



Office of Governor MIKE DUNLEAVY

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Board of Barbers and Hairdressers

Name	Appointed	Reappointed	Expires
Dougherty, Connie (Anchorage) Hairdresser/Esthetician	01/20/2021		03/01/2024
Hardy, Breanna (North Pole) Public	03/22/2023		03/01/2025
Ledford, Glenda (Wasilla) Barber	03/01/2010	03/22/2023	03/01/2026
McMullin, Michelle (Anchorage) Nail Technician	01/23/2017	03/01/2020	03/01/2024
Miramontes, Tenaya (Juneau) Hairdresser	08/22/2023		03/01/2024
Palin, Wendy (Palmer) Industry Licensee	06/22/2023		03/01/2025

Name	Appointed	Reappointed	Expires
Sypakanphay, Khitsana (Anchorage) Tattooist/Body Piercer/Permanent Cosmetic Colorist	01/29/2021		03/01/2024

[Board Fact Sheet](#)

MORE INFORMATION

BOARDS AND COMMISSIONS

ACTIVE BOARDS & COMMISSIONS

APPLY FOR A BOARD APPOINTMENT

CURRENT VACANCIES

RESOURCES



Board of Barbers & Hairdressers FY23 Goals and Objectives

1. Conduct three one-day, face-to-face meetings, one of which will be scheduled to coincide with the first week of legislative session (January), and teleconferences, as needed.
2. Continue to have an operating budget so the board can more efficiently accomplish goals. This includes having a member of the division present during board meetings.
3. Have representation on the national level.
4. Supported staff for licensing to properly handle the growing volume of licenses, apprentice, and student paperwork.
5. Update service and practices of estheticians to meet current industry standards and practices.
6. Increase the length of time licensed as a tattooist or permanent cosmetic colorist from one year to a minimum of three years before taking on apprentices.
7. The board be given authority to create and edit licensing requirements they regulate for each of the professions.
8. Increase the 12-hour manicuring license to bring it up to national standards as well as protect our community members by ensuring the health and safety of this industry.



Board of Barbers & Hairdressers Meeting

Alaska Division of Corporations, Business and Professional Licensing
October 2, 2023 at 9:00 AM AKST to October 2, 2023 at 4:30 PM AKST
Videoconference Meeting

ZOOM Meeting Info:

<https://us02web.zoom.us/j/86551208482?pwd=Mm5WVnFKY3lieE5YTETfa2xwTnJsZz09>

Meeting ID: 865 5120 8482

Passcode: 421579

OR Call In: 1-253-205-0468

TENTATIVE MEETING AGENDA

Working Groups May Occur

Agenda:

1. 9:00 a.m. **October 2, 2023 Call to Order/Roll Call**
 - A. New Board Member Introductions – Wendy Palin and Tenaya Miramontes
2. 9:05 a.m. **Review/Amend Agenda**
3. 9:10 a.m. **Ethics Disclosure**
4. 9:30 a.m. **New Business**
 - A. Legislative Proposal Update
 1. Previous legislative proposal
 2. New proposal(s) to add
 - a. Discuss Creation of New License Type, Advanced Esthetician
 3. Proposal from Tenaya Miramontes
 - B. Apprenticeship fees/wages
5. 9:45 a.m. **Public Comment – Oral testimony for public noticed Regulations will NOT be accepted.**
6. 10:00 a.m. **Division and Financial Update**
 - A. FY23 3rd Quarter Budget Reports
7. 11:30 a.m. **Review & Adopt Regulations: 12 AAC 09.002, 09.005, 09.010, 09.075, 02.140, 12 AAC 09.004, 12 AAC 09.185, 12 AAC 09.190, 12 AAC 09.002(j) and 12 AAC 09.106(d)**
8. 12:15 p.m. **Lunch**

9. 1:15 p.m.

Investigations

- A. Board Investigative Process Training
 - 1. Investigative Process
 - 2. Confidentially Training
 - 3. Board Communications Training
 - 4. Board Member Reviews Training
- B. Investigative Memo
- C. Investigative Probation Report
- D. Executive Session

10. 2:30 p.m.

Old Business

- A. 08.13.220(4) Body Piercing; does allow licensees to pierce ear lobe.

11. 2:45 p.m.

Administrative Business

- A. Review/Edit/Approve Meeting Minutes
 - 1. May 15, 2023 Meeting
 - 2. June 15, 2023 Meeting
- B. FY24 Annual Report
- C. Officer Election Notification – Announcement for January 2024 Meeting
- D. Out of Country Applicants - Announcement
- E. Correspondence
- B. Application Review

12. 4:30 p.m.

Adjourn

State of Alaska Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
 - accept compensation from anyone other than the State for performing official duties;
 - use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
 - take or withhold official action on a matter in which they have a personal or financial interest; or
 - coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

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State of Alaska Department of Law Ethics Act Procedures for Boards & Commissions

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.
- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the Department of Law's ethics website.

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair.**

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter. ⁵
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting. ⁶

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter. ⁷

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website.

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing** and **under oath**.

- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

1 The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

2 The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

3 You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

4 In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

5 The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

6 In this manner, a member's detailed personal and financial information may be protected from public disclosure.

7 When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

8 The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
 Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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Ethics Disclosure Form

CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

☐ I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- ☐ AS 39.52.120, Misuse of Official Position
- ☐ AS 39.52.130, Improper Gifts
- ☐ AS 39.52.140, Improper Use or Disclosure of Information
- ☐ AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- ☐ AS 39.52.160, Improper Representation
- ☐ AS 39.52.170, Outside Employment Restricted
- ☐ AS 39.52.180, Restrictions on Employment after Leaving State Service
- ☐ AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor,

(Agency, Public Corporation, Board,
Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?

☐ Yes ☐ No

2. Can I take or withhold official action that may affect the person or entity that gave me the gift?

☐ Yes ☐ No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

☐ The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: ☐ Approve ☐ Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

**Board of Barbers and Hairdressers
FY 2023 Annual Report**

Legislative Recommendations - Proposed Legislation for FY 2024

☐ **No Recommendations**

The Board has no recommendations for proposed legislation at this time.

☒ **Recommendations**

The Board has the following recommendations for proposed legislation:

Sec. 08.13.220

Remove “microneedling” from the definition of tattooing. This is a medical procedure and the board received legal advice to remove this from the definition.

Sec 08.13.080 and Sec 08.13.160

Add section to allow barbers and non-chemical barbers to practice and teach hair braiding as they were allowed to do before the unintentional consequence of SB4 allowed hairdressers however not barbers or non-chemical barbers to perform this service.

Sec 08.13.082

Allow for apprenticeship hours and other specifications of apprenticeships to be in regulations rather than statute to allow for the changing and dynamic industries we regulate. Also allowing apprenticeship for advanced endorsement of manicuring.

Sec. 08.13.120

Update this section, cleaning up language that is confusing, outdated, and contradictory for temporary licenses, temporary shop licenses, and the allowance of conventions.

Sec. 08.13.130

Adding “current state of Alaska” to the display of license or permits. Recommend the Legislature pass legislation to raise the hour requirement for Manicurists from 12-hours to 250-hours of training, plus passage of a written examination, to be eligible for licensure with the allowances for grandfathering.

Sec 08.13.160(g)

Adding: A person licensed by under this chapter to practice barbering or non-chemical barbering is considered to be licensed to practice hair braiding under the same license.

The board will continue to work and draft legislation as needed to meet industry changes and industry needs.

DATE

Dear Representative _____,

There are five statutes the board of barbers and hairdressers would like to see changed this legislative season.

Two of the changes have been advised by the board's legal advice, and the other three are in line with the governor's right-touch-regulation view.

Statute 1: Barbers have been left unable to practice and teach hair braiding which they had previously been able to.

Statute 2: The definition of tattooing should eliminate the term "microneedling" which is medical procedure.

Statute 3: Apprenticeship hours for some of the programs are in statute and should be moved to regulation allowing for modification via the regulation process in our ever changing professions.

Statute 4: Update temporary license to include all professions and allowing for more economic opportunities. The temporary license statutes and regulations currently are misaligned and an update was advised by the division director.

Statute 5: Include "current Alaskan" terms to display of license to ensure clarity during inspection.

I appreciate your time in considering taking on these changes and look forward to working with your department to ensure clear transition of statute.

The statutes and proposed changes are attached to this document.

Thank you,

Name

Board of Barbers and Hairdressers

Phone Number

Email Address

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

1. Hair braiding statute change to include barbers and non-chemical barbers to practice and teach hair braiding as they were before SB4 excluded them

Sec. 08.13.080. Qualifications of applicants.

- (g) An applicant for a license to practice hair braiding shall
 - (1) apply in writing on a form prescribed by the board;
 - (2) complete, to the satisfaction of the board, 35 hours of instruction in hair braiding, health, safety, and sanitation
 - (A) at an accredited school of hairdressing **barbering, and non-chemical barber license;**
 - (B) at a professional association of hairdressing, **barbering, non-chemical barbering** or hair braiding; or
 - (C) from an individual or school licensed under this chapter and approved by the board; and
 - (3) pay the appropriate fee.

Sec. 08.13.160. Application of license requirements.

(f) A person licensed under this chapter to practice hairdressing is considered to be licensed to practice manicuring, hair braiding, and limited esthetics under the same license.

(g) A person licensed under this chapter to practice barbering or non-chemical barbering is considered to be licensed to practice hair braiding under the same license

2. Removing microneedling from the definition of tattooing in response to legal advice dated May 13th 2019

Sec. 08.13.220. Definitions. In this chapter,

(16) "tattooing" means the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingraining an indelible pigment into or onto the skin, microblading[, MICRONEEDLING.]

3. Modify Sec. 08.13.082 to regulate curriculum hourly requirements

Sec. 08.13.080. Qualifications of applicants. (f) An applicant for an endorsement to a license to practice manicuring or hairdressing indicating that the person is an advanced manicurist shall

- (1) hold, or be approved for, a current license issued under this chapter for manicuring or hairdressing;
- (2) request the endorsement;
- (3) submit documentation from a licensed school of manicuring or hairdressing certifying completion [OF 250 HOURS] **an amount of hours set by the board** of instruction in manicuring that meets the requirements of AS 08.13.110(e);
- (4) pass an examination given by the board for advanced manicurists; and
- (5) pay the appropriate fee.

Sec. 08.13.082. Apprenticeship. (a) The period of apprenticeship required to qualify an applicant for a license to practice barbering [IS 2,000 HOURS] **shall be set by the board in regulation**. The apprenticeship must be served in a shop approved by the board. The **length of the** apprenticeship [MAY NOT BE COMPLETED IN LESS THAN 12 MONTHS FROM THE DATE OF ITS COMMENCEMENT AND MUST BE COMPLETED IN NOT MORE THAN TWO YEARS FROM THE DATE OF ITS COMMENCEMENT] **shall be set by the board in regulation**. The board may set by regulation a period of apprenticeship [OF LESS THAN 2,000 HOURS] for an applicant for a license to practice non-chemical barbering **which will be less than an apprenticeship to practice barbering**. The board may not require an applicant for a license to practice non-chemical barbering under AS 08.13.100(f) to perform apprenticeship

hours or practical operations relating to chemical processes, including permanent waving, bleaching, coloring, or chemical straightening.

(b) The period of apprenticeship required to qualify an applicant for a license to practice hairdressing [IS 2,000 HOURS] **shall be set by the board in regulation.** The apprenticeship must be served in a shop approved by the board. The **length of the** apprenticeship [MAY NOT BE COMPLETED IN LESS THAN ONE YEAR FROM THE DATE OF ITS COMMENCEMENT AND MUST BE COMPLETED IN NOT MORE THAN TWO YEARS FROM THE DATE OF ITS COMMENCEMENT] **shall be set by the board in regulation.**

(c) The period of apprenticeship required to qualify an applicant for a license to practice esthetics [IS 350 HOURS] **shall be set by the board in regulation.** The apprenticeship must be served in a shop approved by the board. The **length of the** apprenticeship [MAY NOT BE COMPLETED IN LESS THAN SIX MONTHS FROM THE DATE OF ITS COMMENCEMENT AND MUST BE COMPLETED IN NOT MORE THAN ONE YEAR FROM THE DATE OF ITS COMMENCEMENT] **shall be set by the board in regulation.**

(d) The number of hours of training required to qualify an applicant for a license to practice tattooing, permanent cosmetic coloring, or body piercing shall be set by the board in regulations. The trainee must be at least 18 years of age when the training commences. The training required under this subsection

(1) may only be received

(A) in a licensed shop in this state under a person who has a practitioner's license under this chapter in the field in which the trainee seeks training;
or

(B) outside the state from a person approved by the board at a site approved by the board;

(2) must include at least 12 hours of training in safety, sanitation, sterilization, aseptic, and other practices necessary to prevent transmission of diseases and infection;

(3) shall be completed **by a length of time set forth by the board in regulation** [IN NOT MORE THAN 12 MONTHS FROM THE DATE OF ITS COMMENCEMENT]; and

(4) shall be documented by certification from the trainer that the training was successfully completed by the trainee.

(e) *[Repealed, Sec. 12 ch 12 SLA 2017.]*

(f)The period of apprenticeship required to qualify an applicant to practice manicuring with advanced endorsement shall be set forth by the board in regulation. The apprenticeship must be served in a shop approved by the board. The length of the apprenticeship shall be set by the board in regulation.

4. Update temporary shop license

Sec. 08.13.120. Shop license. (a) The board shall adopt regulations for the licensing of shops. The regulations must require that a shop for tattooing, permanent cosmetic coloring, or body piercing be inspected and certified by the Department of Environmental Conservation as being in compliance with the regulations adopted under AS 44.46.020 before a shop license may be issued under this subsection. [A SHOP OWNER SHALL BE LICENSED TO OPERATE A SHOP WITHOUT EXAMINATION, BUT, UNLESS] **Unless** the shop owner is a practitioner, the shop owner may not conduct business without employing a manager who is a practitioner. This subsection does not apply to a shop for the practice of barbering, hairdressing, hair braiding, or esthetics located in a community having a population of less than 1,000 people that is not within 25 miles of a community of more than 1,000 people.

(b) The regulations adopted under (a) of this section must include provisions under which the board may issue a temporary shop license to a person who has a license or temporary permit under this chapter to practice **hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, manicuring,** tattooing, permanent cosmetic coloring, or body piercing. The temporary shop license authorized under this subsection may only be issued to **a practitioner to hold a convention, workshop, demonstration or special event which may include other practitioners as defined by the board in regulation.** [COVER A SITE WHERE THE PRACTITIONER INTENDS TO HOLD A WORKSHOP OR TO DEMONSTRATE TECHNIQUES AS PART OF A CONVENTION OR OTHER SPECIAL EVENT, AS DEFINED BY THE BOARD, THAT INCLUDES OTHER PRACTITIONERS OF

TATTOOING, PERMANENT COSMETIC COLORING, OR BODY PIERCING. EACH PRACTITIONER OF TATTOOING, PERMANENT COSMETIC COLORING, OR BODY PIERCING WHO HOLDS A WORKSHOP OR DEMONSTRATES TECHNIQUES AT A CONVENTION OR SPECIAL EVENT SHALL HAVE A SEPARATE TEMPORARY SHOP LICENSE AND A LICENSE OR TEMPORARY PERMIT UNDER THIS CHAPTER TO PRACTICE TATTOOING, PERMANENT COSMETIC COLORING, OR BODY PIERCING.]

The board shall issue a temporary shop license upon receipt of an application from a practitioner demonstrating compliance with the regulations adopted under this section and payment of the appropriate fee; however, the temporary shop license may be summarily revoked, without refunding of the fee, if for hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, or manicuring, the Department of Commerce Community and Economic Development or for tattooing, permanent cosmetic coloring, or body piercing, the Department of Environmental Conservation determines that the cleanliness or sanitation conditions at the site covered by the temporary license pose a clear and immediate danger to the public health or safety. A licensee may appeal a summary revocation under this subsection to the superior court.

5. Add “current” to display of license or permit

Sec. 08.13.130 Display of license or permits (a) A practitioner shall display the practitioner's current state of Alaska license in a conspicuous location in the practitioner's place of business.

Each shop owner is responsible for the conspicuous display of the shop's current state of Alaska license and the current state of Alaska licenses of employees and individuals renting booths in the shop. A person holding a student permit, temporary license, or temporary permit shall display the current state of Alaska permit or license in a conspicuous location in the school in which the person is enrolled or the shop in which the person works. The school or shop owner is responsible for the display of a current state of Alaska permit or license for each enrolled student, apprentice, or temporary license holder.

(b) A license issued to a manicurist by the department must state that the manicurist has successfully completed a course of instruction or training in health, safety, and hygiene concerns related to the practice of manicuring.

Regulation reform to support statute changes

1. Hair braiding statute change to include barbers and non-chemical barbers to practice and teach hair braiding as they were before SB4 excluded them

12 AAC 09.096. HAIR BRAIDING LICENSE REQUIREMENTS. An applicant for a hair braiding license shall apply on a form provided by the department. The application must include

- (1) payment of the fees established in 12 AAC 02.140;
- (2) verification of completed training required under 12 AAC 09.164 by submitting either
 - (A) documentation of 35 hours of training received from
 - (i) a licensed school in this state; or
 - (ii) a licensed hairdresser, instructor of hairdressing, **licensed barber, licensed non-chemical barber, instructor or barbering**, or hair braider in this state that meets the requirements of 12 AAC 09.186; or
 - (B) verification of licensure from another state with equivalent requirements in which the applicant is licensed as a hair braider; the verification must include hours of training the applicant completed.

12 AAC 09.186. TRAINEES IN HAIR BRAIDING. (a) A currently licensed hairdresser, instructor in hairdressing, **barber, non-chemical barber, instructor in barbering**, or hair braider in a shop that is licensed by the board under 12 AAC 09.110 may provide instruction in hair braiding in accordance with 12 AAC 09.164.

(b) The trainer under (a) of this section must have held a license in this state for at least one year before the training begins.

2. Removing microneedling from the definition of tattooing in response to legal advice dated May 13th 2019

None

3. Modify Sec. 08.13.082 to regulate curriculum hourly requirements

This regulation project is complex and a special meeting has been scheduled to discuss the reform of these regulations in response to the proposed statute change.

4. Update temporary shop license

12 AAC 09.112. TEMPORARY SHOP LICENSE. (a) The board will issue a temporary shop license to a person who

- (1) holds a current license or temporary permit in this state to practice **hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, manicuring,** body piercing, tattooing, or permanent cosmetic coloring;
- (2) intends to hold a **convention, special event,** workshop or [TO DEMONSTRATE TECHNIQUES AS PART OF A CONVENTION OR OTHER SPECIAL EVENT] **demonstration** that includes other practitioners of **hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, manicuring,** body piercing, tattooing, or permanent cosmetic coloring; and
- (3) meets the requirements of this section.

(b) An applicant for a temporary shop license under this section shall submit

- (1) a completed application on a form provided by the department; a completed application must identify the convention or other special event, its location, and the dates for which the temporary shop license is being requested;
- (2) **for tattooing, permanent cosmetic coloring, or body piercing,** an affidavit verifying that the applicant has applied for a Department of Environmental Conservation certificate of sanitary standards issued under 18 AAC 23.310 **and for hairdressing, hair braiding, barbering, non-chemical barbering, esthetics, manicuring, a self certification form issued by the Division of Commerce Community and Economic development;** and
- (3) the temporary shop license fee established under 12 AAC 02.140.

- (c) An application for a temporary shop license must be received in the department's Juneau office at least 30 days before the convention or other special event is scheduled to begin.
- (d) A temporary shop license is valid only for the dates and locations of the convention or other special event described in the application, and for the practitioner to whom it was issued.
- (e) A temporary shop license must be posted in a conspicuous location on site at the convention or other special event.

[(F) IN THIS SECTION AND AS 08.12.120(b), “CONVENTION OR OTHER SPECIAL EVENT” MEANS A CONVENTION, INDUSTRY TRADE SHOW, OR SIMILAR EVENT THAT INCLUDES PRACTITIONERS OF BODY PIERCING, TATTOOING, PERMANENT COSMETIC COLORING AND AT WHICH THE LICENSE APPLICANT INTENDS TO DEMONSTRATE TO THE OTHER PRACTITIONERS PRODUCTS OR TECHNIQUES RELATED TO BODY PIERCING, TATTOOING, OR PERMANENT COSMETIC COLORING]

5. Update “current state of Alaska” to all license display verbiage in regulations.

DATE

Senate
Dear Representative Jesse Byrkman

There are five statutes the board of barbers and hairdressers would like to see changed this legislative season.

Two of the changes have been advised by the board's legal advice, and the other three are in line with the governor's right-touch-regulation view.

Statute 1: Barbers have been left unable to practice and teach hair braiding which they had previously been able to.

Statute 2: The definition of tattooing should eliminate the term "microneedling" which is medical procedure.

Statute 3: Apprenticeship hours for some of the programs are in statute and should be moved to regulation allowing for modification via the regulation process in our ever changing professions.

Statute 4: Update temporary license to include all professions and allowing for more economic opportunities. The temporary license statutes and regulations currently are misaligned and an update was advised by the division director.

Statute 5: Include "current Alaskan" terms to display of license to ensure clarity during inspection.

I appreciate your time in considering taking on these changes and look forward to working with your department to ensure clear transition of statute.

The statutes and proposed changes are attached to this document.

letter from board -
on board -

Thank you,

Name TINA TAYLOR - Dist.

Board of Barbers and Hairdressers

Phone Number 907-398-8462

Email Address ~~hikeel61@gmail.com~~ hikeel61@gmail.com

Scope of practice discussions and definition changes

New definition

Tattoo removal – non ablative removal via saline solution; only practiced by tattoo artists and permanent cosmetic colorists

Definition clean up

Barbering- add braiding

Body piercing – find better language

Hair braiding – No changes

Hairdressing – remove dressing and add braiding

Tattooing – remove microneedling and microblading

Non-chemical barbering- add braiding

Major changes for definitions

Limited manicuring - natural nails and gel polish

Cutting, filing, trimming, shaping, polishing, coloring, removing polish, tinting, airbrushing, decorating, cleansing, or otherwise beautifying natural nails and toenails. To include gel polish application and removal.

Massaging, cleansing and exfoliating a person's hands, arms, feet and legs.

Does not include hair removal cutting nail beds, treating corns or calluses or any medical treatment involving feet, hands or nails.

Manicuring - to remain for natural nails and gel polish

Cutting, filing, trimming, shaping, polishing, coloring, removing polish, tinting, airbrushing, decorating, cleansing, or otherwise beautifying natural nails and toenails. To include gel polish application and removal.

Massaging, cleansing and exfoliating a person's hands, arms, feet and legs.

Does not include hair removal cutting nail beds, treating corns or calluses or any medical treatment involving feet, hands or nails.

Advanced manicuring (nail technician)-

Applying and removing artificial nails- to include any product that requires structure or buildable strength to be applied to the surface of the nails or toenails.

Cutting, filing, trimming, shaping, polishing, coloring, removing polish, tinting, airbrushing, decorating, cleansing, or otherwise beautifying natural nails and toenails. To include gel polish application and removal.

Massaging, cleansing and exfoliating a person's hands, arms, feet and legs.

Does not include hair removal, cutting nail beds, treating corns or calluses or any medical treatment involving feet, hands or nails.

Limited esthetics-

makeup application, strip lashes and lash extensions applications, temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories, or others means; and tinting or perming the eyelashes and eyebrows

Esthetics-

noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams, and essential oils to cleanse, massage, exfoliate, hydrate and stimulate, makeup application, strip lashes and lash extensions applications, temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories, or others means; and tinting or perming the eyelashes and eyebrows; pore extraction; use of chemical exfoliants approved for professional esthetic use particle exfoliation; use of any class 1 medical device, as classified by the united states food and drug administration, designed for the care of skin.

Class I medical device with low to moderate risk requiring general controls

Estheticians may use these devices without medical supervision

Microdermabrasion

Hydrodermabrasion

Microcurrent

LED

Microchanneling

Superficial ultrasound (3mhz or less)

Galvanic

Vacuum

High frequency

Estheticians are not legally allowed to preform injectables under a doctors supervision.

New license

Advanced esthetics (400 hours + esthetics license)

400 hours

100 completed procedure hours

150 hours of theory

150 hours of practical

25 discretionary hours

NIC advanced esthetician exam

Discussion with medical board will be needed

Apprenticeships and some curriculum hours will require health professional sign offs for hours collected.

Repeatability with other states with advanced or master esthetics licenses

health care professional collaboration required in order to perform advanced esthetics once licensed. Application and termination filing to be maintained by Board of barbers and hairdressers

noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams, and essential oils to cleanse, massage, exfoliate, hydrate and stimulate, makeup application, strip lashes and lash extensions applications, temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories, or other means; and tinting or perming the eyelashes and eyebrows; pore extraction; use of chemical exfoliants approved for professional esthetic use particle exfoliation; use of any class 1 medical device, as classified by the United States Food and Drug Administration, designed for the care of skin.

Class II medical device designed for the care of the skin may be used as directed and supervised by an authorized and licensed health care provider

Class I medical device with low to moderate risk requiring general controls

Estheticians may use these devices without medical supervision

Microdermabrasion

Hydrodermabrasion

Microcurrent

LED

Microchanneling

Superficial ultrasound (3mhz or less)

Galvanic

Vacuum

High frequency

Class II medical device with a moderate to high risk that requires special controls. Estheticians may use these devices when working under medical supervision

Microneedling

Lasers for hair removal or skin resurfacing

Radiofrequency

Non-superficial ultrasound (2mhz or less)

Cool sculpting

Class III medical device with a high risk that requires premarket approval. Estheticians can not use these devices with or without medical supervision.

Estheticians are not legally allowed to perform injectables under a doctor's supervision.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

BOARD OF BARBERS AND HAIRDRESSERS

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

November 14, 2022

Position Statement Regarding Estheticians Providing Services at the Dermal Skin Layer

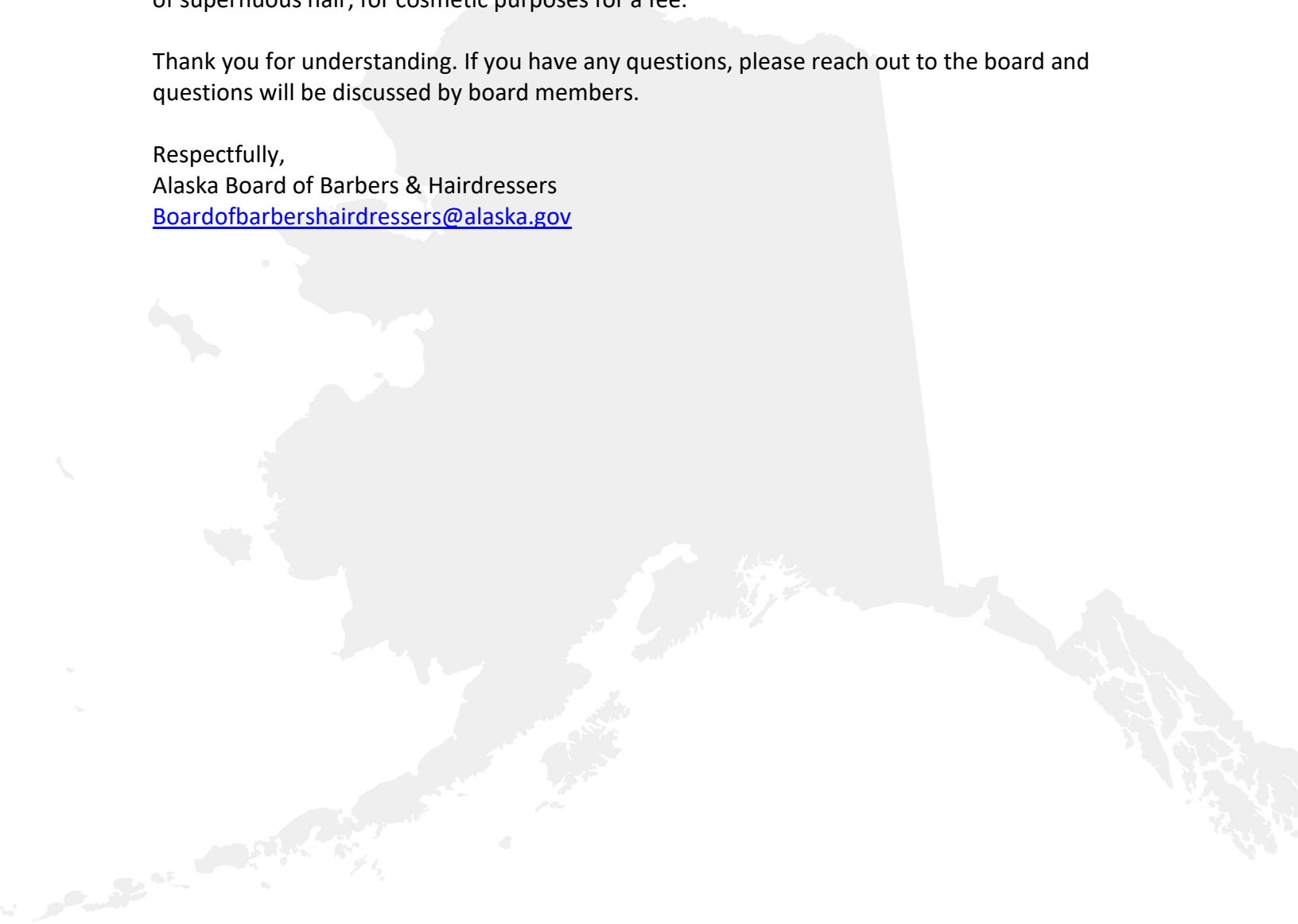
The Board of Barbers & Hairdressers met November 14, 2022 and made the following statement addressing estheticians providing services that go below the dermal layer of skin.

Estheticians may provide services that does not go below the dermal layer of skin.

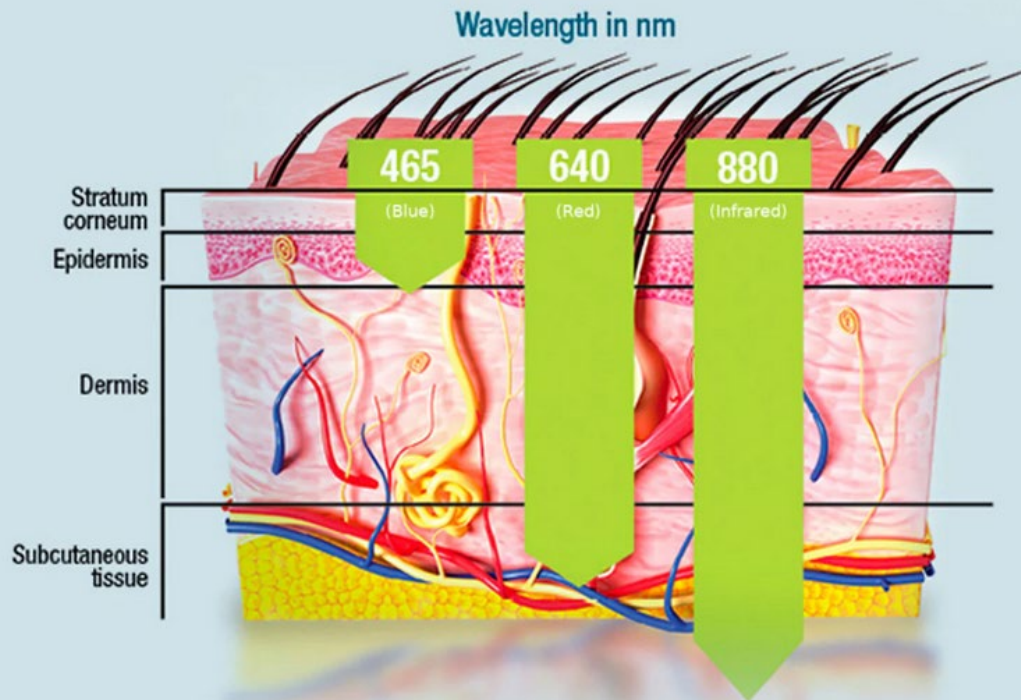
In accordance with Alaska statute 08.13.220(5) "esthetics" means the use of the hands, appliances, cosmetic preparations, antiseptics, or lotions in massaging, cleansing, stimulating, or similar work on the scalp, face or neck, including skin care, make-up, and temporary removal of superfluous hair,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

Respectfully,
Alaska Board of Barbers & Hairdressers
Boardofbarbershairdressers@alaska.gov



Depth of Light Energy Penetration





THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

BOARD OF BARBERS AND HAIRDRESSERS

P.O. Box 110806
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November 14, 2022

Position Statement Regarding Microneedling, Microchanneling, Nanoneedling, Skin Stamping, And Dermarollers

On January 1st, 2019 statutory change took effect and the definition of tattooing was changed to include the terms microblading and microneedling. This statutory change was a result of SB4 which passed April 2018. The FDA released a formal statement on June 12th, 2018, announcing microneedling devices as a class II medical device to be used by or under the supervision of medical practitioners.

Tattooing is currently defined as “the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingrainning an indelible pigment into or onto the skin, microblading, or microneedling.” However, the process of microneedling does not deposit pigment into the skin nor does it form an indelible mark. The microneedling process is not satisfied by the definition of tattooing. Furthermore, permanent cosmetic coloring, defined as tattooing “for the purpose of simulating hair and makeup” does not support microneedling as the microneedling procedure does not simulate hair or makeup, in addition to not forming or ingrainning an indelible pigment into the skin.

After extensive research it is the opinion of the board that microneedling, microchanneling, nanoneedling, skin stamping, and dermaroller services, or similar services that puncture the skin should not be performed by anyone licensed by this board nor should microneedling be included in the definition of tattooing.

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

Respectfully,
Alaska Board of Barbers & Hairdressers
Boardofbarbershairdressers@alaska.gov

MEMORANDUM

State of Alaska Department of Law

TO: Sara Chambers, Director, Alaska Division of Corporations,
Business and Professional Licensing

DATE: November 01, 2022

FROM: Patty C. Burley
Assistant Attorney General
Commercial and Fair Business Section

FILE NO.: 2022102526

TEL. NO.: (907) 269-6600

SUBJECT: Barbers and Hairdressers
Board Questions

The Board has requested assistance on several issues which this memo will attempt to address. Please see the individual responses below.

LASERS AND DERMA LIGHTS

The board requested assistance discerning the place of “lasers” in the practice of esthetics and how to define what is acceptable for use by licensees. Specifically, due to the growing market for “medical spa” treatments, the Board is seeking assistance clarifying what is within the esthetician scope of practice under current law and what further guidance should be adopted in regulation.

History

The Board first discussed lasers in 2005. That year the Board voted unanimously to allow estheticians to perform “cold” laser hair removal while “hot” laser hair removal was to be performed only by a physician or individual under a physician’s supervision. The rationale was that laser hair removal, like Botox injections, dermabrasion and chemical peels went below the skin level and thus violated the definition and authority of estheticians.

In January of 2010, the Board again reviewed the use of lasers by estheticians. Specifically, the Board looked at three documents:

1. A letter dated March 1, 2005 from former Board Director Rick Younkings
2. Alaska Medical Board Guidelines regarding the use of Lasers and Laser Surgery dated October 25, 2007; and
3. American College of Surgeries (ST-11- Statement of Surgery Using Lasers, Pulsed Light, Radiofrequency Devices and other Techniques.

The Board was concerned the definition for esthetician allowed for the use of appliances and cosmetic preparations and could thus be inferred to allow for the use of lasers. The board went on to focus on the definition of “ablative” and “non-ablative” treatments and

recommended that for the purposes of AS 08.13.220(5), “appliances” or “cosmetic preparations” used to stimulate the face, scalp or neck, not include devices, tools or chemicals that are designed to excise, burn, or vaporize the skin below the derma-epidermal junction.”

The Board never followed up on this idea and never pursued the statute change.

In January of 2011, the Board requested a definition in the regulations showing that use of lasers is not part of an esthetician’s scope of practice. The Board felt estheticians cannot use lasers, only the medical community can. However, again the Board failed to follow-up.

The Board has not formally taken up the issue since despite several work sessions on regulations and statutes.

AAG Response

Both laser hair removal and derma lights penetrate below the skin surface and thus are prohibited to be performed by estheticians under the current definition in AS 08.13.220(5) which limits esthetician work to the outer layers of the scalp, face or neck.

A short term response is to issue a statement on the Board’s website containing something to the effect of:

Alaska Statute 08.13.220(5) defines esthetics as the use of hands, appliances, cosmetic preparations, antiseptics, or other lotions in massaging, cleansing, stimulating, or similar work on the scalp, face, or neck, including skin care, makeup and temporary removal of superfluous hair, for cosmetic purposes.

Lasers, derma lights and similar procedures penetrate below the skin surface and can involve areas beyond the scalp, face, or neck and are therefore outside the scope of practice of an esthetician’s license.

FIBROBLASTING, DERMAPLANING, CRYOSKIN

The Board agreed that fibroblasting, dermaplaning, and cryoskin are not within the scope of practice of the Board of Barbers and Hairdressers and may be the practice of medicine and surgery. The Board seeks guidance on issuance of a position statement that these practices require supervision by an appropriate licensed health care provider.

Background

The FDA has issued a warning against fibroblasting for aesthetic reasons. Currently most states require that only a plastic surgeon or medical professional perform this procedure due to the potential for 2nd and 3rd degree burns, nerve damage, and/or scarring. This procedure targets below the skin layer.

Cryoskin also targets below the skin and there have been reports of serious injuries. The FDA warns against this therapy stating there is no good research to support its effectiveness but the risks, however, are significant. Aside from the obvious (frostbite and burns), the FDA warns that asphyxiation can occur when nitrogen vapors reduce the amount of oxygen in an enclosed room. There may be an issue in Alaska laws regarding the storage of liquid nitrogen and the fact that cryosurgical units and accessories are considered medical devices.

Dermaplaning, however, is a different matter. Members of the public have twice come before the Board for guidance and been told by the Board that dermaplaning can be performed by licensed barbers. Presumably this was stated because the definition for “barbering” under AS 08.13.220(2) states that barbering includes *shaving*, trimming, or cutting, styling, curling, permanent waving... the beard or hair of a living person. While dermaplaning touts itself as more than shaving, at its most basic level it is shaving using a No. 10 surgical blade held at a 45-degree angle. Dermaplaning does not go below the surface of the skin. The Board discussed drafting a position paper on dermaplaning during its November 2019 meeting but never followed through.

AAG Response

As with laser hair removal and derma lights, fibroblasting and cryoskin penetrate below the skin surface and thus are prohibited from being performed by estheticians under the current definition in AS 08.13.220(5) which limits esthetician work to the outer layers of the scalp, face or neck.

A short term response is to issue a statement on the Board’s website much like the one suggested above. Additionally, the Board can advise that the FDA has warned against both procedures and can insert links to the FDA warnings.

Dermaplaning, however, is not prohibited for estheticians or barbers. While barbers traditionally do ‘shaving’ nothing in current state statutes or regulations prohibits an esthetician from using ‘appliances’ to remove superfluous hair from the face or neck. A review of how other states regulate dermaplaning shows a lack of consistency. States like Florida and Arizona allow estheticians to perform dermaplaning. Other states, such as California, prohibit the practice by all professions. While still other states, such as Colorado and Connecticut, only allow dermaplaning under an advanced esthetician license which has instruction specific not only to the procedure but to blood borne pathogens.

MICRONEEDLING, MICROCHANNELING AND NANONEEDLING

In 2019 the Alaska legislature adopted terminology which placed microneedling under the definition of tattooing. On June 12, 2018, the FDA announced that microneedling

devices are a Class II device to be used by or under the supervision of medical practitioners. The Board is concerned the placement of microneedling under tattooing is in error. The Board is seeking guidance on how to direct practitioners until a fix can be completed.

Background

At its January 29 and January 30, 2019 meeting, the Board reviewed a legal memorandum written on March 16, 2018 regarding Tattooing and Permanent Cosmetic Coloring. It was the conclusion of the writer, Claire E. Radford, that the inclusion of the words “microblading” and “microneedling” in the tattooing definition did not limit performance of those practices to a person who holds a license for tattooing. Those services could be performed by a person holding a license in permanent cosmetic coloring if done for the limited purpose of stimulating hair and makeup. Given the information provided, the Board decided to proceed with a statute change to update the definition of tattooing in AS 08.13.220(13).

When the Board met in October of that year, they recommended removing microneedling from the definition of tattooing.

At some point in 2019, the Board drafted a position paper stating they were researching the topic of microneedling but in the meantime it was their opinion that microneedling should not be performed by tattooers or permanent cosmetic colorists nor should it be included in the definition of tattooing. The Board recommended that tattooers and permanent cosmetic colorists not perform microneedling but that it be left within the scope of medical professionals. The Board did not adopt the position paper.

In May of 2020, the Board voted unanimously to remove microneedling from the definition of tattooing stating it is a medical procedure. However, despite the vote, no other affirmative steps were taken.

In May of 2021, the Board again discussed microneedling. The Board felt microneedling should be performed at a nurse’s level.

In October of 2021, the Board reviewed the definition of tattooing and again discussed the need to remove microneedling from the definition noting that this has been on their project list for 3 years but has not been sent to the legislature.

AAG Recommendation

In regards to microneedling, the FDA only recommends that it be done by a health care provider who is specially trained in microneedling. The FDA does not mandate it. Moreover, not all microneedling products are medical devices, it all depends on the length and sharpness of the needles. The FDA allows estheticians to perform microneedling if they are using devices of less than 0.3mm.

Microneedling, microchanneling, and nanoneedling, however, go below the surface of the skin and therefore in Alaska are prohibited from being performed by an esthetician. Currently, however, a tattooist may legally perform the service of microneedling in this State even though it does not involve any coloring.

The Board has been aware of the error in the statute defining tattooing for a few years and has suggested the legislative fix to remove microneedling from tattooing several times, however, the Board has not sent this matter for a legislative change. Until that occurs, the problem will continue to persist. Because all of these procedures are below the skin's surface level, they may not be performed by estheticians. Until the legislative fix is actually pursued, the issue will continue to be a problem.

CRAZY HAIR

The Board discussed the practice of “crazy hair” which requires a mobile shop license as well as adherence to the state’s safety and sanitation requirements. The Board is seeking guidance on the posting of an advisory on the Division website.

History

In October of 2019, the Board stated it did not believe that crazy hair activities warrant a professional license and would, therefore, take no action against those practicing those services. The Board elected to have one of its members draft a position statement. In May of 2020, the Board adopted a statement regarding Crazy Hair which was posted on the Division’s website. In May of 2021, the Board requested the statement be once again posted on the Division’s website.

The statement essentially said that providers of “crazy hair” at fairs, festivals, parties, and bazaars may not be licensed professionals and the use of those services puts the user at risk for: head lice and bed bugs, viral infections, bacterial infections, fungus, ringworms, hair and skin damage. It is unclear whether this statement was ever actually placed on the Division website.

AAG Recommendation

Alaska’s requirement that those providing hair services be licensed to do so and that they have a mobile shop license mirrors that of other states. However, I could find no state that posts a warning on their websites about carnival/festival hair activities but that does not mean that Alaska cannot. The wording on that would be up to the Board. There are reasons why a salon has sanitary requirements, provided the Board refer to those reasons, the Board would be fine in posting an informational notice on the Division website. For example: Getting your hair done at a festival may sound like fun but keep in mind that the practice of hairdressing in Alaska is licensed and regulated for health and sanitary reasons. Persons who make changes to the style, color, and/or texture of hair in this state for a fee require a license which indicates they have sufficient training and knowledge.

Booths at a carnival, festival or fair require a mobile shop license. In Alaska, hairdressers and shops are required to prominently post these licenses. Check that you see these licenses before you or your child get any services. If you have concerns, please contact...

Long-Term Resolution

This Board has been struggling with the number of cosmetic procedures that seem to constantly be developed. In the end, if they penetrate below the surface of the skin, an esthetician may not perform that service. However, Alaska's statute defining esthetician is outdated and does not keep up with the actual practice in most states. Moreover, some of the procedures which the Board is concerned about are taught as part of a standard esthetician curriculum at several more established locations and are also performed at a number of Lower 48 locations where estheticians may go to get some of the apprenticeship hours that are required by Alaska. That adds to the confusion; especially when the closest states – Washington and Oregon, allow several of the procedures to be performed by estheticians, albeit, under an advanced esthetician license.

Some states have a more robust licensing structure which differentiates and separately licenses and/or certifies the different disciplines. For example, in Idaho, an individual can obtain the following licenses: barber; barber-stylist; cosmetologist; electrologist; esthetician; nail technician; makeup artist; barber, barber-stylist instructor, etc.

Other states, like Washington and Oregon, simply have an Advanced or Master Esthetician License. These states regulate the testing, supervision, and other activities of advanced estheticians to ensure that those estheticians performing work with lasers, plasma, needling, etc., are properly trained and that someone in the medical field works in these offices. Oregon includes a catch-all provision that any new technology not specifically mentioned in their code but which the advanced esthetician intends to utilize is also covered (in other words they must demonstrate significant proficiency in that technology before they can use it).

Finally, some states, like California and New York, review each new procedure as they emerge and regulate each one either adding it to the items that can be performed by an esthetician, an advanced esthetician, a doctor, or are banned throughout the state.

What is currently clear is that this Board's approach of addressing items in their minutes is not working. Minutes are difficult to sift through and are not generally something the public goes to for guidance. Moreover, position statements, while helpful, are not widely seen in an ever emerging industry. Statutes and regulations would go much further towards stemming the issues which this Board has faced since at least 2005.

My office is available and willing to assist. Samples of statutes and regulations from other states could be provided for review and discussion by this Board if this Board

would like to consider updating the current framework under which it regulates these practices.

Thank you for the opportunity to assist. Should there be any additional questions or if there is anything else I can assist with, please do not hesitate to reach out.

Alaska State Medical Board
Board Issued Guidelines

Subject:	<i>Delegating to Medical Assistants (Unlicensed Assistive Personnel)</i>
Implemented:	July 28-29, 2011
Revised:	January 26-27, 2012, November 3-4, 2016
<p>Medical Assistants (MAs) are unlicensed assistive personnel that perform office and clinical functions. There is currently no licensing program for MAs. Unlicensed assistive personnel are prohibited from providing services that are considered the practice of medicine, such as patient assessment or evaluation of care, health counseling, IV therapy, procedural sedation, home dialysis therapy, oral tracheal suction, medication management, injections, chemical peels, liposuction, autotransplantation, administering Botox or dermal fillers, or use of certain equipment (such as lasers, etc.) Procedures considered to be the practice of medicine may only be performed by a licensed physician.</p> <p>A physician who supervises MAs is the primary treating physician with ultimate responsibility for the patient and is responsible for the activities of the MA, including direct supervision when delegating routine duties. A physician may only delegate routine duties; there is no provision for a physician to delegate clinical duties that are under their own scope of practice. The scope of practice for physicians in Alaska is defined in statute; those physicians who employ MAs are advised to be familiar with the requirements and comply with them.</p> <p>Note: Under Alaska law, a licensee may be sanctioned for intentionally or negligently permitting the performance of patient care by persons under the licensee's supervision that does not conform to minimum professional standards even if the patient was not injured; in addition, it is considered unprofessional conduct to delegate professional practice responsibilities that require a license or permit under to a person who does not possess the appropriate education, training, or licensure to perform the responsibilities.</p>	

Alaska State Medical Board
Board Issued Guidelines

Subject:	<i>Guidelines Regarding the Use of Lasers and Laser Surgery</i>
Implemented:	January 16, 2004
Revised:	October 25, 2007
<p>The Alaska State Medical Board has adopted the policies of the American Medical Association, following, to be its guidelines to its licensees in Alaska with regard to who may perform laser surgery.</p> <p style="text-align: center;"><u>Performance of Laser Surgery</u></p> <p>American Medical Association's Policy H-475.989, Laser Surgery, reads:</p> <p style="padding-left: 40px;">“Laser surgery should be performed only by individuals licensed to practice medicine and surgery or by those categories of practitioners currently licensed by the state to perform surgical services.”</p> <p>American Medical Association's Policy H-475.988, Laser Surgery, reads:</p> <p style="padding-left: 40px;">“The board opines that revision, destruction, incision or other structural alteration of human tissue using laser is surgery.”</p> <p>The board has further adopted into its policy the American College of Surgeons' “<i>Statement on Surgery Using Lasers, Pulsed Light, Radiofrequency Devices, or Other Techniques</i>” adopted February 9, 2007 by the ACS Board of Regents attached hereto.</p>	

Alaska State Medical Board Board Issued Guidelines

American College of Surgeons

[ST-11] Statement on Surgery Using Lasers, Pulsed Light, Radiofrequency Devices, or Other Techniques

Adopted February 9, 2007 by ACS Board of Regents

*Recognizing the increased usage of laser surgery and to provide professional guidance to state and federal regulatory bodies addressing laser and other surgery issues, the American College of Surgeons wishes to make the following revised statement regarding these operative techniques. The original statement was published in the March 1991 issue of the **Bulletin**.*

Surgery is performed for the purpose of structurally altering the human body by the incision or destruction of tissues and is part of the practice of medicine. Surgery is also the diagnostic or therapeutic treatment of conditions or disease processes by any instruments causing localized alteration or transposition of live human tissue which include lasers, ultrasound, ionizing radiation, scalpels, probes and needles. The tissue can be cut, burned, vaporized, frozen, sutured, probed, or manipulated by closed reduction for major dislocations and fractures, or otherwise altered by any mechanical, thermal, light-based, electromagnetic, or chemical means. Injection of diagnostic or therapeutic substances into body cavities, internal organs, joints, sensory organs, and the central nervous system is also considered to be surgery (this does not include administration by nursing personnel of some injections, such as subcutaneous, intramuscular and intravenous when ordered by a physician). **All of these surgical procedures are invasive**, including those that are performed with lasers, and the risks of any surgical intervention are not eliminated by using a light knife or laser in place of a metal knife or scalpel.

In recent years, technological advances have made it possible to perform cosmetic surgical procedures of the skin using a variety of devices and techniques. Lasers, pulsed light and radio frequency devices are often used for ablative and non-ablative treatments. An ablative treatment is expected to excise, burn or vaporize the skin below the dermo-epidermal junction. Non-ablative treatments are those that are not expected or intended to excise, burn or vaporize the epidermal surface of the skin. **Any procedures that can damage the eye (cornea to retina) are ablative and should only be performed by a licensed physician.**

The American College of Surgeons believes that surgery using lasers, pulsed light, radio frequency devices or other means is the practice of medicine and constitutes standard forms of surgical intervention. It is subject to the same regulations that govern the performance of all surgical procedures including those that are ablative or non-ablative, regardless of site of service (i.e., hospital, ambulatory surgery center, physician's office, or other locations). Patient safety and quality of care are paramount, and the College therefore believes that patients should be assured that individuals who perform these types of surgery are licensed physicians (defined as doctors of medicine or osteopathy) who meet appropriate professional standards. This is evidenced by comprehensive surgical training and experience, including the management of complications, and the acquisition and maintenance of credentials in both the appropriate surgical specialties (i.e., board certification) and in the use of lasers, pulsed light and radio frequency devices of other similar techniques.

However, the College also recognizes that the use of ablative lasers may be delegated to non-physician advanced health care practitioners (defined as Nurse Practitioners or Physician Assistants) who are appropriately trained, and licensed by the state in which they practice. Ablative treatments or procedures performed by non-physician advanced health care practitioners should fall within the statutory and/or regulatory scope of the practitioner's profession. The physician may delegate the performance of ablative treatments through the use of written protocols to an advanced health care practitioner. Direct supervision should be provided by the physician whenever performance of ablative treatments has been delegated to an advanced health practitioner, unless specific state regulations allow for lesser amounts of supervision. The physician is responsible for doing the initial review of the patient and for authorizing the treatment plan. This should be appropriately noted in the patient's chart prior to any initial ablative treatment.

Physicians may also delegate the performance of non-ablative treatments to non-physician health practitioners (defined as registered nurses, cosmetologists, aestheticians, and medical assistants of other qualified personnel) provided the treatments are performed under direct supervision by the physician consistent with state laws and regulations in the state where they practice. The physician must also assure that these practitioners are: appropriately trained, licensed by the state in which they practice, practicing within the scope of their licensure, and provided with written protocols. Similar to ablative treatments, the physician is responsible for doing the initial review of the patient and for authorizing the treatment plan, and this should be appropriately noted in the patient's chart prior to any initial non-ablative treatment.

In those cases where the surgeon may utilize the services of a non-physician advanced health practitioner or non-physician health practitioner as an assistant during the performance of laser surgery (including ablative or non-ablative procedures), the assistant must:

- Be properly licensed, certified and/or credentialed to practice their profession;
- Have appropriate education and training for assisting the surgeon in laser surgery procedures; and
- Complete their assigned duties under the direct supervision of the surgeon performing the procedure.

Individuals who perform laser surgery utilizing lasers, pulsed light or radio frequency devices of other techniques should meet the principles of the College (http://www.facs.org/fellows_info/statements/stonprin.html) in all respects, to include the avoidance of any misrepresentations to the public regarding unfounded advantages of the laser compared with traditional operative techniques.

Alaska State Medical Board

Policies and Procedures

Board Issued Guidelines		Section 6
Subject:	<i>Guidelines for Physicians in Delegating Procedures to Non-physician Personnel When Performing Certain Dermatological Procedures</i>	
Implemented:	January 16, 2004	
Revised:	March 7, 2014; August 3-4, 2017	

The Alaska State Medical Board has adopted the following to be its guideline to physicians licensed to practice medicine in Alaska when considering the delegation of certain procedures to non-physician office personnel.

Non-Physician Practice of Medicine and the Use of Non-Physician Office Personnel

The guiding principle for all physicians is to practice ethical medicine with the highest possible standards. Physicians should be properly trained in all procedures performed to insure the highest level of patient care and safety. A physician should be fully qualified by residency training and preceptorship or appropriate course work. Training should include an extensive understanding of cutaneous medicine and surgery, the indications for each procedure, and the pre- and post-operative care involved in treatment. It is the position of the board that only active and properly licensed doctors of medicine and osteopathy shall engage in the practice of medicine. Unlicensed personnel are prohibited from providing services that are considered the practice of medicine.

