



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

CONDENSED MINUTES OF THE MEETING HELD MAY 15, 2023

By the authority of AS. 08.01.070(2) and AS08.86.030 and in compliance with the provisions of AS 44.64, Article 6, a scheduled board meeting was held via teleconference/Zoom, May 15, 2023

**May 15, 2023:**

**Attendance**

**Members Present:** Chair Michelle McMullin, Connie Dougherty, Glenda Ledford, Breanna Hardy, Khitsana Sypakanphay (joined at 8:44a.m.)

**Staff Present:** Sara Chambers, Boards and Regulations Advisor, Cynthia Spencer & Wanda Whitcomb, Licensing Examiners, Michele Hearn, Investigator, Katrina Eldred, Probation Monitor, Jenni Summers, Investigator 3, Alison Osborne and Stefanie Davis, Regulation Specialists, Sylvan Robb, Director

**1. Call to Order/Roll Call**

The board was called to order at 8:36 a.m.

The board greeted new board members Glenda Ledford and Breanna Hardy.

**2. Review Agenda**

Board reviewed agenda.

**Chair McMullin requested a roll call vote to approve agenda as drafted.**

**Approved by majority.**

**3. Ethics Disclosure**

The board reviewed the provided Ethics packet with Sara Chambers.

Glenda Ledford asked if she would need to disclose, she was a former school owner as she had sold the school and was no longer involved. Ms. Chambers stated that since she was no longer associated with the facility, Ms. Ledford would not need to disclose this matter.

Board members present stated they had no conflicts to disclose.

**4. New Business**

**A. Legislative Guidance - 2023**

Ms. Chambers briefly reviewed the provide 2023 guidance.

**B. Legislative Proposal Update**

Ms. Ledford asked for an update on the status of current legislation.

Chair McMullin reviewed the current project; Chair McMullin informed the board that previous member Tina Turner had been lead on this project, however, there hadn't been any movement and since Ms. Turner was no longer with the board, she would be taking lead. Chair McMullin also stated there was no movement with this project.

Ms. Chambers reviewed how to get a sponsor for legislation and suggest the best time to get a sponsor is late summer/fall. Ms. Chambers stressed the importance of moving forward with their legislation as they spend quite a bit of time conferring with Investigators, their Attorney, and creating position statements to answer questions due to large gaps in statutes and regulations; this time would be better spent and better for licensees if the board moved on proposed legislation to update statutes and then work on updating regulations.

Ms. Chambers stated that as the Board and Regulations Advisor, she is available to assist the board once they drafted a more formal and professional formatted drafted legislation packet. Ms. Chambers stated that information she had received regarding their current project was not professional and seemed haphazardly put together;

Ms. Chambers continued it is best to have a professional statement of proposals to email legislators.

Ms. Ledford agreed with Ms. Chambers and stated in her experience, if receiving a proposal that wasn't professionally put together, not much consideration was given. Ms. Ledford stressed the importance of providing scientific and profession data was very important when being considered.

The board briefly discussed the best time to submit legislation and agreed December would be best; the board and Ms. Chambers noted that they've missed the deadline for 2024 and would aim for a December 2025 submission.

Ms. Ledford asked if the board could hire lobbyists. Ms. Chambers stated the board could not hire lobbyists and stated lobbying must be done by board members and/or industry professionals.

Ms. Ledford asked why the board wasn't considering an "advanced" or "master" esthetician license. Chair McMullin stated that this type of training is not available in Alaska and licensees would need to go out of state for this education. Ms. Ledford responded that she knew of one school that is ready to offer advanced training and that other schools and apprenticeship programs would likely also offer advanced training and suggested the board look at other state requirements, specifically Utah. Ms. Chambers added that most out of state applicants already have the advanced/master training as it is included in other state esthetician licensure requirements.

The board briefly discussed scope of practice definitions of AS 08.13.220. Chair McMullin request the board hold a June 2023 meeting to discuss scopes of practice at length for addition to the legislative packet.

**Action Item:** Board must set June 2023 meeting date.

Chair McMullin asked for volunteers to work on and be lead for legislation. Ms. Ledford stated she would be happy to help but could not be lead due to other commitments. Brea Hardy stated with her move and starting a new job, she was also unable to commit additional time.

Ms. Ledford urged the board to focus on a 2025 legislative session submission as this would give the board additional time to work on the packet and lobby. Ms. Chambers stated with the board not meeting since November 2022 due quorums of the board not attending scheduled meetings, and general non-participation of board members, they must all be aware that they are accountable for not moving forward with and preparing legislation on topics that have been discussed for many years. Ms. Chambers stated she understood that not having a full board is problematic, however, when the board is up for Legislative Audit, all of these matters will be noted.

