public**

672  
673 Gloria Bamberg-Merritt, Instructor and Shop Owner

674  
675 **Item 8-D. Hair Braiding Continued**

676  
677 Ms. Spencer addressed the board regarding the emails she sent to the board earlier in the morning  
678 containing the policy statement submitted by the board addressing barbers, non-chemical barbers and  
679 barbering instructors providing hair braiding services and instructor edited by Director Sarah Chambers  
680 and the three regulation projects FAQs worksheets.

681  
682 Ms. Spencer asked the board to review the forms and the statement and then submit any edits to staff.

683  
684 Chair McMullin addressed the board regarding the FAQ forms and policy statement and asked to board  
685 to carefully review all of the documents.

686  
687 The board reviewed the hair braiding revisions as a whole and no questions were raised.

688  
689 Chair McMullin stated she believes she has a sponsor for the regulation project which will help things  
690 move faster.

691  
692 *Board member Connie Dougherty lost connection to the meeting at 9:07 a.m., the board waited for her*  
693 *to reconnect before proceeding.*

694 *Ms. Dougherty was able to reconnect at 9:14 a.m.; the meeting continued with a quorum of the*  
695 *members.*

696  
697 Ms. Spencer informed the board that the policy statement regarding hair braiding for barbers, non-  
698 chemical barbers and barbering instructors will be posted to the website and will be emailed to all  
699 barbers, non-chemical barbers, barbering instructors, barbering shops and barbering schools.

700  
701 Chair McMullin asked how many hair braiding licenses have been issued. Ms. Spencer stated that there  
702 were 15 hair braiders licenses issued with six of these renewed.

703  
704 Chair McMullin asked for the barbers who completed the 35-hour hair braiding course will their license  
705 state that they can provide hair braiding and hair braiding instruction which would be similar to the  
706 hairdresser license for manicuring?

707  
708 Ms. Spencer stated that before Senate Bill 4 happened, hair braiding was encompassed as a part of the  
709 barbering services and that it was just understood to be a service barbers could provide. Ms. Spencer  
710 stated she could audit the records for any barber who also has an added hair braider's license. For the  
711 ones who have renewed these licenses, we could possibly offer a refund for the added hair braider's  
712 renewal fee or inform them it is not necessary to renew the hair braider license.

713  
714 Chair McMullin quickly reviewed the items listed in the regulation project the board is seeking to change  
715  
716 or update. She continued to review the update to statute 08.13.130 Display of license or permit so that  
717 it would read "current license" instead of just "license." Chair McMullin continued that this has been an  
718 issued in the past as many have used this as a loophole to display a lapsed license.

719  
720 Chair McMullin emphasized that during the period where barbers, non-chemical barbers, and barbering  
721 instructors were omitted from regulation 12 AAC 09.096, this service was not taken away from them,  
722 but the way this regulation read, it didn't give it to them either.

723  
724 Ms. Andrews asked if this regulation change and policy statement would only include licensed barbers,  
725 non-chemical barbers and barbering instructors; and if an individual wanted to provide only hair  
726 braiding, would need the separate hair braiding license?

727  
728 Chair McMullin stated that if they are new to the industry and only wanted to provide hair braiding, they  
729 would need the license.

730  
731 The board continued to discuss the need for hair braiding licenses so that these practitioners are  
732 allowed to provide their service in a licensed shop.

733  
734 **Item 11. Public Comment**

735  
736 Gloria Bamberg-Merritt joined the meeting for public comment.

737  
738 Chair McMullin addressed Ms. Bamberg-Merritt concerning the regulation change the board is seeking  
739 to include barbers, non-chemical barbers and barbering instructors in regulation to provide hair braiding  
740 and instructor in hair braiding. Chair McMullin stated that during the time period while the board is  
741 working on the regulations change, the board will issue a policy statement informing the public that no  
742 license actions will be taken against licensed barbers, non-chemical barbers and barbering instructors  
743 who provide hair braiding services and instruction.

744  
745 Chair McMullin explained that this was something the board has been working on but that they had to  
746 seek legal advice as the board members are not law writers. She continued that it was not intention of  
747 the board to take this service away from these licensees.

748 Ms. Spencer explained that the steps involved in the regulation change process; changes must go to  
749 Dept. of Law, must be reviewed by the board again before going out for the 30-day public comment  
750 period. Then the board will review any public comments before a final review by the department of  
751 law; once the board does a final vote on the changes, it then goes to the Lt. Governor's office for  
752 signature.