Under the appropriate circumstances, a physician may delegate certain procedures to licensed non-physician health care practitioners (e.g., registered nurses, physician assistants, etc.). These procedures include administering a botulinum toxin or dermal filler, autotransplantation of biological materials, or treating with chemical peels below the dermal layer, or hot lasers. A physician may also delegate the performance of some non-invasive treatments to non-physician health practitioners (e.g., nurses, physician assistants, cosmetologists, estheticians, etc.) The physician must ensure that the non-physician health practitioners are appropriately trained and licensed, and are practicing within the scope of their own license.

Medical treatments require an initial consultation and supervision by a licensed physician. The treatments must be performed under direct supervision by the physician. The supervising physician shall be physically present on-site, immediately available, and able to respond promptly to any question or problem that may occur while the procedure is being performed. It is the physician's obligation to ~~insure~~ ensure that the non-physician health practitioners possess the proper training in cutaneous medicine, the indications for the procedure, and the pre- and post-operative care involved, and are provided with written protocols.

Alaska State Medical Board

Policies and Procedures

There is a separate Board-issued guideline regarding the use of lasers. The Board adopted the AMA policy which defines laser usage and differentiates the appropriate use of ablative treatment (“hot laser”) and non-ablative treatment (“cold laser”).

Estheticians are prohibited from providing services that are considered the practice of medicine, such as injections, chemical peels, liposuction, autotransplantation, administering Botox or dermal fillers, or use of certain equipment (such as lasers, etc.) Procedures considered to be the practice of medicine may only be performed by a licensed physician.

Under Alaska law, a licensee may be sanctioned for intentionally or negligently permitting the performance of patient care by persons under the licensee’s supervision that does not conform to minimum professional standards even if the patient was not injured; in addition, it is considered unprofessional conduct to delegate professional practice responsibilities that require a license or permit to a person who does not possess the appropriate education, training, or licensure to perform the responsibilities.

Spencer, Cynthia R (CED)

From: michelle McMullin <michellem.nailtech@gmail.com>
Sent: Monday, October 2, 2023 9:02 AM
To: Spencer, Cynthia R (CED); Chambers, Sara C (CED)
Subject: Scope of Practice for Esthetics Licensure in Idaho - Oliver Finley Site

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

<https://oliverfinley.com/scope-of-practice-for-esthetics-licensure-in-idaho/>

Scope of Practice for Esthetics Licensure in Idaho

By: Emily Robinson

[Oliver Finley](#)



Scope of Practice for Esthetics Licensure in Idaho

(By: Emily Robinson)

Each state regulatory board is responsible for regulating its licensees by determining if the device's intended use is within the licensee's scope of practice. A review of state law and the governing rules and regulations provide guidelines for the state board to determine whether it decides to allow licensees to use a particular device.

My brain starts to numb when I read anything legal provided by state boards. Asking state board staff for clarification is fruitless as anyone you contact will explain that they are not lawyers and therefore can't interpret what is written, only relay the information. Here is what I determined after some digging:

Title 54, Chapter 58 Barber and Cosmetology Services Act covers the scope of practice for Idaho and can be found at the following [here](#).

The information reads as follows:

“Esthetician” means a person licensed to practice esthetics as defined in this section.

(14) “Esthetics” means noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams, and essential oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup application; pore extraction; use of chemical exfoliants approved for professional esthetic use; particle exfoliation; use of any class I medical device, as classified by the United States food and drug administration, designed for care of the skin, except that a class II medical device designed for care of the skin may be used as directed and supervised by an authorized and licensed health care practitioner; temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories or other means; and tinting or perming the eyebrows and eyelashes.

What does that mean? Licensed estheticians in the state of Idaho may apply products, chemicals & particle exfoliants approved for esthetic use to the skin and temporarily remove hair from the face and body through waxing, tweezing, or depilatories. They can tint and perm brows and lashes.

What about medical devices? Technically, all devices used by estheticians are considered medical devices. Medical devices are broken down into classes by the level of risk involved in use. Estheticians in Idaho may use class I or class II medical devices under a doctor’s supervision.

Class I is a medical device with low to moderate risk requiring general controls. Estheticians may use these devices without medical supervision

- Microdermabrasion
- Hydrodermabrasion
- Microcurrent
- LED
- Microchanneling
- Superficial ultrasound (3mhz or more)
- Galvanic
- Vacuum
- High Frequency

Class II: A medical device with a moderate to high risk that requires special controls. Estheticians may use these devices when working under medical supervision.

- Microneedling (Defined by the FDA as of 2018)
- Lasers for hair removal or skin resurfacing
- Radiofrequency
- Non-superficial Ultrasound (2mhz or less)
- Cool sculpting

Class III: A medical device with a high risk that requires premarket approval.
Estheticians any not use these devices with or without medical supervision.

Where do injectables fit into this? The most current update to the regulations I could find occurred in 2020. As of 2020, an esthetician is no longer legally allowed to perform injectables under a doctor's supervision. Read more [here](#).

The information reads as follows:

39-9703. INJECTION OF A COSMETIC TREATMENT INTO A PERSON'S HEAD AND NECK.

- (1) The practice of injecting a cosmetic treatment into a person's head and neck shall be prohibited unless a person is:
 - (a) A physician or physician assistant licensed pursuant to the medical practice act, chapter 18, title 54, Idaho Code;
 - (b) A registered nurse or an advanced practice registered nurse licensed pursuant to chapter 14, title 54, Idaho Code;
 - (c) A dentist licensed pursuant to chapter 9, title 54, Idaho Code; or
 - (d) A pharmacist licensed pursuant to chapter 17, title 54, Idaho Code
- (2) A person who is authorized by subsection
 - (1) of this section to inject cosmetic treatments into a person's head and neck shall not delegate such injection to a person who is prohibited from such practice
- (3) A person who violates any provision of this section is guilty of amisdemeanor
- (4) As used in this section, "cosmetic treatment" includes:
 - (a) Neuromodulators derived from clostridium botulinum or that are biosimilar to or the bioequivalent of such neuromodulators; and
 - (b) Dermal or soft tissue fillers

Licensed estheticians should stay abreast of the latest changes in the industry. Check the Board [website](#) regularly to stay up to date.

33-LS0909\A
Gunther
9/11/23

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

"An Act relating to the practice of hair styling; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 08.01.065(h) is amended to read:

(h) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the Board of Barbers and Hairdressers approximately equals the total regulatory costs of the department, the board, and the Department of Environmental Conservation for all occupations regulated by the board. For purposes of this subsection, the regulatory costs of the Department of Environmental Conservation for the occupations regulated by the board include the cost of inspections under AS 08.13.210(b), the cost of developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing, [HAIR BRAIDING,] manicuring, esthetics, body piercing, ear piercing, tattooing, and permanent cosmetic coloring establishments, and the cost to the Department of Environmental Conservation of enforcing the regulations for body piercing, tattooing, and permanent cosmetic coloring establishments. The department shall set the fee

1 levels for the issuance and renewal of a practitioner's license issued under
2 AS 08.13.100 so that the license and license renewal fees are the same for all
3 occupations regulated by the Board of Barbers and Hairdressers.

4 * **Sec. 2.** AS 08.13.030 is amended to read:

5 **Sec. 08.13.030. Powers and duties of the board.** (a) The board shall exercise
6 general control over the vocations of barbering, hairdressing, [HAIR BRAIDING,]
7 manicuring, esthetics, body piercing, tattooing, and permanent cosmetic coloring.

8 (b) The board shall

9 (1) examine applicants and approve the issuance of licenses and
10 permits to practice;

11 (2) authorize the issuance of licenses for schools of barbering,
12 hairdressing, manicuring, and esthetics;

13 (3) develop written instructions and notices that tattooing, permanent
14 cosmetic coloring, and body piercing shop owners and practitioners are required to
15 give or display under AS 08.13.215;

16 (4) enforce the provisions of this chapter, regulations adopted under
17 this chapter, and regulations relating to barbering, hairdressing, [HAIR BRAIDING,]
18 manicuring, and esthetics adopted under AS 44.46.020(a)(5)(C).

19 (c) The board may

20 (1) suspend or revoke a license or permit;

21 (2) on its own motion or upon receipt of a written complaint, conduct
22 hearings and request the

23 (A) Department of Commerce, Community, and Economic
24 Development to investigate the practices of a person, shop, or school involved
25 in the practice or teaching of barbering, hairdressing, [HAIR BRAIDING,]
26 manicuring, or esthetics; or

27 (B) Department of Commerce, Community, and Economic
28 Development or the Department of Environmental Conservation to investigate
29 the practices of a person, shop, or school involved in the practice or teaching of
30 body piercing, tattooing, or permanent cosmetic coloring;

31 (3) adopt regulations or do any act necessary to carry out the

provisions of this chapter.

* **Sec. 3.** AS 08.13.070 is amended to read:

Sec. 08.13.070. License required. A person may not

(1) practice barbering, hairdressing, [HAIR BRAIDING,] manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring without a license, temporary permit, temporary license, or student permit unless exempted under AS 08.13.160(d);

(2) practice barbering, hairdressing, [HAIR BRAIDING,] manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring except in a shop or school licensed under this chapter unless exempted under AS 08.13.160(d) or permitted under AS 08.13.160(e);

(3) open or conduct a school of barbering, hairdressing, manicuring, or esthetics without a license;

(4) teach in a school of barbering, hairdressing, manicuring, or esthetics, or supervise an apprentice in barbering, hairdressing, manicuring, or esthetics without an instructor's license;

(5) operate a shop in violation of AS 08.13.120;

(6) permit an employee or other person being supervised who is not exempted under AS 08.13.160(d) to practice barbering, hairdressing, [HAIR BRAIDING,] manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring without a license, temporary permit, temporary license, or student permit;

(7) permit the use of the person's license, temporary permit, temporary license, or student permit by another person;

(8) obtain or attempt to obtain a license, temporary permit, temporary license, or student permit by fraudulent means.

* **Sec. 4.** AS 08.13.100(a) is amended to read:

(a) The board shall authorize the issuance of a license for the practice of barbering, hairdressing, or esthetics to each qualified applicant who has passed an examination under AS 08.13.090 and meets other applicable requirements under this chapter. The board shall authorize the issuance of a license for the practice of tattooing, permanent cosmetic coloring, or body piercing to each applicant who has

1 satisfied the requirements of AS 08.13.080(d). The board shall authorize the issuance
2 of a license to practice manicuring to each applicant who has satisfied the
3 requirements of AS 08.13.080(e). The board shall authorize the issuance of an
4 endorsement to a license to practice manicuring or hairdressing indicating that the
5 person is an advanced manicurist to each applicant who has satisfied the requirements
6 of AS 08.13.080(f). [THE BOARD SHALL AUTHORIZE THE ISSUANCE OF A
7 LICENSE FOR THE PRACTICE OF HAIR BRAIDING TO EACH APPLICANT
8 WHO HAS SATISFIED THE REQUIREMENTS OF AS 08.13.080(g).]

9 * **Sec. 5.** AS 08.13.100(b) is amended to read:

10 (b) A practitioner license must state the areas of practice (barbering, non-
11 chemical barbering, hairdressing, [HAIR BRAIDING,] manicuring, esthetics,
12 tattooing, permanent cosmetic coloring, or body piercing) that the practitioner is
13 qualified to perform.

14 * **Sec. 6.** AS 08.13.100(d) is amended to read:

15 (d) A person who holds a current valid license from a board of barbering,
16 hairdressing, manicuring, or esthetics in another state or who is licensed by another
17 state to practice [HAIR BRAIDING,] tattooing, permanent cosmetic coloring, or body
18 piercing is entitled to a license or endorsement under this chapter without examination
19 or a new period of training in this state. An application must include

- 20 (1) proof of a valid license issued by another licensing jurisdiction; and
21 (2) proof of completed training, testing, and working experience that
22 the board finds to meet the minimum requirements of this state.

23 * **Sec. 7.** AS 08.13.120(a) is amended to read:

24 (a) The board shall adopt regulations for the licensing of shops. The
25 regulations must require that a shop for tattooing, permanent cosmetic coloring, or
26 body piercing be inspected and certified by the Department of Environmental
27 Conservation as being in compliance with the regulations adopted under AS 44.46.020
28 before a shop license may be issued under this subsection. A shop owner shall be
29 licensed to operate a shop without examination, but, unless the shop owner is a
30 practitioner, the shop owner may not conduct business without employing a manager
31 who is a practitioner. This subsection does not apply to a shop for the practice of

1 barbering, hairdressing, [HAIR BRAIDING,] or esthetics located in a community
2 having a population of less than 1,000 people that is not within 25 miles of a
3 community of more than 1,000 people.

4 * **Sec. 8.** AS 08.13.160(d) is amended to read:

5 (d) The licensing and permit provisions of this chapter do not apply to

6 (1) a person practicing barbering, hairdressing, [HAIR BRAIDING,]
7 manicuring, or esthetics in a community having a population of less than 1,000 people
8 that is not within 25 miles of a community of more than 1,000 people and who does
9 not use chemicals or uses only chemicals available to the general public;

10 (2) a licensed health care professional;

11 (3) a person licensed by another licensing jurisdiction in a field of
12 practice licensed by this chapter while demonstrating techniques or products to
13 persons holding licenses or permits under this chapter;

14 (4) a person practicing tattooing, permanent cosmetic coloring, or body
15 piercing solely on the person's own body;

16 (5) the practice of manicuring by a student as part of instruction in a
17 12-hour course approved under AS 08.13.110(d); **and**

18 **(6) a person practicing only hair styling.**

19 * **Sec. 9.** AS 08.13.160(e) is amended to read:

20 (e) The board shall adopt regulations to permit a person licensed under this
21 chapter to practice barbering, hairdressing, [HAIR BRAIDING,] manicuring, or
22 esthetics outside a licensed shop or school for limited purposes including

23 (1) care of clients confined to an institution or health care facility;

24 (2) care of clients with limited mobility;

25 (3) participation in charitable events; and

26 (4) participation in workshops or demonstrations of techniques or
27 products.

28 * **Sec. 10.** AS 08.13.160(f) is amended to read:

29 (f) A person licensed under this chapter to practice hairdressing is considered
30 to be licensed to practice manicuring [, HAIR BRAIDING,] and limited esthetics
31 under the same license.

1 * **Sec. 11.** AS 08.13.170 is amended to read:

2 **Sec. 08.13.170. Temporary permits.** The department shall issue a temporary
3 permit to an applicant for licensing who holds a license to practice barbering,
4 hairdressing, [HAIR BRAIDING,] manicuring, esthetics, tattooing, permanent
5 cosmetic coloring, or body piercing in another state. The permit is valid until the board
6 either issues a permanent license or rejects the application. The board shall act on an
7 application within six months.

8 * **Sec. 12.** AS 08.13.183 is amended by adding a new subsection to read:

9 (c) A person practicing hair styling who is not licensed under this chapter may
10 not

11 (1) profess to be licensed under this chapter; or

12 (2) use a title indicating or representing the person is licensed under
13 this chapter.

14 * **Sec. 13.** AS 08.13.190(a) is amended to read:

15 (a) A person who practices barbering, hairdressing, [HAIR BRAIDING,]
16 esthetics, tattooing, permanent cosmetic coloring, or body piercing, or operates a shop,
17 or operates a school of barbering, hairdressing, or esthetics, or teaches in a school of
18 barbering, hairdressing, or esthetics, without a license, temporary permit, temporary
19 license, or student permit and who is not exempt under AS 08.13.120 or under
20 AS 08.13.160(d) is guilty of a class B misdemeanor.

21 * **Sec. 14.** AS 08.13.210(a) is amended to read:

22 (a) Health and sanitary conditions in shops and schools of

23 (1) barbering, hairdressing, [HAIR BRAIDING,] manicuring, and
24 esthetics shall be supervised by the board;

25 (2) tattooing, permanent cosmetic coloring, and body piercing shall be
26 supervised by the Department of Environmental Conservation.

27 * **Sec. 15.** AS 08.13.220(13) is amended to read:

28 (13) "practitioner" means a person licensed to practice barbering, non-
29 chemical barbering, hairdressing, [HAIR BRAIDING,] manicuring, esthetics,
30 tattooing, permanent cosmetic coloring, or body piercing under this chapter;

31 * **Sec. 16.** AS 08.13.220(15) is amended to read:

(15) "shop" means [IS] an establishment operated for the purpose of engaging in barbering, hairdressing, [HAIR BRAIDING,] manicuring, esthetics, tattooing, permanent cosmetic coloring, or body piercing;

* **Sec. 17.** AS 08.13.220 is amended by adding a new paragraph to read:

(17) "hair styling" means performing, for a fee and for cosmetic purposes, the shaping, arranging, styling, dressing, braiding, curling, straightening, blow drying, cleansing, or conditioning of the hair of a living person by manual, mechanical, or electrical means without cutting, coloring, permanent waving, or chemically altering the person's natural hair.

* **Sec. 18.** AS 44.46.020(a) is amended to read:

(a) The Department of Environmental Conservation shall

(1) have primary responsibility for coordination and development of policies, programs, and planning related to the environment of the state and of the various regions of the state;

(2) have primary responsibility for the adoption and enforcement of regulations setting standards for the prevention and abatement of all water, land, subsurface land, and air pollution, and other sources or potential sources of pollution of the environment, including by way of example only, petroleum and natural gas pipelines;

(3) promote and develop programs for the protection and control of the environment of the state;

(4) take actions that are necessary and proper to further the policy declared in AS 46.03.010;

(5) adopt regulations for

(A) the prevention and control of public health nuisances;

(B) the regulation of sanitation and sanitary practices in the interest of public health;

(C) standards of cleanliness and sanitation in connection with the construction, operation, and maintenance of a camp, cannery, food handling establishment, food manufacturing plant, mattress manufacturing establishment, industrial plant, school, barbershop, hairdressing, [HAIR

1 BRAIDING,] manicuring, esthetics, tattooing, permanent cosmetic coloring,
2 body piercing, or ear piercing establishment, soft drink establishment, beer and
3 wine dispensaries, and for other similar establishments in which lack of
4 sanitation may create a condition that causes disease;

5 (D) the regulation of quality and purity of commercially
6 compressed air sold for human respiration.

7 * **Sec. 19.** AS 08.13.080(g), 08.13.185(a)(16), and 08.13.220(14) are repealed.

8 * **Sec. 20.** This Act takes effect immediately under AS 01.10.070(c).

From: [Tenaya Miramontes](#)
To: [Chambers, Sara C \(CED\)](#)
Subject: Letter to fellow board members
Date: Friday, September 29, 2023 3:54:52 PM
Attachments: [A.pdf](#)

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I am writing as an established salon owner, stylist, and member of the Alaska Board of Barbers and Hairdressers, to ask you to consider supporting my bill to amend the current statute requiring hours of specialized training for an individual to utilize a hot tool.

I propose that instead, a person may style hair with the use of a hot tool, under the scope of the hair braiders license. This would require 35-hours of training, which I believe to be sufficient time to learn the sanitization and safety regulations necessary to style hair in this way.

Allowing an individual to perform blowdry and styling services without having to commit the time and money required of a full-scale cosmetology program, would give people the opportunity to learn more about the industry in a low-risk way. Furthermore, I believe it would drive more people to the cosmetology profession because they will be able to make money blow-drying and styling hair, enabling them to better afford further training and education.

My proposal would only allow individuals to dry, curl or hot iron hair, which is not currently allowed under the hair braiders license. They would not be allowed to apply chemical treatments or perform services that would permanently alter the structure of the hair.

The attached bill was drafted by Representative Sumners office and they are waiting for my edits. I would like any feedback before responding with my draft. I would also like to introduce this bill with the Boards support.

Please consider my recommendation.

Thank you greatly and I look forward to hearing from you soon.

Sincerely,

Tenaya Miramontes

Charisma Salon and Esthetics

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Barbers and Hairdressers	FY 16		FY 17	Biennium	FY 18		FY 19	Biennium	FY 20		FY 21	Biennium	FY 22		FY 23 1st - 3rd QTR							
Revenue																						
Revenue from License Fees	\$	1,058,351	\$	302,163	\$	1,360,514	\$	1,210,958	\$	439,932	\$	1,650,890	\$	1,034,860	\$	389,183	\$	1,424,043	\$	1,035,686	\$	240,743
General Fund Received																						
Allowable Third Party Reimbursements		-		-		-		-		-		-										
TOTAL REVENUE	\$	1,058,351	\$	302,163	\$	1,360,514	\$	1,210,958	\$	439,932	\$	1,650,890	\$	1,034,860	\$	389,183	\$	1,424,043	\$	1,057,209	\$	240,743
Expenditures																						
Non Investigation Expenditures																						
1000 - Personal Services		178,867		147,452		326,319		190,824		195,815		386,639		187,928		154,229		342,157		177,685		135,712
2000 - Travel		9,766		7,021		16,787		10,451		6,127		16,578		2,521		-		2,521		2,862		-
3000 - Services		63,413		47,627		111,040		59,241		58,111		117,352		44,123		39,463		83,586		29,742		20,151
4000 - Commodities		584		225		809		300		193		493		-		-		-		-		-
5000 - Capital Outlay		-		-		-		-		-		-		-		-		-		-		-
Total Non-Investigation Expenditures		252,630		202,325		454,955		260,816		260,246		521,062		234,572		193,692		428,264		210,289		155,863
Investigation Expenditures																						
1000-Personal Services		104,502		121,275		225,777		108,332		126,521		234,853		163,905		87,573		251,478		97,978		117,529
2000 - Travel		-		-		-		-		-		-		723		-		723		-		-
3023 - Expert Witness		-		-		-		-		-		-		-		-		-		-		-
3088 - Inter-Agency Legal		-		9,037		9,037		1,425		1,489		2,914		558		288		846		8,185		546
3094 - Inter-Agency Hearing/Mediation		-		480		480		-		868		868		-		-		-		3,624		-
3000 - Services other										481		481		757		81		838		241		149
4000 - Commodities										-		-		-		-		-		-		-
Total Investigation Expenditures		104,502		130,792		235,294		109,757		129,359		239,116		165,943		87,942		253,885		110,028		118,224
Total Direct Expenditures		357,132		333,117		690,249		370,573		389,605		760,178		400,515		281,634		682,149		320,317		274,087
Indirect Expenditures																						
Internal Administrative Costs		241,144		179,826		420,970		205,071		177,867		382,938		217,172		164,610		381,782		196,546		147,410
Departmental Costs		65,766		100,523		166,289		104,226		96,684		200,910		76,526		60,003		136,529		71,313		53,485
Statewide Costs		18,664		28,391		47,055		33,433		34,066		67,499		46,351		33,188		79,539		34,649		25,987
Total Indirect Expenditures		325,574		308,740		634,314		342,730		308,617		651,347		340,049		257,801		597,850		302,508		226,882
TOTAL EXPENDITURES	\$	682,706	\$	641,857	\$	1,324,563	\$	713,303	\$	698,222	\$	1,411,525	\$	740,564	\$	539,435	\$	1,279,999	\$	622,825	\$	500,969
Cumulative Surplus (Deficit)																						
Beginning Cumulative Surplus (Deficit)	\$	166,743	\$	542,388			\$	202,694	\$	700,349			\$	442,059	\$	736,355			\$	586,103	\$	1,020,487
Annual Increase/(Decrease)		375,645		(339,694)				497,655		(258,290)				294,296		(150,252)				434,384		(260,226)
Ending Cumulative Surplus (Deficit)	\$	542,388	\$	202,694			\$	700,349		442,059			\$	736,355	\$	586,103			\$	1,020,487	\$	760,261
Statistical Information																						
Number of Licenses for Indirect calculation		7,691		7,767				8,514		6,784				7,460		6,956				7,507		
Additional information:																						
• Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses *																						
• Most recent fee change: New fee added FY19																						
• Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and p																						

Appropriation Name (Ex)	(Multiple Items)
Sub Unit	(All)
PL Task Code	BAH1

Sum of Budgetary Expenditures	Object Type Name (Ex)		
Object Name (Ex)	1000 - Personal Services	3000 - Services	Grand Total
1011 - Regular Compensation	125,931.99		125,931.99
1014 - Overtime	360.35		360.35
1016 - Other Premium Pay	48.85		48.85
1023 - Leave Taken	26,520.10		26,520.10
1028 - Alaska Supplemental Benefit	9,385.91		9,385.91
1029 - Public Employee's Retirement System Defined Benefits	20,240.76		20,240.76
1030 - Public Employee's Retirement System Defined Contribution	3,794.00		3,794.00
1034 - Public Employee's Retirement System Defined Cont Health Reim	2,400.20		2,400.20
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	783.38		783.38
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	10,676.43		10,676.43
1040 - Group Health Insurance	43,533.20		43,533.20
1042 - Worker's Compensation Insurance	1,224.15		1,224.15
1047 - Leave Cash In Employer Charge	3,096.00		3,096.00
1048 - Terminal Leave Employer Charge	2,865.22		2,865.22
1053 - Medicare Tax	2,130.15		2,130.15
1077 - ASEA Legal Trust	205.52		205.52
1079 - ASEA Injury Leave Usage	16.56		16.56
1080 - SU Legal Trst	28.54		28.54
3001 - Test Monitor/Proctor		2,030.50	2,030.50
3002 - Memberships		200.00	200.00
3035 - Long Distance		13.78	13.78
3036 - Local/Equipment Charges		4.92	4.92
3044 - Courier		1,139.33	1,139.33
3045 - Postage		156.54	156.54
3046 - Advertising		249.07	249.07
3085 - Inter-Agency Mail		3,218.98	3,218.98
3088 - Inter-Agency Legal		3,888.10	3,888.10
3979 - Inter-Agency Management/Consulting		9,944.07	9,944.07
Grand Total	253,241.31	20,845.29	274,086.60

Chapter 09. Board of Barbers and Hairdressers.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 09.002(b)(4) is repealed:

(4) repealed ____/____/____ [PAYS THE WRITTEN EXAMINATION FEE ESTABLISHED IN 12 AAC 02.140];

12 AAC 09.002(c)(1) is amended to read:

(1) submits the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3), (b)(4), AND (b)(7)] of this section;

12 AAC 09.002(d)(1) is amended to read:

(1) submits the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3), (b)(4), AND (b)(7)] of this section;

12 AAC 09.002(e)(1) is amended to read:

(1) the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3), AND (b)(7)] of this section;

12 AAC 09.002(f)(1) is amended to read:

(1) the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3), AND (b)(7)] of this section;

12 AAC 09.002(i)(1) is amended to read:

(1) submits the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (b)(3), (b)(4), AND (b)(7)] of this section;

12 AAC 09.002(j)(1) is amended to read:

(1) who submits the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (b)(3), AND (b)(7)] of this section; **and**

12 AAC 09.002(j)(2) is repealed:

(2) repealed ____ / ____ / ____ [WHO COMPLIES WITH THE REQUIREMENTS OF (i)(2) OF THIS SECTION];

12 AAC 09.002(m)(4) is repealed:

(4) repealed ____ / ____ / ____ [PAYS THE WRITTEN EXAMINATION FEES ESTABLISHED IN 12 AAC 02.140];

12 AAC 09.002(n)(1) is amended to read:

(1) the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (b)(3), AND (b)(7)] of this section;

12 AAC 09.002(o)(1) is amended to read:

(1) submits the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (3), (4), AND (7)] of this section;

12 AAC 09.002(p)(1) is amended to read:

(1) the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (b)(3), AND (b)(7)] of this section;

12 AAC 09.002(q)(1) is amended to read:

(1) submits the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (3), (4), AND [(7)]] of this section;

(Eff. 5/10/96, Register 138; am 3/19/99, Register 149; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 11/27/2002, Register 164; am 12/6/2002, Register 164; am 1/14/2004, Register 169; am 10/14/2006, Register 180; am 12/24/2006, Register 180; am 4/21/2010, Register 194; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority:	AS 08.01.062	AS 08.13.080	AS 08.13.120
	AS 08.13.030	AS 08.13.090	AS 08.13.180
	AS 08.13.070	AS 08.13.100	

12 AAC 09.004(a) is amended to read:

12 AAC 09.004. Courtesy license. (a) A courtesy license authorizes the licensee to practice body piercing, tattooing, or permanent cosmetic coloring as a guest practitioner in a shop licensed by the board. An applicant for **licensure under this section** [A COURTESY LICENSE TO PRACTICE BODY PIERCING] must have a sponsor who holds a permanent license **in this state in the same practice area for which the license is requested** [TO PRACTICE BODY PIERCING IN THIS STATE. AN APPLICANT FOR A COURTESY LICENSE TO PRACTICE TATTOOING MUST HAVE A SPONSOR WHO HOLDS A

PERMANENT LICENSE TO PRACTICE TATTOOING IN THIS STATE. AN APPLICANT FOR A COURTESY LICENSE TO PRACTICE PERMANENT COSMETIC COLORING MUST HAVE A SPONSOR WHO HOLDS A PERMANENT LICENSE TO PRACTICE PERMANENT COSMETIC COLORING IN THIS STATE].

The introductory language of 12 AAC 09.004(b) is amended to read:

(b) The board will issue a courtesy license to an applicant who meets the requirements of AS 08.01.062(a) and who, **not fewer than 90** [AT LEAST 30] days before the applicant plans to begin working, submits

...

12 AAC 09.004(c) is amended to read:

(c) A courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring is valid for 30 consecutive days. A person may not be issued more than **two** [ONE] courtesy **licenses** [LICENSE] in a calendar year.

(Eff. 12/6/2002, Register 164; am 9/24/2014, Register 211; am 3/30/2019, Register 229; am ____/____/____, Register ____)

Authority: AS 08.01.062 AS 08.13.030 AS 08.13.070

12 AAC 09.005 is repealed and readopted to read:

12 AAC 09.005. Examination requirements for licensure. (a) An applicant applying for licensure by examination as a barber, non-chemical barber, hairdresser, advanced manicurist, esthetician, practitioner of body piercing, practitioner of tattooing, practitioner of permanent cosmetic coloring, or instructor under this chapter shall

(1) submit a completed, notarized application for licensure by examination in the relevant practice area for which the license is requested to the division; the application must

(A) be on the form provided by the department; and

(B) include all verification documents necessary to meet the requirements of AS 08.13.080;

(2) complete the relevant written examination administered daily by Prov examination services following notification from the department of preauthorization for examination as an instructor, or as a practitioner for the profession of barbering, non-chemical barbering, hairdressing, esthetics, body piercing, tattooing, or permanent cosmetic coloring;

(3) follow the rules and procedures for examination set by Prov; and

(4) pay all applicable fees for the examination directly to Prov as applicable.

(b) A completed application for licensure under this section must be submitted before an applicant may be considered for examination eligibility.

(c) An applicant who is unable to appear for a scheduled examination may postpone the examination by notifying Prov in accordance with the Prov cancellation and rescheduling policy.

(d) An applicant who fails an examination or fails to appear for an examination without postponing the examination as set out in (c) of this section may reschedule for a future examination. To reschedule for a future examination, an applicant must contact Prov directly and adhere to the relevant policy and procedures set by Prov.

(e) An application is considered abandoned if the applicant does not take an examination as set out in this section within one year from the date of the applicant's initial application. (Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 8/12/87, Register 103; am 9/30/87, Register 103; am 5/20/88, Register 106; am 10/16/88, Register 108; am 11/28/88, Register 108; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 11/27/2002, Register 164; am 12/28/2008, Register 188; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/____, Register ____)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.080

Editor's note: Information on the relevant written examinations set out in this section may be obtained from the Prov website at <https://provexam.com> or by contacting Prov via e-mail at support@provexam.com.

(((Publisher: please delete the obsolete existing editor's note for 12 AAC 09.005.)))

12 AAC 09.010 is repealed:

12 AAC 09.010. Examination dates. Repealed ____/____/____ [THE DEPARTMENT WILL PUBLISH NOTICE OF THE DATE AND PLACE OF EACH ADMINISTRATION OF THE EXAMINATION AT LEAST 45 DAYS BEFORE THE EXAMINATION]. (Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 9/30/87, Register 103; repealed ____/____/____, Register ____)

12 AAC 09.075(c) is amended to read:

(c) **An** [AT LEAST 30 DAYS BEFORE THE NEXT SCHEDULED EXAMINATION DATE, AN] applicant who fails the written examination three **or more** times [OR MORE] shall **successfully complete** [PROVIDE DOCUMENTATION TO THE BOARD OF SUCCESSFUL COMPLETION OF] remedial training before the applicant will be scheduled for reexamination. An applicant applying under this subsection to retake the written examination shall provide documentation to the board of successful completion of at least 50 hours of theoretical training [. THE APPLICANT SHALL COMPLETE THE REMEDIAL TRAINING] in a school **or apprenticeship program** approved by the board, [OR AN APPRENTICESHIP PROGRAM

APPROVED BY THE BOARD] and shall hold a valid student permit during the training as required in AS 08.13.180.

(Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 12/28/2008, Register 188; am 4/21/2010, Register 194; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

12 AAC 09.106(d)(3) is repealed:

(3) repealed ____/____/____ [VERIFICATION OF A CURRENT BARBER, HAIRDRESSER, MANICURIST, OR ESTHETICIAN PRACTITIONER LICENSE IN THIS STATE];

(Eff. 5/20/88, Register 106; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 1/17.2008, Register 185; am 9/24/2014, Register 211; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
 AS 08.13.070

12 AAC 09.162(b)(11) is amended to read:

(11) electrical equipment, including the use of all electrical modalities and electrical apparatus, **as required within the scope of the practitioner's license** [, INCLUDING DERMAL LIGHTS] for facials and skin-care purposes.

(Eff. 2/28/88, Register 105; am 4/23/98, Register 146; am 7/23/2000, Register 155; am 4/21/2010; am ____/____/_____, Register _____)

Register _____, _____ 2023 PROFESSIONAL REGULATIONS

Authority: AS 08.13.030 AS 08.13.110

12 AAC 09.163(a)(2) is amended to read:

(2) electrical, including the use of all electrical modalities and electrical apparatus, **as required within the scope of the practitioner's license** [, INCLUDING DERMAL LIGHTS] for facials and skin-care purposes 40

(Eff. 2/28/88, Register 105; am 7/23/2000, Register 155; am 4/5/2018, Register 226; 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.090 AS 08.13.110

12 AAC 09.185(a)(2) is amended to read:

(2) tattooing may provide training in tattooing [OR PERMANENT COSMETIC COLORING IF THE TRAINER MEETS THE REQUIREMENTS OF 12 AAC 09.168];

12 AAC 09.185(h) is amended to read:

(h) Upon completion of a course of training under this section, the trainee is eligible to take the appropriate examination in the license categories of tattooing, permanent cosmetic coloring, or body piercing. The trainer shall submit a certificate of student training form **not** [NO] later than **five** [30] days after the completion of training, documenting the theory hours and practical operations.

(Eff. 11/16/2004, Register 172; am 12/24/2006, Register 180; am 4/21/2010, Register 194; am 9/24/2014, Register 211; am 4/5/2018, Register 226; am 3/30/2019, Register 229; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.082

12 AAC 09.190(*l*) is repealed:

(*l*) Repealed ____/____/____ [UPON COMPLETION OF A COURSE OF INSTRUCTION UNDER THIS SECTION, AN APPRENTICE IS ELIGIBLE TO TAKE THE APPROPRIATE EXAMINATION IN THE LICENSE CATEGORY OF BARBERING, NON-CHEMICAL BARBERING, HAIRDRESSING, OR ESTHETICS. THE INSTRUCTOR SHALL NOTIFY THE BOARD OF AN APPRENTICE COMPLETING THE COURSE OF INSTRUCTION NOT LATER THAN 30 DAYS AFTER THE COMPLETION BY SUBMITTING RECORDS OF APPRENTICESHIP IN ACCORDANCE WITH THIS SECTION].

(Eff. 10/21/82, Register 84; am 8/12/87, Register 103; am 2/28/88, Register 105; am 5/20/88, Register 106; am 10/1/93, Register 127; am 4/23/98, Register 146; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 11/16/2004, Register 172; am 10/14/2006, Register 180; am 12/24/2006, Register 180; am 8/10/2012, Register 203; am 6/8/2016, Register 218; am 4/5/2018, Register 226; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/____, Register ____)

Authority: AS 08.13.030 AS 08.13.082



Notice of Proposed Changes to the Regulations of the Board of Barbers and Hairdressers

Proposed Regulations - FAQ

August 2023

1. What are the changes to the regulations being proposed?

The changes for each subject matter and respective sections are outlined below.

License application requirements relating to written examinations:

It is proposed to make changes to the following regulations relating to the examination requirements for new license applications. Effective October 2022, the board moved to computerized examination administration via the administrator, Prov. The proposed amendments clarify the examination process and associated fees are no longer administered by the board and are now the responsibility of Prov.

Corresponding regulation changes are to be made by the Department to repeal references to written exam fees at 12 AAC 02.140(4) and (7).

- **12 AAC 09.002. Review of license applications;** proposed repeal of sections relating to the written exam fees at (b)(4) for barbers or non-chemical barbers; (c)(1) for hairdressers; (d)(1) for estheticians; (i)(1) for instructors; (m)(4) for advanced manicurists; (o)(1) for body piercers; and (q)(1) for tattooists and practitioners of permanent cosmetic coloring.
- **12 AAC 90.005, Application for examination,** proposed to repeal and readopt the entirety of this section reflecting the change to computerized examination requirements on application and the new processes as administered by Prov.
- **12 AAC 09.010. Examination dates,** proposed to be repealed in its entirety as the board no longer sets the examination dates for applicants. These are now administered by Prov.
- **and 12 AAC 09.075. Reexamination;** proposed amendments to remove the 30-day deadline for an applicant to apply for reexamination and updates regulatory language to align with the transfer of examination administration to Prov.

2. Will an applicant still have to pay fees on application for licensure?

Yes, exam applicants must still submit examination applications with minimum non-refundable application fee of \$150.

3. How will I know if I am eligible to take the examinations?

Exam applicants must be approved by staff prior to scheduling and paying for their examination.

Staff will pull examination results weekly on Monday's, upload the information to applicant's files, and communicate directly with candidates providing the relevant confirmation.

4. How will I find my results?

Exam results are available almost immediately after taking an examination and emailed to the candidate by Prov.

5. Are there any technology requirements?

To be administered an examination on a personal computer, candidates must meet requirements set by Prov.

6. What Prov's fees?

\$90 per exam administered at a testing facility.

\$90 per exam administered through personal computer.

No exam postponement fee.

Exam fees are all paid directly to Prov (<https://provexam.com/>)

7. What are the positive consequences of the regulation changes?

Examination candidates no longer need to wait a month or more to be scheduled for an examination or re-examination. Nor will they have to wait 3-4 weeks to receive score results. Examination candidates no longer need to travel to three testing locations (ANC, FAI, JNU) which the costs of eliminates travel, lodging, meals, and local transportation. Travel requirements will in fact be removed entirely by providing candidates from outlying areas with the option to have their exam administered on a personal computer.

Additional foreign language examinations are available.

Courtesy license changes:

- **12 AAC 09.004** is proposed to be amended to allow a guest artist practicing body piercing, tattooing, or permanent cosmetic coloring to apply for up to two courtesy licenses in a calendar year.

The board wishes to amend the regulations to reflect the growing popularity of body art shows and conventions in Alaska. There are now two events occurring in Alaska (Spring and Fall). Many out of state artists make their living participating in these types of events. The current regulations restrict an artist to one courtesy license in a calendar year forcing the artist to pick only one event to attend. The proposed changes will open the options available to an artist, who would be able to pick two events in a calendar year.

8. What is the demonstrated need of the changes to the regulations?

In 2023, there are two separate events occurring in the year. Public interest has grown significantly leading to an increasing number of communications from artists, sponsors, and event coordinators requesting allowing artists to be able to attend both events. The ability to obtain two courtesy licenses will lead to multiple artists attending multiple events across the state resulting in additional hotels, travel related costs, and tourist dollars will be generated by the allowance of additional guest artists.

9. How do I obtain a courtesy license? Are the fees increasing? How long can I use a

courtesy license?

Applicants must submit an application together with required documentation and relevant fee for each courtesy license. The individual licenses will each be valid for a period of 30 days.

Fees will not change from the current amount; there is no expectation to increase fees as a result of the regulations amendments.

Instructor license changes:

- **12 AAC 09.106. Instructor license requirements**, is proposed to be changed by simplifying the requirements for out-of-state instructors.

10. How will the changes affect licensees?

Obtaining an instructor license in Alaska under the current process has proven to be cost prohibitive, creating barriers to what should be a fairly quick licensing process. The changes to this regulation will remove the requirement for out of state instructors to hold an individual aspect (barber, hairdresser, etc.) license in Alaska before an application for instructor license submitted, reducing the costs involved for licensees.

Changes for Estheticians:

- **12 AAC 09.162. Equipment for esthetics schools**, is proposed to be amended to remove the reference to dermal lights as available equipment for estheticians.
- **12 AAC 09.163, Esthetics school curriculum**, is proposed to be amended to remove the reference to dermal lights as available equipment for estheticians.
These changes will bring the regulations up to date with the current state position on the use of dermal lights.

Body piercing, tattooing and permanent cosmetic coloring:

- **12 AAC 09.185.** The board's proposed amendments to this regulation will clarify confusing language relating to completed training documentation; what is required; who should submit it and when it to submit it.
- **12 AAC 09.190.** It is proposed to amend this section to mirror the changes in 12 AAC 09.185 and repeal conflicting language to create conformity across the regulations.

11. What will the changes do? Why are they necessary?

The regulations amendments will change the current 30-day deadline to submit completed training documents, reducing it to 5 days; this will hold trainers at the same standards as schools and barber/hairdresser/esthetician apprentice instructors.

The changes are necessary to clarify confusing language which regularly results in issues relating to the submission of correct completion documentation from trainers within the required timeframe. This creates additional administrative burdens on division staff and unnecessary delays for the trainees to move forward with examination and licensure processes.

The proposed regulation changes will remove conflicting language surrounding the submission requirements for completed training documents, providing clarity for applicants. The proposed

changes will require that all documentation must be submitted within 5 days of training completion.

It is also proposed to update the tattoo training regulations to remove the current provision allowing tattooists to provide training in permanent cosmetic coloring.

12. What are the costs to comply with the proposed regulations?

There are no known costs to implement these changes.

13. When will the new regulations be effective?

After the public comment deadline, comments received are compiled and given to the Board for consideration. The Board may adopt the regulation as written/publicly noticed, may amend and adopt them, or choose to take no action, or may withdraw the proposed regulations in part or in its whole. After Board action, the adopted regulations go to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the Lt. Governor for filing. The regulations take effect on the 30th day after they have been filed by the Lt. Governor.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.

Chapter 02. General Occupational Licensing Functions.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 02.140(a)(4) is repealed:

(4) repealed ____ / ____ / ____ [BARBER, NON-CHEMICAL BARBER,
HAIRDRESSER, ESTHETICIAN, ADVANCED MANICURIST, OR INSTRUCTOR
WRITTEN EXAMINATION FEE, \$60];

12 AAC 02.140(a)(7) is repealed:

(7) repealed ____ / ____ / ____ [WRITTEN EXAMINATION FEE FOR
PRACTITIONERS OF BODY PIERCING, TATTOOING, OR PERMANENT COSMETIC
COLORING, \$60];

(Eff. 11/20/86, Register 100; am 10/1/88, Register 107; am 5/28/93, Register 126; am 5/17/95,
Register 134; am 5/30/97, Register 142; am 7/30/99, Register 151; am 11/14/99, Register 152;
am 1/14/2001, Register 157; am 6/21/2001, Register 158; am 12/6/2002, Register 164; am
6/7/2009, Register 190; am 6/28/2009, Register 190; am 8/5/2011, Register 199; am 5/15/2013,
Register 206; am 8/15/2015, Register 215; am 8/16/2015, Register 215; am 6/8/2016, Register
218; am 6/21/2018, Register 226; am 1/1/2019, Register 228; am ____ / ____ / _____,
Register _____)

Authority: AS 08.01.065 AS 08.13.185



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING
Juneau Office

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.2550
Toll free fax: 907.465.2974

Notice of Proposed Changes Relating to Occupational Licensing Fees for Professions Regulated by the Board of Barbers and Hairdressers in the Regulations of the Department of Commerce, Community, and Economic Development

Proposed Regulations - FAQ

August 2023

1. Why are the new fees being proposed?

By law, fees must be analyzed annually and set to approximately recover the cost of program operations. Alaska's professional licensing statutes (AS 08.01.065) require the Division of Corporations, Business and Professional Licensing (CBPL) to "annually review each fee level to determine whether the regulatory costs of each occupation are approximately equal to fee collections related to that occupation". Alaska's licensing fee statutes go on to say "If the review indicates that an occupation's fee collections and regulatory costs are not approximately equal, the department shall calculate fee adjustments and adopt regulations...to implement the adjustments".

The division has conducted a thorough fee analysis and proposes to repeal obsolete fees for written examination that are no longer administered by the Department for barbers, non-chemical barbers, hairdressers, estheticians, advanced manicurists and instructors, and practitioners of body piercing, tattooing, and permanent cosmetic coloring.

2. What are the proposed fee changes?

The proposed changes will update the fee regulations in Title 12 Chapter 2 of the Alaska Administrative Code relating to the Board of Barbers and Hairdressers (Board). The proposal will remove fees currently charged by the Department to take a written examination for professions regulated by the Board. The purpose of which is to align the regulations in with recent administrative changes made by the Board of Barbers and Hairdressers (the Board) relating to the examination process and associated fees.

The following written examination fees are now obsolete following the appointment of Prov to administer examinations for barbers, non-chemical barbers, hairdressers, estheticians, advanced manicurists and instructors, and practitioners of for body piercing, tattooing, and permanent cosmetic coloring.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 02.140(a)(4) is repealed:

(4) repealed ____/____/____ [BARBER, NON-CHEMICAL BARBER, HAIRDRESSER, ESTHETICIAN, ADVANCED MANICURIST, OR INSTRUCTOR WRITTEN EXAMINATION FEE, \$60];

12 AAC 02.140(a)(7) is repealed:

(7) repealed ____/____/____ [WRITTEN EXAMINATION FEE FOR PRACTITIONERS OF BODY PIERCING, TATTOOING, OR PERMANENT COSMETIC COLORING, \$60];

3. Are examination fees still applicable?

Yes, fees still apply for applicants to take the relevant examination required on application for a license for a profession regulated by the Board of Barbers and Hairdressers. The administration of the examinations and associated fees are now managed by Prov and will no longer be charged by CBPL.

4. How are the estimated costs determined?

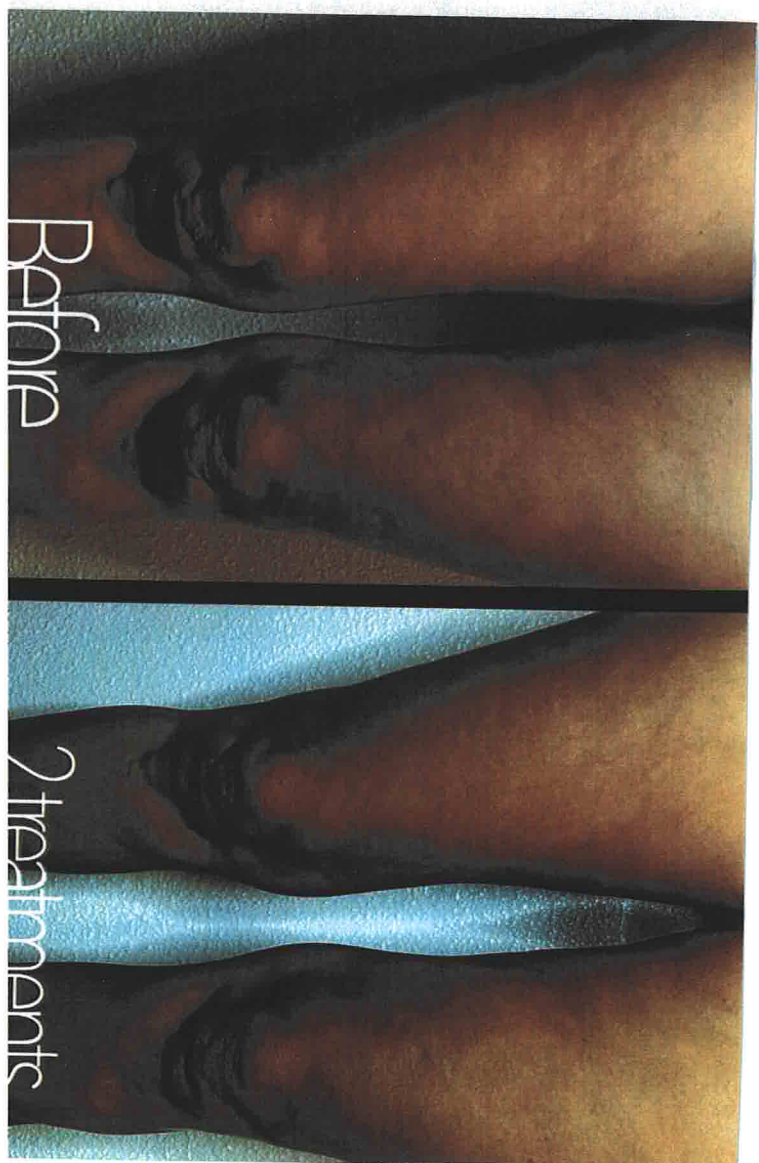
AS 08.01.065 requires *all costs* of regulating the profession to be borne by its licensees. The proposed fees are based on known and anticipated costs.

5. When will the new fees be effective?

After the public comment deadline, comments received are compiled and given to the Division for consideration. The Division Director may adopt the regulations as written/publicly noticed, may amend and adopt them, choose to take no action, or may withdraw the proposed regulations in part or in its whole. After Department action, the adopted regulations go to the Department of Law (DOL) for final review/approval. DOL either approves or disapproves the regulations. Once approved by DOL, it goes to the Lt. Governor for filing. The regulations take effect on the 30th day after they have been filed by the Lt. Governor.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.

Attention Alison Osborne



What is Cryoskin?

Cryoskin is a state-of-the-art device from Italy, which uses heat and cold to reduce fat and tone/tighten the skin.

The technology is applied using a massage technique, which is painless and non-invasive.

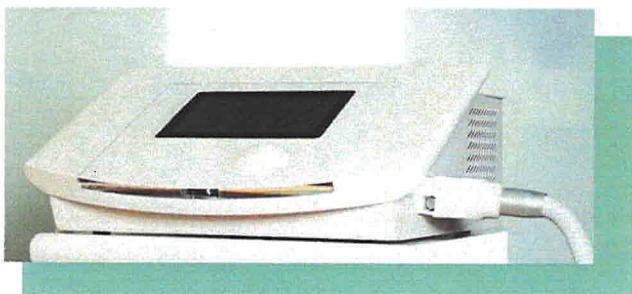
No suction, no surgery.
Just incredible results.

In a Cryoskin clinical study:

87.5% Experienced an improvement in body shape.

100% Showed improvement in toning, firmness, and smoothness.

88% Reported they would engage in regular treatments.



FAQs

How long are Cryoskin treatments?

The treatment lasts 20-44 minutes depending on the desired area and treatment type.

How often can I get treatments?

CryoSlimming® treatments can be performed once every 14 days and CryoToning®/CryoFacial treatments can be performed every 3-7 days.

How quickly will I see results?

Results are typically visible after the first 5 treatments - however, some can see results immediately. Results continue to improve for 48 hours after the treatment.

How long will results last?

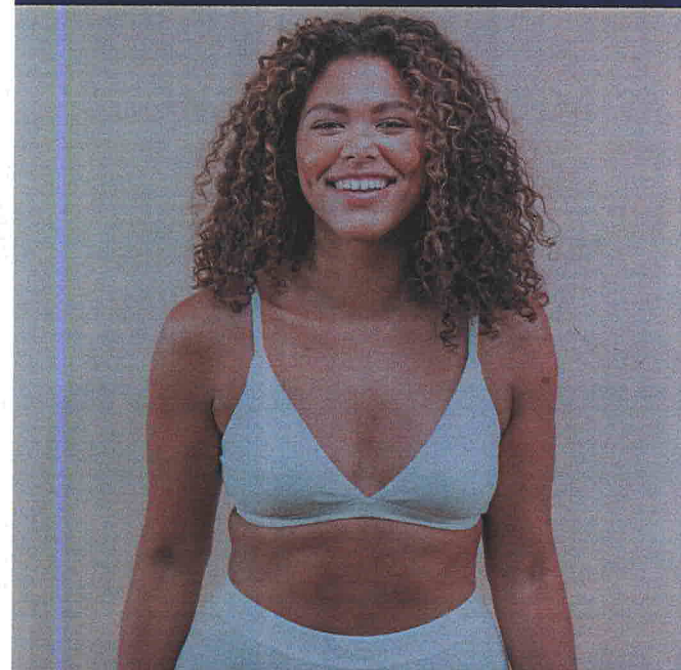
Results will depend on the individual and their lifestyle. CryoSlimming® is permanent with a healthy diet and lifestyle. CryoToning® and CryoFacials require maintenance treatments.

What should I do pre/post treatment?

Avoid working out 2 hours pre-treatment.
Avoid carbs/sugars for a minimum of 2 hours before and after the treatment. Drink 1.5L of water for 14 days following the treatment.

CRYOSKIN

Non-invasive
body contouring device
to slim, tone, and lift.



**BOOK YOUR
CONSULTATION TODAY!**

**Blu Birch Spa and Salon LLC
3030 N Lazy Eight Ct STE 15
907.373.1001**

The Science

Cryoskin works by triggering apoptosis: a natural process of programmed cell death. This process is triggered by the cold temperature of the Cryoskin wand to decrease fat, as well as reduce the appearance of cellulite and improve the quality of our skin.



Why use Cryoskin?

Cryoskin helps you look and feel your best!

Cryoskin can be tailored to your body shape to help you create the body you want.

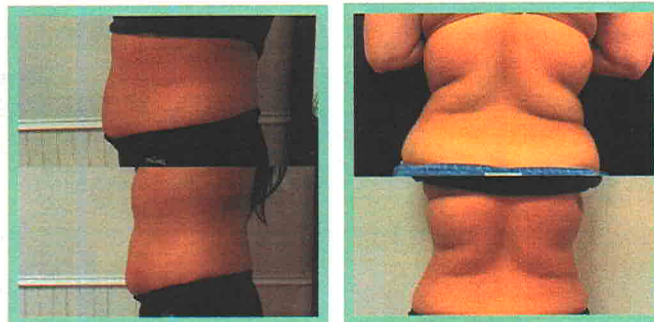
We recommend starting with a consultation to determine the best treatments for you.

Depending on what you want to achieve, Cryoskin has 3 treatment types.