**C. Saline Tattoo Removal – Medical Procedure?**

Wanda Whitcomb reviewed provided documentation and stated she had corresponded with Khitsana Sypakanphay about this procedure, which doesn't seem to be regulated; Ms. Sypakanphay stated that she did provide this service.

Ms. Sypakanphay reviewed the procedure with the board; safer and less pain than a laser removal, saline solution is injected on the original tattoo lines at the same depth as the tattoo ink. She also stated that it is a similar process as microneedling which is under the definition of tattooing.

The board briefly discussed the procedure and licensure needed to provide service.

Ms. Chambers reminded the board to review their definitions and cautioned the board against setting precedent in one instance if an issue arises; by setting precedent, all future issues must be dealt with the same way; is current law doesn't support board decision,

this puts board at risk of losing governmental protection.

Chair McMullin asked board members to review scopes of practice in AS 08.13.220 for further discussion at their scope of practice meeting.

Ms. Ledford stated this procedure had been around for several years and that the service is very effective and less harmful than laser removal; she suggested that the board define tattoo removal.

*Licensing examiner, Wanda Whitcomb left the meeting at 9:40 a.m.*

## 5. Old Business

### A. Position Statement(s) – Update/Edit

#### I. Review of Esthetician Dermal Layer of Skin Position Statement

Cynthia Spencer informed the board that the November 2022 position statement was not as complete as had been thought as it did not include apparatus information as provided in the memo from Dept. of Law; Ms. Spencer requested the board re-review the memo and update the November 2022 position statement.

Ms. Chambers informed the board that they should remove “dermal lights” from the curriculum regulation. Ms. Spencer agreed and stated they would ask the regulation specialist to add updates to 12 AAC 09.162(b)(11) and 12 AAC 090.163(d) – removal of “dermal lights” to the new regulation update packet.

*Breanna Hardy excused herself from the meeting at 9:58 a.m. and stated she would rejoin the board about 11:30 a.m. or sooner.*

The board requested to table the position statement review until after the Investigative Report

## 6. Investigative Report

Investigators Jenni Summers, Michele Heard, and Katrina Eldred greeted the board.

Investigator Hearn reviewed the Investigative Memo and reported 38 open matters and 78 closed matters during November 2022 – May 15, 2023. Investigator Eldred reviewed the Probation Report with the board. The board had no questions.

**Motion to enter executive session:** 1st Glenda Ledford – 2nd Khitsana Sypakanphay.

Alaska state Board of barbers and hairdressers enter executive session in accordance with AS 44.62.610(c) and Alaska constitutional right to privacy provisions, for the purpose of discussing subjects that tend to prejudice the reputation and character of any person, provided the person may request the public discussion matters which by law municipal charter or ordinance are required to be confidential. Board staff to remain during the session.

**Approved by majority.**

Connie Dougherty was recused from the executive session to review Case 2020-000735. Ms. Spencer stated that board members would be moved into two separate breakout rooms and when done with case Ms. Dougherty was recused from, all would be moved into the second breakout room.

*Board entered executive session at 10:10 a.m. and returned from executive session at 10:50 a.m.*

**Motion: 1st Glenda Ledford – 2nd Khitsana Sypakanphay**

Adopt Consent Agreement for Case 2020-000735, Connie Dougherty, as presented.

Connie Dougherty was recused from voting on this matter.

**Approved by majority.**

**Motion: 1st Glenda Ledford – 2nd Michelle McMullin**

Adopt Voluntary Surrender of License for Case 2022-000415, Milo Irish, as presented.

Khitsana Sypakanphay was recused from voting on this matter as she was the reviewing board member.  
**Approved by majority.**

**Motion: 1st Glenda Ledford – 2nd Connie Dougherty**

Adopt Voluntary Surrender of License for Case 2022-000109, Dennis Millhouse, as presented.

Michelle McMullin was recused from voting on this matter as she was the reviewing board member.  
**Approved by majority.**

**Motion: 1st Glenda Ledford – 2nd Connie Dougherty**

Adopt Voluntary Surrender of License for Case 2022-000821, Magnolia Altamirano, as presented.

Khitsana Sypakanphay was recused from voting on this matter.  
**Approved by majority.**

**Motion: 1st Glenda Ledford – 2nd Michelle McMullin**

Adopt Consent Agreement for Case 2023-000025, Hayley Moore, as presented.

Khitsana Sypakanphay was recused from voting on this matter as she was the reviewing board member.  
**Approved by majority.**

**Action Item:** *OLE Spencer will load the adopted investigative matters to DocuSign shortly.*

The board thanked Investigators Hearn, Eldred, and Summers for their time and assistance.