753  
754 Ms. Bamberg-Merritt expressed her pleasure regarding the policy statement. Ms. Bamberg-Merritt  
755 continued with a question concerning the 35-hour hair braiding instruction and apprenticing students.  
756 She inquired about the time and how this time is completed and recording for the verification of training  
757 documents. Chair McMullin explained that students can complete up to ten hours of training per day  
758 but must clock in to record their hours.

759  
760 Ms. Bamberg-Merritt stated that she has a list of students who are interested in this training.

761  
762 Chair McMullin encouraged all licensees to attend the board meetings to provide input and opinions  
763 regarding board business. She reviewed some of the updates she's like to see approved in legislation  
764 that would expand training opportunities for licensees to keep their practices current to industry  
765 standards.

766  
767 Ms. Bamberg-Merritt stated that she is a traveler and provides training for hair braiding and other areas.  
768 She asked a question in reference to hair braiding classes online. Ms. Bamberg-Merritt stated there are  
769 classes down south that provide a portion of the training online and in person. She would like to offer  
770 online classes that will provide some in-person training.

771  
772 Ms. Spencer reviewed the curriculum for hair braiding and stated based on 12 AAC 09.164, the training  
773 must be done in a classroom setting in a licensed school or shop.

774  
775 Ms. Bamberg-Merritt stated that there is a place in the regulations that this may be allowed at the board  
776 discretion.

777  
778 Ms. Spencer clarified that this could be based on the Alaska Nail and Skin Academy which offers an  
779 online 12 hour manicurist course; the school had to submit a full syllabus, documentation of the  
780 program, what type of program will be used, attendance and tracking of the students logging in and  
781 actively completing the training.

782  
783 Ms. Bamberg-Merritt stated that she had submitted a curriculum to Ms. Whitcomb, but will revise this.  
784 Ms. Spencer asked Ms. Bamberg-Merritt to compile the information that is needed and submit it as PDF  
785 documents in an email to Ms. Whitcomb which would then be presented to the board for consideration.

786  
787 Ms. Whitcomb stated that January 2022 is the next scheduled board meeting, but this could be  
788 presented to the board through OnBoard, however if this needs discussion by the board, it may be  
789 tabled until a board meeting.

790  
791 Ms. Bamberg-Merritt stated that it has been two years so far, and if we wait until January, that would be  
792 three more months student will need to be delayed in being licensed.

793  
794 Chair McMullin clarified with Ms. Bamberg-Merritt that she is not prevented from teaching student's  
795 hair braiding, but it is the online training that must be reviewed and approved by the board. Due to the  
796 online portion the board must ensure that the training fits into the regulations and that this is done  
797 legally. It is only the online portion, but they can come into the school to train with the trainer. The  
798 board must make a move to approve the online training documentation to move forward.

799  
800 Ms. Bamberg-Merritt stated that she wanted to make sure that it was legal for her to apprentice two  
801 students at one time.

802 Chair McMullin stated that Ms. Bamberg-Merritt can apprentice two students at a time unless it is a  
803 school. No action will be taken for her teaching, however the online portion must be approved by the  
804 board and verified as legal due to issues that have happened in the past.

805  
806 Ms. Bamberg-Merritt asked about providing facials under her esthetics instructor's license.  
807

808 Chair McMullen reviewed the areas that are covered under this license and asked Ms. Bamberg-Merritt  
809 to please submit any further questions in writing to the board as the public comment time allowed had  
810 ended.

811

812 **Item 12. Investigations**

813

814 Investigator Shauna Muraco presented the investigative report for the for the time period of April 20,  
815 2021 to September 21, 2021. Investigator Muraco stated she had 20 cases in complaint stage, 7 cases  
816 active investigation, and 21 closed cases during this period. At this time there are 32 cases open.

817

818 Investigator Michele Hearn presented the probation report and stated that it is current up to the time it  
819 was written. There are currently 6 individuals on probation, 3 individuals have been released from  
820 probations with a list of licensees who are working on being in compliance, two who had either paid off  
821 their fine or had renewed their license.