Slim. Looking to decrease fat?

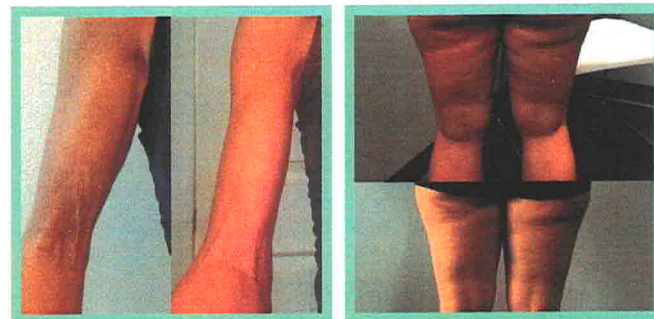
CryoSlimming® first uses heat and then cold temperatures to decrease fat, which is flushed out by the lymphatic system over 14 days.

Whether you're looking to reduce fat on your stomach, thighs, arms, or back this is the solution for you. For best results, we recommend a package of treatments and to maintain a healthy lifestyle.



Tone. Looking to smooth skin?

CryoToning® uses cold temperatures to stimulate collagen production, which decreases the appearance of cellulite and smooths skin. Shape those tough areas that diet and exercise just can't reach.



Face. Looking to reduce wrinkles?

CryoFacial uses cold temperatures on the face to stimulate collagen, which reduces the appearance of fine lines and wrinkles and improves skin elasticity.



Board of Barbers & Hairdressers,

My name is April Barber, I own Blu Birch Spa and Salon LLC. I am writing regarding the letter released on May 15th, 2023, stating that our Alaska State Board of Barbers and Hairdressers are proposing to retract certain services that Estheticians have been offering to our clients for years. Most, but not all, have received further education and proper training to offer these services that were designed for Estheticians to perform safely on our clients.

My staff and I have been affected in many ways by the new proposed regulation. I contacted the state board approximately two years ago asking permission to offer Cryo-Skin at Blu Birch Spa and Salon. Upon receiving permission to do so, I reached out to CryoSkin directly. My team and I worked diligently to complete the steps required to be accepted into the Artemis team, including an extensive interview with two of Cryo's team members and a two-hour Zoom meeting covering the requirements to pass the course. After two months of online educational training, multiple assessments, and a trip to Colorado for in-person hands-on training, our team had to pass a final practical. Upon completion of these critical steps, our team received our certificates of completion to provide services with Cryo 3.0. This machine offers only manual treatments. Between out-of-state travel and the cost of the machine, I have invested a total of \$27,000.

CryoSkin's attorney Steve, has made several attempts since May 20th to contact our state board to properly educate them on the services, and functionality and explain how safely and efficiently the machine works. To this point, the state board has given no response and has not accepted any input from Cryo directly. Steve wanted to ensure the state board is aware of the differences between CryoTherapy and CryoSkin and were not confusing the two machines as they function completely differently and have no relation.

CryoSkin is a safe non-invasive body contouring service with no recovery or downtime. CryoSkin uses cooling and warming technology for toning and sliming purposes. The heating and cooling is applied by the programmed wand that is regulated by sensors for the protection of the skin, without the use of nitrogen, and performs three unique treatments that are non-invasive, painless, and safe. All three treatments essentially use the same cooling technology, the difference between each treatment depends on the area of the body you are working on, the programmed wand determines the temperature with preset parameters. The wand has sensors that allow the treatments to be performed safely and effectively. The state board has concerns of frostbite and/or burns and the potential for asphyxiation from an oxygen-deficient atmosphere due to the use of nitrogen. CryoSkin has performed 119 trials aged 18 to 70 with zero side effects, there have been zero reports of "frostbite and burns", and since CryoSkin does not use nitrogen, there is no possibility of asphyxiation. While I have performed over 100 treatments personally, I have not experienced any negative side effects. These concerns can be found in the BAHboardpacket2023 on page 3.

CryoFacial and CryoToning is a 20-minute treatment that targets the dermal layer of the skin by utilizing cold temperatures, applied to the skin with the programmed wand without the use of nitrogen. When cold temperatures are applied to the skin, the esthetician's hand (which is warm) manually follows the wand with a light massage to the area. The mixture of cold followed by warmth causes the blood vessels to alternate between constriction and dilation within the dermis. This improves microcirculation (oxygen blood flow). When this occurs, there is an increase in collagen production in the dermal layer. This treatment helps to reduce signs of aging by contouring, increasing the skin elasticity, decreasing fine lines, tightening the skin, and reducing the appearance of cellulite for a smoother look. This service is not permanent because we do continue to age, but it will make you feel great and glowing for months.

CryoSlimming is for fat reduction in a more localized area, such as the stomach, thighs, or arms. The treatment starts with two minutes of warming of the skin with a programmed wand using a specific manual technique, followed by an immediate controlled drop in cold temperature in the hypodermis. This stimulates the natural release of stubborn fat cells through your lymphatic system. The treatment is finished with another two minutes of warming of the skin. This process shapes and contours your body while it is natural and painless.

My team and I are more than capable of offering this service to our clients safely. We have already performed over 100 CryoSkin services on clients with zero complications and only positive results. This is a service that we truly love to offer to our clients. Offering a service that makes our clients love the way they look and feel about themselves is very rewarding. I want to grow as an Esthetician, furthering my education and allowing us to offer these services that are specifically designed for us, allows us to grow in the industry. Limiting the services we can perform has a substantial negative impact on the industry and especially the small businesses. I can appreciate the concern for the safety of our clients and operating within my esthetics licensing, CryoSkin and Cryotherapy may perform under the same concept under "cold" temperatures, but they are very different machines, with different operating procedures, producing different treatments.

I have been an Esthetician since 2008, and I have gained an abundance of knowledge, experience, and continuing education throughout my career. I've worked in Las Vegas, Nevada, and Palmer to Wasilla, Alaska. I am not in support of our state board requiring us to go back to school for another 400-500 to continue the services that we have been offering for years. If you calculate my hours of working at 40 hours per week over the last 15 years, that puts me around 28,800 hours. I am more than competent and qualified at what I do to continue working and offer my current services and treatments, CryoSkin 3.0, high frequency, light therapy, etc. If you want to make a change, please do it for the good, not to hurt us all by taking away these services. It hurts me as a small business owner and many others. Please grandfather us current Estheticians and make positive changes from here on out. Implement new regulations for new

Estheticians and the services provided. Thank you for your time. I appreciate you taking the time to read my letter and review the documents I've sent.

Sincerely,

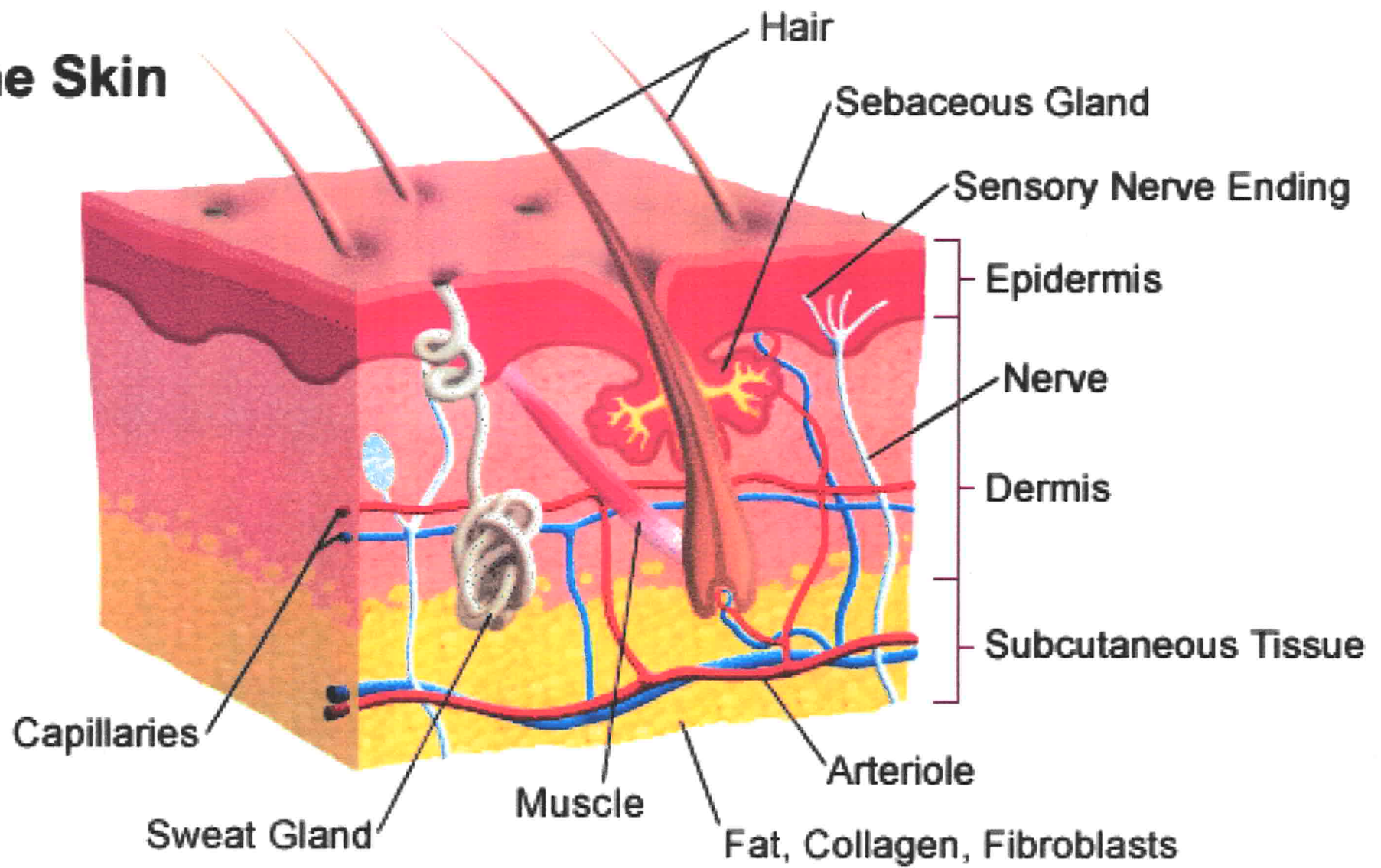
April Barber

Blu Birch Spa and Salon LLC

907-947-9188

License #HADC15989

The Skin



September 26, 2023

To Whom it may concern,

I'm writing because of my disappointment in the inability to continue receiving Cryo Toning & Slimming treatments.

I received 10 treatments from April Barber, owner of Blu Birch Salon in Wasilla.

April completely educated me about the treatments, what was involved, what to expect. Before & after every treatment she checked in with me. I had ZERO negative side effects or reactions! I had 100% positive results! It provides an excellent alternative to surgery, is non-invasive, pain free and affordable. My salon has properly trained administrators. Please reinstate Cryo as an option so that I may continue to support my salon, providing beneficial services, and the growth of small business.

Thank you,

Cheryl Metiva

clmetiva@gmail.com

Cell #997-31/-9920

1822 Birch Lake Dr, Wasilla, AK 99623

September 25, 2023

My name is Michelle Mueller and I am writing this letter as a testament to having received Cryo Treatment by a licensed esthetician, April Barber. The type of treatment I received was slimming and toning and I went through 10 sessions. Before starting the treatment April took the time to educate me on the benefits and what to expect when going through treatment. She answered all my questions and further informed me on best tips and tricks to make the treatment more successful in regard to staying hydrated and what to consume before and after for best results. The reason I chose this was because it is a great alternative to surgery, it's non-invasive and absolutely pain free. If this service was not available at my current salon where I go for my beauty services, then I wouldn't have taken the time to go to a medical spa or elsewhere as this made it convenient, affordable and comfortable. I had great success with the treatments over my 10 visits in my stomach region and have plans to continue treatments in other areas as soon as this is available again by my salon esthetician at Blu Birch Salon.

Michelle Mueller

907-631-2209

Fw: Alaska service changes [ref:_00D1N1CV9c._5003I1YpdR6:ref]

From: April Barber (blubirchspa@yahoo.com)

To: bnabarber@hotmail.com

Date: Monday, September 25, 2023 at 01:28 PM AKDT

----- Forwarded Message -----

From: Support <support@artemisdistribution.com>

To: blubirchspa@yahoo.com <blubirchspa@yahoo.com>

Sent: Tuesday, September 19, 2023 at 11:05:32 AM AKDT

Subject: Re: Alaska service changes [ref:_00D1N1CV9c._5003I1YpdR6:ref]

Hey April,

I did not receive your email. Please try to send it again if possible.

The good news is I just received the information I wanted to send to you so you could then provide it to the State Board.

Attached you will find the complete clinical study that was recently completed for Cryoskin as well as a Quick Reference guide to the clinical study. The study itself is a very lengthy and dense document. The quick reference guide should give the State Board an overview of the study prior to reading it.

Please do keep our previous email in mind in the event you are able to speak to the board personally (i.e. not referring to Cryoskin as Cryotherapy). If possible, myself along with our product expert would love to join on any call or presentation you are able to make to the Board. As I have previously stated, I still have not heard back from the Board regarding my request to meet with them in order to present some safety and efficacy data and educational materials to them.

Additionally, please do your best to keep the clinical study and the quick reference guide confidential and private. We have a few additional studies we are in the process of completing and plan on making all the studies available to the public in the near future. But for now, I would appreciate if you kept the studies confidential and private.

Please confirm receipt of the 2 attachments as soon as possible.

Thank you and Artemis is truly thankful for partners like you,

Steven Houston

Director of Regulatory Compliance and Associate General Counsel

NOTICE: Any communication through email does not constitute or create an attorney client relationship or privilege.

----- Original Message -----

From: April Barber [blubirchspa@yahoo.com]

Sent: 9/19/2023, 2:52 PM

To: support@artemisdistribution.com

Subject: Re: Alaska service changes [ref:_00D1N1CV9c._5003I1YpdR6:ref]

Hello Steve,

I'm just checking that you received the email that I forwarded to you about the proposed new regulations from our state board? I sent it in a separate email.

Thank you. April

On Friday, September 15, 2023 at 06:34:59 AM AKDT, Support <support@artemisdistribution.com> wrote:

Hello April,

Thank you for this update. Would you mind sending me a link to the recent statement released by the board that calls for licensed professionals to provide information and comments regarding the modalities they would like to keep? I will get a folder of information (including a clinical study that we recently had completed) together today and should be able to send it out to you by Monday.

I did want to call you attention to one important detail that I would like for you to keep in mind when speaking or providing comments to the board. In short, Cryoskin is NOT cryotherapy and should not be referred to as a cryotherapy device. Cryotherapy as defined by the Cleveland Clinic as the "use of extreme cold to freeze and **remove abnormal tissue**". Cryotherapy is also referred to as cryoablation. To achieve the freezing temperatures needed to remove tissue, cryotherapy devices utilize liquid nitrogen, liquid nitrous oxide, or argon gas. Cryotherapy: Uses, Procedure, Risks & Benefits (clevelandclinic.org). Cryoskin uses "Cryo" in the name only to describe the cold temperatures the wand can reach, not a reference to Cryoskin as a cryotherapy device. Several state boards have made this same error and confused our Cryoskin device as a Cryotherapy device, which has caused issues with some partners who utilize Cryoskin within their esthetic and massage therapy businesses. This is precisely why educating partners and state board members on our device and the science behind the device is so important.

While I gather the needed information, please do send the link as soon as you can.

Thank you for your continued partnership,

Steven Houston
Director of Regulatory Compliance and Associate General Counsel

NOTICE: Any communication through email does not constitute or create an attorney client relationship or privilege.

----- Original Message -----

From: April Barber [blubirchspa@yahoo.com]
Sent: 9/12/2023, 1:21 PM
To: support@artemisdistribution.com
Subject: Re: Alaska service changes [ref:_00D1N1CV9c_500311YpdR6:ref]

Good morning Steve,

~~I greatly appreciate all the time that you have taken to reach out to our state board. They are seeming to have a problem with making time on their calendar to speak with anyone to resolve the situation or be properly educated. Their care on the issue seems to be very low on the totem pole. They are not even returning calls to any of the license professionals regarding the matter. We were told October 3rd there will be a new statement released regarding all the new regulations and a list of services that they are retracting from all of us Licensed professional. A recent statement was released by the board. They are asking that we send in any information or comments that we have on services that we want to keep. Multiple others and myself want to keep the cryo-. This is our last chance to properly educate them on cryo-. Are you able to put together a letter that I can attach to mine describing how safe cryo is and educate them properly on how far it penetrates. That we go through full online training, and in person training before a machine is even released to us. Having a proper reference for them to go to will stand~~

out much more than what I'll be writing and sending in. I have to have all letters sent in by the 20th. Again, thank you so much for all your help and time. I really appreciate it.

April Barber
907-947-9188

On Tuesday, August 1, 2023 at 08:32:04 AM AKDT, Support <support@artemisdistribution.com> wrote:

Hey April,

I hope you are doing well.

We are in the process of scheduling some time to meet with the Alaska Board of Barbers and Hairdressers to present some information from our recently completed clinical study, speaking to the safety of Cryoskin as well as the depth of penetration. Due to a backlog of request, the Board has been a bit slow at placing us on their calendars. I will keep you updated on the meeting with the Board. If the Board allows a public meeting, it would be great to have some supporting members of the community be present.

Rest assured that we will be appealing the Cryoskin reference in the 5/15/2023 Position Statement released by the Board and are currently doing everything we can to ensure that Cryoskin can be used by estheticians in Alaska.

Thank you,

Steven Houston
Director of Regulatory Compliance and Associate General Counsel

NOTICE: Any communication through email does not constitute or create an attorney client relationship or privilege.

----- Original Message -----

From: April Barber [blubirchspa@yahoo.com]
Sent: 7/31/2023, 10:13 PM
To: support@artemisdistribution.com
Subject: Re: Alaska service changes [ref:_00D1N1CV9c._5003I1YpdR6:ref]

Hello Steve,

I was reaching out to see if you have had any contact with our Alaska State Board regarding the reasonings on why they have retracted us Estheticians from using Cryo Skin. It has affected many of our businesses. Please help!

I appreciate the information that you sent to me last month. The issue I see is that it does not support any facts of working with in the dermal layer. That is what our State Board is looking for. I can resend you a copy of the letter if you need. I really appreciate your time and greatly need your help.

Sincerely, April Barber
907-947-9188

On Friday, June 30, 2023 at 09:44:26 AM AKDT, Support <support@artemisdistribution.com> wrote:

CLINICAL STUDY REPORT - STRICTLY CONFIDENTIAL

Report status: FINAL Version 4.0

Report Date: 24th August 2023

Protocol Number: Protocol 01

CUTEST Accession No. AN3568

Study Title: A safety and efficacy study for use of the Cryoskin device in healthy human study participants

Test Products:

Sample	Product
Product A	Artemis Cryoskin 4.0 Device

Study dates: 21/06/2022- 18/02/2023

Sponsor's contact:

Sponsor:


Artemis Distribution

800 Westchester Avenue

Rye Brook, NY 10573

Suite N-641

U.S.A.

Principal Investigator: Stewart Long, BSc

Co – Investigator

& Dermatologist: Dr Richard Goodwin, MBBS, MRCP

Clinic Personnel: Ms T Davies RGN, Ms H Evans-Hunte RGN, Mrs L McLundie RGN, Ms T Welsby BSc, Ms L Miles BSc, Mr J Davies MSc, Ms A Corcoran MSc, Mr C O'Brien MSc, Mr A Beynon BSc and Ms P Ward MSc

CRO CUTEST Systems Ltd

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Caxton Place,

Cardiff,

CF23 8XE

Tel: +44 (0)29 2062 5686

E-mail: info@cutest.co.uk

1. DECLARATION AND SIGNATURES

The undersigned hereby declare that this study was performed under our direction and in accordance with the procedures and undertakings specified in the study protocol. This report is a true and accurate record of the results obtained.

The practices and procedures adopted during the conduct of this study were consistent with the principles of rCH GCP and the guidelines for phase I clinical trials published by the Association of the British Pharmaceutical Industry (2007). All routine activities conducted during the course of the study were performed in accordance with Cutest Systems Ltd Standard Operating Procedures.

Stewart Long BSc
Cutest Systems Limited
Principal Investigator



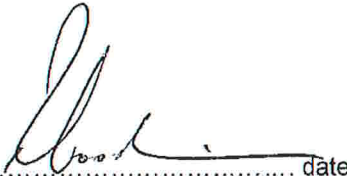
.....date 25/8/2023

Pippa Ward MSc
Cutest Systems Limited
Project Manager



.....date 25.8.2023

Dr Richard Goodwin MBBS MRCP
Cutest Systems Limited
Co-Investigator and Dermatologist



25/08/2023

SUMMARY

It is important that novel aesthetic devices designed to improve cosmetic and aesthetic appearance are safe and effective for the intended use. This study was a safety and efficacy investigation of the Cryoslimming protocols using the Cryoskin 4.0 aesthetic device. The study was designed to demonstrate the safety and efficacy of the device for improvement of the appearance of the abdomen and thighs by cycles of heating and cooling of the skin.

One hundred and nineteen volunteers of both sexes completed the study, therefore there is a robust and representative dataset for evaluation of the device.

For the first part of the study, the device was tested in the manual configurations as typically used by a trained operator, in order to determine the safety to study participants of the procedures. The effect of the dose of temperature applied to the skin, in terms of treatment time, was examined and whether the treatment caused any discomfort, adverse effects or tissue damage to the target site and to sites on the body that have not been treated. Measurements included clinical examination, blood flow at remote sites, ultrasound imaging of sub-cutaneous structure and in vivo confocal microscopy of target and non-target sites.

Following the successful demonstration of the safety of the device, efficacy studies were undertaken to provide clinical evidence of the device benefits.

This clinical report summarises the safety and efficacy data gathered on the study.

From the safety study, we conclude that when used in the normal treatment mode, both the manual and static cryoslimming treatments were very well tolerated and the device is safe to use on volunteers. We saw some limited transient adverse events, which are detailed. After clinical follow up with volunteers who experienced these effects we saw rapid resolution. We consider that these minor adverse effects are isolated and have no safety concerns for use of the machine/treatment protocol on consumers. The number of adverse events and the low severity are such that whilst some consumers may need to discontinue treatment due to mild discomfort, this number will be relatively low and no evidence of long term negative consequences after discontinuation were seen.

The efficacy data demonstrates that repeated treatment leads to a significant reduction in mean circumference of the abdomen of -2.77cm (1.9Inches) using MANUAL treatment and -5.63cm (2.5 Inches) using STATIC treatment. These changes were statistically significant and were not significantly impacted by body mass of the volunteers, therefore were directly due to the treatment

regime. For the thigh, the data demonstrates that repeated treatment leads to a significant reduction in mean circumference of a thigh of -5.5cm (2.17 Inches) using MANUAL treatment and -2.3cm (0.9 inches) using STATIC treatment. These changes were statistically significant and were not significantly impacted by body mass of the volunteers. It is interesting to note that the MANUAL and STATIC treatments had different efficacies on the abdomen and thigh.

The circumference data were supported by the findings from ultrasound measurements. There was a significant decrease in ultrasound density, consistent with connective tissue activation without scarring or fibrosis of the tissue. Both the abdomen and thigh were significantly changed as demonstrated by the ultrasound imaging. The ultrasound and skin caliper data were obtained at each study visit prior to the next treatment, to avoid transient effects of the treatment impacting the data. We can therefore exclude acute "escape of dermal moisture" or reduction of inflammation that we know cold exposure can cause to the skin as a factor in the results obtained. Given that there was no significant change in skinfold measurements but a reduction in circumference we can suggest that the method of action is through activation of connective tissue without affecting cells. The changes described therefore indicate a long-term trend of changes in body appearance due to the treatment regime and not temporary effects.

Based on the data, we conclude that the Cryoskin 4.0 device is well tolerated by volunteers and has a very good safety profile, consistent with use in a professional environment by a trained operator. Regular treatments with the device promote significant reduction in circumference of the abdomen and the thighs and it therefore represents a clinically relevant intervention to slim abdomen and thighs.

2. ABBREVIATIONS

ABPI	Association of British Pharmaceutical Industry
AE	Adverse Event
ALS	Amyotrophic Lateral Sclerosis
AR	Adverse Reaction
BMI	Body Mass Index
BSI	British Standards Institute
CRP	C-reactive Protein
CRF	Case Report Form
COVID-19	Coronavirus Disease 2019
DMID	Division of Microbiology and Infectious Diseases
GCP	Good Clinical Practice
GP	General Practitioner
ICF	Informed Consent Form
ICH	International Conference of Harmonisation
IEC	Independent Ethics Committee
ISO	International Standard for Organisation
MS	Multiple Sclerosis
OTC	Over The Counter
PI	Principal Investigator

PIS	Participant Information Sheet
QA	Quality Assurance
RIEC	Reading Independent Ethics Committee
SAE	Serious Adverse Event
SAR	Serious Adverse Reaction
SUSAR	Suspected Unexpected Serious Adverse Reaction
SOP	Standard Operating Procedure
TMF	Trial Master File

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5. INTRODUCTION

It is important that novel aesthetic devices designed to improve cosmetic and aesthetic appearance are safe and effective for the intended use. This study was a safety and efficacy investigation of the Cryoskin 4.0 aesthetic device. The study was designed to demonstrate the safety and efficacy of the device for improving the appearance of the abdomen and thighs by cycles of heating and cooling the skin.

In Part A, the device was tested in the manual configurations as typically used by a trained operator, for the safety to study participants of the procedures. The effect of the dose of temperature applied to the skin, in terms of treatment time, was examined and whether the treatment caused any discomfort, adverse effects or tissue damage to the target site and to sites on the body that have not been treated. Measurements included clinical examination, blood flow at remote sites, ultrasound imaging of sub-cutaneous structure and in vivo confocal microscopy of target and non-target sites.

Following the successful demonstration of the safety of the device, efficacy studies were undertaken to provide clinical evidence of the device benefits.

6. ETHICAL CONSIDERATIONS

The practices and procedures adopted during the conduct of this study were consistent with the principles of ICH-GCP. All routine activities conducted during the study were performed in accordance with Cutest Systems Ltd Standard Operating Procedures.

Ethics Committee and Regulatory approval for the study was obtained from Reading Independent Ethics Committee. The study protocol was subject to a risk assessment following Cutest's Standard Operation Procedure SOP-38.

7. OBJECTIVES

The primary objective of part A of the study was to evaluate the safety of the Cryoskin 4.0 device when used according to the recommended operating instructions and to establish whether an acceptable safety margin is available in the event of treatment beyond the recommended dose. Part B was designed to determine the efficacy of the device for improving body appearance following a standard course of treatments.

8. STUDY DESIGN

One Hundred and nineteen (119) study participants aged 18 to 70 years were recruited for one hundred (100) study participants to complete, of which fifty would complete the manual technique and fifty would complete the static technique. The fifty (50) on each treatment

type would then be split 30/20 with thirty (30) receiving the standard dose and (twenty) 20 receiving the one and a half treatment dose. The abdomen below the navel was selected for testing. Each site received a dose of the treatment equivalent to one standard dose OR 1 and a half standard doses, the selection of which was randomised. All doses were administered by a trained operator.

Prior to and immediately following the doses, the skin at the target sites and non-target sites was assessed for clinical change. Assessments included clinical grading of skin erythema, oedema and any other adverse effects, digital photography of the skin and biophysical measurements. These included skin colour, high frequency ultrasound imaging, in vivo confocal microscopy and pedal blood flow (to demonstrate that there was no systemic change that could influence remote body sites). Study participants also complete questionnaires, concerning their perception of their skin and the effects of their allocated treatment.

The fifty (50) study participants on the manual treatment arm were recruited first, followed by the fifty (50) study participants on the static treatment arm. Thus, the type of treatment for part A was not randomised.

Study participants returned after 24 hours for repeat measurements after treatment to determine whether any adverse effects were seen.

If no significant adverse effects were seen, the treatments were repeated after 2 weeks. The data from the efficacy study will form part of the overall safety assessment for the device in this report, with safety and efficacy data from a full regime of treatments being added following the successful completion of this phase of testing.

8.1. Study plan- Safety Study

A summary of the assessments is as follows:

Assessment	Day 1/ Screening	Day 2	Day 14	Day 15
Inclusion/ Exclusion Criteria	X			
Informed Consent	X			
Demographics	X			
Medical History & Concurrent Conditions	X	X	X	X

Concurrent/Concomitant medications	X	X	X	X
Height/weight/BMI	X	X	X	X
CoVid19 vaccination check	X			
Physical examination of treatment sites	X	X	X	X
Measurement of abdominal circumference (waistline)	X	X	X	X
Digital Photography	X	X	X	X
Clinical Grading	X	X	X	X
Ultrasound	X	X	X	X
Invivo confocal microscopy	X	X	X	X
Doppler	X	X	X	X
Caliper	X	X	X	X
Chromameter – colour	X	X	X	X
Effectiveness evaluation /Questionnaire	X			X
Adverse Event Reporting	X	X	X	X

1.2. Randomisation and blinding procedures

This was an open study. In part A the allocation of dose size to the target area of the abdomen was randomised according to a pre-prepared randomisation code (see Appendix II of protocol). However, the treatment type (static vs manual) was not randomised. Those on the manual treatment commenced first, and those on the static commenced after.

8.2. Instructions for breaking the blind.

Not applicable.

9. STUDY PRODUCTS

9.1. Test products

The test products were as follows:

Product
<i>Cryoskin 4.0 Device</i>

The test product was supplied by the Sponsor.

9.2. Storage of Study Products

Study products were stored on the premises of Cutest and any specific storage conditions requested adhered to. On completion of the study, the study products are stored for three months by Cutest and then disposed of as domestic refuse.

10. VOLUNTEERS

'Admission to Study' procedures were followed as outlined in the study protocol. All volunteers fulfilled the inclusion and exclusion criteria as detailed below:

10.1. Inclusion Criteria

1. Healthy females and males aged 18-70 years old inclusive.
2. Female participant of childbearing potential willing to agree to use a highly effective method of contraception, if applicable (unless of non-childbearing potential or where abstaining from sexual intercourse is in line with the preferred and usual lifestyle of the participant) from screening to final treatment visit. Or female participant of non-childbearing potential. For the purposes of this study, this is defined as the participant being amenorrhoeic for at least 12 consecutive months or at least 4 months post-surgical sterilisation (including bilateral fallopian tube ligation or bilateral oophorectomy with or without hysterectomy).
3. Study participant who declares they are negative for human immunodeficiency virus (HIV), hepatitis B surface antigen (HBsAg) and hepatitis C virus antibody (HCV Ab).
4. Study participant with a BMI between 25-40 kg/m² inclusive.
5. Study participants with a stable weight for 3 months before the start of the study.
6. Study participants who have signed the consent form after the nature of the study has been fully explained.
7. Study participants who are willing to refrain from using sunbeds or intentionally tanning treatment areas.

1. Study participants who are willing to cooperate and participate by following study requirements (comply with required study procedures and restrictions) for the duration of the study.
2. Study participants who have received a COVID-19 Vaccine and are able to show their vaccine card at screening.

10.2. Exclusion criteria

1. Pregnant or breastfeeding or lactating females at the start of the study or have given birth within the previous 6 months.
1. Any clinically significant medical or psychiatric condition or medical history that, in the opinion of the investigator or sponsor, would interfere with the subject's ability to participate in the study or increase risk to the study participant by inability to effectively communicate.
2. History of or current cardiac dysfunction including having an implanted defibrillator or pacemaker.
3. History of metabolic dysfunction including evidence of uncontrolled diabetes and or diabetes related complications.
4. History of lymphatic disorders or history of any lymph node removal.
5. History of central nervous systems dysfunction including any long-term progressive diseases like MS, ALS, Parkinson's and neuropathy.
6. History of blood circulation dysfunction / severe Raynaud's syndrome.
7. History of severe allergy to cold or cold related illness like Cryoglobulinemia, Paroxysmal Cold Hemoglobinuria, Cold Agglutinin Disease.
8. Evidence of renal or hepatic dysfunction including severe kidney or liver disease.
9. A clinically significant history of alcohol or drug abuse within 12 months prior to screening, or current evidence of substance dependence or abuse as self-reported alcohol intake averaging more than 3 units of alcohol/day.
10. Study participants who have taken part in a Health Research Authority or MHRA regulated clinical trial (e.g., at a hospital or phase I unit) within the previous eight weeks.
11. Study participants who have taken part in a study involving the abdomen or upper thigh within the previous four weeks.
12. Study participants with a recent history (previous 6 months) of significant skin disease including bacterial or viral infections, severe eczema, rashes or dermatitis requiring medical intervention, e.g. GP consultation / Dermatology out patient appointment / referral to dermatology.

13. Study participants receiving any cancer treatment or taking post cancer drugs.
14. Study participants who have had any surgery in the past 6 months or any wound healing disorders or significant scarring that the investigators feel makes the participant not suitable for the study.
15. Study participants who have had any Botox in the past 30 days or fillers in the past 90 days.
16. Study participants with tattoos, irremovable body piercing (s), implants, mesh inserts in the treatment area, or other conditions on the test area that, in the opinion of the investigators, might influence the test results.
17. Study participants with lower limb ischemia.
18. Study participants with impaired skin sensation.
19. Study participants currently using topically applied prescription medications on/near the test site.
20. Individuals with known allergies or known sensitivities to propylene glycol or hyaluronic acid.
21. Study participants who currently have symptoms associated with CoVid19 (high temperature, a new continuous cough, loss or change in sense of taste and smell), those who have been advised to self-isolate.
22. History of severe hypersensitivity to any medicinal product, which was associated with swelling, severe rash requiring treatment/hospitalization, or anaphylaxis
23. Employment by the study site, or an immediate family relationship to either study site employees or sponsor employee.

10.3. Medical history

Each volunteer participating in the study will have had a health review and skin examination before joining the test panel of CuteTest. In addition, study personnel will update each volunteer's medical history immediately prior to participation in this study.

11. WITHDRAWALS AND DROP-OUTS

Volunteers may withdraw from the study at any time. The Investigator may withdraw volunteers for any of the following reasons:

- (a) Any adverse event, which in the opinion of the Investigator precludes further participation in the study.
- (b) Non-compliance with the requirements of the study, which in the opinion of the Investigator would invalidate further participation in the study.

- (c) Concurrent illness or concomitant medication, which in the opinion of the Investigator precludes further participation in the study.
- (d) Withdrawal of consent.
- (e) Lost to follow-up, i.e. the volunteer fails to attend as scheduled and is not seen again despite the Investigator's efforts (telephone, letter, etc.).

11.1. Medical history

All volunteers were non-patient volunteers who had previously undergone a medical examination before joining the test panel. Each volunteer's medical history was also updated and recorded immediately prior to participation in this study by the study nurse.

11.2. Medical supervision

Medical supervision was provided by Co-Investigator, Dr Richard Goodwin. Each volunteer received information about whom to contact in an emergency and provided with an out of hours contact.

12. STUDY PROCEDURE

12.1. Test sites

The test site for the study was the abdomen contra-lateral to the navel), thighs, and for those on part A of the study, a remote site at the ankles. For the abdomen, three target areas of 5x5cm were marked out, at least 2cm apart. Four of the test sites received the treatments according to the dosing below and one site was the untreated control site to determine whether any non-target effects were seen.

12.2. Test device Usage

The Cryoskin 4.0 device comprises of a control panel, with attachments including a manual wand and 4 static probes that can go up and down in temperature.

In part A, at least fifty (50) study participants commenced on the manual treatment programme, and following this, at least fifty (50) study participants were selected for the static treatment. Each of the study participants received a treatment dose according to a pre-prepared randomisation (see Appendix II).

Manual treatment

Abdomen:

Hot: 2 minutes

Cool: 13 minutes

Hot 2 minutes

TOTAL treatment time 34 minutes (17 minutes per side)

Thigh:

Hot: 2 min

Cool: 13 min

Hot: 2 min

TOTAL treatment time 34 minutes (17 minutes per leg)

Static treatment

Abdomen:

4 phases of 2 minutes, 5 minutes, 35 minutes, 2 minutes

TOTAL treatment time 44 minutes

Thigh:

4 phases of 2 min, 15 min, 10 min, 15 min, 2 min

TOTAL treatment time 44 mins

For part A, the safety section of the study, the static and manual application techniques, doses of 1x and 1.5x the above were given to the target site of the abdomen. The 1.5X dose comprised of the standard 1X dose, followed by a repeat of half the standard 1x dose.

Test Site	Application method	Dose 1X	Dose 1.5X
Abdomen	Static	X	X
Abdomen	Manual	X	X

12.3. Photographic procedures

At the start of the study, prior to test device use, immediately after treatment and 24 hours (± 3 hrs) after treatment, standardised digital images were taken of the test sites using a Canon digital camera and 105mm macro lens. Standard illumination was used.

12.4. Clinical Assessments

The condition of the skin of the test sites will be assessed by clinical staff prior to test device use, immediately after treatment. In the case of Part A, safety, there will be an additional visit 24 hours (± 3 hrs) after both treatments where assessments will take place.

In addition, assessments will also be made at the defined non-target adjacent test sites to determine whether there is any non-target area effect of the treatments.

The test sites will be evaluated for signs of cutaneous irritation. In particular, erythema, dryness and oedema will be recorded using ranking scales. Erythema will be recorded using the following scale:

- 0 = No reaction.
- 0.5 = Slight, patchy erythema.
- 1 = Slight uniform erythema.
- 2 = Moderate, uniform erythema.
- 3 = Strong erythema.
- 4 = Strong erythema, spreading outside test area.

Scaling and dryness will be assessed using the following scale:

- 0 = No evidence of scaling.
- 1 = Fine scaling.
- 2 = Moderate scaling.
- 3 = Severe scaling; presence of large flakes.

Oedema will be recorded as follows:

- 0 = No evidence of oedema.
- 1 = Mild oedema.
- 2 = Moderate oedema.
- 3 = Severe oedema.

Any other signs of cutaneous irritation will be documented, including papules, rashes or other skin conditions, as diagnosed by the dermatologist or study personnel.

Standardised lighting (colour and angle) will be via an OSRAM I58W/865 fluorescent tube illuminating the skin from 1 metre, perpendicular to the skin.

12.5. Volunteer disposition

Volunteers sat quietly in a controlled environment for a minimum of 20 minutes prior to any instrumental measurements. The controlled environment room was maintained at a temperature (20 to 22°C) and relative humidity (40-50%) as recommended for TEWL measurement by the Standardisation Group of the European Society for Contact Dermatitis.

12.6. Questionnaire

Volunteers completed a questionnaire after a single use of the test product and at each subsequent time point concerning their opinion of the test products (see Appendix II of protocol). The questionnaires were designed in consultation with the Sponsor and included questions concerning product perception and product efficacy.

12.7. Erythema

Colour was measured using a Chromameter CR400 (www.konicaminolta.com). The Chromameter is a tristimulus colour analyser that measures the reflected colour according to the CIE 1976 L*a*b* (CIELAB) colour space values. Three randomised measurements from each sample was taken and the mean values calculated.

12.8. High Frequency Ultrasound

Doppler ultrasound imaging measurements were taken from three separate points within the test sites using a TPM ultrasound with 22Mhz head operating in B-scan mode. Image analysis using Image J software® was used to determine reflectivity changes in the dermis and measurements of epidermal, dermal and subcutaneous fat layers. Evidence of oedema or other adverse effects within the tissues were recorded if observed.

12.9. In vivo confocal microscopy

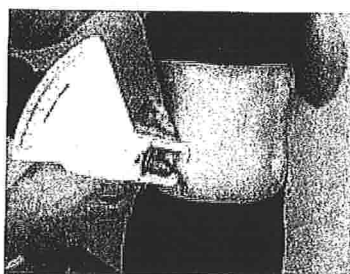
In vivo confocal microscopy images were taken from inside the test site and at an adjacent non-target test site.

A pea sized amount of oil was added to the window of the test ring prior to application to the skin. The dermatoscope was then used to take an up-close image of the skin using the test ring. Ultrasound gel was added to the test ring prior to use with the confocal microscope. The in vivo confocal microscope was used to take a stack of images through the skin

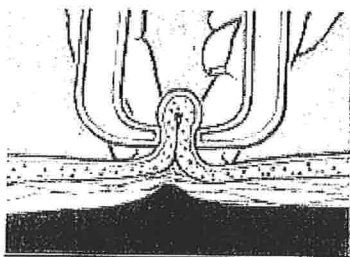
showing the multiple layers. A 'cube' measurement was also to be taken which will provide a video clip of the journey through the layers of the skin. The in vivo confocal microscope was removed, the test ring removed and the area wiped before any further measurements. Further details and methodology can be found in Cutest Systems Study Specific Work Instruction: Use of the In-Vivo Confocal Microscope

12.10. Skin fold calipers

Subcutaneous fat was estimated using skin fold Calipers. Measurements were taken at the suprailiac region as shown below and the dorsal aspect of the thigh.



The region to be measured was pinched by the thumb and forefinger and the Calipers applied as shown in the diagram, before releasing the finger pressure. The Calipers



were placed at a 90 degree angle to the skinfold approximately 1cm below the fingers.

12.11. Pedal Blood Flow

Pedal blood flow was checked for evaluation of peripheral circulation pre and post treatment with a Vascular doppler (Bistos 8Mhz Hi dop Model BT200). Used with ultrasound transmission gel.

12.12. Circumference

A retractable durable, easy to clean body tape measure which locks in place and has push button retraction (Medca) was used to check circumference of treatment area before and after treatment takes place.

13. DATA ANALYSIS

13.1. Data entry

All measurements were entered into an Excel spreadsheet directly from the Case Report Forms (CRFs). Where the Corneometer data and Tewameter was captured electronically using the manufacturers software, these files were amalgamated into an Excel spreadsheet. The spreadsheet was designed such that the data could be sorted and compiled into tables of results. The data was subjected to a 100% quality control procedure whereby the tables were compared with the original CRFs, and any errors or omissions noted and corrected.

13.2. Data analysis

Data exported from Visia or transferred from Microsoft forms (expert grading) were summarized in Excel. The mean and median of these values for each was calculated using the in-built Excel spreadsheet function and these values used in all subsequent analysis. Summary statistics of these values (mean, standard deviation, median, maximum, minimum) were calculated over all subjects for each test site and time point using the built-in functions of Excel. These results have been summarised graphically.

All analysis carried out for the study is given in an Excel spreadsheet embedded as a file in the Appendix.

14. RESULTS

14.1. Demographics

Enrolled:	119 volunteers
Age range/Mean:	20 -70 years, 46 mean years
Gender:	112 Female, 9 Male
Data exclusions:	None

Details of the Volunteers are given in Table 1.

14.2. Adverse events

25 Adverse events were reported during the study.

- Volunteer 18 experienced a raised pink rash on the 22nd December 2022. The volunteer received a static treatment and after the treatment a rash could be seen on the abdomen. The adverse event was described as constant in frequency and mild in severity. Upon follow up on the 23rd December 2022, the adverse event was resolved. The adverse event was considered possibly related to the study products.
- Volunteer 29 experienced tenderness in the abdomen area on the 17th February 2023. The volunteer attended clinic for their day 2 measurements and reported their abdomen felt tenderness after the treatment on the previous day. The volunteer reported that it felt like they had bruising. The adverse event was described as constant in frequency and mild in severity. Upon follow up on the 23rd February 2023, the volunteer stated that their abdomen felt swollen and numb since receiving the treatment. The volunteer self medicated with ibuprofen and paracetamol to treat symptoms. The adverse event was considered probably related to the study products.
- Volunteer 34 experienced diarrhoea and vomiting on the 19th July 2022. The adverse event was reported to study personnel on the 19th July 2022. The adverse event was described as constant in frequency and moderate in severity. Upon follow up on the 21st July 2022, the condition was described as improving. The adverse event was considered unrelated to the study products.
- Volunteer 36 experienced strong erythema at the test site on the 5th July 2022. The volunteer developed strong erythema during the treatment which remained after the treatment had completed. The adverse event was described as constant in frequency and mild in severity. Upon follow up on the 19th July 2022 the adverse event was resolved. The adverse event was considered probably related to the study products.
- Volunteer 40 experienced COVID-19 on the 7th July 2022. The volunteer reported to study personnel they had tested positive for COVID-19, symptoms included tickly cough, tight chest, body aches and tiredness. The adverse event was described as constant in frequency and moderate in severity. Upon follow up on the 21st July 2022, the condition was described as improving. The adverse event was considered unrelated to the study products.
- Volunteer 44 experienced a cyst on the 24th February 2023. The volunteer attended clinic and reported they had a cyst on the right side of the abdomen. The cyst had burst and scaled over. The adverse event was described as constant in frequency and mild in severity. Upon follow up on the 9th March 2023, the adverse event was resolved. The adverse event was considered unlikely to be related to the study products.

- Volunteer 46 experienced abdominal tenderness on the right side on the 22nd August 2022. The volunteer reported tenderness for up to 4 days post treatment, the volunteer likened the symptoms to bruising. The adverse event was described as constant in frequency and mild in severity. Upon follow up on the 6th September 2022, the adverse event was resolved. The adverse event was considered possibly related to the study products.
- Volunteer 49 experienced intestinal pain and diarrhoea on the 12th November 2022. The volunteer reported they had experienced intestinal pain and diarrhoea, the volunteer was prescribed buscopan, but this was not required. The adverse event was described as constant in frequency and moderate in severity. The adverse event was resolved after a few days. The adverse event was considered unlikely to be related to the study products.
- Volunteer 54 experienced suspected food poisoning on the 11th September 2022. The volunteer reported they were experiencing diarrhoea on the 11th September 2022, the volunteer was due in for a treatment on the 12th September 2022, however did not want to receive one due to the symptoms. The adverse event was described as constant in frequency and moderate in severity. Upon follow up on the 13th September 2022, the adverse event was resolved. The adverse event was considered unrelated to the study products.
- Volunteer 62 experienced COVID-19 on the 26th September 2022. The volunteer reported to study personnel that they had tested positive for COVID-19, symptoms included pyrexia, sore throat and a headache. The volunteer self medicated with paracetamol. The adverse event was described as constant in frequency and moderate in severity. The adverse event was resolved. The adverse event was considered unrelated to the study products.
- Volunteer 64 experienced a kidney infection on the 25th October 2022. The volunteer reported abdomen discomfort on the 25th October 2022. The volunteer was prescribed antibiotics for 3 days. The adverse event was described as constant in frequency and moderate in severity. Upon follow up on the 17th November 2022, the adverse event was resolved. The adverse event was considered unrelated to the study products.
- Volunteer 69 experienced pain and aching during treatment on the 3rd August 2022. During the first 1 and a half minutes of manual treatment during the cooling setting the volunteer experienced an aching pain radiating from their abdomen to the central back area. The pain stopped when the treatment stopped. The adverse event was described as constant in frequency and mild in severity. The adverse event was resolved. The adverse event was considered probably related to the study products.

- Volunteer 97 experienced pregnancy on the 31st October 2022. The volunteer contacted the clinic to inform study personnel they were pregnant. The adverse event was described as constant in frequency and mild in severity. The adverse event was resolved on the 7th December 2022 due to a termination. The adverse event was considered unrelated to the study products.
- Volunteer 112 experienced vertigo on the 9th September 2022. The volunteer reported that they were experiencing vertigo symptoms when driving and bending over, the volunteer asked to delay the treatment due to this. The adverse event was described as intermittent in frequency and mild in severity. Upon follow up on the 4th October 2022, the adverse event was resolved. The adverse event was considered unlikely to be related to the study products.
- Volunteer 112 experienced erythema and discomfort on the 26th August 2022. The volunteer received a treatment on the 26th August 2022, the volunteer attended again on the 13th September 2022 and reported discomfort and erythema when commencing the treatment. The adverse event was described as constant in frequency and severe in severity. Upon follow up on the 13th September 2022, the adverse event was resolved. The adverse event was considered possibly related to the study products.
- Volunteer 116 experienced burning and stinging on the 29th July 2022. The volunteer experienced burning and stinging on the inner thighs, the treatment was paused to loosen the straps and add more gel but the symptoms persisted. The adverse event was described as constant in frequency and mild in frequency. Upon follow up on the 1st August 2022, the adverse event was resolved. The adverse was considered possibly related to the study products.
- Volunteer 120 experienced erythema on the 29th July 2022. The volunteer experienced intense erythema on inner and outer thighs following a treatment. The adverse event was described as constant in frequency and mild in severity. Upon follow up on the 1st August 2022, the adverse event was resolved. The adverse event was considered possibly related to the study products.
- Volunteer 121 experienced COVID-19 on the 31st October 2022. The volunteer reported fell unwell with a cough and high temperature. The volunteer attended their doctor on the 15th November 2022 and was diagnosed with a chest infection. The volunteer attended their doctor again due to the symptoms persisting and was given another prescription of antibiotics. The adverse event was described as constant in frequency and moderate in severity. Upon follow up on the 17th April 2023, the adverse event was resolved. The adverse event was considered unrelated to the study products.

- Volunteer 127 experienced a root canal procedure on the 25th October 2022. The volunteer experienced a root canal procedure and was prescribed amoxicillin and naproxen for 5 days. The adverse event was described as transient in frequency and moderate in severity. Multiple attempts were made to contact the volunteer but clinic staff were unsuccessful in following up the volunteer. The adverse event was considered unlikely to be related to the study products.
- Volunteer 129 experienced abdominal pain on the 26th October 2022. The volunteer reported to study personnel that 2 -3 days after treatment, they were experiencing abdominal pain. The adverse event was described as intermittent in frequency and moderate in severity. Upon follow up on the 17th November 2022, the adverse event was resolved. The adverse event was considered probably related to the study products.
- Volunteer 136 experienced stinging and strong erythema on the 2nd September 2022. The volunteer reported stinging 1 minute and 11 seconds after the cool step started. When the wand heads were removed strong erythema was present. The adverse event was described as constant in frequency and mild in severity. Upon follow up, on the 6th September 2022, the condition was described as improving. The adverse event was considered possibly related to the study products.
- Volunteer 139 experienced cold and flu like symptoms on the 17th December 2022. The volunteer confirmed they had experienced cold and flu like symptoms and took day and night nurse to treat symptoms. The volunteer attended their doctor on the 22nd December 2022 which confirmed they had a viral infection. The adverse event was described as constant in frequency and moderate in severity. Upon follow up on the 3rd January 2023, the adverse event was resolved. The adverse event was considered unrelated to the study products.
- Volunteer 139 experienced tonsillitis on the 25th December 2022, The volunteer reported symptoms of a sore throat and swollen tonsils. The volunteer was prescribed a 5 day course of penicillin 250mg 4 times daily. The adverse event was described as constant in frequency and moderate in severity. Upon follow up on the 3rd January 2023, the adverse event was resolved. The adverse event was considered unrelated to the study products.
- Volunteer 139 experienced a vomiting illness on the 29th December 2022. The volunteer reported to study personnel they had experienced a vomiting illness on the 29th December 2022, the volunteer did not take any medication. The adverse event was described as constant in frequency and moderate in severity. The adverse event was resolved on the 31st December 2022. The adverse event was considered unrelated to the study products.

- Volunteer 143 experienced eczema on the 10th January 2023. The volunteer experienced itching on the abdomen on the 10th January 2023, the volunteer was prescribed eumovate cream to be used twice daily. The volunteer reported that the symptoms were improving, however when attending clinic, study personnel noted the area was very bruised and red. The volunteer stated they had historical eczema but had not had a flare up in 8 years. The adverse event was described as constant in frequency and moderate in severity. Upon follow up on the 26th January 2023, the condition was described as improving. The adverse event was considered possibly related to the study products.

14.3. Serious adverse events (SAE)

One Serious adverse event occurred during the study.

- Volunteer 104 experienced abdominal pain on the 10th October 2022. The volunteer started to experience abdominal pain on the 10th October 2022, the volunteer attended the doctor after the symptoms worsened. The volunteer was prescribed medication for a possible gastric ulcer. The volunteer attended accident and emergency later that day as abdominal pain was severe, the volunteer was diagnosed with a gallbladder infection. Upon follow up on the 1st November 2022, the volunteer confirmed a diagnosis of Pancreatitis, the volunteer stated they were feeling well now with no pain.

14.4. Presentation of results

All data and all statistical analysis undertaken is included as embedded Excel worksheets in the appendices of this report. The tables presented in the results section are the summary statistics for the complete sets of data that were analysed statistically.

The parameters measured were designed to investigate whether use of the device as intended could lead to any undesirable adverse effects or risks for the volunteers.

14.4.1. Expert grading

The results of the expert grading for erythema (redness) and oedema (swelling) are summarized below:

14.4.2. Erythema:

MANUAL	1		2	14		15
Target Site - Erythema	Before	Post	(blank)	Before	Post	(blank)
MEAN	0.00	0.82	0.02	0.05	0.98	0.00
ST DEV	0.000	0.571	0.091	0.208	0.631	0.000
MIN	0	0	0	0	0	0
MEDIAN	0.0	1.0	0.0	0.0	1.0	0.0
MAX	0	3	1	1	2	0
NUMBER	33	31	30	28	28	28

STATIC	1		2	14		15
Target Site - Erythema	Before	Post	(blank)	Before	Post	(blank)
MEAN	0.00	0.97	0.00	0.00	0.96	0.00
ST DEV	0.000	0.571	0.000	0.000	0.508	0.000
MIN	0	1	0	0	0	0
MEDIAN	0.0	1.0	0.0	0.0	1.0	0.0
MAX	0	2	0	0	2	0
NUMBER	30	30	30	28	28	28

The data demonstrate that both the manual and static treatments result in a mean maximum increase in erythema of 0.94 and 0.98 units respectively, with an individual maximum of 3 units. This erythema subsided to baseline on the 24 hour follow up (blank in tables above). Therefore, clinically, the erythema was not significant and no more than would be expected

from manipulation of the skin. The minimal erythema resolved quickly. Statistically, there were no significant differences between any time points (ANOVA: Tukey HSD method).