**7. New Business Cont.**

A. Proposed Regulation Projects

- i. Removal of Written Examination Fees 12 AAC 09.002, 09.005, 09.010, 09.075, 02.140
- ii. 12 AAC 09.004 Courtesy License
- iii. 12 AAC 09.190 Apprentices of Barbering, Non-Chemical Barbering, Hairdressing, and Esthetics
- iv. 12 AAC 09.002(j) and 12 AAC 09.106(d) - Instructor by Waiver of Examination
- iv. Regulation Draft: 12 AAC 09.004, 09.185, and 09.190
- v. 12 AAC 09.185 Trainees in Body Piercing, Tattooing, or Permanent Cosmetic Coloring

Regulation Specialist Alison Osborne introduced herself to the board and reviewed the regulation process with the board. Ms. Osborne then began reviewing the proposed regulation change packet with the board.

*Recess The Board recessed at 11:42 a.m. for a short break; reconvened at 11:54 a.m. Majority of the board confirmed by roll call.*

Ms. Spencer continued reviewing the regulation packet with the board.

*Breanna Hardy rejoined the meeting at 12:04 p.m.*

Ms. Spencer requested changes to 12 AAC 09.162(b)(11) and 12 AAC 090.163(d) to remove “dermal lights” from both regulations. Ms. Osborne stated these would be added to the regulation packet and submitted to the Dept. of Law for review.

**Motion: 1st Michelle McMullin – 2nd Glenda Ledford**

Adopt working draft of regulation projects with the addition of 12 AAC 09.162(b)(11) and 12 AAC 090.163(d) to remove “dermal lights” from both regulations.

**Approved by majority.**

The board thanked Ms. Osborne for her time and participation. Ms. Osborne thanked the board and stated she estimated a 30-day turn around time to receive a review back from the Dept. of Law.

**5. Old Business Cont.**

**A. Position Statement(s) – Update/Edit**

The board continued to edit the Esthetician Dermal Layer of Skin Position Statement as follows and requested to keep page 2 which is an image of Depth of Light Energy Penetration.

**Revised Position Statement Regarding Estheticians Providing Services at the Dermal Skin Layer**

The Board of Barbers & Hairdressers met May 15, 2023, and made the following revised statement addressing estheticians providing services that go below the dermal layer of skin.

Estheticians may provide services that do not go below the dermal layer of skin. Examples of apparatus and procedures that estheticians may not utilize under Alaska law are:

- Lasers
- Derma Lights
- Cryoskin
- Fibroblasting
- Microneedling
- Microchanneling
- Nanoneedling

This is a list of examples and may not cover all apparatus and services outside 08.13.220(5).

In accordance with Alaska statute 08.13.220(5) "esthetics" means the use of the hands, appliances, cosmetic preparations, antiseptics, or lotions in massaging, cleansing, stimulating, or similar work on the scalp, face or neck, including skin care, make-up, and temporary removal of superfluous hair, for cosmetic purposes for a fee.

Thank you for understanding. If you have any questions, please reach out to the board and questions will be discussed by board members.

Chair McMullin asked the board if they wanted any further discussion; hearing none, Chair McMullin polled the board. Hearing no disagreements, the updated statement was approved.

Ms. Spencer thanked the board and stated she would update this position statement, update the date of the statement, and submit it for posting to the website shortly.

**Action Item:** *OLE Spencer will formalize and post updated statement to web.*

The board was ahead of schedule and agreed to work on Item 8 while waiting for anyone to join the meeting for the 1:30 p.m. public comment.

**8. Administrative Business**

**A. Review/Edit/Approve Meeting Minutes**

- i. November 14, 2022, Meeting

The board reviewed drafted November 14, 2022, meeting minutes.

**Motion: 1st Glenda Ledford – 2nd Connie Dougherty**

Accept the November 14, 2022, meeting minutes as presented.

**Approved by majority.**

**B. Correspondence**

**i. Reese Hammer - Service Requirements**

The board reviewed email correspondence from Reese Hammer and staff. The board stated that AS 08.13.220(12) and (16) clearly provided definitions of tattooing and permanent cosmetic colorist (PCC) services. The board stated Reese Hammer may not provide tattoo services under the PCC license as tattooing is outside the scope of practice of a PCC;

changes/exceptions requested would need to be addressed via a statutory change which requires legislation.