822

823 **In a motion duly made by Holly Andrews, seconded by Connie Dougherty and approved**  
824 **unanimously by majority present, it was RESOLVED to enter Executive Session under the**  
825 **authority of AS 44.62.310(C) and Alaska Constitutional Right to Privacy Provisions, for the**  
826 **purpose of discussing matters by law, municipal charter, or ordinance are required to be**  
827 **confidential with staff to remain in session.**

828

829 *The Board entered executive session at 10:09 a.m., and returned from executive session at 10:39 a.m.*

830

831 **In a motion duly made by Connie Dougherty, seconded by Holly Andrews, and with a majority**  
832 **present, it was resolved to approve consideration as requested in the letter submitted by Mr.**  
833 **Isiodoro Martinez.**

834

835 The motion failed by a majority; information will be sent to Mr. Martinez by the Investigative Unit.

836

837 **In a motion duly made by Holly Andrews, seconded by Connie Dougherty, and with a majority**  
838 **present, it was resolved that upon review and denial of the hardship request submitted by**  
839 **Isiodoro Martinez , the board requests that investigative staff extend the fine due date by six**  
840 **months to April 20, 2022 and offer the option to request PFD garnishment and good faith**  
841 **payments; if the current fine amount is not paid by April 20, 2022, the full amount will be due**  
842 **to include the suspended amount.**

843

844 The motion passed; information will be sent to Mr. Martinez by the Investigative Unit.

845

846 The board discussed the need for notary requirements for the 12-hour manicuring and the hair braiding  
847 verification of training forms; these forms currently do not require a notary seal for the instructor  
848 signature.

849

850 Chair McMullin stated that all other licenses require that upon completion of training, the school or  
851 instructor submit a completion of training form and to have the instructor's signature notarized. Chair  
852 McMullin stated these forms must be submitted by the instructor or school; students are not allowed to  
853 touch this document, and this is due to issues the board has seen regarding forgery. Chair McMullin  
854 went on to state a loophole has been noticed for the 12-hour manicuring and the hair braiding student

852 records and has been taken advantage of where the students have submitted this paperwork. This can  
853 cause opportunities for forgery and does not reflect well on the instructor.

854  
855 Ms. Spencer stated she is unsure if the board has the authority to add notary requirements to these  
856 forms, however this will be run up the chain to see if the notary requirement can be added. Ms.  
857 Spencer stated that she will inquire about this and inform the board as soon as possible.

858  
859 Investigator Muraco stated that this issue came up in a complaint of a school not submitting training  
860 documents in a timely manner and allowing students to turn in their own student records. This  
861 specifically involved hair braiding and manicuring student records; there is no paragraph on these forms  
862 like other completion of training forms that states these forms must be submitted by the school.

863  
864 Investigator Muraco continued that the school owner or instructor should want to turn in these forms  
865 for the students, but there is no direction stating that they must do this. Investigations has  
866 recommended that schools turn in this paperwork, but there are no statutory regulations requiring this  
867 and that more serious issues that could come from this.

868  
869 Chair McMullin stated that there have been issues with forgeries in the past dealing with this board and  
870 another board revolving around bringing illegal immigrants into the country. This also is a concern as a  
871 professional license can help someone be issued an ID in another state.

872  
873 Chair McMullin stated that this may need to be added to the regulation change packet, but if it can be  
874 resolved in regulation it would be easier to just take care of it. Chair McMullin requested that Ms.  
875 Spencer run this by legal to find out how this can be changed so the board can move this forward.

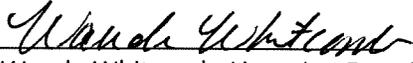
876  
877 Ms. Spencer requested the board make a motion to add this to the regulation project if the current  
878 authority cannot be established in the statutes and regulations.

879  
880 **In a motion duly made by Khitsana Sypakanphay, seconded by Tina Taylor, and with a**  
881 **majority vote, it was resolved to add to the regulation project the amendment of 12 AAC**  
882 **09.002(v) and (w); 12 AAC 09.096; 12 AAC 09.186 to add the notary requirements on training**  
883 **records for manicuring and hair braiding and these forms be submitted to this office by the**  
884 **instructor or school.**

885  
886 Chair McMullin asked the board if there were any other topics or discussions the board would like to  
887 have. Hearing nothing further from the board, Chair McMullin adjourned the meeting.

888  
889 *The Board adjourned at 11:06 a.m.*

890  
891 Respectfully submitted:

892  
893   
894 Wanda Whitcomb, Licensing Examiner

895  
896 Approved:  
897  
898   
899 Michelle McMullin, Chairperson  
900 Board of Barbers and Hairdressers

901  
902 Date: Jan 20, 2022  
903