14.4.3. Oedema:

MANUAL	1		2	14		15
Target Site Oedema	Before	Post	(blank)	Before	Post	(blank)
MEAN	0.00	0.55	0.00	0.00	0.61	0.00
ST DEV	0.000	0.624	0.000	0.000	0.685	0.000
MIN	0	0	0	0	0	0
MEDIAN	0.0	0.0	0.0	0.0	0.5	0.0
MAX	0	2	0	0	2	0
NUMBER	33	31	30	28	28	28

STATIC	1		2	14		15
Target Site Oedema	Before	Post	(blank)	Before	Post	(blank)
MEAN	0.00	0.21	0.00	0.00	0.12	0.00
ST DEV	0.000	0.412	0.000	0.000	0.326	0.000
MIN	0.0	0.0	0.0	0.0	0.0	0.0
MEDIAN	0.0	0.0	0.0	0.0	0.0	0.0
MAX	0.0	1.0	0.0	0.0	1.0	0.0

The data demonstrate that both the manual and static treatments result in a maximum increase in oedema of 0.61 and 0.21 units respectively. This oedema subsided to baseline on the 24 hour follow up (blank in tables above). Therefore, clinically, the oedema was not significant. The minimal oedema resolved quickly. Statistically, there were no significant differences between any time points (ANOVA: Tukey HSD method).

14.4.4. Dryness:

MANUAL	1		2	14		15
	Pre	Post	(blank)	Pre	Post	(blank)
MEAN	0.06	0.00	0.10	0.07	0.00	0.04
ST DEV	0.242	0.00 0	0.305	0.26 2	0.00 0	0.189
MIN	0	0	0	0	0	0
MEDIAN	0.0	0.0	0.0	0.0	0.0	0.0
MAX	1	0	1	1	0	1
COUNT	33	31	30	28	28	28

STATIC	1		2	14		15
	Pre	Post	(blank)	Pre	Post	(blank)
MEAN	0.00	0.00	0.00	0.00	0.00	0.00
ST DEV	0.000	0.00 0	0.000	0.00 0	0.00 0	0.000
MIN	0	0	0	0	0	0
MEDIAN	0.0	0.0	0.0	0.0	0.0	0.0
MAX	0	0	0	0	0	0
COUNT	30	30	30	28	28	28

The data demonstrate that both the manual and static treatments result in a maximum increase in dryness of 0.1 units. Therefore, clinically, the dryness was not significant. Statistically, there were no significant differences between any time points (ANOVA: Tukey HSD method).

14.4.5. Skin colour measurements

In addition to expert clinical grading, objective measurement of skin colour was undertaken to quantitate the changes in erythema. The data are summarized below for the target (treated) site and the non-target (remote, not treated) site. The a* data (red-green axis) data are shown, where an increase in a* indicates skin becomes more red.

MANUAL	1		2	14		15
Target Site a Value	Before	Post	(blank)	Before	Post	(blank)
MEAN	5.92	7.20	5.83	6.23	8.31	6.11
ST DEV	2.520	3.426	2.871	3.178	3.793	2.945
MIN	2.2	1.2	1.7	2.3	3.0	2.3
MEDIAN	5.53	6.71	5.15	6.03	8.53	5.82
MAX	14.2	17.7	14.2	15.3	17.2	14.5
NUMBER	33	31	30	28	28	28

MANUAL	1		2	14		15
Non-Target Site a Value	Before	Post	(blank)	Before	Post	(blank)
MEAN	6.20	5.68	5.96	6.64	6.04	6.45
ST DEV	2.369	2.349	2.496	3.007	3.083	2.777
MIN	2.5	1.0	2.6	2.4	1.6	1.6
MEDIAN	5.57	5.36	5.51	5.80	5.85	5.87
MAX	14.0	11.2	13.0	13.7	13.8	12.7
NUMBER	33	31	30	28	28	28

STATIC	1		2	14		15
Target Site a Value	Before	Post	(blank)	Before	Post	(blank)

MEAN	5.22	8.92	5.43	5.28	9.11	5.60
ST DEV	2.452	3.762	2.165	2.352	3.357	2.396
MIN	1.0	1.3	1.2	1.2	2.8	1.2
MEDIAN	5.20	8.60	5.51	5.69	9.65	5.45
MAX	9.3	17.0	9.0	9.2	16.4	9.8
NUMBER	30	30	30	28	28	28

STATIC	1		2	14		15
Non-Target Site a Value	Before	Post	(blank)	Before	Post	(blank)
MEAN	5.60	5.82	5.46	6.05	5.74	5.71
ST DEV	2.593	2.858	2.614	2.512	2.701	2.478
MIN	1.4	1.2	1.2	1.7	1.3	1.6
MEDIAN	5.56	4.91	4.61	6.51	5.71	5.46
MAX	12.5	13.1	12.6	10.4	10.4	10.0
NUMBER	30	30	30	28	28	28

There was no statistically significant increase in redness at the target site for the manual treatment (Friedman test, $p > 0.05$), though there was a statistically significant increase using the static treatment ($p < 0.03$). The change was less than 4 units on the a^* scale (0-100 units) and would be considered barely perceptible to the eye.

For the non-target sites, there were no changes in skin colour recorded, indicating that the minor increase in redness was due to contact with the device and not a systemic effect.

The minor change in skin redness was consistent with the expert grading of erythema and indicates that minimal skin redness is caused by the device when used in the manual or static modes, consistent with minimal risk of skin trauma after treatment.

14.4.6. Pedal Doppler blood flow:

Blood flow at the foot, using a doppler skin attached probe was used to determine whether undesirable systemic effects on circulation were caused by the treatments. Changes in blood flow at the foot, a site remote from the treatment sites, would indicate undesirable systemic changes induced by the treatments. The data are summarized below:

MANUAL SINGLE DOSE	1		2	14		15
Doppler	Before	Post	(blank)	Before	Post	(blank)
MEAN	62.62	58.55	65.33	66.18	58.58	64.57
ST DEV	7.420	4.384	8.036	8.759	5.797	9.045
MIN	51.0	50.0	51.0	51.3	51.0	50.3
MEDIAN	62.70	58.30	63.85	65.20	57.20	64.85
MAX	84.3	68.0	80.7	88.7	76.3	81.0
NUMBER	33	31	30	28	28	28

MANUAL 1.5X DOSE	1		2	14		15
Doppler	Before	Post	(blank)	Before	Post	(blank)
MEAN	63.41	61.39	69.28	58.48	55.68	68.51

ST DEV	10.432	10.110	14.196	9.556	9.889	9.455
MIN	53.3	43.0	56.0	43.3	36.3	55.0
MEDIAN	60.85	61.15	64.30	58.00	58.30	70.00
MAX	86.0	82.7	108.3	82.0	68.7	82.7
NUMBER	14	14	14	11	11	10

STATIC SINGLE DOSE	1		2	14		15
	Pre	Post	(blank)	Pre	Post	(blank)
MEAN	61.33	57.86	66.32	60.36	58.24	60.88
ST DEV	10.087	5.840	11.655	8.958	9.642	10.276
MIN	50.0	50.0	50.3	50.0	50.0	50.0
MEDIAN	58.35	56.85	63.15	58.15	56.20	57.35
MAX	84.7	72.7	97.0	83.0	96.3	94.0
NUMBER	30	30	30	28	28	28

STATIC 1.5X DOSE	1		2	14		15
	Pre	Post	(blank)	Pre	Post	(blank)
MEAN	61.80	60.06	62.88	62.25	58.65	66.68
ST DEV	4.984	3.855	8.353	10.082	10.005	5.957

MIN	54.3	56.0	50.7	49.3	44.0	59.3
MEDIAN	63.00	58.7 0	62.30	63.70	62.15	66.85
MAX	67.0	64.3	73.0	72.3	66.3	73.7
COUNT	5	5	5	4	4	4

The data demonstrate that no changes to pedal blood flow were recorded either immediately after either the manual or static treatments, or at follow up time points. Increasing the applied dose to 1.5X the recommended application time had no impact on pedal blood flow, indicating an absence of systemic circulatory negative clinical findings. No statistically significant changes were observed at any time points for either the standard or 1.5X dose (ANOVA:Tukey HSD method). We conclude that no adverse systemic effects were induced by the targeted treatments.

14.4.7. Ultrasound:

Ultrasound measurements of skin density and dermal thickness were calculated to determine the impact of treatment on skin structure. The data are summarized below in the tables and graphs:

MANUAL SINGLE DOSE	1		2	14		15
Depth	Post	Pre	(blank)	Post	Pre	(blank)
MEAN	1961.72	1979.8 2	1969.6 6	2156.7 9	2002.4 7	2035.5 4
ST DEV	410.062	320.32 7	435.12 5	399.86 0	384.76 9	388.03 7
MIN	1276.0	1412.7	1260.0	1377.7	1411.2	1240.0
MEDIAN	1922.50	2013.2 0	1951.9 0	2167.1 5	1964.2 0	2026.7 5
MAX	2771.0	2561.2	2674.5	2804.8	2781.3	2695.5
COUNT	30	33	30	28	27	28

MANUAL 1.5X Dose	1		2	14		15
Depth	Post	Pre	(blank)	Post	Pre	(blank)
MEAN	2525.42	2373.6 9	2539.9 3	2624.7 8	2312.2 6	2626.5 2
ST DEV	547.923	635.84 3	483.21 8	389.53 4	431.53 3	463.11 6
MIN	1543.0	1243.5	1622.5	1989.8	1593.8	1961.0
MEDIAN	2520.25	2483.9 0	2545.7 0	2711.0 0	2358.7 5	2686.2 5
MAX	3388.2	3380.2	3307.5	3142.0	2895.8	3419.3
COUNT	14	14	15	11	10	10

MANUAL SINGLE DOSE	1		2	14		15
Density (n)	Post	Pre	(blank)	Post	Pre	(blank)
MEAN	3.26	3.34	3.19	3.10	3.15	3.14
ST DEV	0.857	1.240	0.980	1.043	0.871	1.048
MIN	1.6	1.3	0.7	1.4	1.9	1.8
MEDIAN	3.35	3.20	3.22	3.33	3.03	3.00
MAX	5.0	8.8	5.3	5.7	5.2	6.0
COUNT	30	33	30	28	27	28

MANUAL 1.5X DOSE	1		2	14		15
Density (n)	Post	Pre	(blank)	Post	Pre	(blank)
MEAN	2.56	2.66	2.55	2.27	2.83	2.11
ST DEV	0.620	0.689	0.463	0.493	0.861	0.503
MIN	1.3	1.7	1.7	1.6	1.9	1.5
MEDIAN	2.59	2.55	2.53	2.30	2.67	2.21
MAX	3.6	3.9	3.5	3.1	4.5	2.9
COUNT	14	14	15	11	10	10

STATIC SINGLE DOSE	1		2	14		15
Depth	Post	Pre	(blank)	Post	Pre	(blank)
MEAN	2005.4 7	2018.3 0	2051.5 3	2131.5 7	2057.4 8	2093.6 1
ST DEV	385.77 5	374.49 7	332.96 2	412.59 7	380.85 2	383.25 9
MIN	1180.0	1298.5	1424.5	1247.7	1217.8	1235.8
MEDIAN	1955.8 0	2006.9 0	2048.3 0	2242.0 0	2075.5 0	2142.6 5
MAX	2725.3	2737.2	2681.2	2890.7	2713.7	2757.8
COUNT	29	30	31	27	28	28

STATIC 1.5X DOSE	1		2	14		15
Depth	Post	Pre	(blank)	Post	Pre	(blank)
MEAN	2548.4 4	2464.6 2	2674.5 8	2534.9 0	2462.3 8	2577.3 3
ST DEV	310.90 4	392.41 4	568.86 2	342.73 3	432.41 4	527.41 7
MIN	2095.0	1928.3	2040.7	2241.0	2086.2	2117.8
MEDIAN	2669.3 0	2720.2 0	2825.7 0	2484.4 0	2386.1 5	2485.0 0
MAX	2878.8	2774.8	3418.0	2929.8	2991.0	3221.5
COUNT	5	5	5	4	4	4

STATIC 1.5X DOSE	1		2	14		15
Density (n)	Post	Pre	(blank)	Post	Pre	(blank)
MEAN	2.90	3.18	2.86	2.88	2.98	3.03
ST DEV	1.081	1.082	1.109	0.904	1.013	1.066

MIN	1.3	1.9	1.3	1.3	1.4	1.3
MEDIAN	2.52	2.76	2.54	2.89	2.90	2.95
MAX	6.4	6.6	5.7	5.6	5.9	5.8
COUNT	29	30	31	27	28	28

STATIC SINGLE DOSE	1		2	14		15
Density (n)	Post	Pre	(blank)	Post	Pre	(blank)
MEAN	2.39	2.08	2.06	2.31	2.36	2.48
ST DEV	0.812	0.790	0.263	0.690	0.523	0.593
MIN	1.2	1.2	1.8	1.8	1.6	2.0
MEDIAN	2.45	2.17	2.14	2.12	2.52	2.41
MAX	3.3	2.9	2.4	3.3	2.8	3.1
COUNT	5	5	5	4	4	4

STATIC 1.5X DOSE	1		2	14		15
Density (d)	Post	Pre	(blank)	Post	Pre	(blank)
MEAN	40.15	42.60	40.96	40.04	42.23	41.00
ST DEV	13.80 0	13.89 7	13.55 7	11.91 1	14.08 6	12.84 7
MIN	19.3	26.2	22.7	19.3	25.1	23.6
MEDIAN	36.19	39.46	39.35	37.84	38.58	38.24
MAX	87.8	89.1	85.7	77.9	78.6	79.8
COUNT	28	30	31	27	28	28

For the safety phase of the study, the ultrasound measurements were used to determine whether gross tissue changes were induced and whether any oedema or similar negative clinical changes were apparent. The data show that tissue depth (dermal compartment) and tissue density are unchanged for both the standard dose and the 1.5X standard dose application times. There were no statistically significant differences in skin depth or density

(ANOVA: Tukey HSD method). These data indicate that a single treatment does not cause gross changes to the target tissue that could be a concern in terms of volunteer safety.

14.4.8. Skin caliper measurements:

Skin caliper measurements were used to support the clinical and ultrasound investigations into the safety of the device. The data are reported below:

MANUAL SINGLE DOSE	1		2	14		15
	Pre	Post	(blank)	Pre	Post	(blank)
MEAN	30.06	29.88	33.94	32.31	34.09	33.73
ST DEV	14.588	16.228	14.213	4.121	6.328	5.613
MIN	6.8	2.7	6.0	22.0	25.7	23.7
MEDIAN	33.30	32.70	36.70	32.30	33.85	33.30
MAX	58.7	43.0	57.7	41.7	57.0	51.3
COUNT	33	29	29	27	28	28

MANUAL 1.5X Dose	1		2	14		15
	Pre	Post	(blank)	Pre	Post	(blank)
MEAN	34.71	34.12	38.36	38.39	34.41	40.77
ST DEV	10.730	7.485	8.183	11.353	11.197	7.192
MIN	17.0	17.3	28.3	23.7	16.3	32.3
MEDIAN	33.50	34.65	36.35	37.00	34.30	39.00
MAX	57.7	48.3	54.0	57.0	52.3	54.7
COUNT	14	14	14	11	11	10

STATIC SINGLE DOSE	1		2	14		15
	Pre	Post	(blank)	Pre	Post	(blank)
MEAN	34.52	33.86	34.36	34.86	33.99	34.77
ST DEV	6.853	5.791	8.412	7.399	4.130	8.985

MIN	21.3	20.3	16.0	22.0	20.3	15.7
MEDIAN	35.00	34.70	33.70	34.70	34.50	34.30
MAX	55.3	49.7	56.0	57.3	41.7	55.3
COUNT	30	30	30	28	28	27

STATIC 1.5X DOSE	1		2	14		15
	Pre	Post	(blank)	Pre	Post	(blank)
MEAN	34.34	32.46	36.12	35.08	34.68	36.43
ST DEV	3.656	4.769	4.150	1.758	7.555	1.500
MIN	28.3	27.3	31.3	33.0	23.7	34.7
MEDIAN	34.70	34.70	37.70	35.00	37.50	36.35
MAX	37.7	36.7	41.0	37.3	40.0	38.3
COUNT	5	5	5	4	4	4

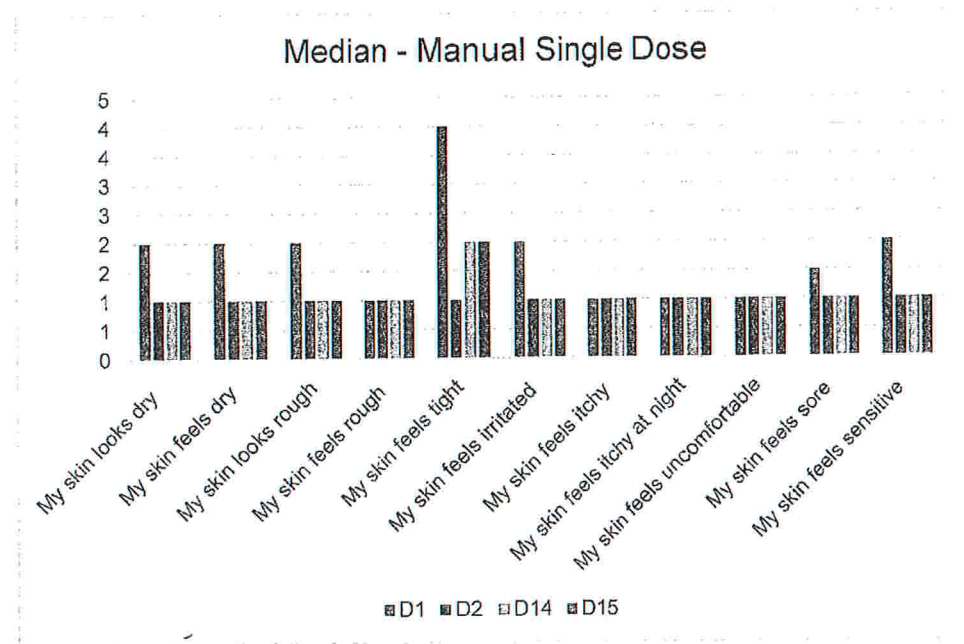
There were no statistically significant (ANOVA: Tukey-HSD method) changes in skin fold measurements by calipers for either the single or 1.5X dose levels. These data support the previous safety data demonstrating that the treatment does not lead to unacceptable safety concerns.

14.4.9. Questionnaires:

In order to record the volunteers perception of any negative effects of the treatment, self-evaluation questionnaires were completed at each study time point. The questions were on a 1-10 scale, with 1 = 'very much disagree with the statement' and 10 = 'very much agree' with the statement. The results below are the median score on the 1-10 scale. Low median scores indicate that there was low agreement with the question: i.e. the volunteers did not experience the negative outcome being questioned:

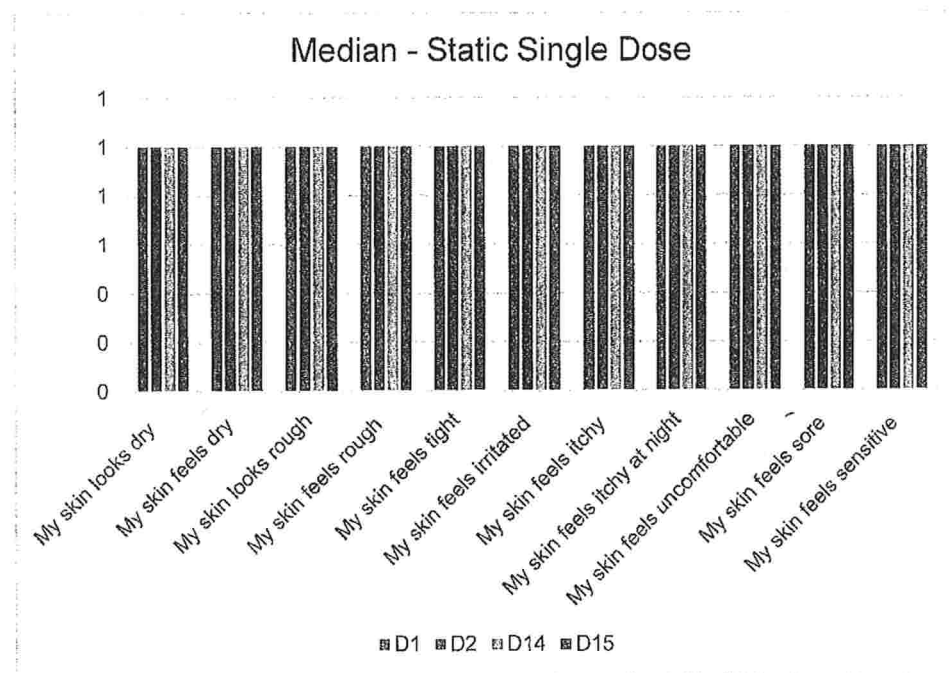
MANUAL SINGLE DOSE	D1	D2	D14	D15
My skin looks dry	2	1	1	1
My skin feels dry	2	1	1	1

My skin looks rough	2	1	1	1
My skin feels rough	1	1	1	1
My skin feels tight	4	1	2	2
My skin feels irritated	2	1	1	1
My skin feels itchy	1	1	1	1
My skin feels itchy at night	1	1	1	1
My skin feels uncomfortable	1	1	1	1
My skin feels sore	2	1	1	1
My skin feels sensitive	2	1	1	1



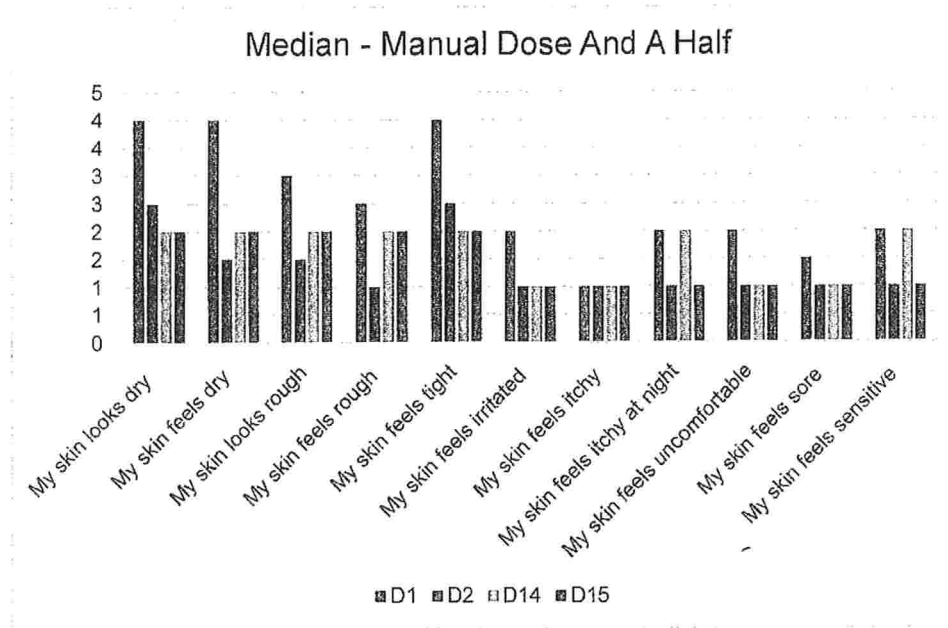
STATIC SINGLE DOSE	D1	D2	D14	D15
My skin looks dry	4	3	2	2
My skin feels dry	4	2	2	2
My skin looks rough	3	2	2	2
My skin feels rough	3	1	2	2
My skin feels tight	4	3	2	2
My skin feels irritated	2	1	1	1

My skin feels itchy	1	1	1	1
My skin feels itchy at night	2	1	2	1
My skin feels uncomfortable	2	1	1	1
My skin feels sore	2	1	1	1
My skin feels sensitive	2	1	2	1



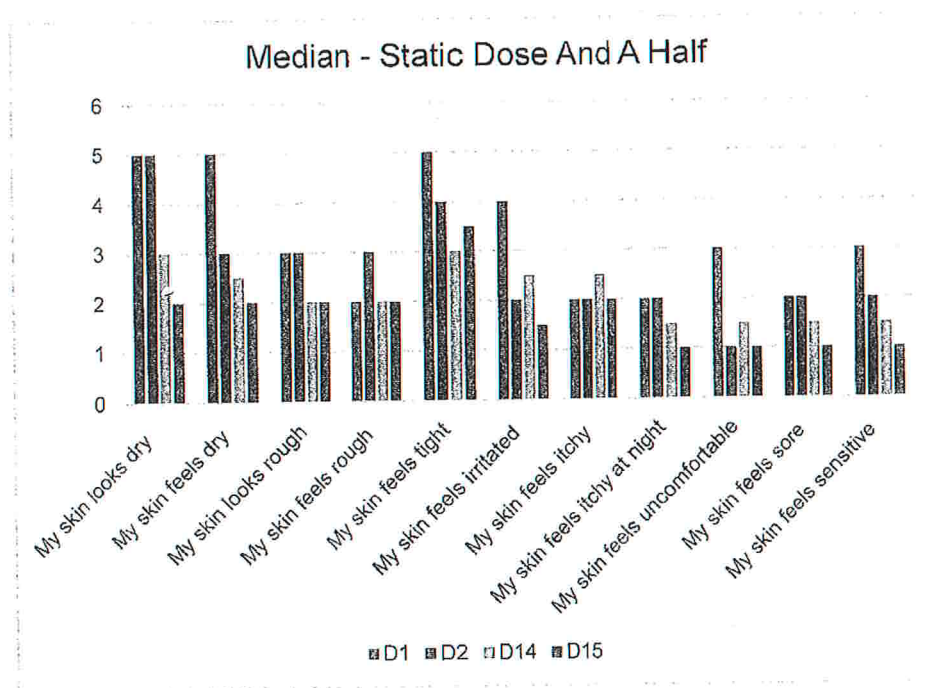
MANUAL 1.5X DOSE	D1	D2	D14	D15
-----------------------------	-----------	-----------	------------	------------

My skin looks dry	5	5	3	2
My skin feels dry	5	3	3	2
My skin looks rough	3	3	2	2
My skin feels rough	2	3	2	2
My skin feels tight	5	4	3	3.5
My skin feels irritated	4	2	3	1.5
My skin feels itchy	2	2	3	2
My skin feels itchy at night	2	2	2	1
My skin feels uncomfortable	3	1	2	1
My skin feels sore	2	2	2	1
My skin feels sensitive	3	2	2	1



STATIC 1.5X DOSE	D1	D2	D14	D15
My skin looks dry	5	5	3	2
My skin feels dry	5	3	3	2
My skin looks rough	3	3	2	2
My skin feels rough	2	3	2	2
My skin feels tight	5	4	3	3.5
My skin feels irritated	4	2	3	1.5

My skin feels itchy	2	2	3	2
My skin feels itchy at night	2	2	2	1
My skin feels uncomfortable	3	1	2	1
My skin feels sore	2	2	2	1
My skin feels sensitive	3	2	2	1



For the Manual and Static Standard Doses, there were minimal negative responses to the treatments. For the 1.5X Doses, there were also minimal negative experiences. The highest negative score was for tightness of the skin, which is an expected outcome of the treatment. The overall conclusion from the standard and 1.5X doses is that the treatments were

perceived to be comfortable and to cause negligible undesirable effects, even if a 1.5X dose were to be delivered unintentionally.

14.4.10. Safety study conclusion:

From the safety study, we conclude that both the manual and static treatment modes are safe for volunteers when administered using the standard parameters. We saw no changes in erythema, oedema or blood flow at the remote pedal site that would indicate a systemic effect of the treatment beyond the target site. In addition ultrasound measurements showed no structural changes to tissues that would indicate trauma. Measurements of skin fold thickness using calipers showed no gross changes. These safety measurements were performed following a standard dose and 1.5X the dose for both the Manual and Static treatment modalities as a test of risk of user error administration of an extended treatment time. We saw no clinical or statistically significant changes in the measured parameters for either dose, confirming that the device is safe to use, even if an overdose treatment time were to be accidentally administered.

Volunteer self-evaluation demonstrated that the treatment was well tolerated, with only minor negative feedback on the 1.5X dose of the static treatment. The volunteers feedback demonstrates that even if a 1.5X dose were inadvertently delivered to a client, there are negligible negative consequences.

Based on the findings of the safety phase of the study, we conclude that the device has very high safety for volunteers and is unlikely to cause any significant adverse effects when used as intended.

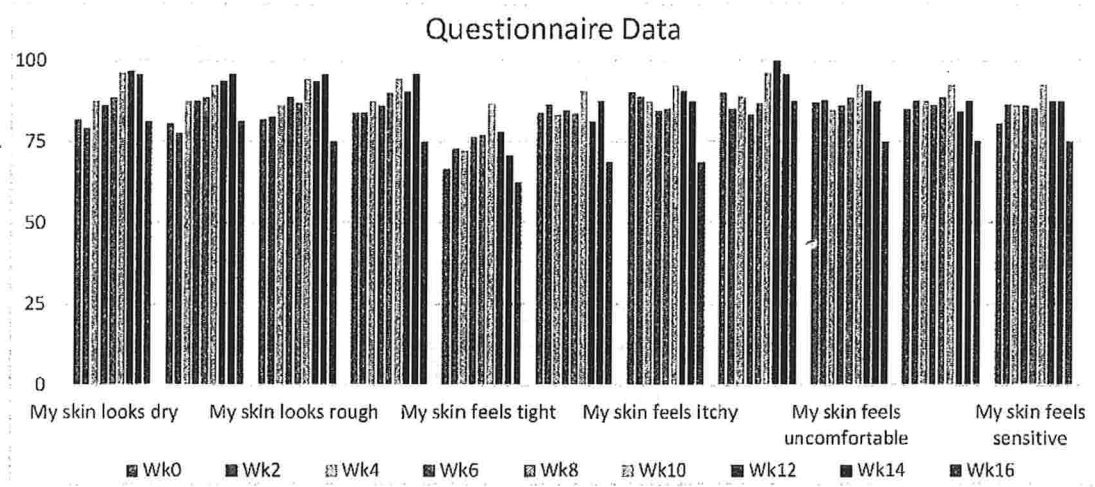
15. EFFICACY STUDY

Following the successful completion of the safety phase of the study, we proceeded to administer a course of treatments over up to 20 weeks, to determine the efficacy of the device to improve the cosmetic appearance of the skin at the target sites of the abdomen and the thigh. The data from this phase of the study are summarized below:

16.1. Questionnaire

The volunteer responses to questionnaires asked at each visit are summarized below and shown in the graph. The data are percentage agreeing with the statement, therefore a higher score is more negative.

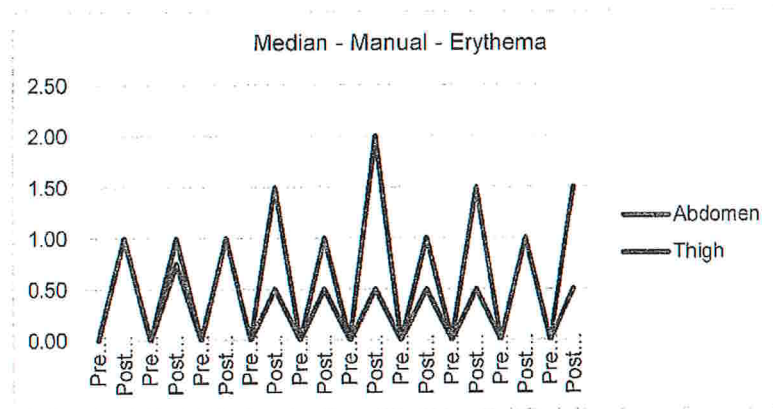
	Wk0	Wk2	Wk4	Wk6	Wk8	Wk10	Wk12	Wk14	Wk16
My skin looks dry	18	21	12	14	11	4	3	4	19
My skin feels dry	19	22	12	12	11	8	6	4	19
My skin looks rough	18	17	14	11	13	6	6	4	25
My skin feels rough	16	16	12	14	10	6	9	4	25
My skin feels tight	33	27	28	24	23	13	22	29	37
My skin feels irritated	16	14	17	15	16	9	19	12	31
My skin feels itchy	10	11	12	15	15	8	9	12	31
My skin feels itchy at night	10	15	11	17	13	4	0	4	12
My skin feels uncomfortable	13	12	15	14	11	8	9	12	25
My skin feels sore	15	12	12	14	11	8	16	12	25
My skin feels sensitive	19	14	14	14	15	8	12	12	25



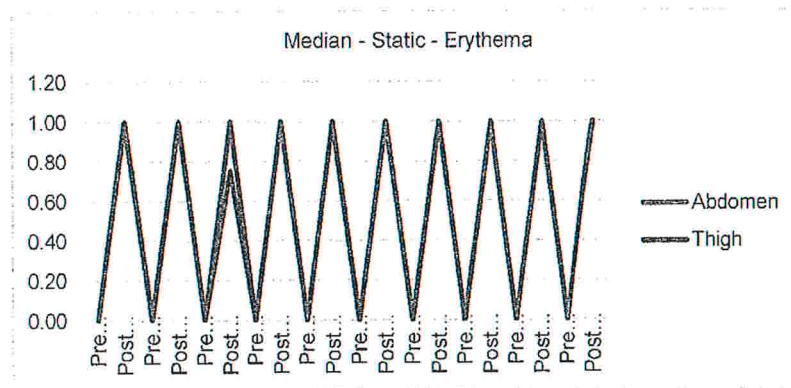
The majority of volunteers expressed low agreement with the majority of the questions, indicating good acceptance of the treatments and no significant negative views. The skin condition parameters dryness, roughness and tightness showed an increase during the study. We attribute this to changing environmental conditions as the study moved from summer into autumn and winter, where dryness of the skin generally becomes more prevalent. The increase in tightness may also be the treatment effect firming the skin. It should be considered that around 63% did not report tightness. This suggests that repeat treatments with the Cryoskin 4.0 system do not increase negative parameters significantly in a way that that would indicate significant adverse effects for volunteers.

16.2. Erythema

Erythema (redness) was recorded at every treatment visit as a primary indicator of adverse effects that could be generated by repeated treatment. The data are summarized in the graphs below with the data embedded as excel files in Appendix II due to number of columns and difficulty of reading:

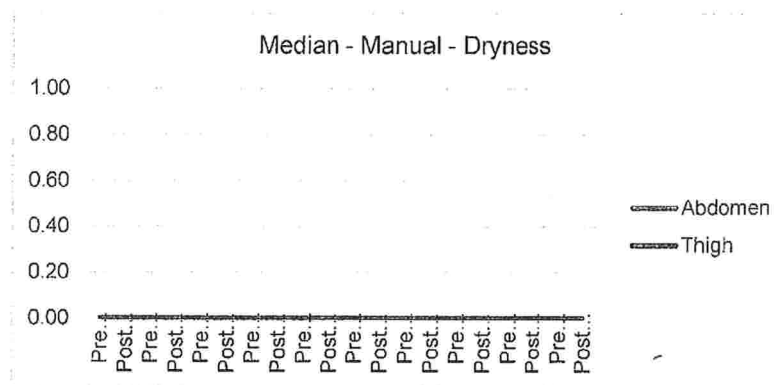
16.2.1. Manual

Overall, erythema increased after each treatment, as anticipated. The mean increase was by 1.1 units (median 1.0 units), which was statistically significant (Friedman test, $p < 0.05$) but considered clinically insignificant. Erythema subsided and was baseline by the next treatment visit. We conclude that changes in erythema were minimal and consistent with contact on the skin of the device.

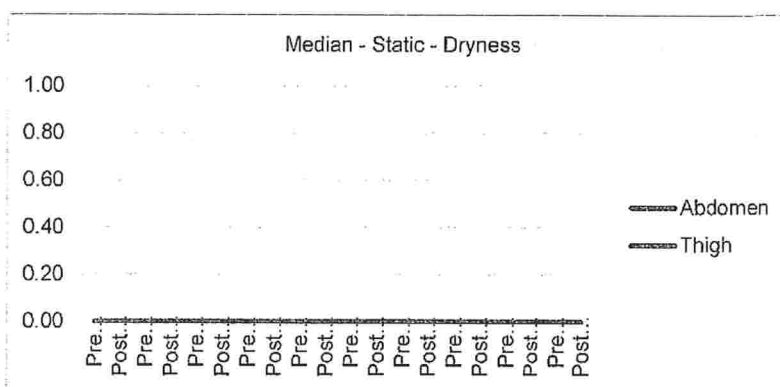
16.2.2. Static

16.3. Dryness

16.3.1. Manual

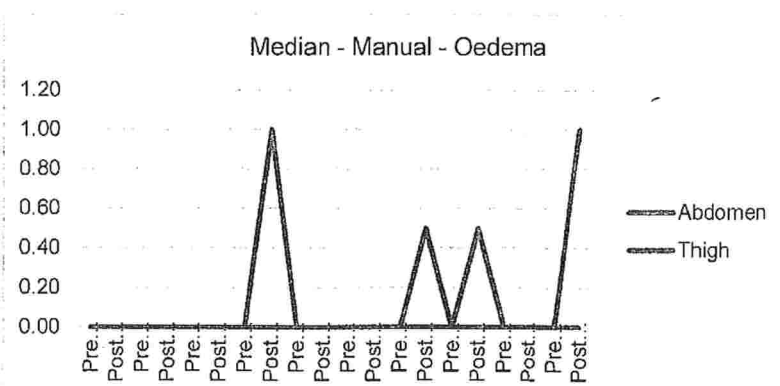


16.3.2. Static

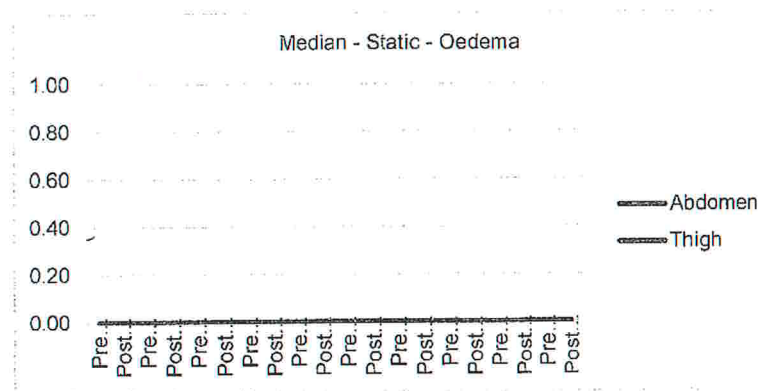


16.4. Oedema

16.4.1. Manual



16.4.2. Static



Overall, erythema increased after each treatment, as anticipated. The mean increase was by 0.98 units (median 0.5 units), which was statistically significant (Friedman test, $p < 0.05$) but considered clinically insignificant. Erythema subsided and was baseline by the next treatment visit. We conclude that changes in erythema were minimal, transient and consistent with contact on the skin of the device. No statistically significant differences were noted between any time points.

No meaningful oedema was recorded for either treatment (mean 0.33 units; median 0 units) and no statistically significant differences were noted between any time points. Similarly, no meaningful dryness was noted (mean and median 0 units).

Taken together, these data demonstrate that a repeated course of treatments does not cause any significant change to skin condition beyond mild, transient erythema. No cumulative negative effects were noted following repeat treatments.

16.5. High Frequency Ultrasound

Ultrasound measurements of skin density and depth of epidermal - dermal compartment of the skin of the abdomen were calculated to determine the impact of treatment on skin structure. The data are summarized below in the tables and graphs:

16.5.1. Abdomen

MANUAL	0		2		4		6		8		10		12		14		16		18	
Depth	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
MEAN	2034	2136	1958	2351	2435	2501	2427	2704	2320	2571	2465	2715	2412	2865	2453	2596	2449	2636	2506	2676

ST DEV	436	582	483	481	483	655	478	727	412	614	528	738	399	613	389	700	370	788	631	824
MIN	1370	1020	1103	1268	1411	1560	1256	1620	1578	1276	1433	1466	1551	1479	1714	1683	1909	1740	1450	1583
MEDIA N	1943	2034	1945	2446	2471	2534	2437	2755	2370	2552	2427	2625	2323	2634	2500	2526	2401	2823	2347	2630
MAX	3469	3232	2917	3268	3409	4128	3279	4625	3477	3940	3453	4328	3107	4042	3180	4479	3141	4490	3628	3828
MANUAL	0		2		4		6		8		10		12		14		16		18	
Density (n)	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
MEAN	16	15	17	14	14	13	14	13	16	14	15	14	13	12	10	9	10	8	11	10
ST DEV	5	5	5	5	5	5	3	6	4	5	4	6	5	5	4	4	3	4	5	5
MIN	7	6	8	6	6	3	7	3	11	6	5	4	5	4	4	3	4	3	5	4
MEDIA N	16	15	17	15	13	12	13	13	16	14	15	14	13	11	11	8	11	6	10	7
MAX	26	27	27	25	24	23	21	27	24	25	23	27	23	25	19	18	15	17	23	20
COUNT	48	44	39	40	27	27	28	28	27	24	25	25	25	24	26	28	25	25	24	25
MANUAL	0		2		4		6		8		10		12		14		16		18	
Density (d)	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
MEAN	42.32	40.10	43.70	38.35	37.05	34.90	37.08	35.85	40.68	36.68	37.00	36.70	35.52	32.02	28.95	26.24	27.30	23.81	31.38	28.33
ST DEV	10.36	12.43	11.65	11.37	10.78	11.88	8.16	13.37	9.13	11.67	9.74	13.58	10.09	11.35	7.36	9.02	6.29	9.40	8.68	10.87
MIN	24.8	21.1	26.3	19.3	21.0	14.4	26.1	13.8	27.7	20.4	18.7	18.3	20.2	17.5	16.6	13.3	16.2	11.4	19.3	14.1
MEDIA N	41.70	38.81	43.67	38.02	34.01	32.79	34.40	33.84	40.19	34.60	37.43	35.37	32.24	28.10	28.13	26.14	27.23	20.83	29.19	24.86
MAX	65.1	69.8	68.3	63.9	61.9	68.1	64.1	68.4	62.4	63.0	67.9	67.5	67.5	64.6	48.5	49.2	37.7	44.5	68.7	52.9
COUNT	48	44	39	40	27	27	28	28	27	24	23	25	25	24	24	28	25	24	24	25

STATIC	0		2		4		6		8		10		12		14		16		18	
Depth	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
MEAN	2044	2062	2099	2206	2699	2763	2814	2854	2770	2851	2714	2742	2843	2791	2832	2725	2846	2840	282	3029
ST DEV	449	423	418	426	504	542	701	608	793	708	564	580	650	661	726	685	609	676	656	848
MIN	929	1110	1249	1243	1857	1927	1649	2107	1583	1680	1693	1724	1703	1726	1867	2190	1909	1967	2109	2115
MEDIA N	1998	2125	2052	2243	2672	2719	2672	2597	2654	2583	2788	2717	2620	2667	2677	2567	2766	2732	2664	2792
MAX	3107	2789	2807	2895	3906	4219	5037	4854	4951	4805	4125	4052	5245	4836	4474	5021	4693	4375	4456	4841
COUNT	36	35	33	32	23	23	21	22	20	21	16	18	19	18	18	18	17	17	17	16

STATIC	0		2		4		6		8		10		12		14		16		18	
Density (n)	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
MEAN	17	15	16	15	14	12	13	12	10	9	9	8	9	9	9	9	11	10	11	10
ST DEV	5	6	5	5	4	5	4	4	3	5	5	5	4	4	5	4	3	5	5	4
MIN	10	5	5	5	5	5	5	5	5	3	4	4	4	4	3	3	5	4	4	4
MEDIA N	16	14	16	15	13	12	13	11	11	7	7	7	6	9	7	9	11	9	10	10

MAX	33	31	29	27	24	28	28	20	17	22	20	22	17	16	19	16	17	20	19	19
COUNT	36	35	33	32	23	23	21	22	20	21	16	18	18	16	15	18	17	17	17	16

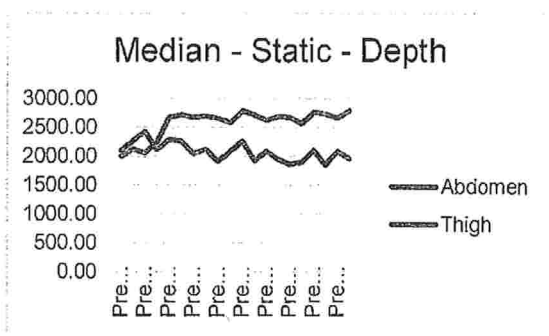
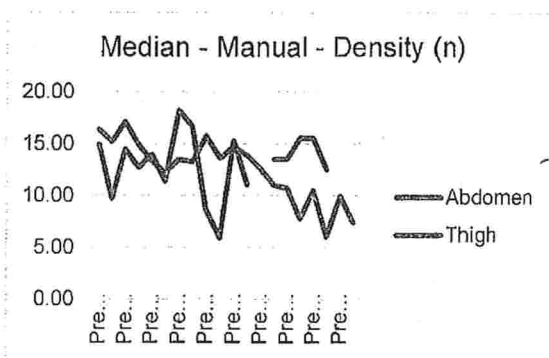
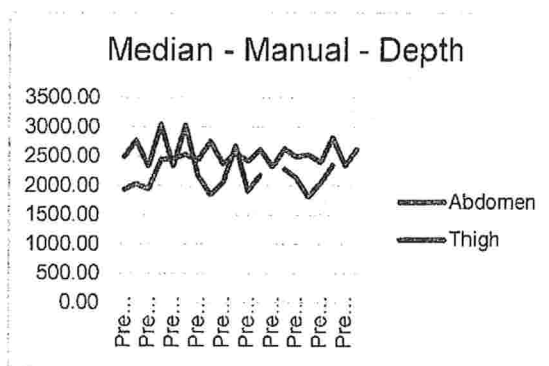
16.5.2. Thigh

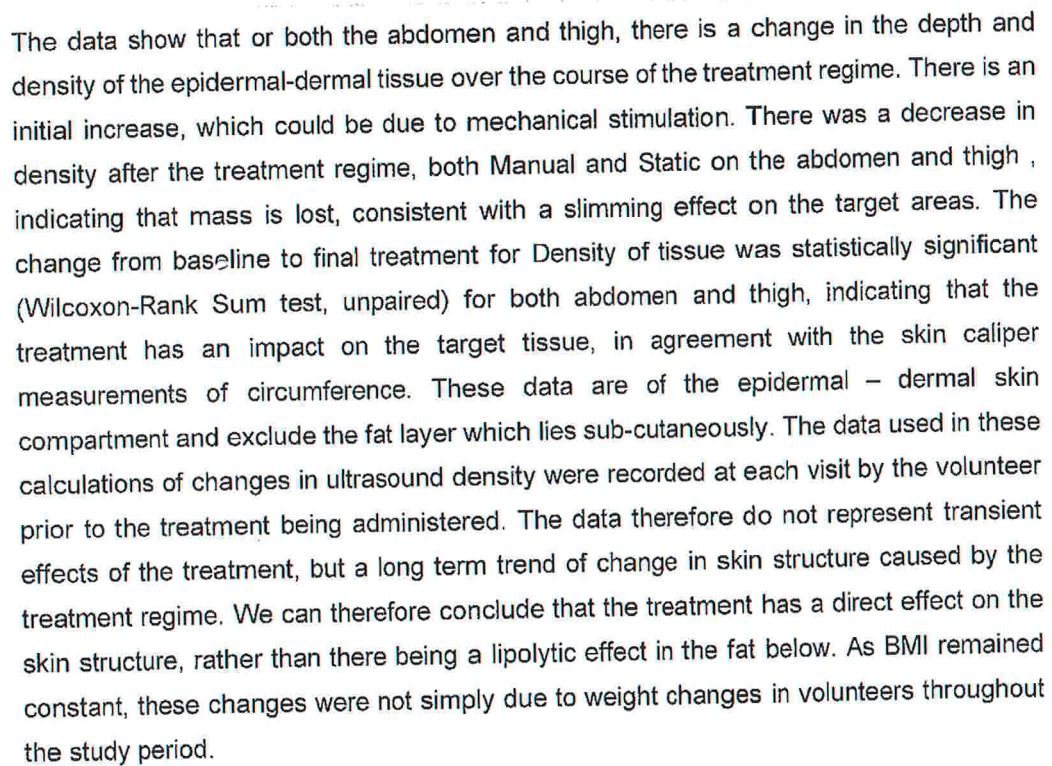
MANUAL	0		2		4		6		8		10		12		14		16		
Depth	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	
MEAN	24.97	27.74	23.39	30.64	2336	3034	2180	1849	2055	2677	1912	2177	2287	2141	1810	2052	2346		
ST DEV	42.8	32.6	4	49.0	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI		
MIN	21.95	25.42	23.36	26.93	2336	3034	2180	1849	2055	2677	1912	2177	2287	2141	1810	2052	2346		
MEDIA N	24.97	27.74	23.39	30.64	2336	3034	2180	1849	2055	2677	1912	2177	2287	2141	1810	2052	2346		
MAX	28.00	30.05	23.41	33.91	2336	3034	2180	1849	2055	2677	1912	2177	2287	2141	1810	2052	2346		
MANUAL	0		2		4		6		8		10		12		14		16		
Density (n)	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	
MEAN	15	10	14	13	14	11	18	17	9	6	15	11	14	14	16	16	13		
ST DEV	2	6	3	3	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI	#NU MI		
MIN	14	5	12	10	14	11	18	17	9	6	15	11	14	14	16	16	13		
MEDIA N	15	10	14	13	14	11	18	17	9	6	15	11	14	14	16	16	13		
MAX	16	14	17	15	14	11	18	17	9	6	15	11	14	14	16	16	13		

STATIC	0		2		4		6		8		10		12		14		16		18	
Depth	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
MEAN	21.57	22.63	24.20	22.37	2264	2268	2143	2173	1992	2156	2172	2024	2182	2081	1995	1925	2077	18.30	21.32	19.95
ST DEV	35.8	51.0	52.0	37.8	376	578	430	353	336	337	360	328	681	427	344	289	308	26.8	25.1	37.3
MIN	16.33	17.19	18.35	16.10	1763	1490	1737	1672	1497	1779	1667	1648	1559	1836	1560	1516	1828	14.64	16.75	15.73
MEDIA N	20.99	22.63	24.27	21.15	2264	2263	2046	2117	1910	2083	2263	1926	2094	1952	1862	1892	2107	18.47	20.62	19.57
MAX	31.45	37.91	31.90	29.51	2828	3289	3362	3107	2570	2919	2693	2636	3958	2880	2630	2372	2581	22.59	26.69	29.22
COUNT	19	15	13	13	13	12	12	11	12	12	9	10	11	10	10	10	11	9	10	10

STATIC	0		2		4		6		8		10		12		14		16		18	
Density (n)	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
MEAN	16.0	16.3	16.2	17.3	17.3	15.7	17.3	15.7	16.3	15.1	12.9	11.8	14.4	12.9	16.3	16.2	15.9	16.3	16.7	18.9

ST DEV	1.7	2.8	3.5	2.9	3.8	3.6	4.3	4.7	4.0	3.5	4.0	4.7	2.3	2.6	3.3	2.2	2.9	2.8	1.6	3.0
MIN	14.4	9.2	11.7	12.6	9.2	9.2	7.8	5.8	12.3	11.9	5.2	8.6	9.0	9.5	11.3	13.3	11.7	12.1	14.5	10.8
MEDIA N	17.7	18.2	15.5	18.9	18.7	15.6	19.3	17.8	18.5	14.3	13.8	13.1	14.5	13.1	16.0	15.8	15.4	16.6	18.5	17.4
MAX	21.0	20.1	24.0	21.3	22.0	21.0	21.6	23.2	26.8	22.7	17.3	18.6	19.7	18.9	22.0	20.4	23.0	19.6	18.9	20.1
COUNT	19	15	13	13	13	12	12	11	12	12	9	10	11	10	10	10	11	9	10	10





	Cases	Rank Sum	Mean Rank	U
Wk0, Pre, Thigh, S, Den(n)	19	326.0000	17.1579	54.0000
Wk18, Pre, Thigh, S, Den(n)	10	109.0000	10.9000	136.0000
Total	29	435.0000	15.0000	

Correction
for Ties = 0.5000

			1-Tail	2-Tail
		Test	Probabilit	Probabilit
	U	Statistic	y	y
Asymptotic Normal	54.0000	-1.8814	0.0220	0.0449
Asymptotic Normal with CC		-1.8585	0.0215	0.0431
Asymptotic t		-1.8814	0.0222	0.0453
Asymptotic t with CC		-1.8585	0.0238	0.0486
Exact			0.0204	0.0407

	Cases	Rank Sum	Mean Rank	U
Wk0, Pre, Abdo, S,		1107.000		
Den(n)	36	0	30.7500	135.0000
Wk18, Pre, Abdo, S,				
Den(n)	16	271.0000	16.9375	441.0000
		1378.000		
Total	52	0	26.5000	

Correction
for Ties = 0.0000

			1-Tail	2-Tail
		Test	Probabilit	Probabilit
	U	Statistic	y	y
Asymptotic Normal	135.0000	-3.0334	0.0012	0.0024
Asymptotic Normal with CC		-3.0235	0.0012	0.0025
Asymptotic t		-3.0334	0.0019	0.0038

Asymptotic t with			
CC	-3.0235	0.0020	0.0039
Exact		0.0010	0.0019

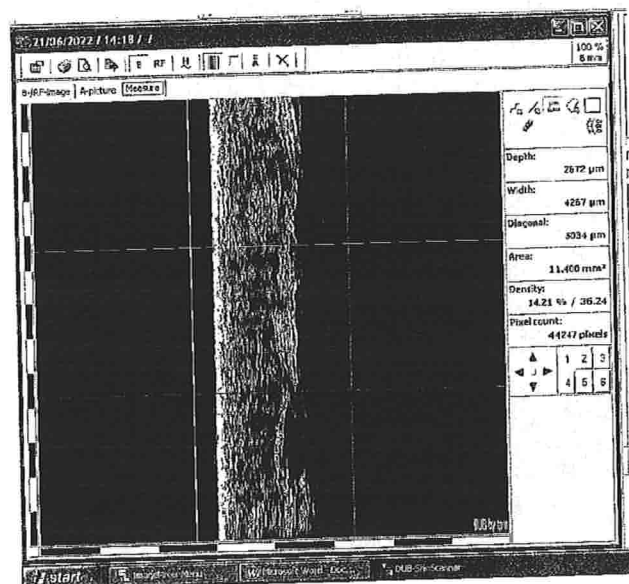
	Cases	Rank Sum	Mean Rank	U
Wk0, Pre, Abdo, M,		2081.000		
Den(n)	48	0	43.3542	247.0000
Wk18, Pre, Abdo,				
M, Den(n)	24	547.0000	22.7917	905.0000
		2628.000		
Total	72	0	36.5000	