**ii. Diana Straub - Review of Esthetician Dermal Layer of Skin, Position Statement**

The board reviewed the correspondence from Diana Straub. The board stated microneedling is outside the scope of practice for estheticians as defined in AS 08.13.220(5) and (9). The board stated that legislation would be required to amend the current statute, 08.13.220(5).

**iii. Alcohol being served in shop/salon – Email correspondence from DEC**

The board reviewed the email from Janine Nesheim, Environmental Sanitarian – Plan Review, Municipality of Anchorage. The board agreed that regulating beverage and food being offered in shops was outside their purview; the board recommended questions of this nature be directed to the Alcohol & Marijuana Control Office/Board.

**Action Item:** OLE Spencer will add a brief informational blurb with link to the to the FAQ's and on the website under the Shop/School application dropdown menu.

**iv. Alaska Commission on Postsecondary Education (ACPE): Notice of Action/Authorization for Trend Setters School of Beauty and The Esthetics District**

Ms. Spencer informed the board that improved communications with ACPE had begun and both Ms. Whitcomb and she had been working with ACPE during ACPE school renewal and initial issuance processes. Ms. Spencer reviewed the notices of action/renewed authorization with the board.

While the board was waiting for public comment attendees, they scheduled a June 2023 meeting to discuss scope of practices as detailed in AS 08.13.220.

The board agreed to meet from 9:00 a.m. – 1:00 p.m., June 15, 2023. At Ms. Chambers suggestion, the board requested Deputy Director Glenn Saviers or Director Sylvan Robb be invited along with the Board's attorney, and Regulation Specialist Alison Osborne or Stefanie Davis also attend.

**Action Item:** OLE Spencer will submit public noticing for this meeting to include invitations to the above listed individuals.

The board was ahead of schedule, while waiting for public comment attendees they moved onto Item 12

**12. Administrative Business Cont.**

**A. Application Review**

Ms. Spencer reported there were no applications for consideration.

**B. FY23 Annual Report**

**I. Narrative Statement**

Chair McMullin stated she had completed the narrative statement and would email it to Ms. Spencer.

**II. Proposed Regulatory Recommendations**

The board agreed that proposed regulation projects from the 2022 report should be included with all the new regulation projects started during this meeting.

**III. Proposed Legislative Recommendations**

The board agreed that proposed legislative projects from the 2022 report should be included in this annual report.

**IV. Goals and Objectives**

The board reviewed the 2022 goals, briefly discussed how those goals had been met and drafted 2023 goals and objectives. Chair McMullin stated she would email this to Ms. Spencer.

The board decided to schedule meetings for 2024 before Ms. Ledford needed to leave.

- The board requested the scheduled October 2, 2023, be amended to be an in-person meeting with a room in the Anchorage office available for board members who could travel and requested board chair elections be included in the agenda.
- January 18, 2024, to begin at 8:30am – 4:30pm, public comment to be scheduled shortly after roll call.
- May 23, 2024, to begin at 8:30am – 4:30pm, public comment to be scheduled shortly after roll call.
- October 10, 2024, to begin at 8:30am – 4:30pm, public comment to be scheduled shortly after roll call.

**9. Public Comment**

No members of the public were online for this item.

*Glenda Ledford excused herself from the meeting at 1:35 p.m.*

The board decided to cancel the Division update – FY22 3<sup>rd</sup> Quarter Budget Report. Ms. Spencer stated she would contact Deputy Director Glenn Saviers and Melissa Dumas, Administrative Operations Manager with cancellation request.

*Recess The Board recessed at 1:43 p.m. for a lunch break; reconvened at 2:06 p.m. Majority of the board confirmed by roll call.*

*Director Sylvan Robb joined the meeting at 2:01 p.m.*

**12. Administrative Business Cont.**

**V. Budget Recommendations**

The board and Ms. Spencer reviewed membership dues, Regional and Annual National meetings, and board meeting travel. Ms. Spencer informed the board that due to the move to computerized examinations, this would not be included. Ms. Spencer also informed the board that due to meeting cancellations, quorum issues, and board participation; the Division was not entertaining out of state travel until the board showed they could successfully meet for scheduled meetings.

Ms. Spencer apologized to the board and Director Sylvan; an email requesting budget report cancellation was sent but she failed to include Director Robb.

**11. Division Update**

Director Robb introduced herself to the board and provided a review of:

**A. FY22 3<sup>rd</sup> Quarter Budget Report**

The board had no questions for Director Robb and thanked her for her time and assistance.

**13. Adjourn**

The chair declared the board off the record at 2:36 p.m.

Respectfully submitted:



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Cynthia Spencer, Licensing Examiner

Approved by:



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Michelle McMullin, Chairperson  
Board of Barbers and Hairdressers

Date: 10/3/2023