Correction
for Ties = 1.0000

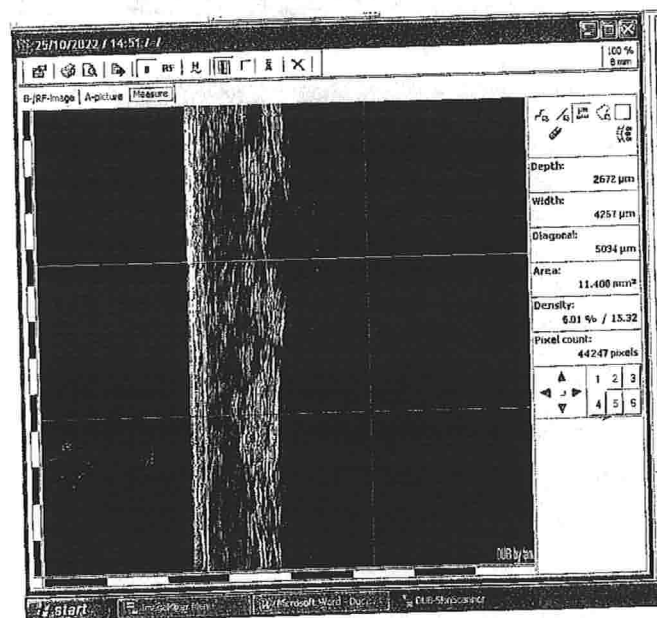
	U	Test Statistic	1-Tail Probability	2-Tail Probability
Asymptotic Normal	247.0000	-3.9301	0.0000	0.0001
Asymptotic Normal with CC		-3.9241	0.0000	0.0001
Asymptotic t		-3.9301	0.0001	0.0002
Asymptotic t with CC		-3.9241	0.0001	0.0002
Exact			0.0000	0.0000

Example ultrasound images are shown below:

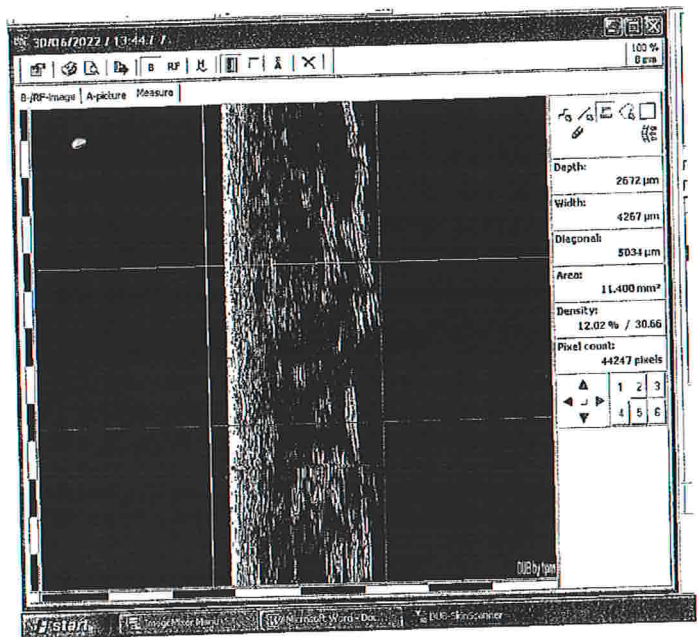
Subject 1: week 0



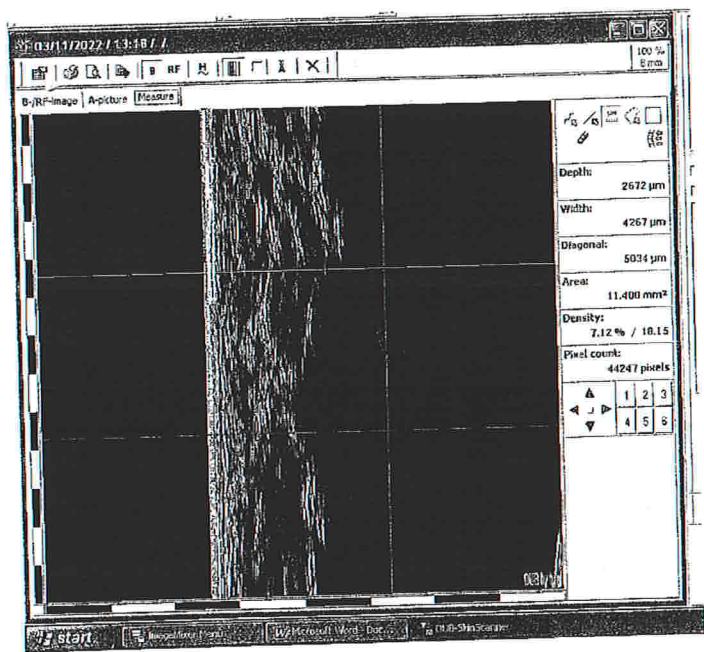
Subject 1: Week 18



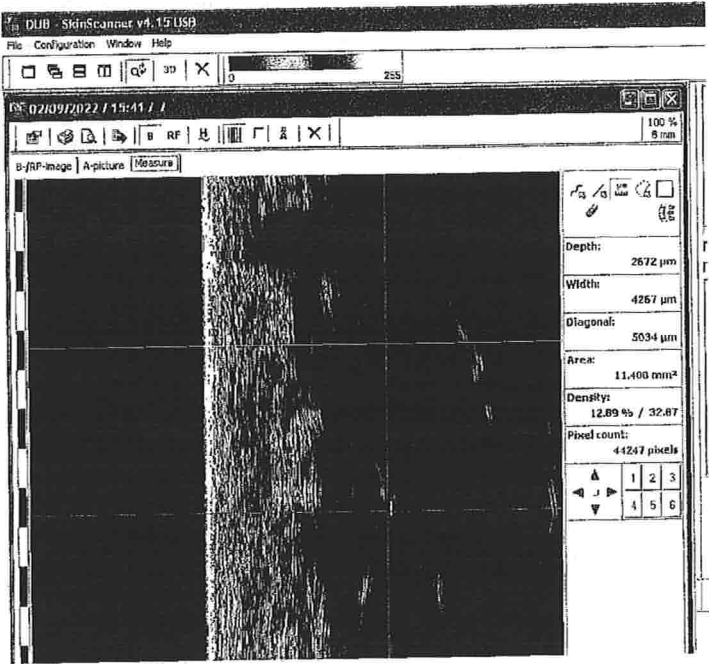
Subject 18: week 1:



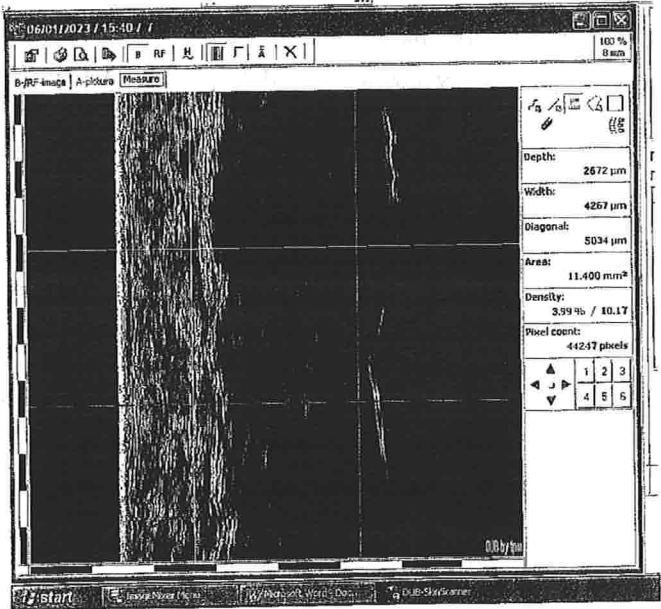
Subject 22: week 18:



Subject 138: week 0:



Subject 138: week 18:

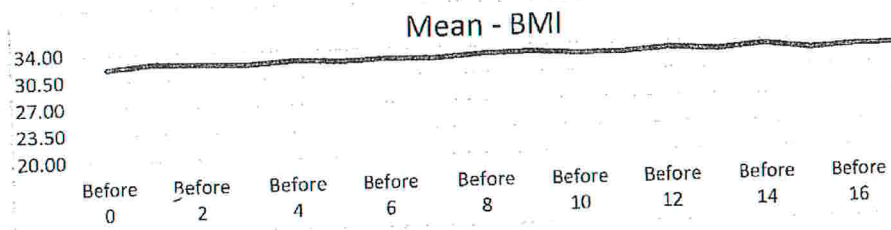


16.6. BMI

Body mass index was recorded at every visit, prior to each treatment, to determine whether volunteers had changed significantly in mass during the study. Changes in mass could

contribute to circumference measurements, therefore a stable mean BMI is important to help interpret treatment effects. The changes in BMI are shown in the table and graph below:

	0		2		4		6		8		10		12		14		16	
STATS	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post
MEAN	32.05	32.82	32.49	32.33	32.75	32.50	32.65	32.56	33.00	33.13	32.77	32.76	33.20	32.80	33.33	32.60	32.93	32.96
ST DEV	3.606	3.768	3.582	3.191	3.768	3.655	3.726	3.757	3.633	3.758	3.663	3.750	3.625	3.356	3.668	3.233	3.040	3.117
MIN	25.4	25.4	25.3	25.7	25.7	25.7	25.9	25.6	26.2	26.2	25.8	25.7	26.7	26.6	26.7	26.7	28.2	28.5
MEDIA N	32.0	32.2	32.0	32.1	32.5	32.3	32.6	32.5	32.4	32.8	32.6	32.4	32.8	32.5	33.0	32.4	32.7	32.3
MAX	40.0	40.0	39.9	39.7	39.9	39.9	40.0	40.3	40.3	40.3	39.2	39.4	39.5	39.3	40.3	39.9	39.8	40.1



The data show that there was no statistically significant change in mean BMI (Friedman test, $p > 0.05$) during the study period, indicating that any treatment effect would not be influenced by changes in BMI of the volunteers. The BMI data further reinforces that a significant lipolysis is not occurring after treatment and that the changes measured with skin calipers and ultrasound indicate modification of the density and depth of the epidermal – dermal skin layers.

16.7. Circumference measurements

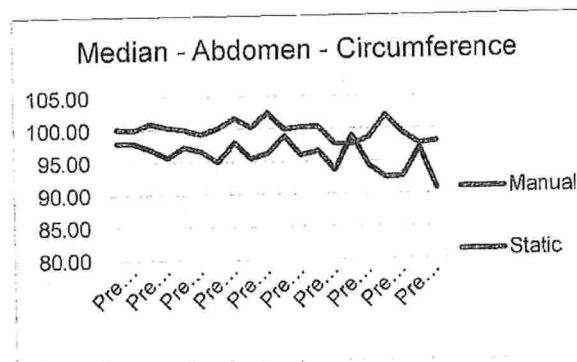
Circumference measurements were made at each visit, both prior to the treatment to avoid transient effects of the treatment influencing the data and post-treatment to record the transient changes. The post-treatment data are provided in the tables but not analysed as they represent only temporary changes.

16.1.1. Abdomen

MANUAL	WEEK																	
	0		2		4		6		8		10		12		14		16	
STATS	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post

MEAN	0.00	-2.59	-0.37	0.38	-1.08	-0.77	-0.61	0.56	-0.90	-0.11	-0.89	-0.04	-1.27	-1.62	-4.45	-1.53	-5.33	-2.78
ST DEV	0.000	####	3.797	4.049	3.181	3.951	3.029	4.380	4.730	4.429	4.989	3.958	4.736	4.743	14.034	5.590	12.667	10.127
MIN	0.0	-66.7	-8.3	-5.0	-9.0	-10.3	-8.0	-11.0	-9.0	-6.7	-9.3	-7.3	-11.7	-12.7	-65.0	-16.0	-38.3	-32.0
MEDIAN	0.0	-0.7	-0.3	-1.3	-1.0	-0.6	-1.2	1.5	-1.7	-1.0	-1.0	-0.3	-1.3	-1.0	-1.0	-0.3	-2.3	-0.3
MAX	0.0	8.0	7.0	10.3	5.3	7.3	6.3	9.3	12.0	12.0	11.3	8.7	10.0	7.0	7.3	5.3	8.3	10.3

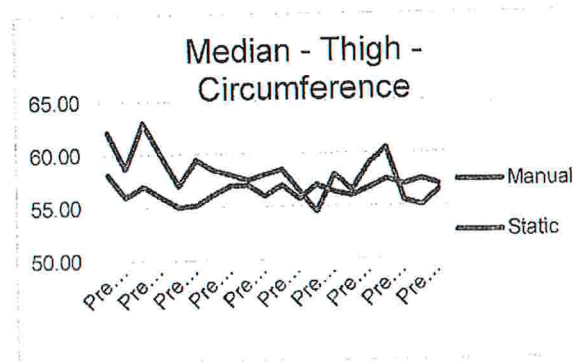
STATIC	0		2		4		6		8		10		12		14	
STATS	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post	Before	Post
MEAN	0.00	-0.35	-0.84	-0.71	-0.94	-1.40	-1.69	-1.83	-6.05	-3.48	-7.93	-3.54	-6.11	-2.93	-6.33	-4.67
ST DEV	0.000	3.488	2.788	3.641	3.944	7.022	3.500	3.596	14.049	7.938	14.761	8.144	14.813	3.427	#NUM!	#NUM!
MIN	0.0	-6.7	-5.7	-8.3	-8.0	-30.0	-10.0	-7.7	-65.7	-34.0	-55.3	-29.3	-34.0	-7.7	-6.3	-4.7
MEDIA N	0.0	-1.0	-1.0	-1.0	-1.0	-0.5	-2.0	-2.3	-4.2	-2.7	-2.0	-3.0	-3.7	-3.0	-6.3	-4.7
MAX	0.0	11.7	5.0	7.0	9.0	10.7	6.7	11.7	8.0	12.0	10.7	11.7	6.7	0.7	-6.3	-4.7



16.7.2. Thighs

	0		2		4		6		8		10		12		14		16		18	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
MEAN	52.3	59.0	53.8	60.0	52.9	60.0	50.2	60.7	58.8	65.0	59.5	66.2	54.7	61.8	55.0	59.1	59.8	65.3	54.4	58.8
ST DEV	1.8	3.4	3.0	6.0	10.8	3.9	2.1	14.2	4.2	2.7	2.9	2.8	0.8	1.0	3.4	2.3	3.6	2.8	2.8	2.0
MIN	50.0	55.0	51.0	54.0	41.0	56.0	57.0	24.7	55.0	55.0	56.0	52.3	54.0	56.0	52.0	55.7	54.0	63.0	50.3	54.0
MEDIAN	52.2	58.7	53.0	60.0	57.0	59.5	58.5	58.5	57.5	58.5	58.5	56.5	54.5	58.5	55.0	59.0	60.5	65.5	55.0	59.5
MAX	65.0	64.3	67.0	66.0	65.0	67.0	63.0	61.0	65.0	61.0	64.0	59.0	56.0	58.0	60.0	62.0	64.0	60.0	57.0	60.0

STATIC	0		2		4		6		8		10		12		14		16		18	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post	Pre	Post
MEAN	57.4	56.7	56.8	55.9	56.7	56.1	57.1	57.2	57.8	57.1	58.7	55.7	59.2	57.4	56.7	55.6	57.2	55.4	59.1	55.0
ST DEV	5.4	5.8	4.5	4.6	5.5	5.2	5.2	5.0	8.4	4.7	5.0	5.4	4.5	5.4	8.1	7.0	9.5	12.2	11.9	8.5
MIN	45.0	45.0	45.3	45.0	47.0	45.0	47.0	47.0	48.0	47.7	47.0	43.0	54.0	47.0	44.0	40.3	25.3	5.0	22.7	32.7
MEDIAN	58.3	56.5	57.0	56.0	55.4	55.3	56.7	57.2	58.0	56.3	57.0	55.9	57.0	57.0	56.0	56.7	58.0	57.0	58.0	57.0
MAX	67.3	70.7	67.0	66.0	68.0	66.0	70.0	68.3	74.0	71.0	68.0	66.0	69.7	67.0	73.0	70.0	71.0	67.0	70.0	68.7



The mean change from baseline to study end for the abdomen, was -2.77cm for MANUAL treatment and -5.63cm for the STATIC treatment.

For the thigh, the mean change from baseline to study end was -5.5cm for MANUAL treatment and -2.3cm for the STATIC treatment. The thigh data are the mean per thigh, not mean of both thighs.

Statistical comparison, using both ANOVA (multiple comparisons with t-distribution) between baseline pre-treatment measurements and pre-final treatment change from pre-treatment measurements (to avoid transient impacts of the treatment and measure overall change, are given below). Analysis is on the mean data for left and right legs combined. For the abdomen, there were significant differences by ANOVA between week 0 and week 12 and between week 0 and week 14 using the MANUAL treatment mode, indicating that multiple sessions leads to a statistically significant reduction in circumference:

Multiple Comparisons with *t*

Distribution

Method: 95% t

interval

** denotes significantly different pairs. Vertical

bars show homogeneous subsets.

A pairwise test result is significant if its *q* stat

value is greater than the table *q*.

Group	Cases	Rank Sum	Wk14, Pre, Man	Wk12, Pre, Man	Wk6, Pre, Man	Wk8, Pre, Man	Wk2, Pre, Man	Wk4, Pre, Man	Wk10, Pre, Man	Wk0, Pre, Man
Wk14, Pre, Man	21	71.000								**
Wk12, Pre, Man	21	82.000								**
Wk6, Pre, Man	21	96.000								
Wk8, Pre, Man	21	96.000								
Wk2, Pre, Man	21	96.500								
Wk4, Pre, Man	21	98.000								
Wk10, Pre, Man	21	100.50								
Wk0, Pre, Man	21	116.00	**	**						

Comparison	Difference	Standard Error	t Stat	table q	Probability	Lower 95%	Upper 95%	Result
Wk0, Pre, Man								
- Wk14, Pre, Man	45.000	15.555		1.9	0.004	14.2	75.7	
	0	2	2.8929	771	4	465	535	**
Wk10, Pre, Man								
- Wk14, Pre, Man	29.500	15.555		1.9	0.060	1.25	60.2	
	0	2	1.8965	771	0	35	535	
Wk4, Pre, Man								
- Wk14, Pre, Man	27.000	15.555		1.9	0.084	3.75	57.7	
	0	2	1.7358	771	8	35	535	
Wk2, Pre, Man								
- Wk14, Pre, Man	25.500	15.555		1.9	0.103	5.25	56.2	
	0	2	1.6393	771	4	35	535	
Wk8, Pre, Man								
- Wk14, Pre, Man	25.000	15.555		1.9	0.110	5.75	55.7	
	0	2	1.6072	771	3	35	535	
Wk6, Pre, Man								
- Wk14, Pre, Man	25.000	15.555		1.9	0.110	5.75	55.7	
	0	2	1.6072	771	3	35	535	
Wk12, Pre, Man								
- Wk14, Pre, Man	11.000	15.555		1.9	0.480	19.7	41.7	
	0	2	0.7072	771	6	535	535	
Wk0, Pre, Man								
- Wk12, Pre, Man	34.000	15.555		1.9	0.030	3.24	64.7	
	0	2	2.1858	771	5	65	535	**
Wk10, Pre, Man								
- Wk12, Pre, Man	18.500	15.555		1.9	0.236	12.2	49.2	
	0	2	1.1893	771	3	535	535	

Wk4, Pre, Man						-	
- Wk12, Pre,	16.000	15.555		1.9	0.305	14.7	46.7
Man	0	2	1.0286	771	4	535	535
Wk2, Pre, Man						-	
- Wk12, Pre,	14.500	15.555		1.9	0.352	16.2	45.2
Man	0	2	0.9322	771	9	535	535
Wk8, Pre, Man						-	
- Wk12, Pre,	14.000	15.555		1.9	0.369	16.7	44.7
Man	0	2	0.9000	771	7	535	535
Wk6, Pre, Man						-	
- Wk12, Pre,	14.000	15.555		1.9	0.369	16.7	44.7
Man	0	2	0.9000	771	7	535	535
Wk0, Pre, Man	20.000	15.555		1.9	0.200	10.7	50.7
- Wk6, Pre, Man	0	2	1.2857	771	7	535	535
Wk10, Pre,						-	
Man - Wk6, Pre,		15.555		1.9	0.772	26.2	35.2
Man	4.5000	2	0.2893	771	8	535	535
Wk4, Pre, Man		15.555		1.9	0.897	28.7	32.7
- Wk6, Pre, Man	2.0000	2	0.1286	771	9	535	535
Wk2, Pre, Man		15.555		1.9	0.974	30.2	31.2
- Wk6, Pre, Man	0.5000	2	0.0321	771	4	535	535
Wk8, Pre, Man		15.555		1.9	1.000	30.7	30.7
- Wk6, Pre, Man	0.0000	2	0.0000	771	0	535	535
Wk0, Pre, Man	20.000	15.555		1.9	0.200	10.7	50.7
- Wk8, Pre, Man	0	2	1.2857	771	7	535	535
Wk10, Pre,						-	
Man - Wk8, Pre,		15.555		1.9	0.772	26.2	35.2
Man	4.5000	2	0.2893	771	8	535	535

					-		
Wk4, Pre, Man		15.555		1.9	0.897	28.7	32.7
- Wk8, Pre, Man	2.0000	2	0.1286	771	9	535	535
						-	
Wk2, Pre, Man		15.555		1.9	0.974	30.2	31.2
- Wk8, Pre, Man	0.5000	2	0.0321	771	4	535	535
						-	
Wk0, Pre, Man	19.500	15.555		1.9	0.212	11.2	50.2
- Wk2, Pre, Man	0	2	1.2536	771	1	535	535
Wk10, Pre, Man						-	
Man - Wk2, Pre, Man		15.555		1.9	0.797	26.7	34.7
	4.0000	2	0.2571	771	4	535	535
						-	
Wk4, Pre, Man		15.555		1.9	0.923	29.2	32.2
- Wk2, Pre, Man	1.5000	2	0.0964	771	3	535	535
						-	
Wk0, Pre, Man	18.000	15.555		1.9	0.249	12.7	48.7
- Wk4, Pre, Man	0	2	1.1572	771	2	535	535
Wk10, Pre, Man						-	
Man - Wk4, Pre, Man		15.555		1.9	0.872	28.2	33.2
	2.5000	2	0.1607	771	5	535	535
Wk0, Pre, Man						-	
- Wk10, Pre, Man	15.500	15.555		1.9	0.320	15.2	46.2
	0	2	0.9965	771	8	535	535

For the STATIC treatment mode on the abdomen, the changes were significant from week 8 onwards:

Multiple Comparisons with *t*

Distribution

Method: 95% *t*

interval

** denotes significantly different pairs. Vertical bars show homogeneous subsets.

A pairwise test result is significant if its q stat value is greater than the table q.

Group	Cases	Rank Sum	Wk		Wk6, Pre, Stat	Wk4, Pre, Stat	Wk2, Pre, Stat	Wk0, Pre, Stat
			Wk10, Pre, Stat	8, Pre, Stat				
Wk10, Pre, Stat	16	35.5000			**	**	**	**
Wk8, Pre, Stat	16	40.0000			**	**	**	**
Wk6, Pre, Stat	16	60.0000	**	**				
Wk4, Pre, Stat	16	63.0000	**	**				
Wk2, Pre, Stat	16	67.5000	**	**				
Wk0, Pre, Stat	16	70.0000	**	**				

Comparison	Difference	Standard Error	q Stat	Table q	Probability	Lower 95%	Upper 95%	Result
Wk0, Pre, Stat - Wk10, Pre, Stat	34.5000	9.3331	3.6965	21	0.0004	15.9075	53.0925	**
Wk2, Pre, Stat - Wk10, Pre, Stat	32.0000	9.3331	3.4287	21	0.0010	13.4075	50.5925	**
Wk4, Pre, Stat - Wk10, Pre, Stat	27.5000	9.3331	2.9465	21	0.0043	8.9075	46.0925	**
Wk6, Pre, Stat - Wk10, Pre, Stat	24.5000	9.3331	2.6251	21	0.0105	5.9075	43.0925	**
Wk8, Pre, Stat - Wk10, Pre, Stat	4.5000	9.3331	0.4822	21	0.6311	14.0925	23.0925	
Wk0, Pre, Stat - Wk8, Pre, Stat	30.0000	9.3331	3.2144	21	0.0019	11.4075	48.5925	**
Wk2, Pre, Stat - Wk8, Pre, Stat	27.5000	9.3331	2.9465	21	0.0043	8.9075	46.0925	**

Wk4, Pre, Stat -				1.99		4.407	41.5	
Wk8, Pre, Stat	23.0000	9.3331	2.4643	21	0.0160	5	925	**
Wk6, Pre, Stat -				1.99		1.407	38.5	
Wk8, Pre, Stat	20.0000	9.3331	2.1429	21	0.0354	5	925	**
						-		
Wk0, Pre, Stat -				1.99		8.592	28.5	
Wk6, Pre, Stat	10.0000	9.3331	1.0715	21	0.2874	5	925	
						-		
Wk2, Pre, Stat -				1.99		11.09	26.0	
Wk6, Pre, Stat	7.5000	9.3331	0.8036	21	0.4242	25	925	
						-		
Wk4, Pre, Stat -				1.99		15.59	21.5	
Wk6, Pre, Stat	3.0000	9.3331	0.3214	21	0.7488	25	925	
						-		
Wk0, Pre, Stat -				1.99		11.59	25.5	
Wk4, Pre, Stat	7.0000	9.3331	0.7500	21	0.4556	25	925	
						-		
Wk2, Pre, Stat -				1.99		14.09	23.0	
Wk4, Pre, Stat	4.5000	9.3331	0.4822	21	0.6311	25	925	
						-		
Wk0, Pre, Stat -				1.99		16.09	21.0	
Wk2, Pre, Stat	2.5000	9.3331	0.2679	21	0.7895	25	925	

There were also significant changes within treatment weeks observed. These data demonstrate that multiple sessions leads to a statistically significant reduction in circumference using either the MANUAL or STATIC treatment modalities on the abdomen.

On the thigh, Similar changes were observed. The Manual treatment was :

Comparison	Difference	Standard Error	q Stat	Table q	Probability	Lower 95%	Upper 95%	Result
Wk2, Pre, Thigh, M, Circ - Wk12, Pre, Thigh, M, Circ	23.000 0	5.5877	4.1162	2.1009	0.0006	11.260 7	34.739 3	**
Wk0, Pre, Thigh, M, Circ - Wk12, Pre, Thigh, M, Circ	16.000 0	5.5877	2.8634	2.1009	0.0103	4.2607	27.739 3	**
Wk10, Pre, Thigh, M, Circ - Wk12, Pre, Thigh, M, Circ	14.500 0	5.5877	2.5950	2.1009	0.0183	2.7607	26.239 3	**
Wk8, Pre, Thigh, M, Circ - Wk12, Pre, Thigh, M, Circ	13.000 0	5.5877	2.3265	2.1009	0.0319	1.2607	24.739 3	**
Wk6, Pre, Thigh, M, Circ - Wk12, Pre, Thigh, M, Circ	13.000 0	5.5877	2.3265	2.1009	0.0319	1.2607	24.739 3	**
Wk16, Pre, Thigh, M, Circ - Wk12, Pre, Thigh, M, Circ	12.500 0	5.5877	2.2371	2.1009	0.0382	0.7607	24.239 3	**
Wk4, Pre, Thigh, M, Circ - Wk12, Pre, Thigh, M, Circ	7.5000	5.5877	1.3422	2.1009	0.1962	4.2393	19.239 3	

Wk14, Pre,									
Thigh, M, Circ								- 14.739	
- Wk12, Pre,									
Thigh, M, Circ	3.0000	5.5877	0.5369	2.1009	0.5979	8.7393		3	
Wk18, Pre,									
Thigh, M, Circ								- 14.239	
- Wk12, Pre,									
Thigh, M, Circ	2.5000	5.5877	0.4474	2.1009	0.6599	9.2393		3	
Wk2, Pre,									
Thigh, M, Circ									
- Wk18, Pre,	20.500							32.239	
Thigh, M, Circ	0	5.5877	3.6688	2.1009	0.0018	8.7607		3	**
Wk0, Pre,									
Thigh, M, Circ									
- Wk18, Pre,	13.500							25.239	
Thigh, M, Circ	0	5.5877	2.4160	2.1009	0.0265	1.7607		3	**
Wk10, Pre,									
Thigh, M, Circ									
- Wk18, Pre,	12.000							23.739	
Thigh, M, Circ	0	5.5877	2.1476	2.1009	0.0456	0.2607		3	**
Wk8, Pre,									
Thigh, M, Circ									
- Wk18, Pre,	10.500							- 22.239	
Thigh, M, Circ	0	5.5877	1.8791	2.1009	0.0765	1.2393		3	
Wk6, Pre,									
Thigh, M, Circ									
- Wk18, Pre,	10.500							- 22.239	
Thigh, M, Circ	0	5.5877	1.8791	2.1009	0.0765	1.2393		3	
Wk16, Pre,									
Thigh, M, Circ									
- Wk18, Pre,	10.000							- 21.739	
Thigh, M, Circ	0	5.5877	1.7896	2.1009	0.0903	1.7393		3	
Wk4, Pre,								- 16.739	
Thigh, M, Circ	5.0000	5.5877	0.8948	2.1009	0.3827	6.7393		3	

- Wk18, Pre, Thigh, M, Circ								
Wk14, Pre, Thigh, M, Circ								
- Wk18, Pre, Thigh, M, Circ						11.239	12.239	
Wk2, Pre, Thigh, M, Circ	0.5000	5.5877	0.0895	2.1009	0.9297	3	3	
- Wk14, Pre, Thigh, M, Circ	20.000						31.739	
Wk0, Pre, Thigh, M, Circ	0	5.5877	3.5793	2.1009	0.0021	8.2607	3	**
- Wk14, Pre, Thigh, M, Circ	13.000						24.739	
Thigh, M, Circ	0	5.5877	2.3265	2.1009	0.0319	1.2607	3	**

For the Static Treatment, the changes on the thigh were significant only between week 2 , week 4 and week 12, indicating that the changes were less than for the Manual treatment, a different finding to the abdomen.

Comparison	Differe nce	Stand ard Error	Table q Stat	Table q	Probab ility	Lower 95%	Upper 95%	Result
Wk12, Pre, Thigh, S, Circ - Wk2, Pre, Thigh, S, Circ	31.000	12.660					56.237	
Wk0, Pre, Thigh, S, Circ - Wk2, Pre, Thigh, S, Circ	0	1	2.4486	1.9935	0.0168	5.7626	4	**
Wk6, Pre, Thigh, S, Circ - Wk2, Pre, Thigh, S, Circ	21.000	12.660				-	46.237	
Thigh, S, Circ	0	1	1.6588	1.9935	0.1015	4.2374	4	
Wk6, Pre, Thigh, S, Circ - Wk2, Pre, Thigh, S, Circ	18.000	12.660				-	43.237	
Thigh, S, Circ	0	1	1.4218	1.9935	0.1594	7.2374	4	

Wk18, Pre,								
Thigh, S, Circ -								
Wk2, Pre,	15.500	12.660				-	40.737	
Thigh, S, Circ	0	1	1.2243	1.9935	0.2248	9.7374	4	
Wk10, Pre,								
Thigh, S, Circ -						-		
Wk2, Pre,	14.500	12.660				10.737	39.737	
Thigh, S, Circ	0	1	1.1453	1.9935	0.2559	4	4	
Wk8, Pre,								
Thigh, S, Circ -						-		
Wk2, Pre,	11.500	12.660				13.737	36.737	
Thigh, S, Circ	0	1	0.9084	1.9935	0.3667	4	4	
Wk16, Pre,								
Thigh, S, Circ -						-		
Wk2, Pre,		12.660				16.237	34.237	
Thigh, S, Circ	9.0000	1	0.7109	1.9935	0.4794	4	4	
Wk14, Pre,								
Thigh, S, Circ -						-		
Wk2, Pre,		12.660				21.737	28.737	
Thigh, S, Circ	3.5000	1	0.2765	1.9935	0.7830	4	4	
Wk4, Pre,								
Thigh, S, Circ -						-		
Wk2, Pre,		12.660				24.237	26.237	
Thigh, S, Circ	1.0000	1	0.0790	1.9935	0.9373	4	4	
Wk12, Pre,								
Thigh, S, Circ -								
Wk4, Pre,	30.000	12.660					55.237	
Thigh, S, Circ	0	1	2.3697	1.9935	0.0205	4.7626	4	**

The skin caliper data demonstrate clearly that there were significant changes in circumference measured after a course of treatment. The statistically significant changes were seen at the later time points, indicating that a course of treatments is required to achieve clinically significant changes in circumference and body appearance. We observed that the STATIC and MANUAL treatments had different efficacies on the abdomen and

thighs, which may reflect the underlying epidermal and dermal structures on these body sites and help to explain the differing results

16.8. Example Before and After Images

In addition to the technical measurements, standardized clinical images were taken throughout the study. Example pairs of images are included below and demonstrate that the skin caliper and ultrasound measurements are supported by visible changes to the body sites treated.

S21 Before



S21 After



S21 Before



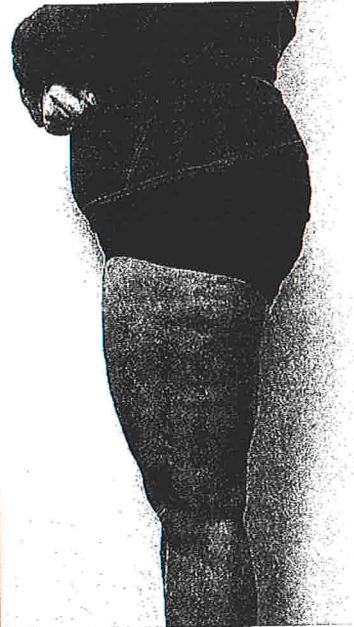
S21 After



Subject 115 Before



Subject 115 After



17. DISCUSSION

It is important that novel aesthetic devices designed to improve cosmetic and aesthetic appearance are safe and effective for the intended use. This study was a safety and efficacy investigation of the Cryoskin 4.0 aesthetic device. The study was designed to demonstrate

the safety and efficacy of the device for improvement of the appearance of the abdomen and thighs by cycles of heating and cooling of the skin.

One hundred and nineteen volunteers of both sexes completed the study, therefore there is a robust and representative dataset for evaluation of the device.

For the first part of the study, the device was tested in the manual configurations as typically used by a trained operator, in order to determine the safety to study participants of the procedures. The effect of the dose of temperature applied to the skin, in terms of treatment time, was examined and whether the treatment caused any discomfort, adverse effects or tissue damage to the target site and to sites on the body that have not been treated. Measurements included clinical examination, blood flow at remote sites, ultrasound imaging of sub-cutaneous structure and in vivo confocal microscopy of target and non-target sites.

Following the successful demonstration of the safety of the device, efficacy studies were undertaken to provide clinical evidence of the device benefits.

This clinical report summarises the safety and efficacy data gathered on the study.

From the safety study, we conclude that when used in the normal treatment mode, both the manual and static treatments were very well tolerated and the device is safe to use on volunteers. We saw some limited transient adverse events, which are detailed. After clinical follow up with volunteers who experienced these effects, we saw rapid resolution. We consider that these minor adverse effects are isolated and have no safety concerns for use of the machine on consumers. The number of adverse events and the low severity are such that whilst some consumers may need to discontinue treatment due to mild discomfort, this number will be relatively low and no evidence of long term negative consequences after discontinuation were seen.

The efficacy data demonstrates that repeated treatment leads to a significant reduction in mean circumference of the abdomen of -2.77cm using MANUAL treatment and -5.63cm using STATIC treatment. These changes were statistically significant and were not significantly impacted by body mass of the volunteers, therefore were directly due to the treatment regime. For the thigh, the data demonstrates that repeated treatment leads to a significant reduction in mean circumference of the thigh of -5.5cm using MANUAL treatment and -2.3cm using STATIC treatment. These changes were statistically significant and were not significantly impacted by body mass of the volunteers. It is interesting to note that the MANUAL and STATIC treatments had different efficacies on the abdomen and thigh.

The circumference data were supported by the findings from ultrasound measurements. There was a significant decrease in ultrasound density, consistent with tissue remodelling without scarring or fibrosis of the tissue. Both the abdomen and thigh were significantly changed as demonstrated by the ultrasound imaging. The ultrasound and skin caliper data were obtained at each study visit prior to the next treatment, to avoid transient effects of the treatment impacting the data. We can therefore exclude acute “escape of dermal moisture” or reduction of inflammation that we know cold exposure can cause to the skin as a factor in the results obtained. The changes described therefore indicate a long-term trend of changes in body appearance due to the treatment regime and not temporary effects.

Based on the data, we conclude that the Cryoskin 4.0 device is well tolerated by volunteers and has a very good safety profile, consistent with use in a professional environment by a trained operator. Regular treatments with the device promote significant reduction in circumference of the abdomen and the thighs and it therefore represents a clinically relevant intervention to slim abdomen and thighs.

TABLE 1
Demographic data

Subject	Panel Number	Sex	Age
1	4061	Female	55
2	3357	Female	26
3	3261	Female	46
4	3834	Female	41
5	3453	Female	60
6	3768	Male	68
7	3700	Female	33
8	3371	Female	40
9	3728	Female	65
10	3911	Female	48
11	3603	Female	39
12	3581	Female	45
13	2695	Female	55
14	4002	Female	43
15	3721	Female	37
16	2901	Female	56
17	4186	Female	35
18	4037	Male	61
19	3792	Female	29
20	3669	Female	45
21	4103	Female	34
22	4133	Female	23
23	4200	Female	24
24	3641	Female	27
25	8664	Male	66
26	4087	Female	68
27	4044	Female	24
28	1896	Female	48
29	3673	Female	52
30	4060	Female	35

31	4111	Female	67
32	4227	Female	42
33	4246	Female	28
34	3099	Female	59
35	4075	Female	32
36	2862	Female	56
37	4105	Female	42
38	2946	Female	49
39	3985	Female	28
40	3755	Male	56
41	4110	Male	40
42	4248	Female	54
43	3726	Female	40
44	4247	Female	26
45	3928	Female	45
46	4109	Female	35
47	4112	Female	43
48	4245	Female	32
49	3081	Female	64
50	2428	Female	36
51	2224	Female	41
52	2498	Male	48
53	UN	UN	UN
54	3701	Female	65
55	UN	UN	UN
56	4122	Female	42
57	UN	UN	UN
58	UN	UN	UN
59	2816	Male	54
60	UN	UN	UN
61	3722	Female	58
62	4100	Female	25
63	UN	UN	UN
64	3262	Female	54

65	4123	Female	29
66	UN	UN	UN
67	UN	UN	UN
68	UN	UN	UN
69	8387	Female	43
70	UN	UN	UN
71	4119	Female	35
72	4127	Female	41
73	UN	UN	UN
74	3495	Female	48
75	UN	UN	UN
76	4129	Female	50
77	3948	Female	66
78	UN	UN	UN
79	UN	UN	UN
80	2582	Female	51
81	4132	Female	20
82	UN	UN	UN
83	UN	UN	UN
84	3744	Female	36
85	UN	UN	UN
86	3298	Female	65
87	4149	Female	50
88	4117	Female	27
89	UN	UN	UN
90	4192	Female	66
91	4008	Female	68
92	UN	UN	UN
93	3699	Female	52
94	UN	UN	UN
95	4074	Female	33
96	4137	Female	34
97	3824	Female	25
98	UN	UN	UN

99	4136	Female	34
100	4138	Female	30
101	4144	Female	44
102	4141	Female	38
103	3833	Female	40
104	4145	Male	70
105	3794	Female	63
106	UN	UN	UN
107	UN	UN	UN
108	UN	UN	UN
109	UN	UN	UN
110	UN	UN	UN
111	4108	Female	39
112	3940	Female	67
113	4018	Female	33
114	3300	Female	39
115	4115	Female	40
116	4091	Female	33
117	3986	Female	51
118	4096	Male	25
119	4128	Female	51
120	3393	Female	56
121	3114	Female	59
122	3430	Female	44
123	3389	Female	42
124	4134	Female	39
125	4135	Female	41
126	3308	Female	56
127	3840	Female	32
128	3171	Female	53
129	3828	Female	50
130	UN	UN	UN
131	3589	Female	63
132	4140	Female	39

133	3640	Female	37
134	3419	Female	56
135	3378	Female	39
136	2626	Female	55
137	2362	Female	51
138	4083	Female	50
139	4068	Female	42
140	3025	Female	40
141	3636	Female	37
142	2878	Female	64
143	4155	Female	58
144	4154	Female	53
145	740	Female	53
146	4178	Female	56
147	3410	Female	43
148	3733	Female	67
149	3491	Female	44
150	2898	Female	48
	Mean	45	
	Upper limit	70	
	Lower limit	20	
	Male	9	
	Female	114	



From: [Ben Barber](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Attention Alison Osborn
Date: Wednesday, September 27, 2023 10:14:57 AM
Attachments: [Cutest Clinical Study Talking points \(1\).pdf](#)
[Cryo Letter to State Board - April Barber.docx](#)

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CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Alison,

I sent out a large packet with a clinical study from CryoSkin. I accidentally left out an important sheet to the study. Can you please attach this quick reference to it? I imagine you are completely overwhelmed with all the purposed regulation comments coning in. I appreciate all the time you are taking. This is so important. I've Also re-attached my letter so you know who its coming from and what its regarding.

Thank you, April Barber
Blu Birch Spa and Salon LLC
907-947-9188

Board of Barbers & Hairdressers,

My name is April Barber, I own Blu Birch Spa and Salon LLC. I am writing regarding the letter released on May 15th, 2023, stating that our Alaska State Board of Barbers and Hairdressers are proposing to retract certain services that Estheticians have been offering to our clients for years. Most, but not all, have received further education and proper training to offer these services that were designed for Estheticians to perform safely on our clients.

My staff and I have been affected in many ways by the new proposed regulation. I contacted the state board approximately two years ago asking permission to offer Cryo-Skin at Blu Birch Spa and Salon. Upon receiving permission to do so, I reached out to CryoSkin directly. My team and I worked diligently to complete the steps required to be accepted into the Artemis team, including an extensive interview with two of Cryo's team members and a two-hour Zoom meeting covering the requirements to pass the course. After two months of online educational training, multiple assessments, and a trip to Colorado for in-person hands-on training, our team had to pass a final practical. Upon completion of these critical steps, our team received our certificates of completion to provide services with Cryo 3.0. This machine offers only manual treatments. Between out-of-state travel and the cost of the machine, I have invested a total of \$27,000.

CryoSkin's attorney Steve, has made several attempts since May 20th to contact our state board to properly educate them on the services, and functionality and explain how safely and efficiently the machine works. To this point, the state board has given no response and has not accepted any input from Cryo directly. Steve wanted to ensure the state board is aware of the differences between CryoTherapy and CryoSkin and were not confusing the two machines as they function completely differently and have no relation.

CryoSkin is a safe non-invasive body contouring service with no recovery or downtime. CryoSkin uses cooling and warming technology for toning and sliming purposes. The heating and cooling is applied by the programmed wand that is regulated by sensors for the protection of the skin, without the use of nitrogen, and performs three unique treatments that are non-invasive, painless, and safe. All three treatments essentially use the same cooling technology, the difference between each treatment depends on the area of the body you are working on, the programmed wand determines the temperature with preset parameters. The wand has sensors that allow the treatments to be performed safely and effectively. The state board has concerns of frostbite and/or burns and the potential for asphyxiation from an oxygen-deficient atmosphere due to the use of nitrogen. CryoSkin has performed 119 trials aged 18 to 70 with zero side effects, there have been zero reports of "frostbite and burns", and since CryoSkin does not use nitrogen, there is no possibility of asphyxiation. While I have performed over 100 treatments personally, I have not experienced any negative side effects. These concerns can be found in the BAHboardpacket2023 on page 3.

CryoFacial and CryoToning is a 20-minute treatment that targets the dermal layer of the skin by utilizing cold temperatures, applied to the skin with the programmed wand without the use of nitrogen. When cold temperatures are applied to the skin, the esthetician's hand (which is warm) manually follows the wand with a light massage to the area. The mixture of cold followed by warmth causes the blood vessels to alternate between constriction and dilation within the dermis. This improves microcirculation (oxygen blood flow). When this occurs, there is an increase in collagen production in the dermal layer. This treatment helps to reduce signs of aging by contouring, increasing the skin elasticity, decreasing fine lines, tightening the skin, and reducing the appearance of cellulite for a smoother look. This service is not permanent because we do continue to age, but it will make you feel great and glowing for months.

CryoSlimming is for fat reduction in a more localized area, such as the stomach, thighs, or arms. The treatment starts with two minutes of warming of the skin with a programmed wand using a specific manual technique, followed by an immediate controlled drop in cold temperature in the hypodermis. This stimulates the natural release of stubborn fat cells through your lymphatic system. The treatment is finished with another two minutes of warming of the skin. This process shapes and contours your body while it is natural and painless.

My team and I are more than capable of offering this service to our clients safely. We have already performed over 100 CryoSkin services on clients with zero complications and only positive results. This is a service that we truly love to offer to our clients. Offering a service that makes our clients love the way they look and feel about themselves is very rewarding. I want to grow as an Esthetician, furthering my education and allowing us to offer these services that are specifically designed for us, allows us to grow in the industry. Limiting the services we can perform has a substantial negative impact on the industry and especially the small businesses. I can appreciate the concern for the safety of our clients and operating within my esthetics licensing, CryoSkin and Cryotherapy may perform under the same concept under "cold" temperatures, but they are very different machines, with different operating procedures, producing different treatments.

I have been an Esthetician since 2008, and I have gained an abundance of knowledge, experience, and continuing education throughout my career. I've worked in Las Vegas, Nevada, and Palmer to Wasilla, Alaska. I am not in support of our state board requiring us to go back to school for another 400-500 to continue the services that we have been offering for years. If you calculate my hours of working at 40 hours per week over the last 15 years, that puts me around 28,800 hours. I am more than competent and qualified at what I do to continue working and offer my current services and treatments, CryoSkin 3.0, high frequency, light therapy, etc. If you want to make a change, please do it for the good, not to hurt us all by taking away these services. It hurts me as a small business owner and many others. Please grandfather us current Estheticians and make positive changes from here on out. Implement new regulations for new

Estheticians and the services provided. Thank you for your time. I appreciate you taking the time to read my letter and review the documents I've sent.

Sincerely,

April Barber

Blu Birch Spa and Salon LLC

907-947-9188

License #HADC15989

Cutest Clinical Study RE: Cryoskin 4.0 - Quick References and Bullet Points

Scope	100 patients of which 50% received manual treatment and the rest received static treatment; of the 50 then 30 received standard dose and 20 received 1.5x standard dosage
Adverse Events	<ul style="list-style-type: none"> - 1 Serious event (gallbladder infection - Study found it unlikely to be related) - Out of 25 adverse events: <ul style="list-style-type: none"> - 11 adverse events are classified as “possibly related to study product” and were considered mild in severity e.g. rash, tenderness, erythema - 14 are classified as “unrelated” or “unlikely to be related”
Bullet Points from Safety Phase	<ul style="list-style-type: none"> - No clinically significant dryness of the skin - No clinically significant oedema - No clinically significant erythema - No statistically significant increase in redness to the target site (for manual treatment) - No change in skin color for non-target sites - No change in remote pedal blood flow either immediately or at follow up points post-treatment, indicating there is no adverse systemic effect are induced by the target treatments - Unchanged tissue depth (dermal compartment) - No statistically significant differences in skin depth or density - No statistically significant changes in skinfold measurements <p>No changes in erythema, oedema, or blood flow at the remote pedal site that would indicate a systemic effect of the treatment beyond the target site. Additionally, ultrasound measurements provided no structural changes to tissue that would indicate trauma. This is confirmation that the device is safe to use.</p>
Major Take Away from Safety Phase	Based on the findings of the safety phase, the study concludes that the device has very high safety and is unlikely to cause any significant adverse events when used as intended.
Bullet Points from Efficacy Phase	<ul style="list-style-type: none"> - No cumulative negative effects were noted following repeat treatments - The study concluded that the treatment has a direct effect on the skin structure, rather than there being lipolytic effect in the fat below the epidermal-dermal skin compartment - No statistically significant change in BMI - which reinforces the proposition that there is no measurable lipolysis occurring - Multiple sessions led to a statistically significant reduction in circumferences <ul style="list-style-type: none"> - Manual: 1.9” from abdomen and 2” from each thigh - Static: 2.5” from abdomen and 0.9” from each thigh
Major Take Away from Study	Given that there was no significant change in skinfold measurements but a reduction in circumference, we can suggest that the method of action is through activation of connective tissue without affecting cells.

From: [Ben Barber](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Comment regarding proposed regulations for Estheticians
Date: Tuesday, September 26, 2023 3:49:37 PM

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Attention Alison Osborne

Board of Barbers & Hairdressers,

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the programmed wand determines the temperature with preset parameters. The wand has sensors that allow the treatments to be performed safely and effectively. The state board has concerns of frostbite and/or burns and the potential for asphyxiation from an oxygen-deficient atmosphere due to the use of nitrogen. CryoSkin has performed 119 trials aged 18 to 70 with zero side effects, there have been zero reports of “frostbite and burns”, and since CryoSkin does not use nitrogen, there is no possibility of asphyxiation. While I have performed over 100 treatments personally, I have not experienced any negative side effects. These concerns can be found in the BAHboardpacket2023 on page 3.

CryoFacial and CryoToning is a 20-minute treatment that targets the dermal layer of the skin by utilizing cold temperatures, applied to the skin with the programmed wand without the use of nitrogen. When cold temperatures are applied to the skin, the esthetician's hand (which is warm) manually follows the wand with a light massage to the area. The mixture of cold followed by warmth causes the blood vessels to alternate between constriction and dilation within the dermis. This improves microcirculation (oxygen blood flow). When this occurs, there is an increase in collagen production in the dermal layer. This treatment helps to reduce signs of aging by contouring, increasing the skin elasticity, decreasing fine lines, tightening the skin, and reducing the appearance of cellulite for a smoother look. This service is not permanent because we do continue to age, but it will make you feel great and glowing for months.

CryoSlimming is for fat reduction in a more localized area, such as the stomach, thighs, or arms. The treatment starts with two minutes of warming of the skin with a programmed wand using a specific manual technique, followed by an immediate controlled drop in cold temperature in the hypodermis. This stimulates the natural release of stubborn fat cells through your lymphatic system. The treatment is finished with another two minutes of warming of the skin. This process shapes and contours your body while it is natural and painless.

My team and I are more than capable of offering this service to our clients safely. We have already performed over 100 CryoSkin services on clients with zero complications and only positive results. This is a service that we truly love to offer to our clients. Offering a service that makes our clients love the way they look and feel about themselves is very rewarding. I want to grow as an Esthetician, furthering my education and allowing us to offer these services that are specifically designed for us, allows us to grow in the industry. Limiting the services we can perform has a substantial negative impact on the industry and especially the small businesses. I can appreciate the concern for the safety of our clients and operating within my esthetics licensing, CryoSkin and Cryotherapy may perform under the same concept under “cold” temperatures, but they are very different machines, with different operating procedures, producing different treatments.

I have been an Esthetician since 2008, and I have gained an abundance of knowledge, experience, and continuing education throughout my career. I’ve worked in Las Vegas, Nevada, and Palmer to Wasilla, Alaska. I am not in support of our state board requiring us to go back to school for another 400-500 to continue the services that we have been offering for

years. If you calculate my hours of working at 40 hours per week over the last 15 years, that puts me around 28,800 hours. I am more than competent and qualified at what I do to continue working and offer my current services and treatments, CryoSkin 3.0, high frequency, light therapy, etc. If you want to make a change, please do it for the good, not to hurt us all by taking away these services. It hurts me as a small business owner and many others. Please grandfather us current Estheticians and make positive changes from here on out. Implement new regulations for new Estheticians and the services provided. Thank you for your time. I appreciate you taking the time to read my letter and review the documents I've sent.

Sincerely,
April Barber
Blu Birch Spa and Salon LLC
907-947-9188
License #HADC15989

From: [Board of Barbers Hairdressers \(CED sponsored\)](#)
To: [Osborne, Alison S \(CED\)](#)
Subject: FW: Comment regarding proposed regulations for Estheticians
Date: Thursday, September 28, 2023 7:02:45 AM

From: Ben Barber <afterglowestheticsak@gmail.com>
Sent: Wednesday, September 27, 2023 3:02 PM
To: Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>
Subject: Comment regarding proposed regulations for Estheticians

You don't often get email from afterglowestheticsak@gmail.com. [Learn why this is important](#)

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Dear Board of Barbers and Hairdressers,

My name is Kaitlyn Boling, and I have been a licensed esthetician in the state of Alaska since 2019. I am reaching out regarding the statement released by the board on May 15, 2023. There are various services that you have proposed to be retracted from estheticians' scope of practice. The services that you are attempting to retract are microdermabrasion, hydro dermabrasion, LED light therapy, and CryoSkin Treatment. The removal of these practices will not only negatively affect my small business, but it will also impact my family and me. As an esthetician, I heavily rely on these services to provide a steady income for my family and continue to maintain a successful business.

I have years of experience with these services, and I have completed the required training. I attended two months of online training, following an out-of-state two-day training course for CryoSkin. I have also invested thousands of dollars in the necessary equipment to provide these services. Most importantly, my clients and I have witnessed amazing changes to the body and skin as a result of my services. I truly believe that the benefits outweigh the risks, which have proven to be little to none.

This new regulation would be detrimental to my income, business, and family. If these changes must go into effect, I feel that with all my experience and training it would be only fair that I and other estheticians with the same experience should be grandfathered in. It would mean the world to me and other people in my situation if you could reconsider these changes. Thank you for your time.

Sincerely,

Kaitlyn Boling
Blue Birch Salon and Spa LLC
907-982-9213
License #154175

Sent from [Mail](#) for Windows

From: [Melissa Kaylor](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Stop dermal light regulation change
Date: Tuesday, September 26, 2023 1:55:09 PM

You don't often get email from melissakaylor18@gmail.com. [Learn why this is important](#)

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I do NOT support the proposed regulations change removing Dermal Lights!

12 AAC 09.162 & 12 AAC 09.163

I believe it causes financial hardship for Estheticians and service hardship for clients.

Many dermal light brands have been FDA approved and already allow unlicensed individuals to purchase them.

In esthetics school we were taught how to use them. We should be able to provide our clients with the best quality of light therapy and the right type for each specific skin type.

Sent from my iPhone

From: [Kylee Humphrey](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: STOP DERMAL LIGHT REGULATIONS AND LICENSE RESTRUCTURE
Date: Tuesday, September 26, 2023 1:33:39 PM

You don't often get email from humphreykylee@yahoo.com. [Learn why this is important](#)

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To whom it may concern,

I do NOT support the proposed regulations change removing Dermal Lights and licensing restructure.

12 AAC 09.162 & 12 AAC 09.163

I believe it causes EXTREME financial hardship for Estheticians And their families and service hardship for clients.

Kylee Humphrey, licensed esthetician

[Sent from Yahoo Mail for iPhone](#)

From: [Korinne Jones](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Stop Dermal Light Regulation Change
Date: Monday, September 25, 2023 11:43:33 AM

You don't often get email from korinnejones@hotmail.com. [Learn why this is important](#)

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To whom it may concern, I have invested in my career as an esthetician here in Alaska, and need to continue working in this field. These changes will have even more economic hardship than what's already happening in our profession with the economy.

I do not support the proposed regulations change removing Dermal Lights!

13 AAC 09.162 & 12 AAC 09.163

I believe it causes hardship for Estheticians and service hardship for clients.

Please do not hurt or hinder our profession here in Alaska!

Thank you for your time

Korinne Jones
Feather Salon and Esthetics
Eagle River, Alaska

Sent from my iPhone

From: [Kathleen Smart](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Esthetics regulations change
Date: Friday, September 1, 2023 6:25:31 PM

You don't often get email from katsmart.ak@gmail.com. [Learn why this is important](#)

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Hello,

I'm a licensed esthetician and instructor in Fairbanks and I'd like to know the reasoning behind why it appears the state no longer wants Estheticians using dermal lights. Dermal lights such as red and blue LED are perhaps the safest, easiest and simplest tools we use in our profession. They are so safe in fact, they are approved for oncology esthetics. My oncology esthetics training is where I first learned about red light therapy. I don't understand where the distaste in estheticians using this extremely safe modality comes from.

I'd love to discuss this proposed change a little more to fully understand why or if maybe I'm misunderstanding something.

You're welcome of course to contact me here or calling (907)978-9942.

Thank you so much for your time,
Kat Smart

From: [Board of Barbers Hairdressers \(CED sponsored\)](#)
To: [Osborne, Alison S \(CED\)](#); [Davis, Stefanie L \(CED\)](#)
Subject: FW: Esthetics changes
Date: Monday, September 25, 2023 8:36:51 AM
Attachments: [image001.png](#)
Importance: High

BAH Regulation Public Comment.
Replies set direct to Ms. Smart.

Cynthia Spencer
Occupational Licensing Examiner
[Div. of Corporations, Business and Professional Licensing](#)
[Professional Licensing](#)



From: Kathleen Smart <katsmart.ak@gmail.com>
Sent: Sunday, September 24, 2023 8:59 AM
To: Spencer, Cynthia R (CED) <cynthia.spencer@alaska.gov>
Subject: Esthetics changes

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Hi Cynthia,

Im very much concerned about the Esthetics reg changes. Ive added it up and I'm looking to lose at least \$100,000.00 in income due to these changes (mostly based off the loss of HydraFacial sales) Im also looking at about 70-80K in equipment I will no longer be able to use. This will be a huge impact on my business and livelihood.

Im worried someone or some industry is pushing this agenda not to ensure esthetics is safer for our clients but as a money grab. Currently most estheticians I know work independently. To continue doing so will be very difficult. We will be forced in many ways to work for an employer rather than run our own businesses.

This could also hurt me financially due to booth renters moving to work for doctors. For years now I've encouraged estheticians in our industry to work independently. My last year at my previous employer I paid approximately 55k in commission and brought home in the range of 45k. Currently I have the ability to bring in three to four times what I did working as an employee. Im not interested in working for someone else again. It costs a medical practice a lot more to have a nurse on hand

providing these services than it does an esthetician.

We are devaluing the esthetics license. Hair stylists will be able to perform all the same services as an esthetician with the exception of basic facials, in the way it sounds currently proposed.

Im also at a loss as to why dermal lights are such a hot topic of concern. So much so that we have had to immediately stop use. LED light therapy is one of the safest if not the safest modality available. Its so safe, it is the only modality approved in oncology esthetics. Even massage is contraindicated during cancer treatment. Massage is contraindicated even after recovery in some instances due to lymph node removal. Some wave lengths don't penetrate the dermal layer at all. Blue light for example is used in the treatment of acne and stays surface level only.

Please Cynthia, either reconsider this change, grandfather us in or provide the training necessary for us to continue running our businesses without interruption. This will KILL my business and others.

Appreciatively,
Kat Smart

From: [Board of Barbers Hairdressers \(CED sponsored\)](#)
To: [Osborne, Alison S \(CED\)](#); [Davis, Stefanie L \(CED\)](#)
Subject: FW: Red Light Therapy used in other businesses
Date: Monday, September 25, 2023 6:38:37 AM
Attachments: [image001.png](#)

BAH Regulation Project Public Comment.
Replies have been set directly to Kathleen Smart.

Cynthia Spencer
Occupational Licensing Examiner
[Div. of Corporations, Business and Professional Licensing](#)
[Professional Licensing](#)



From: Kathleen Smart <katsmart.ak@gmail.com>
Sent: Sunday, September 24, 2023 4:46 PM
To: Spencer, Cynthia R (CED) <cynthia.spencer@alaska.gov>
Subject: Red Light Therapy used in other businesses

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the content is safe.

Hi Cynthia,

One more thing came to my mind after writing.

Tanning salons have been using Red Light therapy and will continue to be able to do so while we trained and licensed professionals cannot.

This is equipment that is extremely safe, that we have invested a lot of money into. I just can't wrap my mind around why the state is just now so worried about estheticians using it, or the other modalities being removed for that matter. I can't believe someone could have been hurt from LED because the only contraindication is the potential for light induced epilepsy. This is extremely rare and if your client has epilepsy or light sensitivity you simply wouldn't use it.

Can I ask who and why this was brought up to the board? Have there really been safety issues due to these things?

As always, thanks for your time and all you do for us Cynthia,

From: [Board of Barbers Hairdressers \(CED sponsored\)](#)
To: [Osborne, Alison S \(CED\)](#); [Davis, Stefanie L \(CED\)](#)
Subject: FW: Red Light Therapy used in other businesses
Date: Monday, September 25, 2023 6:39:04 AM
Attachments: [image001.png](#)

BAH Regulation Project Public Comment.

Replies have been set directly to Kathleen Smart.

Cynthia Spencer

Occupational Licensing Examiner

[Div. of Corporations, Business and Professional Licensing](#)

[Professional Licensing](#)



From: Kathleen Smart <katsmart.ak@gmail.com>
Sent: Sunday, September 24, 2023 5:25 PM
To: Spencer, Cynthia R (CED) <cynthia.spencer@alaska.gov>
Subject: Re: Red Light Therapy used in other businesses

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I'll include these as an example. This will hurt my profession, income, business and devalue the license I've worked so hard for. Someone with less education and training will be able to offer a service Im legally told I can no longer provide even though I'm more qualified to do so.



 1

 Like

 Comment

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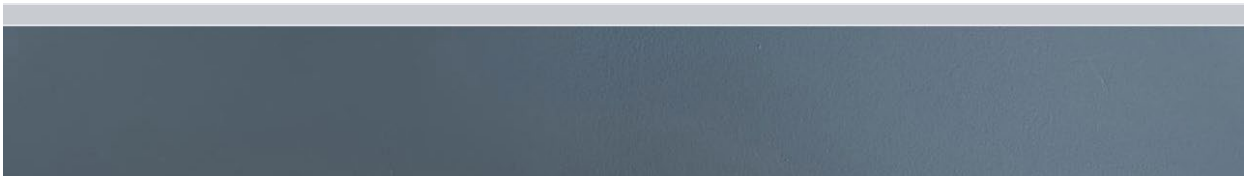


 1

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Sun Fix Tanning Salon

Aug 1 · 🌐



RECOMMENDED TREATMENT PLAN FOR RED LIGHT THERAPY

Four (4) 15-minute sessions per week for 4 weeks, then 2-3 sessions per week until desired results are achieved. Thereafter, maintain with 1-2 sessions each week. You will see a noticeable reduction in the appearance of fine lines, wrinkles and facial blemishes!

Since the success of red light therapy depends on the frequency that it is used it is important to maintain a consistent treatment schedule in order to continue seeing results!

We ask clients to pay attention to aches and pains in their body, how their sleep may change for the better and overall energy when they first start. Some are noticing relief after just one or two sessions! I will be posting comments this whole week that we are getting from clients using the bed!



Like



Comment



Share



Sun Fix Tanning Salon

Aug 25 • 🌐



BENEFITS OF USING RED LIGHT THERAPY

STIMULATE HAIR GROWTH



IMPROVED SKIN HEALTH



PROMOTE CELLUAR HEALTH



IMPROVE CIRCULATION



REDUCE RECOVERY TIME



REDUCE INFLAMMATION



INCREASE FERTILITY



REDUCE PAIN



From: [Laura Young](#)
To: [Alaska Governor Mike Dunleavy \(GOV sponsored\)](#); [Regulations and Public Comment \(CED sponsored\)](#)
Subject: I do not support the proposed regulation change removing dermal lights!
Date: Sunday, September 24, 2023 3:25:30 PM

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PLEASE HELP...

STOP THIS REGULATION CHANGE!

Alaska Estheticians would greatly appreciate your help! 🙏🙏🙏

**Email a comment
to the state contesting this proposal!**
(Take a picture of this letter
then hold your finger on information in photo to copy/paste)

Copy/Paste comment:
I do **NOT** support the proposed regulations change removing Dermal Lights!
12 AAC 09.162 & 12 AAC 09.163
I believe it causes financial hardship for Estheticians
and service hardship for clients.

Email:
RegulationsAndPublicComment@alaska.gov

Email Subject line:
STOP DERMAL LIGHT REGULATIONS CHANGE

Thank you for your help!!!!
Alaska Estheticians

TIME SENSITIVE! September 29th deadline

Sign our Petition on Change.org
<https://chnng.it/TgSjjVmfqn>
Save Dermal Lights in Alaska Esthetician Curriculum and Services!

From: [Megan Eubank](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: STOP DERMAL LIGHT REGULATIONS CHANGE
Date: Sunday, September 24, 2023 8:35:27 AM

You don't often get email from megv2006@yahoo.com. [Learn why this is important](#)

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do NOT support the proposed regulations change removing Dermal Lights!
12 AAC 09.162 & 12 AAC 09.163
1 believe it causes financial hardship for Estheticians and service hardship for clients.

Sent from my iPhone

From: [Piper Palin](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Esthetic Light Therapy
Date: Saturday, September 23, 2023 10:45:34 AM

You don't often get email from piper_indi@outlook.com. [Learn why this is important](#)

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I do NOT support the proposed regulations change removing Dermal Lights, LED light Therapy and the most recent proposed changes in the esthetic industry.

12 AAC 09.162 & 12 AAC 09.163

I believe it causes financial hardship for us as Estheticians and service hardship for clients. LED light therapy very beneficial for everyone.

Thank you for your time and I hope you reconsider the recent changes.

From: [Board of Barbers Hairdressers \(CED sponsored\)](#)
To: [Sarah C.](#)
Cc: [Osborne, Alison S \(CED\)](#); [Davis, Stefanie L \(CED\)](#)
Subject: RE: Dermal Lights
Date: Friday, September 22, 2023 2:26:06 PM
Attachments: [image001.png](#)
Importance: High

Thank you for your Email Sara.

I am forwarding this email onto our Regulation Specialists Alison Osborne and Stefanie Davis for inclusion to the public comment packet for the board's current proposed regulation project (public comment closes Sept. 30).

Respectfully,
Cynthia Spencer
Occupational Licensing Examiner
[Div. of Corporations, Business and Professional Licensing](#)
[Professional Licensing](#)



From: Sarah C. <crosslash@yahoo.com>
Sent: Friday, September 22, 2023 2:13 PM
To: Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>
Subject: Dermal Lights

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Hi!

I've been in the Salon/Spa (Massage Therapy and Cosmetology) Industry since 2002. I am licensed in 2 states with these modalities. Currently I started an Esthetics Apprenticeship program in Alaska and expect to test for the Exam in early 2024.

On the application for this Esthetician Licensure, it discusses the use of modalities as a tool for Estheticians to develop their business/career. It specifically lists Dermal Lights.

Dermal Lights have been used for 20+ years in the Esthetics Industry. LED lights are a remarkable, non-invasive way to help clients of all ages with their skin-care needs.

Chemical Peels, electric modalities, Dermal Lights and working with the skin in ALL its functions is necessary for an Esthetician to achieve real, lasting results. Having these modalities is the reason many people in this industry are able to make money and turn it into a career.

One of the reasons I decided to peruse this licensing was because of the Dermal Light option. I've been using a Dermal Light for years in many settings because of it's non-invasive qualities.

Multiple establishments around this town provide Red-Light Therapies; ex: Tanning Salons, Float Centers, and even stand alone businesses. These businesses have NO oversight and NO educational with this lights. Estheticians are educated on how to use them properly.

To take away this money making option for those trained in skincare, Estheticians, is reckless and unnecessary. It deprives Estheticians of making money and helping people with their skin care needs.

Doctors, Nurse Practitioners and other licensed professionals don't have time to provide these services, not to mention they could be making a LOT more money doing Diagnostic Tests and Prescribing medications.

If you take these options away you are severely limiting Esthetician's ability to have a career, provide quality results of the clients and make the money needed to pay their bills. Many will not be able to survive on facials and waxing alone.

The Board is at a turning point with this issue. You could make it so many will leave the industry, severely limiting Quality Esthetic Providers in Alaska. To take these services away, you will ruin lives. There will be businesses who choose to close their doors.

Please let Estheticians keep all the modalities they have been using for years. Stop trying to limit the licensing you provided to these Professionals.

Sarah Crosswhite
CrossLash LLC
Anchorage, Alaska
(479) 802-8013

From: [Spencer, Cynthia R \(CED\)](#)
To: [Osborne, Alison S \(CED\)](#)
Cc: [Chambers, Sara C \(CED\)](#); [Whitcomb, Wanda E \(CED\)](#); [Carabajal, Renee R \(CED\)](#)
Subject: FW: Public comment regarding regulation change eliminating dermal lights
Date: Tuesday, September 19, 2023 9:20:33 AM
Attachments: [DirectorChambersMemo2019.pdf](#)
[image001.png](#)

Hello Alison.

BAH regulation written comment for you.

Cynthia Spencer
Occupational Licensing Examiner
[Div. of Corporations, Business and Professional Licensing](#)
[Professional Licensing](#)



From: Sue Shroy <sueshroy@gmail.com>
Sent: Tuesday, September 19, 2023 7:19 AM
To: Spencer, Cynthia R (CED) <cynthia.spencer@alaska.gov>; Whitcomb, Wanda E (CED) <wanda.whitcomb@alaska.gov>; Chambers, Sara C (CED) <sara.chambers@alaska.gov>; General, Attorney (LAW sponsored) <attorney.general@alaska.gov>; Sande, Julie A (CED) <julie.sande@alaska.gov>; Sue Shroy <sueshroy@gmail.com>; Franz Sigel Shroy <franzsigelshroy@gmail.com>
Subject: Public comment regarding regulation change eliminating dermal lights

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

September 18, 2023

To the Governor of Alaska, Mike Dunlevy; Julie Sande, Commissioner of Department of Commerce, Community and Economic Development; Sara Chambers, Boards and Regulations Advisor; Treg Taylor, Attorney General; Board of Barbers and Hairdressers,

In regards to the newest upcoming regulations change removing dermal lights from the practice for estheticians, I find it to be directly in violation of the RIGHT-TOUCH REGULATIONS that our Governor asks us to follow.

My position is that this proposed regulation, if adopted, will

1) bring financial harm to us and others in our industry who are providing services allowed under these current

Board of Barbers and Hairdressers,

In regards to the newest upcoming regulations change removing dermal lights from the practice for estheticians, I find it to be directly in violation of the RIGHT-TOUCH REGULATIONS that our Governor asks us to follow.

My position is that this proposed regulation, if adopted, will

- 1) bring financial harm to us and others in our industry who are providing services allowed under these current regulations.
- 2) deny the public therapeutic treatments which they have enjoyed receiving from estheticians for decades. If you do your research, you will find no evidence that these dermal lights are unsafe, and have only positive results on the client.

I am very concerned that the tentative agenda shows that they will not be taking any oral public testimony regarding the proposed regulations, as this appears to be for the purpose of railroading the new regulation through by avoiding public input. The only mention of any discussion on correspondences received is scheduled at the end of the meeting after the vote has been taken.

Before making a determination and adopting this regulation in October, I, and hundreds of other licensed professionals, ask that you take your time to research the evidence regarding the benefits of dermal lights.

Thank you!

Susan B. Shroy

MetrOasis Advanced Training Center

I would ask everyone, especially the Alaska Board of Barbers and Hairdressers, to re-read the memo sent by Division Director Sara Chambers in 2019 regarding right-touch regulations. (See attachment below)



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING
Juneau Office

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.2550
Toll free fax: 907.465.2974

MEMORANDUM

TO: Professional Licensing Board Members

DATE: July 26, 2019

FROM: Sara Chambers, Division Director

SUBJECT: Professional Licensing Reform

Happy New Year! We are nearly a month into Fiscal Year 2020, and with it comes a new division budget, as well as new opportunities to evaluate how we are doing, where we are going, and how we plan to get there. Often, the beginning of a new year inspires us to set resolutions, and we are doing just that in FY20.

Governor Dunleavy set the stage for us to dig into this task when he issued his State of the State Address in January. As our new chief executive, he promised to accomplish the following during his tenure in office:

- We're going to declare war on criminals.
- We're going to get our spending in line with our revenue.
- We're going to protect Alaskans' Permanent Fund dividends.
- We're going to grow our economy and put Alaskans to work.
- And we must restore public trust in government and elected officials.

Several of these goals relate to our work as professional licensing leaders: We must spend less than our allocated budget, ensure public safety, and inspire the trust of the public through responsibility and transparency. **Most of all, we must strike the delicate balance between growing our economy and putting Alaskans to work while protecting the public interest.** We accomplish these goals as partners in active, accountable governance and defensible, reasonable administration.

Further, Commissioner Anderson has tasked our division and our partner boards with the following immediate focus:

- Consider whether our occupational licensing requirements are reasonable responses to actual potential harm rather than hypothetical harm.
- Review statutes and regulations to ensure any licensing requirement is necessary and tailored to fulfill legitimate public health, safety, or welfare objectives.
- Review the license application process with a goal of substantially reducing the time required to review applications and issue licenses.

In celebration of the new year—and to keep us on track with our mandate—I've developed a few New Year's Resolutions for our boards and staff. (And, yes...true to tradition, these resolutions do involve losing weight!)

1. **At all times, our governance should demonstrate that we have *internalized the purpose of professional licensing*: safeguarding the public interest.**
 - a. Records of decisions should reflect that *the board considered the risk of harm* to consumers, the *impact on those seeking or holding a license*, the *effect on the market*, and any *unintended consequences* to any party.
 - b. All board deliberations should be *thorough, balanced, and grounded* in law and logic.
 - c. Board business should reflect *accountability and responsiveness* in addressing concerns.
2. **Make decisions that reflect proficiency in the statutes, regulations, division policies, and state/national issues that affect our licensing programs.**
 - a. Read all centralized statutes ([AS 08.01-03](#)) and regulations ([12 AAC 02.010-400](#); [12 AAC 02.900-990](#)) and *know how to utilize them*, as appropriate.
 - b. Read [your program's](#) statutes under AS 08 and regulations under 12 AAC 02 and *take responsibility for being the state's experts* in what they say and how they impact the public, applicants, licensees, and other stakeholders.
 - c. Refer regularly to your [board member training resources](#) located on the division's web site, especially the Guide to Excellence in Regulation, which will help you navigate the intricacies of service on a quasi-judiciary government board.
3. **Add value to the bottom line by delivering *excellent service* to all internal and external customers.**
 - a. Communicate *transparently, proactively, and clearly*.
 - b. Respond to inquiries *promptly and professionally*.
 - c. *Resolve any roadblocks* that are delaying review or issuance of licenses to qualified individuals.
 - d. *Maximize efficiencies* where possible and practical.
 - e. Identify when *additional resources* are needed, and make solution-oriented suggestions to the director.
4. **Prioritize changes to statutes and regulations that *streamline, modernize, and reduce barriers* to employment of qualified individuals.**
 - a. *Develop a strategic plan for your board*. The division can provide resources to assist you.
 - b. *Look for low-hanging fruit*: What has created a regulatory roadblock in the last five years? What is outdated or outmoded, given current tools, trends, and technology?
 - c. *Think big*: Now is the time to consider those ambitious changes you've dreamed about making. Join a licensure compact? Adopt reciprocity with other states? Put it on the table.
 - d. *Challenge biases and "the way we have always done it"*: Does the data support the decision? What does the requirement accomplish? Is it based on fact, fear, familiarity, or faction?
 - e. *Build into each agenda ample time to review* a portion of your program statutes and regulations to ensure they are serving the public interest.
 - f. *Set deadlines to assertively draft changes to statutes and regulations*. Consider assigning committees to work on them at publicly noticed gatherings between board meetings. Use the division's administrative resources to maximize outputs and opportunities.

I have directed staff to provide you with various tools to begin addressing New Year's Resolution #4 at your next board meeting. Either your board executive (if you have one), the deputy division director, or I plan to attend during the standard Division Update agenda item to walk through these tools and the task ahead.

Board progress on this review and your suggested regulatory changes will be reported up to the governor's office, and we stand at the ready to support your work. As always, our division regulations specialists are here to assist in drafting regulations. If you plan to navigate legislation that meets these objectives, please contact me directly or through your staff so we can leverage all our resources toward our common goal.

We are scheduling a survey to licensees and industry stakeholders to gather their input, which will be shared with each relevant board. You may also wish to encourage public comment on this topic in advance of a future board meeting. As resources allow, we may hold “town hall”-style meetings to solicit thoughts from the public. If you have additional ideas for outreach, please let me know. Please be sure to check the division's [board member training resources web site](#) for additional links to helpful resources.

The year ahead may move us out of our comfort zones, but it will fine tune our agency into a high-functioning, laser-focused, mission-oriented team. I look forward to actively working with you to accomplish these goals. Please reach out to me any time with questions, concerns, and ideas. I'm happy to think through both the small tweaks and the big ideas along with you. My direct line is 907-465-2144 and email is sara.chambers@alaska.gov.

From: [Rep. Mike Prax](#)
To: [Osborne, Alison S \(CED\)](#)
Subject: RE: Notice of Proposed Regulations (Board of Barbers and Hairdressers - 12 AAC 09)
Date: Saturday, September 2, 2023 9:53:02 PM

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Ms. Osborne;

Is there some document that explains what these regulatory changes are supposed to accomplish that is written in terms that practicing barbers and hairdressers (let alone legislators the general public) can understand without expending several hours of research?

Rep. Mike Prax

From: Osborne, Alison S (CED) <alison.osborne@alaska.gov>
Sent: Friday, September 1, 2023 1:20 PM
To: GOV All Legislators <GOV.AllLegislators@alaska.gov>; Lieutenant Governor Nancy Dahlstrom (GOV sponsored) <lt.governor@alaska.gov>
Cc: Robb, Sylvan S (CED) <sylvan.robbs@alaska.gov>; Saviers, Glenn A (CED) <glenn.saviers@alaska.gov>; Chambers, Sara C (CED) <sara.chambers@alaska.gov>; Childress, Chelsea S (CED) <chelsea.childress@alaska.gov>; Spencer, Cynthia R (CED) <cynthia.spencer@alaska.gov>; Pace, Jeanne M (CED) <jeanne.pace@alaska.gov>; Davis, Stefanie L (CED) <stefanie.davis@alaska.gov>
Subject: Notice of Proposed Regulations (Board of Barbers and Hairdressers - 12 AAC 09)

Good afternoon,

The Alaska State Board of Barbers and Hairdressers proposes to update regulations regarding examination application requirements and fees no longer administered by the board; updating courtesy licenses for guest artists; simplifying requirements for out-of-state instructors; and updating school and curriculum requirements for estheticians.

For more information, please open the attached copy of the public notice and draft of the proposed regulation changes.

Thank you,

Alison Osborne

Regulations Specialist II

Department of Commerce, Community and Economic Development

Division Corporations, Business and Professional Licensing

PO Box 110806 Juneau, Alaska 99811

Direct Dial: (907) 465-6826

From: [Painless James](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: RESPONSE Notice of Proposed Regulations (Board of Barbers and Hairdressers - 12 AAC 09)
Date: Friday, September 1, 2023 1:07:32 PM

You don't often get email from painlessjames@gmail.com. [Learn why this is important](#)

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Dear Board Members,

"12 AAC 09.185. Trainees in body piercing, or tattooing and permanent cosmetic coloring, is proposed to be amended by updating the deadline to submit completed training documentation from 30 days to five days, aligning this section to the requirements of other provisions of this chapter, and removing permanent cosmetic coloring from tattoo training."

I respectfully oppose the proposed amendment to update the deadline for submitting completed training documentation from 30 days to five days, aligning it with the requirements of other provisions in this chapter, and removing permanent cosmetic coloring from tattoo training. While I understand the need for efficiency and alignment in regulatory matters, I believe this amendment may have unintended consequences and deserves further consideration.

1. **Shortened Deadline Impact on Quality:** Reducing the submission deadline from 30 days to just five days could jeopardize the quality and accuracy of the training documentation. Completing comprehensive training often involves multiple steps and assessments. Rushing this process might lead to incomplete or erroneous submissions, which could ultimately compromise safety and compliance.
2. **Impact on Small Businesses:** This change may disproportionately affect smaller businesses or independent practitioners who may not have the resources or personnel to swiftly compile and submit training documentation. It could create an unnecessary burden on them, potentially limiting their ability to operate within the legal framework.
3. **Potential for Administrative Errors:** A shorter submission deadline increases the likelihood of administrative errors in handling and processing documentation. This could result in delays, confusion, or even regulatory violations due to unintentional oversights.
4. **Lack of Industry Consensus:** The proposal to remove permanent cosmetic coloring from tattoo training might not align with industry practices or consensus. Permanent cosmetic coloring is a specialized field, and its inclusion in tattoo training programs could be important for comprehensive education.
5. **Need for Comprehensive Review:** Before making such significant changes to regulations, it's essential to conduct a comprehensive review, including input from stakeholders such as practitioners, trainers, and industry experts. This ensures that any amendments genuinely benefit the industry and public safety.

6. **Safety Concerns:** Permanent cosmetic coloring involves techniques that require a high degree of precision and safety measures. Removing it from training requirements without thorough consideration of the potential consequences on public health and safety is a cause for concern.

In conclusion, while the goal of aligning requirements and improving efficiency is commendable, the proposed amendments should be carefully reconsidered to address potential unintended consequences and to ensure they are in the best interest of both the industry and public safety. A more comprehensive review process, involving input from all relevant stakeholders, would be the responsible course of action before making these changes.

Thank You, James Jordan

From: [Board of Barbers Hairdressers \(CED sponsored\)](#)
To: [Osborne, Alison S \(CED\)](#)
Subject: FW: Advanced Esthetics License
Date: Friday, September 29, 2023 7:45:33 AM
Attachments: [2023-09-25 Skinlife Ltr. to Board of Barbers and Hairdressers- Advanced Medical Esthetics Licensing and Upcoming October 2, 2023 Meeting.pdf](#)
[AK Board Cover Letter.docx](#)

From: heather hoyt <heather@estheticsbyheatherak.com>
Sent: Thursday, September 28, 2023 8:15 PM
To: Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>
Subject: Advanced Esthetics License

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Dear Board,

I would like to express my concern over the discussion of creating an advanced esthetics license without allowing any public comment. I was unaware that this proposal was even being discussed since I did not receive any communication from the board. If this advanced license is approved I think there should be an opportunity for those of us who have sought out advanced education to be grandfathered into the advanced license. I also think that a separate board should be formed to regulate the new advanced license.

Below I have attached a copy of the cover letter as well as a detailed letter from SkinLife Medspa's attorney that elaborates on these concerns.



Heather Hoyt
Licensed Esthetician
907-795-5528
estheticsbyheatherak.com
1150 S. Colony Way STE14
Palmer, Alaska

From: [Board of Barbers Hairdressers \(CED sponsored\)](#)
To: [Osborne, Alison S \(CED\)](#)
Subject: FW: I do NOT support the changes made for esthetics practices
Date: Friday, September 29, 2023 7:45:04 AM
Attachments: [AK Board Cover Letter.docx](#)
[2023-09-25 Skinlife Ltr. to Board of Barbers and Hairdressers- Advanced Medical Esthetics Licensing and Upcoming October 2, 2023 Meeting.pdf](#)

From: Melissa Meyer <synergyskinandnails@gmail.com>
Sent: Thursday, September 28, 2023 9:05 PM
To: Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>
Subject: Re: I do NOT support the changes made for esthetics practices

You don't often get email from synergyskinandnails@gmail.com. [Learn why this is important](#)

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I have been a licensed esthetician since 2016 and received training for hydroderm, micro-dermabrasion, chemical peels, micro-currant, high frequency, galvanic therapy and dermal light therapy at Metro Oasis Beauty School. I have invested in chemical peel classes and and continued education on light therapy and its benefits. I also intend to be hire a medical professional so that I can start to perform micro needling. I have taken the course and become certified but not yet purchased the device. This would impact my future plans of hiring a medical professional and purchasing the device.

I was completely unaware that the Board was proposing changes to the medical esthetics and base level esthetics licensing and I want the opportunity to be heard by the Board.

I want grandfathering of existing medical estheticians and non medical estheticians laws should not be passed that require experienced medical estheticians to have to attend schools to obtain licensure that will be very disruptive to our business. Base modalities stated above were taught in school with out a medical professional over seeing us therefor things like light therapy should not be taken away from a general practicing esthetician.

I think there should be a separate board for medical esthetics who can also over see the base level estheticians because they will have the proper knowledge in new devices and treatments and how to regulate such treatments and level of practices.

From: [Board of Barbers Hairdressers \(CED sponsored\)](#)
To: [Osborne, Alison S \(CED\)](#)
Subject: FW: In Response to Proposed Changes of Esthetician Licensing Coverage
Date: Friday, September 29, 2023 7:43:54 AM
Attachments: [AK Board Cover Letter.docx](#)
[2023-09-25 Skinlife Ltr. to Board of Barbers and Hairdressers- Advanced Medical Esthetics Licensing and Upcoming October 2, 2023 Meeting.pdf](#)

From: Laura White <urbanhavenskinicare@outlook.com>
Sent: Thursday, September 28, 2023 9:44 PM
To: Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>
Subject: In Response to Proposed Changes of Esthetician Licensing Coverage

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To whom it may concern:

I, Laura White, agree with the statements contained in the letter written by SkinLife Medspa's attorney dated September 25, 2023. I have been a licensed esthetician for over 17 years and I cannot begin to understand what has prompted the board to make such drastic changes to what our licenses currently allow. This attached letters clearly outline how devastating this would be to our livelihoods, and the lack of care with which these changes have been suggested.

Sincerely,
Laura White

State of Alaska Board of Barbers and Hairdressers
333 Willoughby Ave.
Juneau, AK 99801
September 25, 2023

Dear State of Alaska Board of Barbers and Hairdressers,

Attached is a letter from SkinLife Medspa's attorney to the Board of Barbers and Hairdressers regarding the Board's May 15, 2023 Position Statement and its proposed efforts to create and regulate an Advanced Esthetician license.

The attorney's letter raises several concerns. First, that the June 15, 2023 meeting minutes do not reflect several important matters that occurred at the June 15, 2023 meeting: (1) the Board did not allow public comment at the June 15, 2023 meeting, therefore the meeting minutes suggest medical estheticians were present at the meeting but did not contribute by speaking up; (2) meeting minutes state the Board would allow comment at the October 2, 2023 meeting, but the agenda issued for that meeting does not allow public comment; and (3) the meeting minutes do not state that the Board will allow grandfathering, which is what Board Chair McMullin verbalized to us at the meeting.

Second, the letter raises concerns that we did not have adequate notice that the Board was discussing changes to the industry until the Position Statement was issued, and that the Board had received a memorandum from the Department of Law on November 1, 2022 that the Board kept confidential for about six months. This memorandum states that the Board's way of operating is not working and that the laws governing estheticians are not aligned with the changes to the industry and curriculum.

Third, the letter addresses concerns that the Board's position statement stigmatizes the Medspa industry while the Board is turning a blind eye to estheticians that are working outside the scope of their licenses, for example, with lash extensions. The letter points out that the Board issued a Position Statement on, essentially, Medical Spas but no Position Statement on estheticians applying eyelash extensions, which is currently not permissible under the current statutes and may only be done by hairdressers with their "limited esthetics" licensure. The letter states that this is likely because Board Chair McMullin, an esthetician, installs eyelash extensions.

Fourth, the letter addresses the proposed definition of Advanced Esthetics, as reflected in the June 15, 2023 meeting minutes and stated at the meeting. The letter questions whether the Board's definition is appropriate since it is modeled after Idaho, which does not have separate licenses for estheticians and advanced estheticians. The letter notes that the definition proposed by the Board is limited to specific devices and does not address other considerations, such as distinguishing dermal depths authorized by the two licenses and is inflexible to changes within the industry through technological advancement in devices. Additionally, the letter questions whether the Board of Barbers and Hairdressers should even be overseeing Medical Estheticians, or whether a separate board should be created (as in Oregon) or if Medical Estheticians should fall under the Medical Board.

Thank you for your time and consideration as you deliberate this very important matter.



Rachel Lauesen
Lauesen Law Team, LLC
521 W. 41st Avenue, Suite 102
Anchorage, AK 99503

907-206-2030 (Main)
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Rachel@LauesenLaw.com
LauesenLaw.com

September 25, 2023

Division of Corporations, Business and Professional Licensing
Department of Commerce, Community and Economic Development
Board of Barbers and Hairdressers
P.O. Box 110806
Juneau, Alaska 99811-0806

via mail and email: boardofbarbershairdressers@alaska.gov

*Re: Advanced/Medical Esthetics Licensing and Upcoming October 2, 2023 Meeting
Open Meetings Act Concerns, Comments on Proposed Advanced Esthetics
Definition and Regulation of Advanced Estheticians by This Board.*

To Whom It May Concern:

Lauesen Law Team, LLC represents SkinLife Medspa, LLC. In preparation for the October 2, 2023 meeting, I have reviewed the meeting minutes of the June 15, 2023 and prior meetings and provide the following comments to be considered by the Board for consideration at the upcoming meeting and to give notice that the Board of Barbers and Hairdressers is violating the Open Meetings Act and raises concerns about conflicts of interest and demands grandfathering assurance. Finally, the last part of our letter comments on the Board's proposed definition of Advanced Esthetics, as stated in the June 15, 2023 meeting minutes, and encourages the Board to utilize the Department of Law and consider whether Advanced Estheticians should be a separate board or fall under the Medical Board.

BACKGROUND

SkinLife Medspa, LLC was founded by Teesha Northcott (HADC15210). Ms. Northcott has worked in the field of esthetics for approximately twenty years. Ms. Northcott's esthetics education and experience evolved from regular esthetics to medical esthetics, where she worked under the supervision and delegation of Dr. Michael Manuel, M.D. at Plastic Surgeons of Alaska for eleven years. For years, Ms. Northcott was the only recognized laser safety officer in the State of Alaska, and her experience and training has been utilized to provide expert witness services relating to lasers. Ms. Northcott has held multiple levels of esthetic licenses in multiple states, including Idaho and Minnesota. Ms. Northcott has continued her education throughout her career, acquiring numerous

certifications for laser and light theory and microneedling. She also served two years on the Society of Plastic Surgical Skin Care Specialists Board of Directors.

As Dr. Manuel transitioned to retirement, Ms. Northcott formed SkinLife Medspa, LLC, which operates under the supervision and delegation of Dr. Jerome List, M.D. (MEDS2607) and Dr. Rebecca Bingham, M.D. (MEDS4401) under Collaborative Plan Agreement (license no. 15924) with Physician Assistant PA-C Kimberly Hand (PADA907).

SkinLife Medspa, along with numerous other Medspas and medical estheticians in Alaska that have existed for decades, has invested over a million dollars in equipment, education, and certifications to ensure that it is providing the most effective and safe treatments to its clients in compliance with the prior interpretations of Alaska law, the medical board, and evolution of the industry.¹

VIOLATIONS OF THE OPEN MEETINGS ACT

My review of the Board of Barbers and Hairdressers meeting minutes leading up to the May 15, 2023 position statement reveals that there was inadequate notice given to the medical estheticians prior to the position statement's issuance. There was nothing discussed relating to the position statement at the 2021 meetings or the 2022 meetings until the October 3, 2022 meeting. At that meeting, the Board "discussed a historical statement from previous chair Glenda Ledford defining esthetic practice as '...services that do not puncture the dermal layer of skin causing oozing and seepage of bodily fluids.'"² According to the minutes, the Board decided to obtain an opinion from the Department of Law.

¹ See, State of Alaska Medical Board adoption of the American College of Surgeons "Statement on Surgery Using Lasers, Pulsed Light, Radiofrequency Devices, or Other Techniques." (October 25, 2007). See also, March 1, 2005 Department of Law opinion, that, following consultation with the State of Alaska Medical Board, opined that microdermabrasion was authorized to be performed by an esthetician, as well as dermabrasion that did not go below the dermal layer. . In recent years, microneedling has replaced dermabrasion as a less-painful and more effective alternative to stimulating collagen production for anti-aging and improving skin texture and clarity.

² Prior Chair Glenda Ledford is not an esthetician and clearly failed to consider that commonly facials and temporary hair removal regularly address acne and ingrown hair removal which necessarily involve bodily fluids to ooze and/or seep during the extraction process.



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A Department of Law memo was referenced in the November 14, 2022 meeting minutes, but was not included in the memo packet or the contents disclosed publicly in the meeting minutes because, according to the minutes, the memo “was somewhat confidential and only for the board’s information; this is not a document to share but could be used as a basis for their own memo or document.”

The next scheduled meeting of the Board after the November 14, 2022 meeting was to occur on February 27, 2023. That meeting was cancelled.

The May 15, 2023 meeting minutes do not reflect that there were any members of the Esthetics profession in attendance. The Board finally included the Department of Law’s November 1, 2022 memorandum in the May 15, 2023 meeting packet, in which Assistant Attorney General Patty Burley addressed the history of the Board’s handling of lasers, microneedling, and other issues and its recognition of issues that need to be addressed, but have not been. The memorandum noted that there was legal authority from the State of Alaska Department of Law and the Alaska Medical Board authorizing estheticians to use non-ablative “cold lasers.”

With regard to microneedling, the Department of Law’s November 1, 2022 memorandum noted that the FDA recommends that microneedling be done by a health care provider specially trained in microneedling, but that not all microneedling devices are medical devices, and that the FDA authorizes estheticians to perform microneedling if they are using devices with needles less than .3mm.

AAG Burley’s memorandum noted that:

Alaska’s statute defining esthetician is outdated and does not keep up with the actual practice in most states. Moreover, some of the procedures which the Board is concerned about are taught as part of the standard esthetician curriculum at several more established locations and are also performed at a number of Lower 48 locations where estheticians may go to get some of the apprenticeship hours that are required by Alaska. That adds to the confusion; especially where the closest states—Washington and Oregon, allow several of the procedures to be performed by estheticians, albeit, under an advanced esthetician license.

AAG Burley went on to state:



What is currently clear is that this Board's approach to addressing items in their minutes is not working. Minutes are difficult to sift through and are not generally something the public goes to for guidance. Moreover, position statements, while helpful, are not widely seen in an ever-emerging industry. Statutes and regulations would go much further towards stemming the issues which this Board has faced since 2005.

Contrary to the guidance in AAG Burley's memorandum, the Board issued a May 15, 2023 position statement prohibiting estheticians from all lasers and microneedling.

The June 15, 2023 meeting minute was well attended, particularly by medical estheticians concerned about the May 15, 2023 "Position Statement" issued by the Board. At the June 15, 2023 meeting, Chairperson McMullin made very clear numerous times that the Board of Barbers and Hairdressers would be not allow any public comment at the meeting. **The fact that public comment was prohibited at the June 15, 2023 meeting is omitted in the meeting minutes.**

At the June 15, 2023 meeting, Chairperson McMullin stated, again on the record, that there would be public comment allowed at the October 2, 2023 meeting. **The fact that it was stated that in the June 15, 2023 meeting that public comment would be allowed at the October 2, 2023 meeting is also not reflected in the June 15, 2023 meeting minutes.**

However, the October 2, 2023 Tentative Draft Meeting Minutes states, "**Oral testimony for public noticed Regulations will NOT be accepted.**"³ The agenda for the October 2, 2023 meeting does not allow public comment on any matters.

The policies underlying the principle of Open Meetings Act are expressed in the statute itself. Among these is that "the people's right to remain informed shall be protected so that they may retain control over the instruments they have created."⁴ The rationale for the confidentiality of the specific communication at issue must be one which the confidentiality doctrine seeks to protect: candid discussion of the facts and litigation strategies.⁵ Thus, the Board's determination that the Department of Law's November 1, 2022 Memorandum should be kept confidential violated the Open Meetings Act. The principles of confidentiality in the lawyer-public body relationship should not prevail over

³ Emphasis not supplied.

⁴ AS 44.62.312(a)(5).

⁵ *Cool Homes, Inc. v. Fairbanks N. Star Borough*, 860 P.2d 1248, 1262 (Alaska 1993).

principles of open meetings unless there is some recognized purpose in keeping the information confidential.

Additionally, the Board's refusal to allow public comment at two consecutive meetings where critical regulatory and legislative agendas are being formulated is another violation of the Open Meetings Act. Excluding the public from participation also serves to undermine the Board's credibility and public confidence that the Board has genuinely engaged in reasoned decision-making.

AAG Burley's Memorandum expressly states that the Board's "approach to addressing items in their meeting minutes is not working," that "position statements" are not effective ways to govern, and that Alaska law is outdated and not aligned with the actual esthetic practice. Yet, the Board then issued a "position statement" reinforcing outdated practices and is preventing the practitioners in the industry it is supposed to represent from being heard.

It is a principle of American Legal jurisprudence that courts will defer to an agency's interpretation of an ambiguous or unclear statute because "those with great expertise and charged with the responsibility for administering the provision would be in a better position to do so...Judges are not experts in the field."⁶ However, there is not a single person on this Board that has expertise in medical esthetics.

While Chairperson McMullin stated at the meeting that she holds an esthetics license, according to the Board Roster that is published on the Board of Barbers and Hairdresser's website, Chairperson McMullin is appointed to the Board in the capacity as a "Nail Technician." There is no "Nail Technician" license in the State of Alaska. Yet, Chairperson McMullin has designated herself to meet with the Medical Board to develop regulations for medical/advanced estheticians. A meeting, for purposes of the Open Meetings Act, includes every step of the deliberative and decision-making process when a governmental unit meets to transact public business.⁷ "The question is not whether a quorum of a governmental unit was present at a private meeting. Rather, the question is whether activities of public officials have the effect of circumventing the OMA."⁸ SkinLife Medspa has concerns that meetings between Ms. McMullin and the Alaska State Medical

⁶ *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 865 (1984).

⁷ *Brookwood Area Homeowners Association v. Anchorage*, 702 P.2d 1317, 1323 (Alaska 1985).

⁸ *Brookwood*, 702 P.2d at 1323, N. 6.

Board should be publicly noticed, as they are clearly intended to be part of the decision-making process.

CONCERNS ABOUT CONFLICTS OF INTEREST AND DEMAND FOR GRANDFATHERING

At the June 15, 2023 meeting, Chairperson McMullin stated that “all estheticians are grandfathered and are not going to be required to take more hours if they can show proof of experience.” **However, the promise of grandfathering is not documented in the meeting minutes.**

What is documented in the June 15, 2023 meeting minutes, is that Chairperson McMullin will be meeting with the Medical Board “how [advanced esthetics] would work into a school or apprenticeship program for training and then licensure.” Given the fact that Chairperson McMullin holds an instructor license for esthetics and the absence of reference to any grandfathering for existing medical estheticians, we are naturally concerned that the Board’s enactment of an advanced esthetics licensing will require arbitrary education for experienced medical estheticians for the intended purpose of receiving economic windfall for Board members holding instructor’s licenses.

The Board of Barbers and Hairdressers has a history of telling licensed professionals at meeting that they would be grandfathered in for purposes of satiating concern and instilling false confidence, but passing legislation that does not include a grandfathering clause and requiring licensed professionals to attend schools that are owned by Board members—a clear conflict of interest.

In 2016-17, I worked with a group of manicurists regarding H.B. 131, a piece of legislation that was passed in 2015 that repealed the 12-hour manicure license and requiring anyone desiring to practice manicuring to attend 250 hours of schooling in order to be eligible to take a test for issuance of a “Nail Technician” license. In reviewing the past meeting minutes of the Board, I noticed that grandfathering was discussed at the Board meetings, yet no provision for grandfathering was included in the legislation.

As I looked deeper into the matter, I noticed that the only school in the southcentral area was owned by Glenda Ledford, the Chairperson of the Board at the time, who stood to benefit off of the \$4,000 per student tuition from the passage of the legislation.

Due to the obvious conflict of interest, the lack of public need, the absence of accommodations for non-English speaking manicurists, and the significant disruption to the industry which would result in unemployment, the law was successfully repealed in 2017 and the prior 12-hour manicuring statutory scheme was reinstated.

Medical Esthetics has been on the Board's radar for nearly twenty years and, during this time and the Board has taken no action to modernize statutes and regulations for medical esthetics. The recent May 15, 2023 "Position Statement" has only resulted in creating disruption and confusion to medical estheticians and the public. The Board has stigmatized the medspa industry by issuing a blanket statement that these businesses are operating illegally, and we have no information regarding what progress has been made to get the laws aligned with current industry curriculum and practices.

There needs to be transparency between the Board and the public. There needs to be a grandfathering clause for existing medical esthetics professionals, as promised at the June 15, 2023 meeting. It should not be acceptable for Board Members use their position to secure personal advantages at the expense of the other professionals they represent.

Chairperson McMullin holds an esthetic license and an advanced manicuring license. Neither of these licenses permit a licensee to apply false lashes to a client. However, because Chairperson McMullin installs eyelash extensions, the Board of Barbers and Hairdressers has not issued a position statement that estheticians may not install eyelash extensions.⁹

Additionally, Chairperson McMullin, who installs tooth gems for clients, ensured that the Board of Barbers and Hairdressers issued a November 22, 2022 "position statement" that the Board does not regulate tooth gemming.

Thus, the Board is issuing position statements that attack the livelihood of existing professionals that have invested hundreds of thousands of dollars in equipment and training and have operated for two decades under the supervision of physicians so that these individuals can be placed at equal footing as estheticians that install tooth gems and

⁹ Chairperson McMullin is aware that her licensing does not permit her to install eyelash extensions because at the June 15, 2023 meeting, Chairperson McMullin prioritized amending the definition of esthetician to include the definition of "limited esthetics," which authorizes "application of makeup or false eyelashes." *See*, AS 08.13.220(9)(B). The definition of "limited esthetics" attaches to a hairdresser license. *See*, AS 08.13.160(f). Thus, currently, only licensed hairdressers are legally allowed to install lash extensions.

perform eyelash extensions, which are, ironically, unauthorized under the State's current, antiquated laws governing estheticians.

**COMMENT ON PROPOSED DEFINITION STATED IN THE JUNE 15, 2023
MEETING AND COMMENT ON WHETHER ADVANCED ESTHETICIANS
SHOULD BE A SEPARATE BOARD OR BE UNDER THE MEDICAL BOARD.**

We do not regard the Board's proposed definition of "Advanced Esthetics" as announced in the June 15, 2023 meeting and stated on the meeting minutes, as well-written. At the meeting, Michelle McMullin testified that she combined the Idaho and Washington definitions to craft a definition. However, comparison of both statutes makes clear that the Board has primarily adopted the Idaho definition as its principal framework.

The fallacy in this is that Idaho does not have a separate license for Advanced Esthetics. The way Idaho handles its licensing is that all estheticians may use Class I or Class II medical devices, but Class II medical devices may only be used "as directed and supervised by an authorized and licensed health care practitioner."¹⁰ The Idaho statute should not be used as a model for the definition of Advanced Esthetics because the Board is attempting to better define the two categories of practices and Idaho does not have separate estheticians into categories.

Furthermore, the Idaho statute vaguely states that Esthetics is "noninvasive care of the skin," but contradictorily states that an esthetician may use Class II medical devices and "particle exfoliants" and "chemical exfoliants approved for professional esthetic use." This whole issue arose because the current definition limits the esthetician license to the "dermal layer" of the skin. The Idaho Statute makes no reference to any biological boundary or depth.¹¹

In contrast, Washington has clearly defined the "Practice of Esthetics" and the "Practice of Master Esthetics."

¹⁰ See, ID ST. § 54-5802(14).

¹¹ The Idaho statute includes services that Washington and current Alaska law does not allow for estheticians, like cosmetic application and eyelash perming. Medical Estheticians are not interested in anyway whatsoever in cosmetic application and eyelash perming, and these two areas are within the scope of hairdressers.

“Practice of esthetics” means the care of the skin for compensation by application, use of preparations, antiseptics, tonics, essential oils, exfoliants, superficial and light peels, or by any device, except laser, or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, superficial skin stimulation, pore extraction, or product application and removal; temporary removal of superfluous hair by means of lotions, creams, appliance, waxing, threading, tweezing, or depilatories, including chemical means; and application of product to the eyelashes and eyebrows, including extensions, design and treatment, tinting and lightening of the hair, excluding the scalp. Under no circumstances does the practice of esthetics include the administration of injections.¹²

“Practice of master esthetics” means the care of the skin for compensation including all methods allowed in the definition of the practice of esthetics. It also includes the performance of medium depth peels and the use of medical devices for the care of the skin and permanent hair reduction. The medical devices include, but are not limited to, lasers, light, radio frequency, plasma, intense pulsed light, and ultrasound. The use of a medical device must comply with state law and rules, including any laws or rules that require delegation or supervision by a licensed health professional acting within the scope of practice of that health profession.¹³

Under Washington law, an Esthetician may do “superficial and light peels,” while a Master Esthetician may do “medium depth peels.” An Esthetician may do “temporary removal of superfluous hair,” while a Master Esthetician may do “permanent hair reduction.” An Esthetician may care for the skin “by any device, except laser” while a Master Esthetician may care for the skin through the use of medical devices that “include, but are not limited to, lasers, light, radio frequency, plasma, intense pulsed light, and ultrasound.”

Because Washington recognizes two distinct esthetic licenses, its definition of Esthetician and Master Esthetician does a more complete job at defining the two licenses beyond simply equipment. In contrast, because Idaho does not recognize two distinct licenses and allows estheticians to use prescriptive devices under delegation without separate licensure, Idaho’s focus is on equipment. Our opinion is that if the Board wants to create separate

¹² Wash. Rev. Code Ann. § 18.16.020(30).

¹³ R.C.W. 18.16.020(29).

licensure distinguishing between Esthetics and Advanced/Master Esthetics, it should rely more on jurisdictions that actually have separate licensing in crafting its definitions.

We note that both the Washington and Idaho definitions have much greater flexibility in its reference to devices in order to accommodate changes in the industry than Alaska's version. Washington lists devices as "including, but not limited to...". Idaho references devices as Class I and Class II. We are concerned that the Board's definition permitting specifically named devices in the statutory language is too rigid and specific to keep up with industry changes and will require continuous legislative approval.

SkinLife Medspa would also like to point out that in 2015, Oregon enacted legislation that created a separate Board for Certified Advanced Estheticians that falls under the Health Licensing Office. Given the fact that Advanced Estheticians are operating under delegation and supervision of members of the Alaska State Medical Board, we question whether the Board of Barbers and Hairdressers have ever considered whether Medical Estheticians should actually be a separate board or fall under the jurisdiction of the Medical Board, instead of the Board of Barbers and Hairdressers. Given the expertise of physicians and physicians assistants with the medical field and FDA medical device classifications, as well as the fact that practitioners are operating under the supervision and delegation of licensed medical providers, it may be prudent for Medical Estheticians to fall under the Medical Board, particularly where this current board is already tasked with overseeing barbers, hairdressers, braiders, tattoo artists, body piercers, braiders, estheticians, and manicurists. Alternatively, if a separate board for Advanced Estheticians was created, it could work collaboratively with both the Board of Barbers and Hairdressers and the Medical Board, which is what is occurring in Oregon.

We note that AAG Burley's November 1, 2023 letter states,

My office is available and willing to assist. Samples of statutes and regulations from other states could be provided for review and discussion by this Board of this Board would like to consider updating the current framework under which it regulates these practices.

We appreciate the amount of work that the Board clearly dedicated toward efforts to craft a definition of Advanced Esthetics. However, we strongly encourage the Board to heed the advice of its counsel and allow those with expertise in law advise and work on drafting these laws in a manner that makes sense, which consultation by the Board and input from the public.



Rachel Lauesen
Lauesen Law Team, LLC
521 W. 41st Avenue, Suite 102
Anchorage, AK 99503

907-206-2030 (Main)
907-206-2040 (Fax)
Rachel@LauesenLaw.com
LauesenLaw.com

CONCLUSION

Medical estheticians exist because they serve a valuable function to the customers, but doctors, physicians assistants, and licensed practical nurses do not have time to perform these procedures. The Board of Barbers and Hairdressers should involve actual medical estheticians in its creation of a licensing program, not shut them out. The Board should work with the Department of Law and consider statutes from other states that already utilize the licensing structure the Board desires to develop. The Board should also consider whether Advanced Estheticians should actually fall under the Medical Board.

We request that there be a thorough update at the October 2, 2023 meeting as to the status of the implementation of the Advanced Esthetics licensing, what the licensing will entail, and that the Board be open to hear comment. If this cannot be achieved at the October 2, 2023 meeting, then we request that a special meeting be called to address the Advanced Esthetics licensing.

We also request that the Board amend its meeting minutes for the June 15, 2023 meeting to reflect the following:

1. That no public comment was allowed;
2. That public comment is scheduled to occur at the October 2, 2023 meeting; and
3. That existing medical estheticians will be grandfathered into an Advanced Esthetics license.

Very truly yours,

LAUESEN LAW TEAM, LLC

A handwritten signature in blue ink, appearing to read "Rachel B. Lauesen", is written over the typed name.

Rachel B. Lauesen

Cc: ADA Patty Burley—via email patty.burley@alaska.gov

From: [Shelby Wada](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: STOP DERMAL LIGHT REGULATIONS CHANGE
Date: Thursday, September 28, 2023 12:21:17 PM

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I do NOT support the proposed regulations change removing Dermal Lights!

12 AAC 09.162 & 12 AAC 09.163

I believe it causes financial hardship for Estheticians and service hardship for clients.

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From: [Board of Barbers Hairdressers \(CED sponsored\)](#)
To: [Osborne, Alison S \(CED\)](#)
Subject: FW: Proposed Regulation Changes for Licensed and Certified Estheticians
Date: Thursday, September 28, 2023 9:39:42 AM

Hi Alison,

Here a public comment email received yesterday.

Thank you,

Wanda Whitcomb
License Examiner
Board of Barbers and Hairdressers

-----Original Message-----

From: Roxanne Holt <holt_roxanne@icloud.com>
Sent: Wednesday, September 27, 2023 12:57 PM
To: governor@alaska.gov; RegualtionsAndPublicComments@alaska.gov; Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>
Subject: Proposed Regulation Changes for Licensed and Certified Estheticians

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TO:

THE STATE OF ALASKA and THE BOARD OF BARBERS AND HAIRDRESSERS:

I do NOT support the proposed regulation changes for estheticians!

I believe it causes financial hardships for esthetician and service hardships for clients!

We paid thousands of dollars to go to school from highly trained professionals so that we can be able to offer services such as: eyelash extensions, skin laser & skin light therapy, and body contouring (with additional certifications and training).

Very respectfully,

Roxanne Holt
907-891-9609

Email: Governor@alaska.gov

Email: RegualtionsAndPublicComments@alaska.gov

Sent from my iPhone

From: [Kloey Ruiz](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: STOP DERMAL LIGHT REGULATIONS CHANGE
Date: Wednesday, September 27, 2023 8:50:28 PM

You don't often get email from magneticbeautyservicesak@gmail.com. [Learn why this is important](#)

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I do NOT support the proposed regulations change removing Dermal Lights! 12 AAC 09.162 & 12 AAC 09.163 I believe it causes financial hardship for Estheticians and service hardship for clients.

From: [Board of Barbers Hairdressers \(CED sponsored\)](#)
To: [Osborne, Alison S \(CED\)](#)
Subject: FW: Dear Cynthia
Date: Wednesday, September 27, 2023 2:31:16 PM

Another public comment, but not sure if this is for the current regulation changes project.

Wanda Whitcomb
License Examiner
Board of Barbers and Hairdressers

-----Original Message-----

From: Mina Fujimoto <mina_fuji@hotmail.com>
Sent: Tuesday, September 26, 2023 2:13 PM
To: Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>
Subject: Dear Cynthia

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Licensing Examiner, Board of Barbers & Hairdressers OP Box 110806 Juneau, AK 99811 Dear Ms. Cynthia Spencer, It has come to my attention, that discussions may be taking place that could impact the licensing requirements for cosmetic tattooing vs body tattooing, specifically the procedure of tattooing a simulation of a natural areola over a reconstructed post-mastectomy breast, in post-cancer recovery.

Whatever the outcome of this debate, I ask that I be "grandfathered in" so-to-speak, as I have already been successfully and professionally performing this procedure without issue. Also please consider the personal relationships I have developed with many cancer survivors and doctors offices, and the amount of money I've spent on workshops, medical seminars, and specialized equipment I've been slowly obtaining since 2008.

If the debate centers around who should be permitted to perform this type of procedure; a permanent cosmetic artist or a body tattooist, I would like to offer my expertise and suggestions as a permanent cosmetic artist with over 15 years in the industry.

First allow me to explain the procedure at hand: it is performed after the reconstruction of the breast has been done; meaning the globe of the breast has been reconstructed, post-cancer treatment, and what is desired is the tattooed simulation of a natural areola.

Why would we want to limit Alaskan women to have to choose either to fly out of state to attain the appropriate level of comfort or enter a masculine environment, aka a tattoo parlor?

This is a delicate and unique procedure, not just a fun tattoo. It involves the handling of women who have survived cancer, and having empathy for what that entails is a very important part of the process. She needs a kind, professional to make things as smooth and comfortable as possible.

One other important thing to consider, besides the human side of the equation, is proper understanding of which type of surgical treatment was performed ie: simple or total mastectomy, modified radical mastectomy, radical mastectomy, skin-sparing mastectomy or nipple-sparing mastectomy is vital to a properly performing this procedure. I have specialized training, both workshops and working closely with the medical world and a plastic surgeon (Dr. Wright) where I've gained more on sight experience and most of my referrals. Also working on skin that has gone through chemotherapy requires unique expertise. The skin becomes very thin from the treatment thusly scar tissue can occur easily, so one must have the muscle memory to go no deeper the 1mm when working with certain needles nor have a heavy hand when working on this type of skin.

Thank you very much for your considerations, and I look forward to your decision. Please reach out to me if you have any questions.

Regards,

Mina Fujimoto

From: [Colleen - Page Nine Skincare and Permanent Cosmetics](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: STOP DERMAL LIGHT REGULATIONS CHANGE
Date: Tuesday, September 26, 2023 1:38:09 PM

You don't often get email from pageninecosmetics@outlook.com. [Learn why this is important](#)

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I do NOT support the proposed regulations change removing Dermal Lights!

12 AAC 09.162 & 12 AAC 09.163

I believe it causes financial hardship for Estheticians and service hardship for clients. We have been allowed for decades to use these dermal lights, and they have only gotten safer and safer over the years. To require already licensed estheticians, whom got licensed based off of regulations and taught accordingly, is wrong. A lot of us are single moms who already had to be put through time and financial strain to go to esthetics school in the first place, and then to force us to go back for more hours to learn someone we have already learned? Shame on the board. I am triple licensed, in esthetics, PCC, and tattooing. The PCC license only has 250hrs and is SIGNIFICANTLY MORE INVASIVE and PERMANENTLY alters clients faces. So why are you changing the esthetics regulations when the lights don't even physically, with an apparatus, penetrate the skin? PLEASE for the sake of every single esthetician in Alaska, at least consider grandfathering in currently licensed estheticians to the advanced esthetics license, and change regulations for NEW students only.

Thank you for your time.

Colleen Clark
Pageninecosmetics@outlook.com

Sent from my iPhone

From: [Christine Engler](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Request to Receive Notifications
Date: Monday, September 25, 2023 12:08:09 PM

[You don't often get email from luminousbychrissie@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Hi,

I would like to be added to the emailing list for any proposed regulation changes for BOARD OF BARBERS AND HAIRDRESSERS, specifically Esthetics and BUSINESS LICENSE.

Thanks in advance,

Christine Engler
Esthetician License 191460
Luminous by Chrissie 10206915

From: [Christine Engler](#)
To: [Board of Barbers Hairdressers \(CED sponsored\)](#)
Cc: [Alaska Governor Mike Dunleavy \(GOV sponsored\)](#)
Subject: Clarification & Changes on Esthetics Class I & II
Date: Friday, September 29, 2023 9:20:54 AM

Some people who received this message don't often get email from luminousbychrisie@gmail.com. [Learn why this is important](#)

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Hi,

I had previously sent this to Wanda Whitcomb, since I was familiar with her. However, I have since realized maybe I should have sent it directly to the Board.

I was reviewing the minutes from the June 15th meeting regarding Class I and I wanted to confirm that any existing licensed Estheticians would fall under Class I and would be allowed to use the following modalities:

Class I medical device with low to moderate risk requiring general controls.
Estheticians may use these devices without medical supervision.

- Microdermabrasion
- Hydrodermabrasion
- Microcurrent
- LED
- Microchanneling
- Superficial ultrasound (3mhz or less)
- Galvanic
- Vacuum
- High frequency

And that Class II would fall under the Advanced Esthetics License (all to be approved at the October 2nd meeting)?

If not, has there been discussion about the following and would there be any exceptions allowed?

~ Licensed Estheticians who purchase modalities online and are required to show a current license to buy / use
and requires completing an online course to receive a certificate to use.

~ Alaska requires the use of the same textbook / tests to become licensed as any other state, which includes educating on the above items.

~ Schools / Apprenticeships in Anchorage teach the use of most of these listed above.

~ If Certified with the National Coalition of Estheticians Association, would that meet the Advanced Esthetics requirements?

Thank you in advance for your assistance.

Respectfully,

Christine Engler
Luminous by Chrissie

PLEASE HELP...

STOP THIS REGULATION CHANGE!

Alaska Estheticians would greatly appreciate your help! 🙏🙏🙏

**Email a comment
to the state contesting this proposal!**
(Take a picture of this letter
then hold your finger on information in photo to copy/paste)

Copy/Paste comment:
I do **NOT** support the proposed regulations change removing Dermal Lights!
12 AAC 09.162 & 12 AAC 09.163
I believe it causes financial hardship for Estheticians
and service hardship for clients.

Email:
RegulationsAndPublicComment@alaska.gov

Email Subject line:
STOP DERMAL LIGHT REGULATIONS CHANGE

Thank you for your help!!!!
Alaska Estheticians

TIME SENSITIVE! September 29th deadline

Sign our Petition on Change.org
<https://chnng.it/TgSjjVmfqn>
Save Dermal Lights in Alaska Esthetician Curriculum and Services!

RECEIVED

SEP 22 2023

Office of the Governor
Anchorage



RECEIVED

SEP 22 2023

Office of the Governor
Anchorage

189 East Nelson Ave, Wasilla, Alaska 99654
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DATE: 9/21/23

FAX NUMBER SENDING TO: (907) 269-7463

ATTENTION: Governor Mike Dunleavy

PHONE: _____

FROM: Jacqueline Polis

PHONE: (907) 841-2254

NO. OF PAGES TRANSMITTED (INCLUDING THIS PAGE): 2

NOTES: Please read & take into
consideration! Time
sensitive. Thank You! (11)
Jacqueline M. Polis

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PLEASE READ!! 🙏🙏🙏

I'm sure everyone on the Alaska Board of Barbers and Hairdressers is more experienced and knowledgeable than I am with all the variables in our industry, so I'm definitely not here to say otherwise or discredit that. I respect your experience and what you bring to the table.

I think it's important to consider when trying to accomplish something, can it be done by helping others still benefit, or is what I'm doing going to take something valuable away from them?

I'm requesting that you don't adopt the proposed regulations change
12 AAC 09.162 & 12 AAC 09.163 to remove Dermal Lights because it will have a multilevel negative impact for Alaskans.

Dermal Lights have been part of our curriculum and Board Exam for many years. It's nothing new and we've proven adequate knowledge.

They are used across our state in different businesses not just esthetic spas, they're at tanning salons, athletic gyms, even Costco sells saunas with light therapy. It's amazing how many Dermal Light services I found online for Alaska.

I have not nor do I know of anyone that has had an injury reported due to this treatment. I'm curious if the state has had any, especially with all the different types of businesses offering this service. Have any reports been made?

The proposal will cause financial hardship on Estheticians businesses. They have invested time and money with this service. I personally have an invested interest (which is less than many other Estheticians) close to \$30,000 on a "HydraFacial" machine that incorporates "Lightstim" Dermal Lights. Not to mention the income and cost of marketing material that can't be used due to the boards recent stop order.

It doesn't set well with clients that are being told they no longer can have that part of their facial when they've really been looking forward to it.

We have clients that appreciate and expect Dermal Lights from their trusted Estheticians. People have different skin struggles and it has a big impact on how they not only look but how they feel. Improvements with their skin has a positive effect for them emotionally. Dermal Lights are a useful treatment for this. For me, that's a highlight of what I do as an Esthetician.

You have some great ideas to improve and excel our esthetic industry. For this I'm grateful! Having opportunities in place for people to grow is something to be excited about! I recommend building off of what's already established so it's a win win for all.

These kind of things take time and possibly an extended amount of time and meanwhile it leaves Estheticians just waiting and unable to do services they were already licensed to do. Also, it's possible not everyone wants to excel in their licensing and they're happy doing what they do. Their contribution even at that level is valuable to our industry and economy.

I started a petition after realizing so many people were unaware of this even though it effected them. Hopefully it sheds light ;) on how there's many other individuals who share my thoughts and it's not just me.

<https://chng.it/TgSjVmfqn>

I hope you reconsider!

Sincerely,
Jacqueline Polis, Esthetician

From: polis@gci.net
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: PLEASE don't remove Dermal Lights!
Date: Thursday, September 21, 2023 2:07:50 PM
Attachments: [PLEASE READ!! .pdf](#)

[You don't often get email from polis@gci.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Sent from my iPhone

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<https://chnng.it/TgSjjVmfgn>

I hope you reconsider!

Sincerely,
Jacqueline Polis, Esthetician

From: polis@gci.net
To: [Osborne, Alison S \(CED\)](#)
Subject: Re: PLEASE don't remove Dermal Lights!
Date: Friday, September 22, 2023 12:31:50 PM

Hi Alison,

Thanks for responding, I appreciate it. I hope everyone can reconsider and please allow dermal lights to remain as it was, at least for now until all the other licensing options get in place and worked out. Taking away a treatment that's been established since 1995 (that I know of) and possibly before that, causes hardship on Estheticians and it doesn't appear that's being taken into consideration along with the other ideas that have potential to be amazing!

Please see my heart and know that I'm not trying to be difficult, I just feel like there's more to consider in this decision and I'm trying to help for a better outcome. At least one we all can feel good about. I know the outcome isn't in my hands so all I can do is share thoughts and information hoping it helps.

Thanks again,
Jacqueline

Sent from my iPhone

> On Sep 22, 2023, at 8:32 AM, Osborne, Alison S (CED) <alison.osborne@alaska.gov> wrote:

>

> Thank you, we have received this from a few sources now.

>

>

> Alison

>

> Regulations Specialist II

> Direct Dial: (907) 465-6826

>

> -----Original Message-----

> From: Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>

> Sent: Friday, September 22, 2023 8:12 AM

> To: Osborne, Alison S (CED) <alison.osborne@alaska.gov>; Davis, Stefanie L (CED)

> <stefanie.davis@alaska.gov>

> Subject: FW: PLEASE don't remove Dermal Lights!

> Importance: High

>

> Hello Alison and Stefanie.

>

> I think this may be a duplicate public comment for BAH reg project.

>

> Replies have been set directly to Ms. Polis.

>

> Respectfully,

> Cynthia Spencer

> Occupational Licensing Examiner

> Div. of Corporations, Business and Professional Licensing Professional Licensing

>

>

> -----Original Message-----

> From: polis@gci.net <polis@gci.net>

> Sent: Thursday, September 21, 2023 2:08 PM

> To: Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>

> Subject: PLEASE don't remove Dermal Lights!

>

From: [Rep. Mike Prax](#)
To: [Osborne, Alison S \(CED\)](#)
Cc: [Haney, Barbara A \(LEG\)](#)
Subject: RE: Notice of Proposed Regulations (DCCED/CBPL - Occ Lic. Fees for the Board of Barbers and Hairdressers 12 AAC 02.140)
Date: Tuesday, September 5, 2023 1:02:28 PM

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Osborne;

Thank you for including the succinct explanation of the regulatory change.

It only took a couple of minutes discern that the department is repealing the fees because you are no longer administering the tests – which is a good thing.

Keep up with the good work.

Rep. Mike Prax

From: Osborne, Alison S (CED) <alison.osborne@alaska.gov>
Sent: Friday, September 1, 2023 4:32 PM
To: GOV All Legislators <GOV.AllLegislators@alaska.gov>; Lieutenant Governor Nancy Dahlstrom (GOV sponsored) <lt.governor@alaska.gov>
Cc: Robb, Sylvan S (CED) <sylvan.robb@alaska.gov>; Saviers, Glenn A (CED) <glenn.saviers@alaska.gov>; Chambers, Sara C (CED) <sara.chambers@alaska.gov>; Dumas, Melissa L (CED) <melissa.dumas@alaska.gov>; Spencer, Cynthia R (CED) <cynthia.spencer@alaska.gov>; Childress, Chelsea S (CED) <chelsea.childress@alaska.gov>; Davis, Stefanie L (CED) <stefanie.davis@alaska.gov>
Subject: Notice of Proposed Regulations (DCCED/CBPL - Occ Lic. Fees for the Board of Barbers and Hairdressers 12 AAC 02.140)

Good afternoon,

The Department of Commerce, Community, and Economic Development – Division of Corporations, Business and Professional Licensing proposes to repeal fees charged for written examinations that are no longer administered by the Department for professions regulated by Board of Barbers and Hairdressers.

For more information, please open the attached copy of the public notice and draft of the proposed regulation changes.

Thank you,

Alison Osborne

Regulations Specialist II

Department of Commerce, Community and Economic Development

Division Corporations, Business and Professional Licensing

PO Box 110806 Juneau, Alaska 99811

From: [Rep. Mike Prax](#)
To: [Osborne, Alison S \(CED\)](#)
Subject: RE: Notice of Proposed Regulations (Board of Barbers and Hairdressers - 12 AAC 09)
Date: Saturday, September 2, 2023 9:53:02 PM

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Ms. Osborne;

Is there some document that explains what these regulatory changes are supposed to accomplish that is written in terms that practicing barbers and hairdressers (let alone legislators the general public) can understand without expending several hours of research?

Rep. Mike Prax

From: Osborne, Alison S (CED) <alison.osborne@alaska.gov>
Sent: Friday, September 1, 2023 1:20 PM
To: GOV All Legislators <GOV.AllLegislators@alaska.gov>; Lieutenant Governor Nancy Dahlstrom (GOV sponsored) <lt.governor@alaska.gov>
Cc: Robb, Sylvan S (CED) <sylvan.robb@alaska.gov>; Saviers, Glenn A (CED) <glenn.saviers@alaska.gov>; Chambers, Sara C (CED) <sara.chambers@alaska.gov>; Childress, Chelsea S (CED) <chelsea.childress@alaska.gov>; Spencer, Cynthia R (CED) <cynthia.spencer@alaska.gov>; Pace, Jeanne M (CED) <jeanne.pace@alaska.gov>; Davis, Stefanie L (CED) <stefanie.davis@alaska.gov>
Subject: Notice of Proposed Regulations (Board of Barbers and Hairdressers - 12 AAC 09)

Good afternoon,

The Alaska State Board of Barbers and Hairdressers proposes to update regulations regarding examination application requirements and fees no longer administered by the board; updating courtesy licenses for guest artists; simplifying requirements for out-of-state instructors; and updating school and curriculum requirements for estheticians.

For more information, please open the attached copy of the public notice and draft of the proposed regulation changes.

Thank you,

Alison Osborne

Regulations Specialist II

Department of Commerce, Community and Economic Development

Division Corporations, Business and Professional Licensing

PO Box 110806 Juneau, Alaska 99811

Direct Dial: (907) 465-6826

From: [Spencer, Cynthia R \(CED\)](#)
To: [Osborne, Alison S \(CED\)](#)
Subject: FW: 7.12 AAC 09.162. Equipment for esthetics schools & 8.12 AAC 09.163, Esthetics school curriculum
Date: Friday, September 29, 2023 11:13:56 AM

From: Sarah Nierra <sarahnierra@gmail.com>
Sent: Friday, September 29, 2023 10:54 AM
To: Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov>; Spencer, Cynthia R (CED) <cynthia.spencer@alaska.gov>; Whitcomb, Wanda E (CED) <wanda.whitcomb@alaska.gov>
Subject: 7.12 AAC 09.162. Equipment for esthetics schools & 8.12 AAC 09.163, Esthetics school curriculum

Some people who received this message don't often get email from sarahnierra@gmail.com. [Learn why this is important](#)

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Good Morning,

In regards to the newest upcoming regulations change removing dermal lights from the practice for estheticians, I find it to be directly in violation of the RIGHT-TOUCH REGULATIONS that our Governor asks us to follow.

My position is that this proposed regulation, if adopted, will

- 1) bring financial harm to I (Esthetician student currently enrolled and attending school in Alaska) and others in our industry who are providing services allowed under these current regulations.
- 2) deny the public therapeutic treatments which they have enjoyed receiving from estheticians for decades. If you do your research, you will find no evidence that these dermal lights are unsafe, and have only positive results on the client.

I am very concerned that the tentative agenda shows that they will not be taking any oral public testimony regarding the proposed regulations, as this appears to be for the purpose of railroading the new regulation through by avoiding public input. The only mention of any discussion on correspondences received is scheduled at the end of the meeting after the vote has been taken. Shouldn't the process be that you take public comment first, discuss and review, and then make a decision?

Before making a determination and adopting this regulation in October, I ask that you take your time to research the evidence regarding the benefits of dermal lights and review the RIGHT-TOUCH REGULATIONS that the Governor asks us to follow.

Thank you for your time,

Sarah Nierra

From: [Amy Weinraub](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Attention: Board of Barbers and Hairdressers re: New Esthetics Regs
Date: Friday, September 29, 2023 9:33:16 AM

You don't often get email from amyweinraub@aol.com. [Learn why this is important](#)

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Dear Conscientious Board Members,

Thank you for the hard work you'll be doing in order to make the forthcoming changes fair and just for all. As an esthetician and massage therapist with over 20 years of experience in the Spa industry, I feel compelled to offer two simple suggestions:

1. Please consider grandfathering in estheticians with over 5 years of experience and/or those that hold certifications in a medical field.
2. Be absolutely precise in defining and putting into layman's terms the devices and procedures allowed with new regulations. Please be aware there are vast differences in equipment and devices. You can buy a \$100 machine of some sort on Amazon; meanwhile, another person spends \$100,000 on a machine and gets trained at the Cleveland Clinic. Also, what are the rules regarding working under a doctor's supervision? I feel you still need the same qualifications.

Bottom line, it's always been madness trying to interpret what we can and can not do.

Good luck!

Sincerely,

Amy Weinraub
License # HADC15879

[Sent from the all new AOL app for iOS](#)

From: [Board of Barbers Hairdressers \(CED sponsored\)](#)
To: [Osborne, Alison S \(CED\)](#)
Subject: FW: Esthetic Rules and Regulations Proposed Changes
Date: Friday, September 29, 2023 1:35:08 PM

From: Cloud 9 <kristen@cloud9dayspa.net>
Sent: Friday, September 29, 2023 1:23 PM
To: Alaska Governor Mike Dunleavy (GOV sponsored) <governor@alaska.gov>; Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>
Subject: Esthetic Rules and Regulations Proposed Changes

You don't often get email from kristen@cloud9dayspa.net. [Learn why this is important](#)

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To Whom it May Concern,

Recently there has been a flurry of information coming out about how the Board plans to update our current Rules and Regulations established for esthetics in Alaska. While I do agree the Rules and Regulations need to be updated I am concerned about the proposed verbiage being used and the potential for devastating economic impact if it moves into Legislation.

I believe some of the biggest concerns for most Licensed Estheticians are;

- Being grandfathered in and not be required to go back to school for devices and modalities we have already been educated and trained on.
- Class 1 and Class 2 devices to be used only by "Advanced Estheticians" as reads in the proposed draft.
- Define definitive depths of peels allowed by Estheticians and those to be performed only by Advanced Estheticians.
- If allowing microneedling, define depths allowed under which license.
- Correct verbiage and restrictions around Cryoskin as the definition in the draft refers to the use of a cryo therapy device that uses nitrogen which Cryoskin does not.

Many of Alaska's estheticians agree that our Rules and Regulations should be updated and that hours required to become an esthetician should expand to 600 hours. What has caused major concern among many of us is the lack of clear and concise information being presented without comment from those that are in the industry every day. The Board has not allowed comments from the professionals that perform these services and that has caused a lot of alarm.

The proposed draft has pulled verbiage from the State of Idaho's Board of Esthetics and used that to set new standards in Alaska. However, the Idaho Board allows Class 1 devices to be used without an "Advanced Esthetic" license. Those of us that have been practicing for many years believe we should be grandfathered in to be permitted to continue using these devices. We have spent countless hours and money on continuing education outside of Alaska. To now say we aren't

permitted to use these devices would cripple our businesses and have a ripple effect on our economy.

The esthetics industry is ever changing. I have been practicing for 10 years and the scope of new technologies coming out is hard to keep up with. As the industry continues to grow we will need to be able to adopt new verbiage to regulate who can and cannot practice these services.

Cryo therapy for example isn't regulated in many states but is growing at a rapid pace. In the world of Cryo therapy there are many different modalities that drive different results. A prime example of this is a traditional cryo therapy device that delivers nitrogen to the skin/face versus the Cryoskin which is more closely related to a cold hammer and has zero nitrogen use. Each modality has to be explored, certifications need to be obtained and Alaska needs to be able to recognize these outside certifications due to lack of established training available in state.

My hope is that we can work together more openly to achieve our goals and maintain the safety of Alaskans while also moving our industry forward.

Please keep Alaska's Estheticians working,

Kristen Hermon

From: [Mary Curry](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: STOP DERMAL LIGHT REGULATIONS CHANGE,!
Date: Friday, September 29, 2023 12:33:54 PM

You don't often get email from seabreezebeautyak@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I do NOT support the proposed regulations change removing Dermal Lights!

12 AAC 09.162 & 12 AAC 09.163

I believe it causes financial hardship for Estheticians and service hardship for clients.

Taking away this service and possibly other modalities in the future, will hurt my own business as well. I will lose thousands of dollars each year.

Many of us have been using these lights for years. They are FDA approved and they are SAFE. So safe, that anyone can use them, even for at home use.

Please reconsider this, and don't take dermal lights away.

Thank you,
Mary K Curry
Owner of Sea Breeze Beauty

Chapter 09. Board of Barbers and Hairdressers.

12 AAC 09.002(b)(4) is repealed:

(4) repealed ____/____/____ [PAYS THE WRITTEN EXAMINATION FEE
ESTABLISHED IN 12 AAC 02.140];

12 AAC 09.002(c)(1) is amended to read:

(1) submits the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3),
(b)(4), AND (b)(7)] of this section;

12 AAC 09.002(d)(1) is amended to read:

(1) submits the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3),
(b)(4), AND (b)(7)] of this section;

12 AAC 09.002(e)(1) is amended to read:

(1) the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3), AND
(b)(7)] of this section;

12 AAC 09.002(f)(1) is amended to read:

(1) the documents and fees required by **(b)(1), (3), and (7)** [(b)(1), (b)(3), AND
(b)(7)] of this section;

12 AAC 09.002(i)(1) is amended to read:

(1) submits the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (b)(3), (b)(4), AND (b)(7)] of this section;

12 AAC 09.002(j)(1) is amended to read:

(1) who submits the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (b)(3), AND (b)(7)] of this section; **and**

12 AAC 09.002(j)(2) is repealed:

(2) repealed ____ / ____ / ____ [WHO COMPLIES WITH THE REQUIREMENTS OF (i)(2) OF THIS SECTION];

12 AAC 09.002(m)(4) is repealed:

(4) repealed ____ / ____ / ____ [PAYS THE WRITTEN EXAMINATION FEES ESTABLISHED IN 12 AAC 02.140];

12 AAC 09.002(n)(1) is amended to read:

(1) the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (b)(3), AND (b)(7)] of this section;

12 AAC 09.002(o)(1) is amended to read:

(1) submits the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (3), (4), AND (7)] of this section;

12 AAC 09.002(p)(1) is amended to read:

(1) the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (b)(3), AND (b)(7)] of this section;

12 AAC 09.002(q)(1) is amended to read:

(1) submits the documents and fees required by **(b)((1), (3), and (7))** [(b)(1), (3), (4), AND [(7)]] of this section;

(Eff. 5/10/96, Register 138; am 3/19/99, Register 149; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 11/27/2002, Register 164; am 12/6/2002, Register 164; am 1/14/2004, Register 169; am 10/14/2006, Register 180; am 12/24/2006, Register 180; am 4/21/2010, Register 194; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority:	AS 08.01.062	AS 08.13.080	AS 08.13.120
	AS 08.13.030	AS 08.13.090	AS 08.13.180
	AS 08.13.070	AS 08.13.100	

12 AAC 09.004(a) is amended to read:

12 AAC 09.004. Courtesy license. (a) A courtesy license authorizes the licensee to practice body piercing, tattooing, or permanent cosmetic coloring as a guest practitioner in a shop licensed by the board. An applicant for **licensure under this section** [A COURTESY LICENSE TO PRACTICE BODY PIERCING] must have a sponsor who holds a permanent license **in this state in the same practice area for which the license is requested** [TO PRACTICE BODY PIERCING IN THIS STATE. AN APPLICANT FOR A COURTESY LICENSE TO PRACTICE TATTOOING MUST HAVE A SPONSOR WHO HOLDS A PERMANENT LICENSE TO PRACTICE TATTOOING IN THIS STATE. AN APPLICANT

Register _____, _____ 2023 PROFESSIONAL REGULATIONS

FOR A COURTESY LICENSE TO PRACTICE PERMANENT COSMETIC COLORING
MUST HAVE A SPONSOR WHO HOLDS A PERMANENT LICENSE TO PRACTICE
PERMANENT COSMETIC COLORING IN THIS STATE].

The introductory language of 12 AAC 09.004(b) is amended to read:

(b) The board will issue a courtesy license to an applicant who meets the requirements of AS 08.01.062(a) and who, **not fewer than 90** [AT LEAST 30] days before the applicant plans to begin working, submits

...

12 AAC 09.004(c) is amended to read:

(c) A courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring is valid for 30 consecutive days. A person may not be issued more than **two** [ONE] courtesy **licenses** [LICENSE] in a calendar year.

(Eff. 12/6/2002, Register 164; am 9/24/2014, Register 211; am 3/30/2019, Register 229; am
____/____/____, Register _____)

Authority: AS 08.01.062 AS 08.13.030 AS 08.13.070

12 AAC 09.005 is repealed and readopted to read:

12 AAC 09.005. Examination requirements for licensure. (a) An applicant applying for licensure by examination as a barber, non-chemical barber, hairdresser, advanced manicurist, esthetician, practitioner of body piercing, practitioner of tattooing, practitioner of permanent cosmetic coloring, or instructor under this chapter shall

(1) submit a completed, notarized application for licensure by examination in the relevant practice area for which the license is requested to the division; the application must

(A) be on the form provided by the department; and

(B) include all verification documents necessary to meet the requirements of AS 08.13.080;

(2) complete the relevant written examination administered daily by Prov examination services following notification from the department of preauthorization for examination as an instructor, or as a practitioner for the profession of barbering, non-chemical barbering, hairdressing, esthetics, body piercing, tattooing, or permanent cosmetic coloring;

(3) follow the rules and procedures for examination set by Prov; and

(4) pay all applicable fees for the examination directly to Prov as applicable.

(b) A completed application for licensure under this section must be submitted before an applicant may be considered for examination eligibility.

(c) An applicant who is unable to appear for a scheduled examination may postpone the examination by notifying Prov in accordance with the Prov cancellation and rescheduling policy.

(d) An applicant who fails an examination or fails to appear for an examination without postponing the examination as set out in (c) of this section may reschedule for a future examination. To reschedule for a future examination, an applicant must contact Prov directly and adhere to the relevant policy and procedures set by Prov.

(e) An application is considered abandoned if the applicant does not take an examination as set out in this section within one year from the date of the applicant's initial application. (Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 8/12/87, Register 103; am 9/30/87, Register 103; am 5/20/88, Register 106; am 10/16/88, Register 108; am 11/28/88, Register 108; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 11/27/2002, Register 164; am 12/28/2008, Register 188; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/____, Register ____)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.080

Editor's note: Information on the relevant written examinations set out in this section may be obtained from the Prov website at <https://provexam.com> or by contacting Prov via e-mail at support@provexam.com.

(((Publisher: please delete the obsolete existing editor's note for 12 AAC 09.005.)))

12 AAC 09.010 is repealed:

12 AAC 09.010. Examination dates. Repealed ____/____/____ [THE DEPARTMENT WILL PUBLISH NOTICE OF THE DATE AND PLACE OF EACH ADMINISTRATION OF THE EXAMINATION AT LEAST 45 DAYS BEFORE THE EXAMINATION]. (Eff. 11/2/81, Register 80; am 4/18/82, Register 82; am 9/30/87, Register 103; repealed ____/____/____, Register ____)

12 AAC 09.075(c) is amended to read:

(c) **An** [AT LEAST 30 DAYS BEFORE THE NEXT SCHEDULED EXAMINATION DATE, AN] applicant who fails the written examination three **or more** times [OR MORE] shall **successfully complete** [PROVIDE DOCUMENTATION TO THE BOARD OF SUCCESSFUL COMPLETION OF] remedial training before the applicant will be scheduled for reexamination. An applicant applying under this subsection to retake the written examination shall provide documentation to the board of successful completion of at least 50 hours of theoretical training [THE APPLICANT SHALL COMPLETE THE REMEDIAL TRAINING] in a school **or apprenticeship program** approved by the board, [OR AN APPRENTICESHIP PROGRAM

APPROVED BY THE BOARD] and shall hold a valid student permit during the training as required in AS 08.13.180.

(Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 12/28/2008, Register 188; am 4/21/2010, Register 194; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.040 AS 08.13.090

12 AAC 09.106(d)(3) is repealed:

(3) repealed ____/____/____ [VERIFICATION OF A CURRENT BARBER, HAIRDRESSER, MANICURIST, OR ESTHETICIAN PRACTITIONER LICENSE IN THIS STATE];

(Eff. 5/20/88, Register 106; am 5/10/96, Register 138; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 1/17.2008, Register 185; am 9/24/2014, Register 211; am 6/8/2016. Register 218; am 6/21/2018, Register 226; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
 AS 08.13.070

12 AAC 09.185(a)(2) is amended to read:

(2) tattooing may provide training in tattooing [OR PERMANENT COSMETIC COLORING IF THE TRAINER MEETS THE REQUIREMENTS OF 12 AAC 09.168];

12 AAC 09.185(h) is amended to read:

(h) Upon completion of a course of training under this section, the trainee is eligible to take the appropriate examination in the license categories of tattooing, permanent cosmetic coloring, or body piercing. The trainer shall submit a certificate of student training form **not** [NO] later than **five** [30] days after the completion of training, documenting the theory hours and practical operations.

(Eff. 11/16/2004, Register 172; am 12/24/2006, Register 180; am 4/21/2010, Register 194; am 9/24/2014, Register 211; am 4/5/2018, Register 226; am 3/30/2019, Register 229; am ____/____/____, Register ____)

Authority: AS 08.13.030 AS 08.13.082

12 AAC 09.190(*l*) is repealed:

(*l*) Repealed ____/____/____ [UPON COMPLETION OF A COURSE OF INSTRUCTION UNDER THIS SECTION, AN APPRENTICE IS ELIGIBLE TO TAKE THE APPROPRIATE EXAMINATION IN THE LICENSE CATEGORY OF BARBERING, NON-CHEMICAL BARBERING, HAIRDRESSING, OR ESTHETICS. THE INSTRUCTOR SHALL NOTIFY THE BOARD OF AN APPRENTICE COMPLETING THE COURSE OF INSTRUCTION NOT LATER THAN 30 DAYS AFTER THE COMPLETION BY SUBMITTING RECORDS OF APPRENTICESHIP IN ACCORDANCE WITH THIS SECTION].

(Eff. 10/21/82, Register 84; am 8/12/87, Register 103; am 2/28/88, Register 105; am 5/20/88, Register 106; am 10/1/93, Register 127; am 4/23/98, Register 146; am 7/23/2000, Register 155; am 7/13/2002, Register 163; am 11/16/2004, Register 172; am 10/14/2006, Register 180; am 12/24/2006, Register 180; am 8/10/2012, Register 203; am 6/8/2016, Register 218; am 4/5/2018, Register 226; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/____, Register ____)

Register _____, _____ 2023 PROFESSIONAL REGULATIONS

Authority: AS 08.13.030 AS 08.13.082



Investigative Process Overview

PRESENTED BY INVESTIGATIONS

Who Are We?

State of Alaska



Department of Commerce, Community, and Economic Development



Division of Corporations, Business and Professional Licensing



Investigations



What Do We Do?

The mission of the Division of Corporations, Business and Professional Licensing is to ensure that **competent**, **professional** and **regulated** commercial services are available to Alaska consumers.

Three License Types

01

Professional License:

Individual specialty such as a Nurse, Doctor, Dentist, Massage Therapist, etc...

02

Business License:

(AS 43.70.020) If providing any service for the exchange of money, a business license is required in the state of Alaska.

03

Corporate Entity

(Corporation): A group of persons who are deemed in law to be a single legal **entity**. The **corporate entity** is legally distinct from its members; it has legal personality and can hold property, sue and be sued in its own name as if it were a natural person.

Who Needs a Professional License Through the State of Alaska?

- ▶ Acupuncturists
- ▶ Architects, Engineers, and Land Surveyors
- ▶ Athletic Trainers
- ▶ Audiologists & Speech-Language Pathologists
- ▶ Barbers & Hairdressers
- ▶ Behavior Analysts
- ▶ Big Game Commercial Services Board
- ▶ Chiropractic Examiners
- ▶ Collection Agencies
- ▶ Concert Promoters
- ▶ Construction Contractors
- ▶ Dental Examiners
- ▶ Dietitians & Nutritionists
- ▶ Dispensing Opticians
- ▶ Electrical Administrators
- ▶ Euthanize Domestic Animals
- ▶ Geologists
- ▶ Guardians & Conservators
- ▶ Hearing Aid Dealers
- ▶ Home Inspectors
- ▶ Marine Pilots
- ▶ Marital & Family Therapy
- ▶ Massage Therapists
- ▶ Mechanical Administrators
- ▶ Medical Board
- ▶ Midwives
- ▶ Morticians
- ▶ Naturopathy
- ▶ Nursing
- ▶ Nurse Aide Registry
- ▶ Nursing Home Administrators
- ▶ Optometry
- ▶ Pawnbrokers
- ▶ Pharmacy
- ▶ Physical Therapy & Occupational Therapy
- ▶ Prescription Drug Monitoring Program
- ▶ Professional Counselors
- ▶ Psychologist and Psychological Associate
- ▶ Public Accountancy
- ▶ Real Estate Appraisers
- ▶ Real Estate Commission
- ▶ Social Work Examiners
- ▶ Telemedicine Business Registry
- ▶ Underground Storage Tank Worker
- ▶ Veterinary Examiners



What Do We Investigate?

Statutes & Regulations

- ▶ **AS = Alaska Statutes:** Are passed by either the US Congress or State Legislatures: The legislatures create bills that, when passed by a vote, become statutory law.
- ▶ **AAC = Alaska Administrative Code // Regulation:** Regulations, on the other hand, are standards and rules adopted by administrative agencies (Boards) that govern how laws will be enforced.

Difference between Statutes and Regulations:

Although many people use the terms "statute" and "regulation" interchangeably, they aren't the same. Governing bodies, such as the United States Congress or a state legislature, enact statutes. On a local level, the statutes enacted by municipalities are known as ordinances. Regulations put those statutes to work, fleshing out the details.

Different Roles



EXAMPLE:

- ▶ AK Legislature creates Statutes.
- ▶ Boards create Regulations.
- ▶ Investigations investigate ***alleged violations*** of Statutes and/or Regulations.
- ▶ Board Members **verify whether or not a violation occurred** when reviewing a case from investigations.

Investigators gather information. Licensed board members determine if a violation of statute or regulation has occurred.



How Does Someone File a Complaint?

Public Website

<https://www.commerce.alaska.gov/web/cbpl/Investigations.aspx>



THE STATE of ALASKA

Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing

ADM

FOR DIVISION USE ONLY

Investigations Section

550 West 7th Avenue, Suite 1500, Anchorage, AK 99501

Phone: (907) 269-8174 • Fax: (907) 269-8195

Website: CBPLinvestigations.alaska.gov

Email: Investigations@Alaska.Gov

Investigations — Request for Contact

The division investigates matters pertaining to business licenses, the sale of tobacco products, and licensed professionals. Not all issues will fall within our jurisdiction. You may have to contact other agencies for assistance. We encourage you to call to ensure that we are able to assist you.

This is only a request for contact. You may submit this form via US Mail, fax, or email, to the contact information listed above. Once the division has reviewed this information you will be contacted and may be asked to fill out a complaint package.

PART I Your Contact Information

Complete Name:	First Name:	Middle Name:	Last Name:
Mailing Address:	Address:	City:	State: Zip Code:
Contact Phone:	() -		
Email Address:			

PART II Description of Incident


Type of Business or Profession Involved:	
Name(s) of Person or Business Involved:	
Date(s) Which Incident Occurred:	
Brief Description of Incident:	

Contact Us Directly

Contact Us

State of Alaska/DCCED
Division of Corporations, Business and
Professional Licensing
Investigations Section
550 West 7th Avenue, Suite 1500
Anchorage, AK 99501-3567
Phone: (907) 269-8174
Fax: (907) 269-8195

Email: Investigations@Alaska.gov



Next Step: Is the Complaint Jurisdictional?

- Review informal guidelines established by the Board or Commission, and the statutes and regulations of that specific practice area.
- If the complaint does not appear to allege a violation that is within the Board's jurisdiction, the Division may close the complaint.

Next Step: Is the Complaint Jurisdictional?

Complaints that are typically not jurisdictional are:

- Criminal complaints (Law Enforcement)
- Money or civil matters (Alaska Court System)
- “Bedside Manner”
- Quality of work complaints (Contractors)
- Unfair or deceptive business practices (Alaska Consumer Protection)
- Landlord Tenant Laws

The Complaint is Jurisdictional. What Happens Next?

The complainant is asked to complete a complaint packet.

The packet provides the complainant to:

- Provide a summary of the incident
- Include supporting documentation
- Sign a release of information
- Sign an Affidavit

The Division does not generally accept anonymous complaints, except in unusual instances.

We require consumers to be accountable for their allegations; thereby avoiding manipulation of our process by unscrupulous parties seeking to eliminate competition or pursue personal or professional vendettas.

Complaint Packet



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing – Investigations

550 West 7th Avenue, Suite 1500, Anchorage, AK 99501-3567

Telephone: (907) 269-8437 Fax: (907) 269-8195 Website: www.commerce.state.ak.us/oc

COMPLAINT FILED BY:

NAME (Last, First Middle Initial)

ADDRESS

CITY

STATE

ZIP

WORK PHONE

HOME PHONE

COMPLAINT FILED AGAINST:

NAME and TITLE

ADDRESS

CITY

STATE

ZIP

WORK PHONE

HOME PHONE

SUMMARY OF COMPLAINT

Please describe your complaint in detail. If necessary, please use an additional sheet of paper. Please provide any additional supporting documents.

AFFIDAVIT

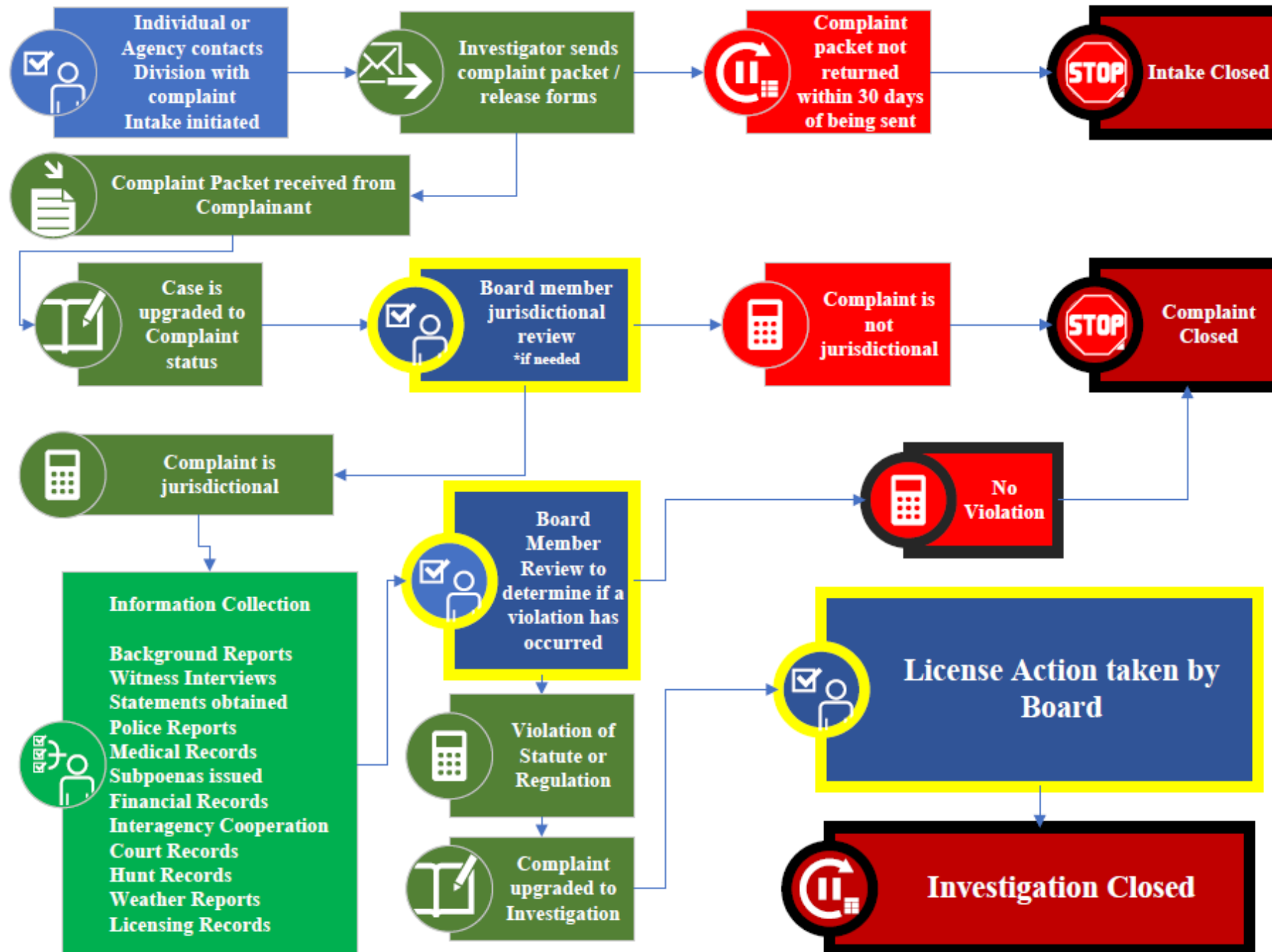
State of _____ City/Borough of _____

I, _____ hereby state under penalty of unsworn falsification: That I am the complainant in the named above and to the best of my knowledge and belief, this statement is true and correct.

Signature of Complainant: _____ Date: _____

AS 11.56.210(a)(2) of the Alaska Statutes makes it a class A misdemeanor of offense for a person to intentionally issue a false written or recorded statement, which is punishable by imprisonment for not more than one (1) year, a \$5,000 fine, or both.

INVESTIGATIVE PROCESS



Three Stages of “Investigation”

INTAKE:

Preliminary information stage

- Typically generated upon receipt of a Request for Contact form or a Referral Email.

COMPLAINT:

Fact-gathering stage

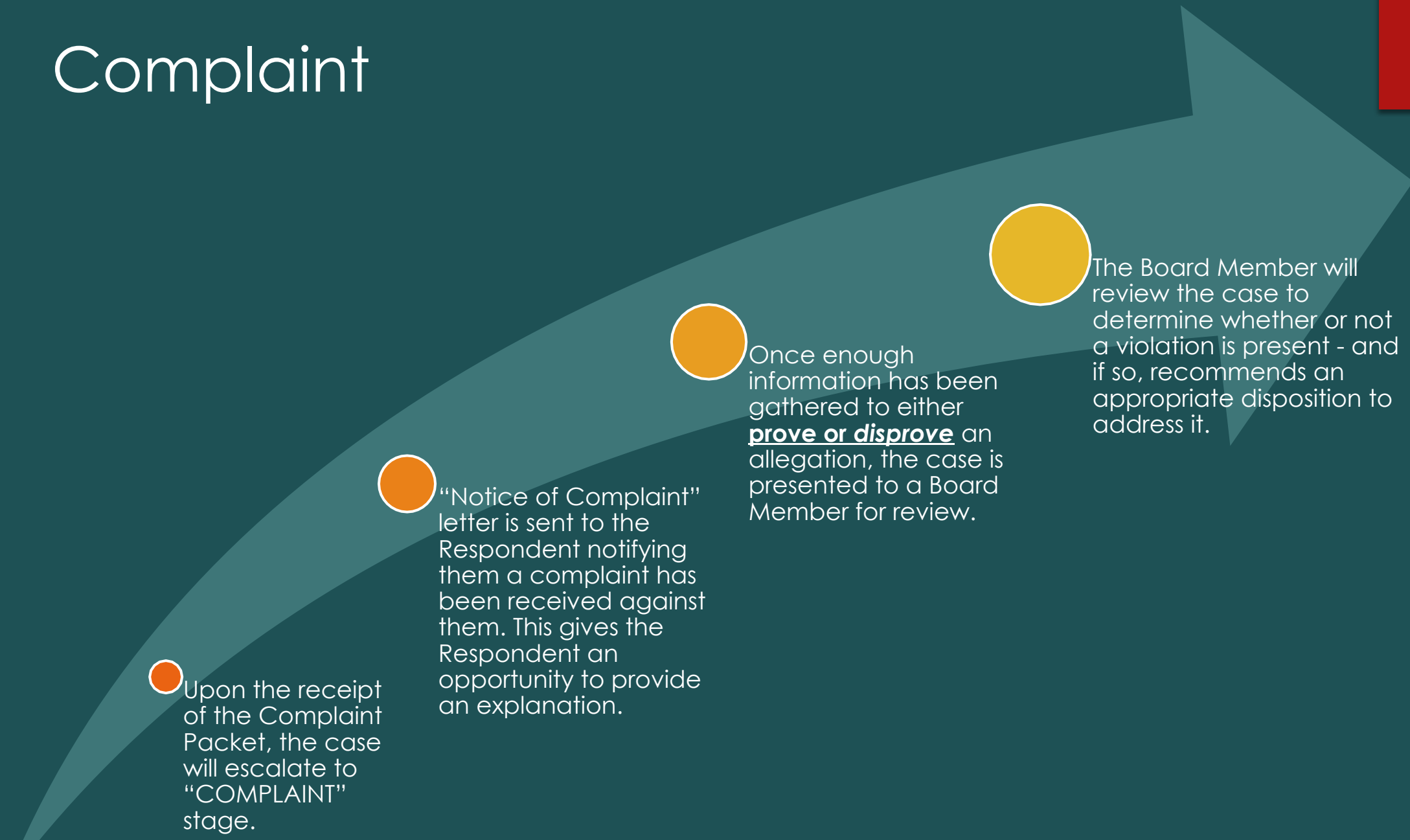
- Escalates when a Complaint Packet is received.

INVESTIGATION:

Violation verified stage

- Following a Board Member review, case escalates when a Board Member confirms a violation is present.

Complaint



Upon the receipt of the Complaint Packet, the case will escalate to "COMPLAINT" stage.

"Notice of Complaint" letter is sent to the Respondent notifying them a complaint has been received against them. This gives the Respondent an opportunity to provide an explanation.

Once enough information has been gathered to either **prove or disprove** an allegation, the case is presented to a Board Member for review.

The Board Member will review the case to determine whether or not a violation is present - and if so, recommends an appropriate disposition to address it.

Investigation



Violation is verified, case escalates to "INVESTIGATION"
"Notice of Investigation" letter is sent to the Respondent explaining WHY his/her actions were violation(s).

Board Member's Recommendation:

1. Non-disciplinary Letter of Advisement
(Closes Case)

2. License Action
(Consent Agreement, Fine, Suspension, etc..)

License Action:

Offered to Respondent

1. If agrees, License Action is presented to Board for adoption: If adopted, closes case.

2. If disagrees & refuses, Division moves forward with the LITIGATION PROCESS & files an Accusation.

Administrative Hearing:

Division prepares the case for Administrative Hearing and the case is presented to an Administrative Law Judge (ALJ).

ALJ Decision is presented to the Board for final consideration.

Investigation



After a licensed Board Member Reviewer determines a violation of statute or regulation is present:

- ▶ Case escalates to “INVESTIGATION”
- ▶ A Notice of Investigation (NOI) is sent to the Respondent, notifying them a violation was verified.
- ▶ RBM recommends the appropriate action (Disciplinary or Non-Disciplinary) to address the violation:

Disciplinary Action:

- ▶ Consent Agreement
 - Probation
 - Civil Fine
 - Continuing Education
- ▶ Imposition of Civil Fine
- ▶ Suspension
- ▶ Revocation
- ▶ Etc..

Non-Disciplinary Action:

Non-Disciplinary Letter of Advisement

Three Investigation Case Types

- ▶ **Application Matters:** Inquires initiated by Licensing to review applications for truthfulness & accuracy.
- ▶ **Consumer Complaints:** Inquiries initiated upon the receipt of a Complaint Packet (or written complaint).
- ▶ **Inspections:** Onsite inspections to ensure operations are in accordance to AS 43.70 & 12 AAC 12



Confidentiality

- Investigations are required by statute to be kept confidential.
- This often prevents the complainant, licensee, and the Board from obtaining progress reports or information that may disclose the current status of an open investigation.
- This also protects the reputation of licensees who may be accused of wrongdoing but the allegations against them are unproven.
- Cases often involve other agencies, businesses, and practices; disclosing information during an on-going case can compromise the investigation, create conflicts for reviewing Board members, or result in unnecessary hardship to the licensee.

Questions / Discussion

INVESTIGATIVE OVERVIEW



Confidentiality

Investigations

Alaska Public Records Act (APRA) AS 40.25.120(a)(6)(A)

Sec. 40.25.120. Public records; exceptions; certified copies.

(a) Every person has a right to inspect a public record in the state, including public records in recorders' offices, except

(6) records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information

(A) could reasonably be expected to interfere with enforcement proceedings;

Refer records requests to the state website to submit a Public Records Request:

<https://www.commerce.alaska.gov/web/cbpl/PublicRecordsRequests.aspx>

Who handles Public Records Requests?
Marilyn Zimmerman

AS 40.25.120. Public Records; Exceptions; Certified Copies.

- (a) Every person has a right to inspect a public record in the state, including public records in recorders' offices, except
- (1) records of vital statistics and adoption proceedings, which shall be treated in the manner required by AS 18.50;
 - (2) records pertaining to juveniles unless disclosure is authorized by law;
 - (3) medical and related public health records;
 - (4) records required to be kept confidential by a federal law or regulation or by state law;
 - (5) to the extent the records are required to be kept confidential under 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure or retain federal assistance;
 - (6) records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information
 - (A) could reasonably be expected to interfere with enforcement proceedings;
 - (B) would deprive a person of a right to a fair trial or an impartial adjudication;
 - (C) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness;
 - (D) could reasonably be expected to disclose the identity of a confidential source;
 - (E) would disclose confidential techniques and procedures for law enforcement investigations or prosecutions;
 - (F) would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law; or
 - (G) could reasonably be expected to endanger the life or physical safety of an individual;
 - (7) names, addresses, and other information identifying a person as a participant in the Alaska Higher Education Savings Trust under AS 14.40.802 or the advance college tuition savings program under AS 14.40.803 - 14.40.817;
 - (8) public records containing information that would disclose or might lead to the disclosure of a component in the process used to execute or adopt an electronic signature if the disclosure would or might cause the electronic signature to cease being under the sole control of the person using it;
 - (9) [See delayed repeal note]. reports submitted under AS 05.25.030 concerning certain collisions, accidents, or other casualties involving boats;
 - (10) records or information pertaining to a plan, program, or procedures for establishing, maintaining, or restoring security in the state, or to a detailed description or evaluation of systems, facilities, or infrastructure in the state, but only to the extent that the production of the records or information
 - (A) could reasonably be expected to interfere with the implementation or enforcement of the security plan, program, or procedures;
 - (B) would disclose confidential guidelines for investigations or enforcement and the disclosure could reasonably be expected to risk circumvention of the law; or
 - (C) could reasonably be expected to endanger the life or physical safety of an individual or to present a real and substantial risk to the public health and welfare;
 - (11) the written notification regarding a proposed regulation provided under AS 24.20.105 to the Department of Law and the affected state agency and communications between the Legislative Affairs Agency, the Department of Law, and the affected state agency under AS 24.20.105.
 - (12) records that are
 - (A) proprietary, privileged, or a trade secret in accordance with AS 43.90.150 or 43.90.220(e);
 - (B) applications that are received under AS 43.90 until notice is published under AS 43.90.160 .
 - (b) Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and on payment of the fees under AS 40.25.110 - 40.25.115 a certified copy of the record, and the copy shall in all cases be evidence of the original.
 - (c) Recorders shall permit memoranda, transcripts, and copies of the public records in their offices to be made by photography or otherwise for the purpose of examining titles to real estate described in the public records, making abstracts of title or guaranteeing or insuring the titles of the real estate, or building and maintaining title and abstract plants; and shall furnish proper and reasonable facilities to persons having lawful occasion for access to the public records for those purposes, subject to reasonable rules and regulations, in conformity to the direction of the court, as are necessary for the protection of the records and to prevent interference with the regular discharge of the duties of the recorders and their employees.



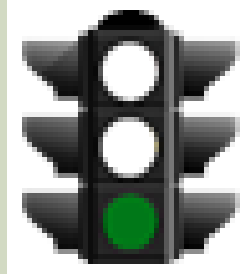
Investigations are a Black Hole

We release
nothing.

Confidentiality in Board Meetings

Public Session:

- Investigation Report
- Probation Report

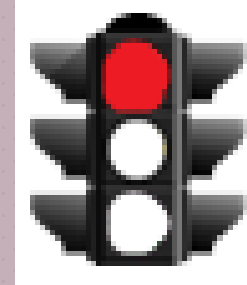


Training:

- Investigation Process for the Public

Executive Session

- Investigative Memos with Proposed License Action
 - Discussion occurs in Exec Session, however, voting must occur on record.



Training:

- Board Member Review Training
 - AS 44.62.310(c)(3) or (4)

Do NOT discuss open cases during Board Meetings.



...and other
**rules of verbal
engagement**
for professional
licensing board
members

Division of Corporations, Business and
Professional Licensing

November 2017



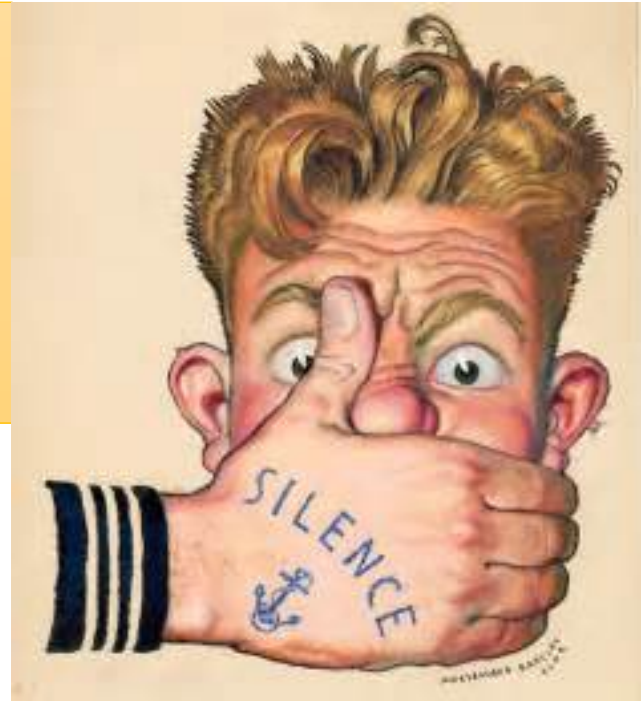
Main objective

Ensure staff and board members have a working understanding of best practices in board member communications

- ★ with the *public* and
- ★ among *themselves*

Hey, what's the big deal?

The people have rights! That's the big deal!

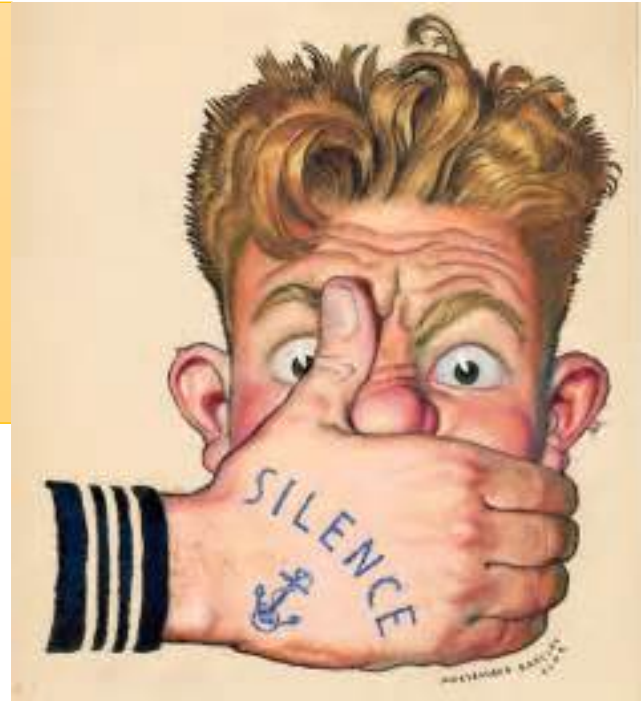


It is the policy of the state that:

- ★ Governmental units generally exist to aid in the conduct of the people's business.
- ★ It is the intent of the law that actions of those units be taken openly and that their deliberations be conducted openly.

Hey, what's the big deal?

The people have rights! That's the big deal!

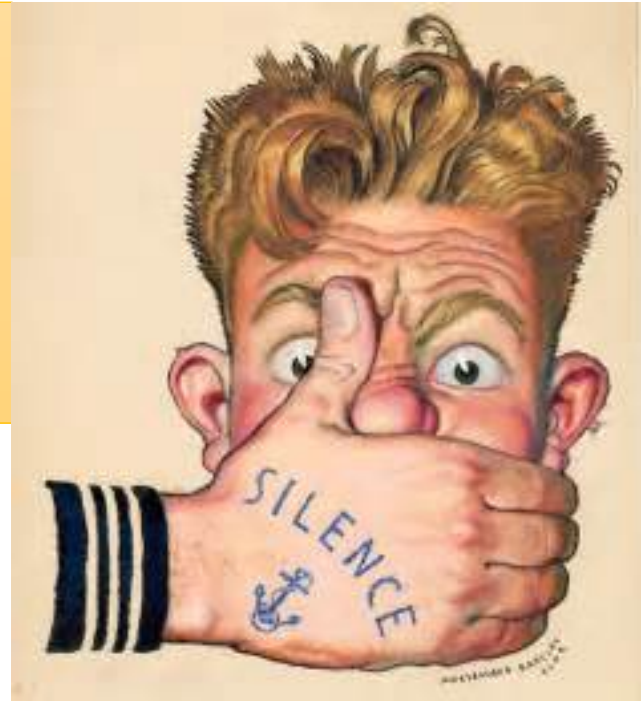


It is the policy of the state that:

- ★ The people of this state do not yield their sovereignty to the agencies that serve them.
- ★ The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

Hey, what's the big deal?

The people have rights! That's the big deal!



It is the policy of the state that:

- ★ The people's right to remain informed shall be protected so that they may **retain control** over the instruments they have created.
- ★ The **use of teleconferencing under this chapter is for the convenience** of the parties, the public, and the governmental units conducting the meetings.

(AS 44.62.312)

Hey, what's the big deal?

The people have rights! That's the big deal!



It is the policy of the state that:

AS 44.62.310 (c) and (d) shall be construed narrowly in order to effectuate the policy stated in (a) of this section and to **avoid exemptions from open meeting requirements and unnecessary executive sessions.**

(AS 44.62.312)



There are **THREE** main reasons why board members must be careful of *loose lips*:

- ★ Protect legally **confidential** information
- ★ Protect the licensee's **due process rights**
- ★ Maintain **fairness and integrity** of a process



Legally confidential information

★ Alaska Public Records Act

Every person has a right to inspect a public record in the state, except

- ★ certain records pertaining to **juveniles**
- ★ certain **educational** records
- ★ **medical** and related public health records
- ★ records required to be kept **confidential by another law**
- ★ certain records or information compiled for **law enforcement** purposes
- ★ certain **attorney-client** and **legislative** records
- ★ records that are **proprietary, privileged, or a trade secret**

(AS 40.25.120)



Legally confidential information

★ Executive Session

- ★ matters which would clearly have an adverse effect upon the ***finances*** of the public entity
- ★ subjects that tend to ***prejudice the reputation and character*** of any person, provided the person may request a public discussion
- ★ matters which by ***law, municipal charter, or ordinance*** are required to be confidential

(AS 44.62.310)



Legally confidential information

★ Executive Session

- ★ This section does not apply to a governmental body performing a *judicial or quasi-judicial function* when holding a meeting *solely* to make a decision in an adjudicatory proceeding
- ★ This means that if the board is **ONLY** meeting to discuss license action, it does not have to publicly notice the meeting. It may not take up any other business.

(AS 44.62.310)



Licensee's due process rights

★ Executive Session

- ★ If a matter has the strong potential to **negatively impact the character and reputation** of a person, the board may vote to enter executive session to discuss the matter.
- ★ The subject of the discussion has a right to request that the discussion be held in public.



Fairness & integrity of a process

★ Adopting regulations

- ★ Discussion not allowed during the public comment period—with individual board members or the board as a whole unless publicly noticed
- ★ Gives everyone the **same opportunity** to comment and be heard
- ★ Provides the board members with the **same information** for deliberation
- ★ Maintains an **accurate public record** of rulemaking



Fairness & integrity of a process

★ Conflicts of interest

★ Professional conflicts

- ★ Employer/employee relationship
- ★ Stakeholder in a business
- ★ Significant and specific financial gain

★ Personal conflicts

- ★ Family relationship
- ★ Inability to remain impartial or inability to **appear** to remain impartial for any reason



Fairness & integrity of a process

★ Ex parte communication

- ★ “An oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given....”
- ★ In other words, “Does everyone have the **same information?**”



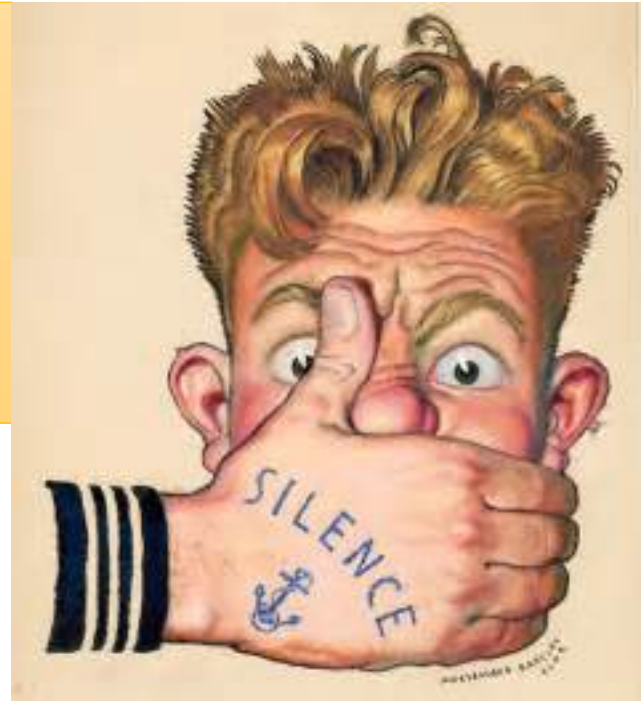
Fairness & integrity of a process

★ Ex parte problems: License action

- ★ Deliberation on **whether to issue a license**
- ★ Deliberation on **conditioning or revoking a license**

Hey, what's the big deal?

The people have rights! That's the big deal!



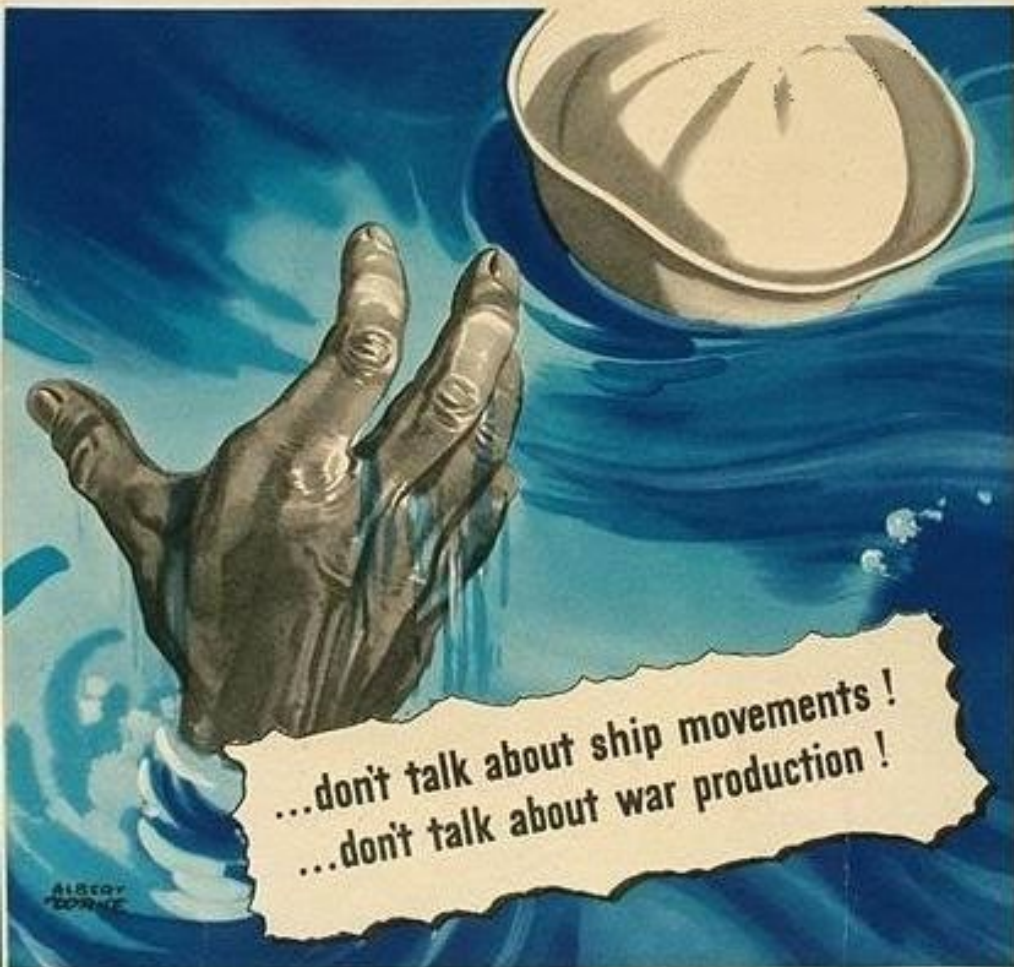
★ Open Meetings Act

★ What constitutes a meeting?

- Three or more members discussing a matter upon which they have the power to take action
- Committees of the board, including standing and ad hoc committees
- In person, phone, email, or text—it's still a meeting
- All must be publicly noticed on the state's Online Public Notice System and a major newspaper of the state

(AS 44.62.310)

SOMEBODY BLABBED



BUTTON YOUR LIP!

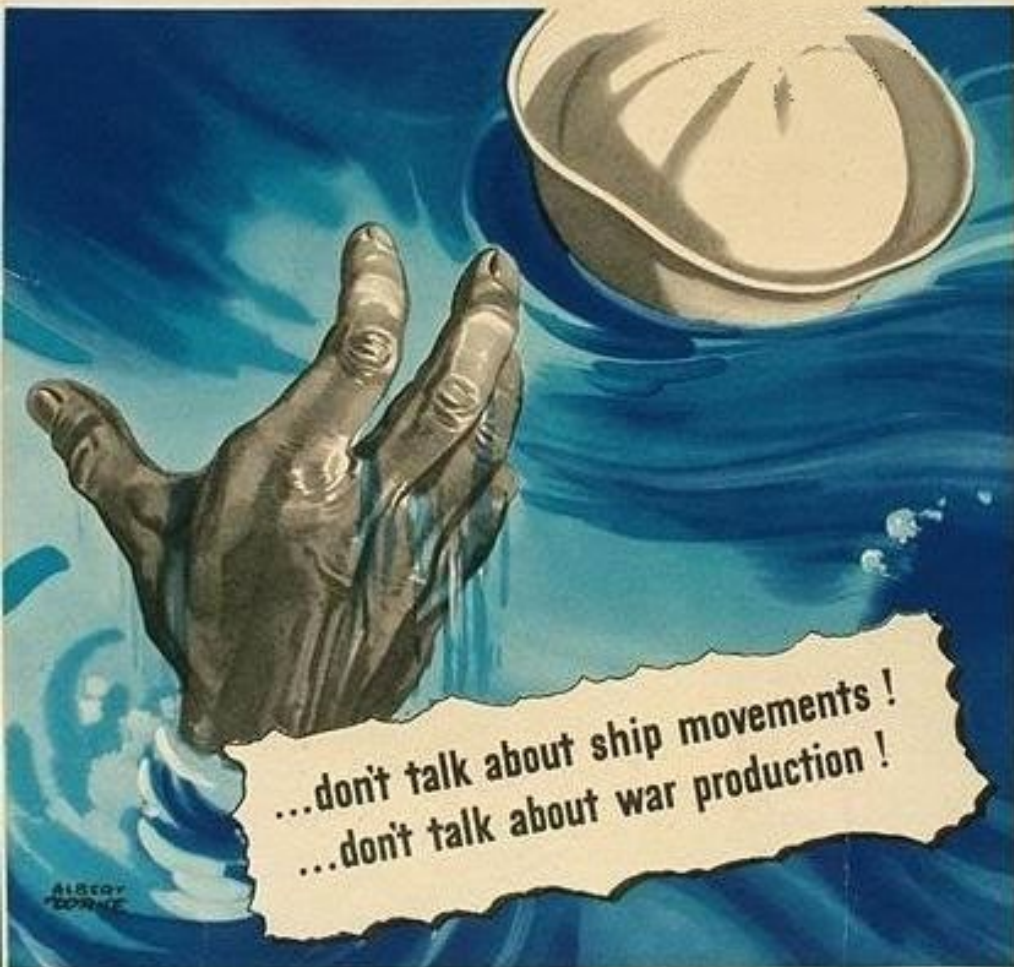
For additional copies write to Graphics Division, Office of Facts and Figures, Washington, D.C. . . . Specify GPO Jacket No. 451043.

U.S. GOVERNMENT PRINTING OFFICE: 1942

So, what can we do about it?

- ★ Make sure that all board members are provided the same information
- ★ Withhold information that is not legally relevant

SOMEBODY BLABBED



BUTTON YOUR LIP!

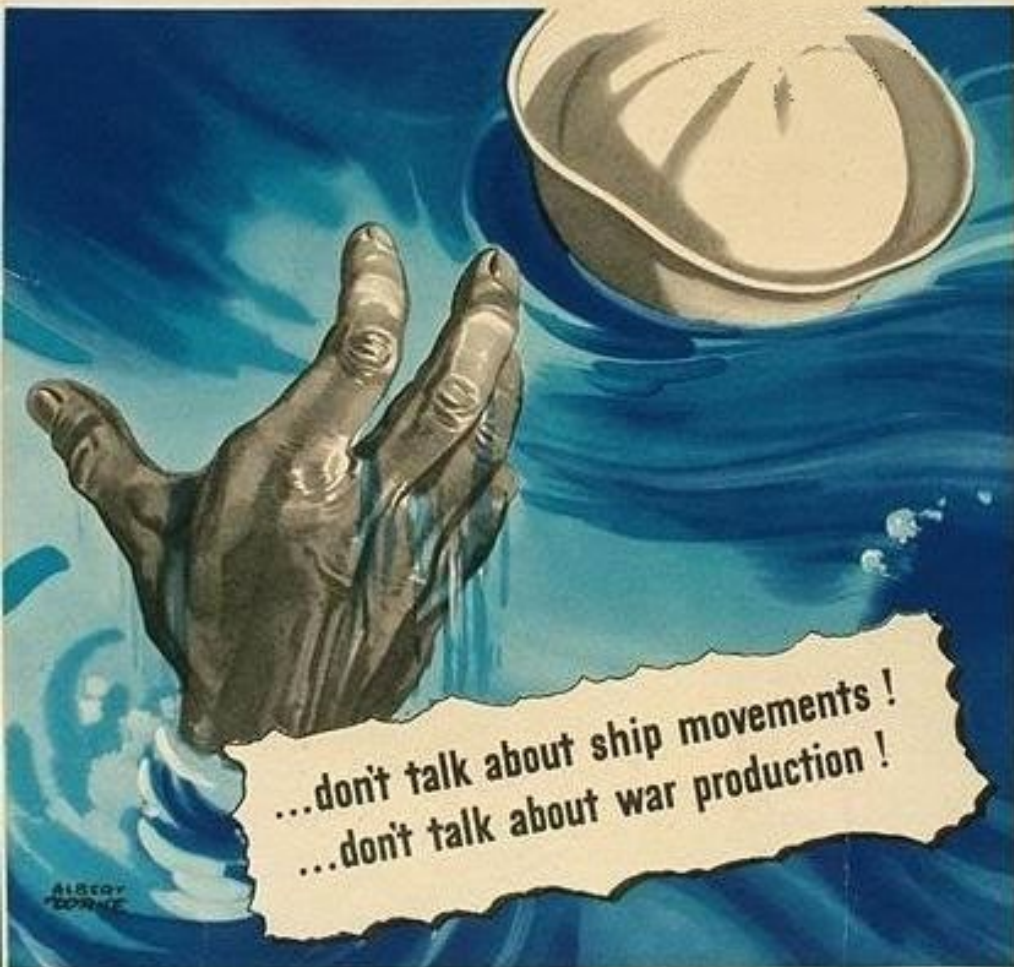
For additional copies write to Graphics Division, Office of Facts and Figures, Washington, D.C. . . . Specify GPO Jacket No. 451043.

U.S. GOVERNMENT PRINTING OFFICE: 1942

So, what can we do about it?

- ★ Recuse members who have more/different information:
 - ★ Reviewing board member on a case
 - ★ Ex parte contact with the licensee
 - ★ Ex parte contact with the applicant

SOMEBODY BLABBED



BUTTON YOUR LIP!

For additional copies write to Graphics Division, Office of Facts and Figures, Washington, D.C. . . . Specify GPO Jacket No. 451043.

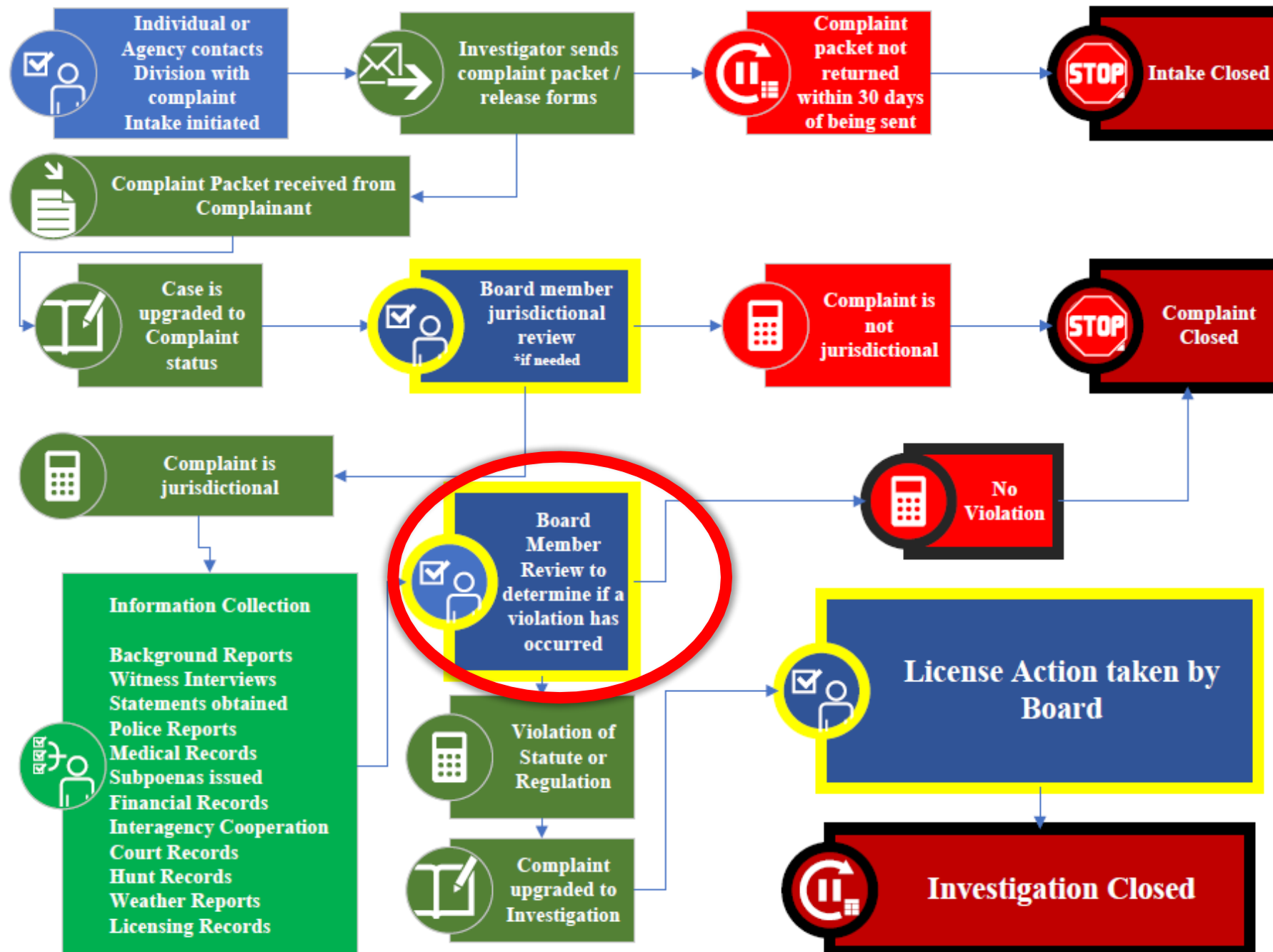
So, what can we do about it?

- ★ Avoid conversations about board business with each other outside of publicly noticed board meetings
- ★ Avoid conversations with individuals about
 - specific disciplinary cases,
 - license applications, or
 - pending board decisions

Board Member Reviews

Presented by Investigations

INVESTIGATIVE PROCESS



Reviewing Board Members



Every complaint is reviewed by a Licensed Board Member

Public Members are not used to review cases. WHY?

A licensee's due process rights are best preserved and protected when their conduct is assessed by a fellow professional - in their field of practice. For this reason, public members are never used to assess licensing violations.

What is the point of reviews?

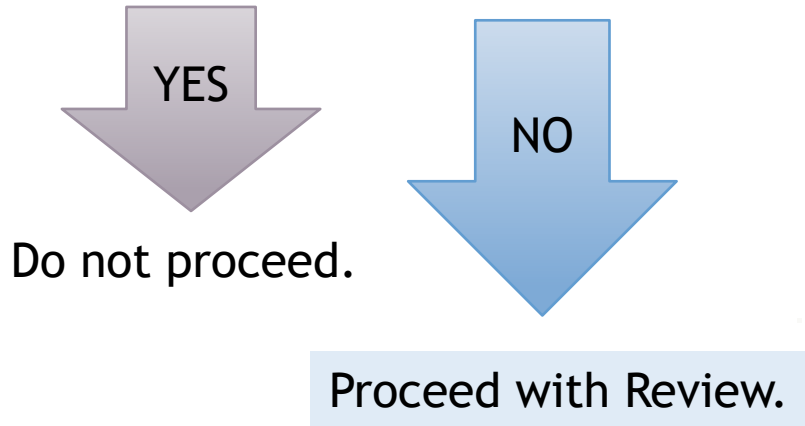
- ▶ Reviews are conducted to determine whether or not a violation is present.
- ▶ If a violation is present, the Reviewer recommends the appropriate disposition to resolve the case.

A Reviewer does not determine guilt or innocence; he/she simply reviews the complaint to determine whether the allegations, supported by un-contested or sufficient evidence, would warrant proceeding with disciplinary action if contested by the licensee.

Two Parts to Conducting a Review

1. Conflict Check

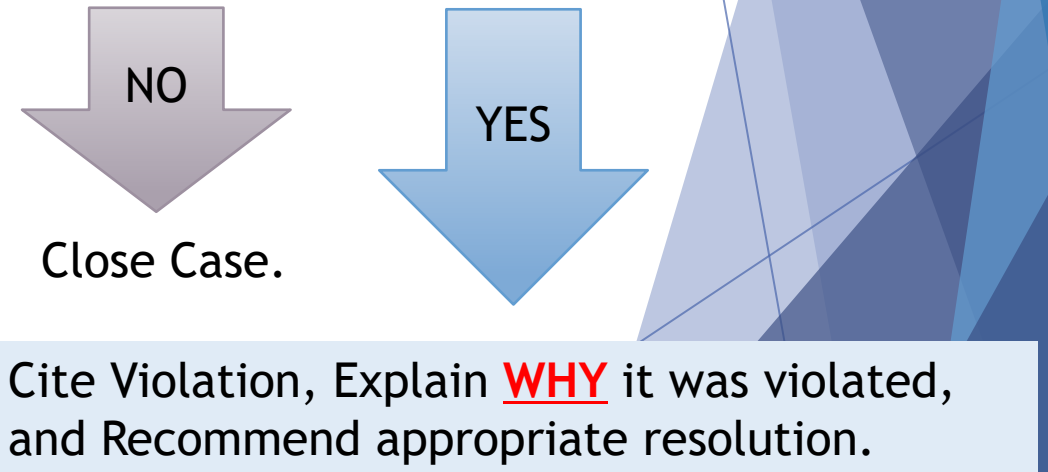
- ▶ Do you have a personal or professional conflict that would prevent you from conducting a full, fair, and unbiased review?



2. Review

- ▶ Review the facts of the case in order to determine whether or not violation(s) of Statute or Regulation are present.

VIOLATION?



OnBoard for Reviews:

The secure means of sharing electronic information.

“Review Packets” may include the following:

- **Review Memo** (case summary)
- Investigative Report (detailed report)
- License Information/License Application
- Complete Complaint Packet from Complainant
- Explanation Letter from Respondent
- Court Records, Police Report, Medical Records, etc.
- Videos, photos, audio recordings
- Any other applicable documents relevant to the case
- Disciplinary Matrix (specific to your Board)
- **Standard Review Form** (Filled out by YOU)



ZendTo
Audio files
4-7 day expiration
Must be encrypted

You've received your review. Now what?

NOTE: If you have questions about the case, contact the **INVESTIGATOR** (Not the Licensing Examiner or the EA.)

What you'll need:

- ▶ Know your deadline: **30 days**
 - ▶ If additional time is needed, that needs to be communicated to the Investigator. This is critical for the Investigator's case-management and processing of the investigation.
- ▶ Statutes and Regulations
 - ▶ As the professional reviewer, sometimes you may notice additional violations the investigator overlooked. So it's helpful to keep these on hand in case reference is needed.
- ▶ At the completion of your review, you may have an idea for a recommendation - however, before you fill out the review form, make sure you review the following:
 - ▶ **Disciplinary Matrix**
 - ▶ **Case Precedents**

READ YOUR DISCIPLINARY MATRIX.

1

No Matrix? Your Investigator should provide several case precedents to reference.

2

These set the parameters in determining whether or not disciplinary action is appropriate, and if so, guide you in *seeking consistency in the application of disciplinary sanctions. AS 08.01.075(f)*



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500
Anchorage, AK 99501-3567
Main: 907.269.8160
Fax: 907.269.8195

REVIEW MEMO

DATE: January 01, 2021
TO: Reviewing Board Member
Alaska State Board of Barbers and Hairdressers
FROM: Investigator Whaley, Investigator
RE: Complaint Review for **RESPONDENT**
CASE#: 2020-000###

CONFIDENTIAL

Deliberative Process Privilege

LICENSE HISTORY:

RESPONDENT is currently licensed as a Hairdresser in the State of Alaska. She was originally issued Hairdresser license #HADH1234 on October 01, 2020, which will lapse unless renewed by **August 31, 2021**.

CASE SUMMARY:

On April 01, 2020, RESPONDENT was hired as a Hairdresser at Happy Hair Design, located at 1234 Cottonwood Creek Dr., Wasilla, AK.

On November 15, 2020, the shop owner received a complaint from a client who had experienced a bad haircut, and after further review, it was discovered RESPONDENT only became licensed in October.

Investigations conducted an interview with RESPONDENT who admitted lying to the shop owner about her license status because she wanted the job. RESPONDENT admittedly practiced as a Hairdresser without a license, until it was issued, between April 01, 2020 through September 31, 2020 (182 days).

This case is being presented to the Licensed Board Member for review.

ALLEGED VIOLATIONS:

AS 08.13.070. License required. A person may not
(1) practice barbering, hairdressing, manicuring, esthetics, body piercing, or tattooing and
permanent cosmetic coloring without a license, temporary permit, temporary license, or student
permit unless exempted under AS 08.13.160 (d);

PREVIOUS COMPLAINTS:

A search through GLS revealed Respondent was previously issued a Non-Disciplinary Letter of Advisement (NDLOA) for violating AS 08.13.070(1) for practicing without a Hairdresser license when she live-streamed a haircut she provided on Facebook, dated March 15, 2020, then accepted payment for the service she provided.

Review Memo
RESPONDENT NAME & CASE # 2020-000###

ATTACHED ITEMS:

- Investigative Report
- License Info
- Explanation Letter
- All Applicable Documents (Court Records, Police Report)
- Disciplinary Matrix
- Standard Board Member Review Form

CASE PRECEDENTS: LIST 3-6 CASE PRECEDENTS

- **CASE #2019-000###:** In February 2019, a complaint was received alleging a Hairdresser was practicing without a license. Complainant's daughter received a haircut from a Hairdresser while their license was lapsed. Investigation revealed the Respondent's license lapsed August 31, 2019 and the haircut was provided on September 01, 2019. Respondent reinstated the license the next day.

OUTCOME: Due to this being the Respondent's first offense, the Reviewing Board Member (RBM) recommended a Non-Disciplinary Letter of Advisement (NDLOA) for violating AS 08.13.070(1), with a warning not to practice while the license is lapsed.

- **2019-000###:** In May 2018 Investigations conducted an onsite Division license compliance inspection at a Shop. Investigation witnessed one Hairdresser actively providing hairdresser services to a client. Upon checking the license, it was discovered the license was lapsed since 08/31/2019. This was the second offense in this Respondent's license history for unlicensed practice.

OUTCOME: Due to this being the Respondent's second offense, the Board adopted the Imposition of Civil fine (\$500) for practicing as a Hairdresser with a lapsed license and failing to display the license; violations of AS 08.13.070(1) and AS 08.13.130(a).

Disciplinary Matrix

Disciplinary Sanctions/Fine Schedules (Adopted and Revised May 11-12, 2020)				
Violation	Time Frame	Disciplinary Action	Civil Fine	
			Total Amount	Amount Suspended
AS 08.13.070 (1) & (2) Unlicensed Practice	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Imposition of Civil Fine	\$500/incident	n/a
		//	\$1,000/incident	n/a
AS 08.13.070 (3) Operating School w/o School License	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Consent Agreement (Fine/2-year probation/reprimand)	\$4,000	\$2,000
AS 08.13.070 (4) Teach/Supervise Apprentice w/o License	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Consent Agreement (Fine/2-year probation/reprimand)	\$2,000	\$1,000

RECOMMENDATION INSTRUCTIONS:

Only mark YES to one closure action type: **Disciplinary, Non-Disciplinary, or No-Action**. Detailed explanations are required. Contradictory/blank answers will not be accepted.

▶ DISCIPLINARY CLOSURES

▶ License Actions

- ▶ Consent Agreement
 - ▶ Probation, Fine, Education, Reprimand
- ▶ Imposition of Civil Fine
- ▶ Summary Suspension
 - ▶ Clear & immediate threat to public safety
- ▶ Revocation
- ▶ Etc...

DISCIPLINARY CLOSURE: If violations are present, do you recommend disciplinary action to resolve this case?

(If YES, identify the action you believe appropriate. If disciplinary action is not recommended, check NO)

▶ NON-DISCIPLINARY CLOSURES

- ▶ Advisement Letter

NON-DISCIPLINARY CLOSURE: If violations are present, but in your opinion, do not rise to the level of formal disciplinary action, do you recommend a non-disciplinary letter of advisement (NDLOA) to resolve this case? (If YES, write the specific advisement you believe to be appropriate. If a NDLOA is not recommended, check NO)

▶ NO ACTION CLOSURES

- ▶ No Violation
- ▶ Insufficient Evidence
- ▶ Lack of Jurisdiction
- ▶ Unfounded

NO-ACTION CLOSURE: If no violations were discovered upon your review, do you recommend closure of this complaint? (If YES, identify the most appropriate closure description. If “no action” is not recommended, check NO)



THE STATE
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Fax: 907.269.8195

GOOD EXAMPLE.

BOARD MEMBER REVIEW

DATE: January 01, 2021
TO: Reviewing Board Member
Alaska State Board of Barbers and Hairdressers
FROM: Investigator Name, Investigator
RE: Complaint Review for **RESPONDENT**
CASE#: 2020-000###

CONFIDENTIAL

Deliberative Process Privilege

As a Board Member on behalf of the Alaska State Board of Barbers and Hairdressers, please review the attached material, including a Review Memo from the Investigator, and the material from the case file, in order to provide an opinion whether the Respondent has violated any statutes or regulations jurisdictional to the Board. Your review is not a final decision of the Division in determining appropriate action, if any, including if an investigation is necessary.

Please provide written answers to all questions and attach additional material as needed.

1. In your professional opinion, do the records reviewed demonstrate that the Respondent violated AS 08.13.070(1) by practicing hairdressing without a license?

AS 08.13.070. License required. A person may not

- (1) practice barbering, hairdressing, manicuring, esthetics, body art, or permanent cosmetic coloring without a license, temporary permit, or student permit unless exempted under AS 08.13.160 (d);

Yes ☒ No ☐ (If YES, specifically reference the violation(s) and how you arrived at that conclusion.)

Respondent violated AS 08.13.070(1) by knowingly practicing as a hairdresser without a hairdresser license for 182 days. She was hired and began working as a hairdresser in April, but wasn't licensed until October.

2. If violations are present, do you recommend disciplinary action to address the violations identified? (ie: Probation, Fine, Additional Education, Reprimand).
Yes ☒ No ☐ (If YES, identify the action you believe appropriate for all violations identified.)

- ☒ Imposition of Civil Fine (\$ **\$500**), without censure or reprimand (for a technical violation not involving the professional practice of the licensee)
☐ A Consent Agreement with the following terms (write below);
☐ Other action (to be outlined for the Division to proceed).

After reviewing the historical case precedents and the disciplinary matrix, a \$500 fine is appropriate for a second offense for violating AS 08.13.070(1)

3. If the Respondent possesses multiple licenses under this Board, and disciplinary action is warranted, what license(s) are to be affected?

Hairdresser license #HADH12324

4. If violations are present, but in your opinion, do not rise to the level of formal disciplinary action, do you recommend a non-disciplinary letter of advisement to resolve the issue?
Yes ☐ No ☒ (If YES, identify the specific advisement you believe to be appropriate.)

Letter of Advisement (Advisement
ONLY BE ISSUED IF THERES A VIOLATION. If
violations are present, specify accordingly.

5. If you recommend closure of this complaint, do you recommend closing this complaint?

6. If you want a caution or note to the Respondent, specify.

7. If this matter be reviewed by an expert, specialist, or other Board Member, specify and identify the appropriate expert or Board Member.

8. If this matter be reviewed by another Board Member or Expert, make sure to specify why. Do not send the case materials to the Expert or Board Member yourself - Investigator will do that after completing the conflict checks.

9. Are there any other matters which you believe require further action or attention?
Yes ☐ No ☒ (If YES, please describe the matters you feel require further action or

Only mark "yes" if you feel like further investigation/documentation is needed. If there are other licensees you feel should have a case opened due to the materials and information reviewed, specify why

Reviewing Board Member (Print)

Date

ALWAYS SIGN

Signature

ADDITIONAL COMMENTS OR REMARKS:

If there are other statutes or regulations you believe were violated, but not listed, include them in this section and specify why. You may also use this as additional space to answer an above listed question.



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500
Anchorage, AK 99501-3567
Main: 907.269.8160
Fax: 907.269.8195

Bad Example.

BOARD MEMBER REVIEW

DATE: January 01, 2021
TO: Reviewing Board Member
Alaska State Board of Barbers and Hairdressers
FROM: Investigator Name, Investigator
RE: Complaint Review for **RESPONDENT**
CASE#: 2020-000###

CONFIDENTIAL

Deliberative Process Privilege

As a Board Member on behalf of the Alaska State Board of Barbers and Hairdressers ("Board"), please review the attached material, including a Review Memo from the Investigator and all material from the case file, in order to provide an opinion whether the Respondent has violated any statutes or regulations jurisdictional to the Board. Your review is necessary to assist the Division in determining appropriate action, if any, including if an investigation or further review is necessary.

Please provide written answers to all questions and attach additional pages if needed.

1. In your professional opinion, do the records reviewed demonstrate that the Respondent violated AS 08.13.070(1) by proacting hairdressing without a license?

AS 08.13.070. License required. A person may not

(1) practice barbering, hairdressing, manicuring, esthetics, body piercing, or tattooing and permanent cosmetic coloring without a license, temporary permit, temporary license, or student permit unless exempted under AS 08.13.160 (d);

☒ Yes ☐ No (If YES, specifically reference the violation(s) and how you arrived at that conclusion.)

Read the investigative report.

2. If violations are present, do you recommend disciplinary action to address the violations identified? (ie: Probation, Fine, Additional Education, Reprimand).
Yes ☒ No ☐ (If YES, identify the action you believe appropriate for all violations identified.)

☐ Imposition of Civil Fine (\$ _____), without censure or reprimand (for a technical violation not involving the professional practice of the licensee)
☐ A Consent Agreement with the following terms (write below);
☐ Other action (to be outlined for the Division to proceed).

☐ See #1

3. If the Respondent possesses multiple licenses under this Board, and disciplinary action is warranted, what license(s) are to be affected?

4. If violations are present, but in your opinion, do not rise to the level of formal disciplinary action, do you recommend a non-disciplinary letter of advisement to resolve the issue?
Yes ☒ No ☐ (If YES, identify the specific advisement you believe to be appropriate.)

\$1500 fine with a warning

5. If no violations were discovered upon your review, do you recommend closure of this complaint?
Yes ☐ No ☐ (If YES, please explain why you recommend closing this complaint)

6. As a result of your review, do you recommend this matter be reviewed by an expert, specialist, or another Board Member?

Yes ☐ No ☒ (If YES, explain in detail why and identify the appropriate expert or specialist.)

7. Are there any other matters which you believe require further action or attention?
Yes ☐ No ☒ (If YES, please describe the matters you feel require further action or attention.)

RECOMMENDATION:

“Does this violation rise to the level of formal disciplinary action?”

Once a **violation** has been determined, you have TWO choices:

Disciplinary License Action

- ▶ Consent Agreement
 - ▶ Probation
 - ▶ Continuing Education
 - ▶ Civil Fine
 - ▶ Reprimand
- ▶ Imposition Of Civil Fine (ICF)
- ▶ Suspension
- ▶ Revocation
- ▶ Denial
- ▶ Etc...

Contract: Needs to be accepted by both Respondent & Board.

PRESENTED TO THE ENTIRE BOARD FOR CONSIDERATION & VOTING.

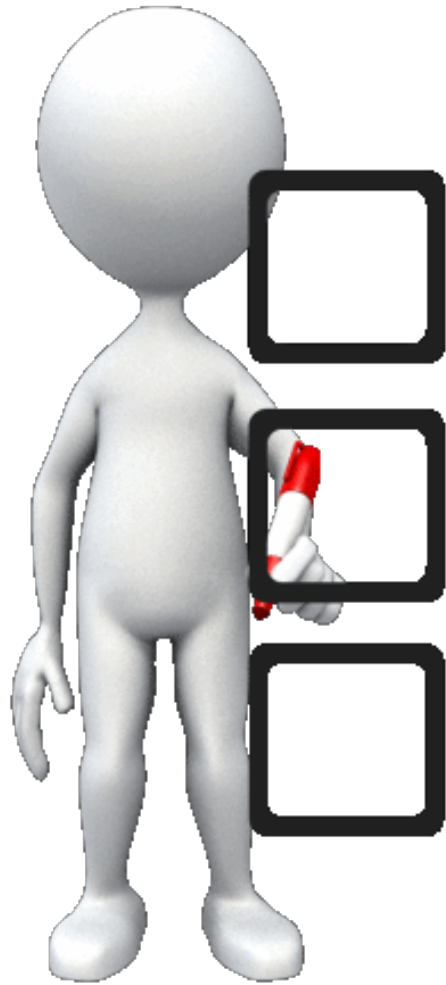
Non-Disciplinary Action

- ▶ Non-Disciplinary Letter of Advisement “Advisement Letter”
- ▶ Used for: Minor violations or first time offenses.

Essentially a warning letter confirming a violation was verified, however, did not rise to the level of formal disciplinary action.

We can only issue these letter IF violation(s) have been verified.

CLOSES CASE.



Filling Out the Review Form:

- ▶ Always sign this document.
- ▶ Ensure this document is thoroughly completed:
 - Answer EACH question and make sure answers are legible.
 - Explain WHY a statute or regulation was violated.
 - Check YES and NO answers.
 - Do not leave answers blank.
 - Be timely with reviews (30 days to complete)
- ▶ This document is a **PIECE OF EVIDENCE**. These need to be legally defensible and justifiable in order for investigators to use & move cases forward.
- ▶ Successful cases are reliant on your recommendations, which should be properly documented.



The End Questions?




THE STATE
of **ALASKA**

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500
Anchorage, AK 99501-3567
Main: 907.269.8160
Fax: 907.269.8156

MEMORANDUM

DATE: September 28, 2023
TO: Board of Barbers & Hairdressers
THRU: Erika Prieksat, Chief Investigator ^{DS}
FROM: Jennifer Summers, Investigator
RE: Investigative Report for the October 02, 2023 Meeting

The following information was compiled as an investigative report to the Board for the period of April 26, 2023 thru September 28, 2023; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

OPEN - 31

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
BARBER			
2023-000882	Unlicensed practice or activity	Complaint	08/15/2023
2022-000448	Unlicensed practice or activity	Investigation	05/17/2023
BODY PIERCER			
2023-000535	Unlicensed practice or activity	Complaint	06/29/2023
ESTHETICIAN			
2023-000698	Unlicensed practice or activity	Intake	06/28/2023
2022-000154	Unlicensed practice or activity	Investigation	02/22/2023
2022-000249	Unlicensed practice or activity	Investigation	06/22/2022

HAIRDRESSER

2022-000451	Unlicensed practice or activity	Complaint	05/27/2022
2023-000384	Unlicensed practice or activity	Complaint	05/08/2023
2023-000385	Unlicensed practice or activity	Complaint	05/08/2023
2021-000676	Unlicensed practice or activity	Investigation	08/31/2022
2022-000820	Unlicensed practice or activity	Investigation	05/31/2023
2023-000271	Unlicensed practice or activity	Investigation	06/29/2023

INSTRUCTOR

2023-000526	Unprofessional conduct	Intake	06/07/2023
2021-000531	Violation of licensing regulation	Investigation	08/30/2022

SCHOOL

2021-000550	Violation of licensing regulation	Investigation	01/23/2023
2021-000860	Unlicensed practice or activity	Investigation	04/17/2023
2021-000883	Unlicensed practice or activity	Investigation	04/17/2023
2021-001088	Violation of licensing regulation	Investigation	01/23/2023
2022-000149	Violation of licensing regulation	Investigation	01/23/2023
2023-000219	Violation of licensing regulation	Investigation	06/27/2023

SHOP OWNER

2023-000109	Violation of licensing regulation	Complaint	02/06/2023
2023-000383	Unlicensed practice or activity	Complaint	05/08/2023
2023-000442	Unlicensed practice or activity	Complaint	05/23/2023
2023-000455	Unlicensed practice or activity	Complaint	05/24/2023
2023-000675	Violation of licensing regulation	Complaint	06/26/2023
2022-000388	Unlicensed practice or activity	Investigation	05/17/2023
2022-000808	Unlicensed practice or activity	Investigation	05/16/2023
2023-000467	Compliance Inspection	Investigation	06/27/2023
2023-000475	Compliance Inspection	Division Inspection	

TATTOOIST

2022-000291	Unlicensed practice or activity	Investigation	03/13/2023
2022-000736	Violation of licensing regulation	Investigation	03/09/2023

Closed - 29

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
BARBER				
2023-000315	Violation of licensing regulation	Closed-Intake	05/22/2023	Incomplete Complaint
2020-000385	Unlicensed practice or activity	Closed-Investigation	07/24/2023	Cease and Desist Order
HAIRDRESSER				
2023-000272	Unlicensed practice or activity	Closed-Intake	05/15/2023	Incomplete Complaint
2020-000277	Unlicensed practice or activity	Closed-Investigation	07/24/2023	Cease and Desist Order
2022-000338	Practice beyond scope	Closed-Investigation	06/20/2023	Advisement Letter
2022-000565	Violation of licensing regulation	Closed-Investigation	06/08/2023	Advisement Letter
2023-000045	Unlicensed practice or activity	Closed-Investigation	05/31/2023	Advisement Letter
SHOP OWNER				
2023-000376	Compliance Inspection	Closed-Intake	05/09/2023	Closed - Case Opened
2023-000388	Compliance Inspection	Closed-Intake	05/09/2023	Compliance
2023-000391	Compliance Inspection	Closed-Intake	05/09/2023	Compliance
2020-000735	Unlicensed practice or activity	Closed-Investigation	05/17/2023	License Action
2022-000153	Unlicensed practice or activity	Closed-Investigation	05/31/2023	Advisement Letter
2022-000466	Unlicensed practice or activity	Closed-Investigation	05/15/2023	Advisement Letter
2022-000566	Unlicensed practice or activity	Closed-Investigation	06/29/2023	Advisement Letter
2022-000817	Unlicensed practice or activity	Closed-Investigation	06/21/2023	Advisement Letter
2023-000025	Unlicensed practice or activity	Closed-Investigation	05/17/2023	License Action
2023-000044	Violation of licensing regulation	Closed-Investigation	05/11/2023	Advisement Letter
2023-000397	Compliance Inspection	Closed-Division Inspection	05/15/2023	Compliance

2023-000399	Compliance Inspection	Closed-Division Inspection	05/30/2023	Closed - Case Opened
2023-000454	Compliance Inspection	Closed-Division Inspection	05/30/2023	Closed - Case Opened
2023-000466	Compliance Inspection	Closed-Division Inspection	05/31/2023	Closed - Case Opened
2023-000474	Compliance Inspection	Closed-Division Inspection	05/31/2023	Compliance

TATTOOING AND PERMANENT COSMETIC COLORING

2022-000931	Unlicensed practice or activity	Closed-Complaint	05/23/2023	No Action - No Violation
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TATTOOIST

2023-000316	Violation of licensing regulation	Closed-Intake	05/22/2023	Incomplete Complaint
2022-000362	Unlicensed practice or activity	Closed-Investigation	05/15/2023	Advisement Letter
2022-000415	Unlicensed practice or activity	Closed-Investigation	05/17/2023	License Action
2022-000821	Unlicensed practice or activity	Closed-Investigation	05/17/2023	License Action
2023-000444	Unlicensed practice or activity	Closed-Investigation	07/03/2023	Advisement Letter
2023-000445	Unlicensed practice or activity	Closed-Investigation	07/03/2023	Advisement Letter

END OF REPORT


Certificate Of Completion

Envelope Id: 22E4108237E449C782DA74A12CD3AFC4	Status: Completed
Subject: Complete with DocuSign: BAH Oct 2023 Board Report.pdf	
Source Envelope:	
Document Pages: 4	Signatures: 0
Certificate Pages: 4	Initials: 1
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Disabled	Jenni Summers
Time Zone: (UTC-09:00) Alaska	PO Box 110206
	Juneau, AK 99811
	jennifer.summers@alaska.gov
	IP Address: 158.145.14.25

Record Tracking

Status: Original	Holder: Jenni Summers	Location: DocuSign
9/28/2023 10:54:55 AM	jennifer.summers@alaska.gov	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: State of Alaska	Location: DocuSign

Signer Events

Signer Events	Signature	Timestamp
Jenni Summers		Sent: 9/28/2023 10:55:57 AM
jennifer.summers@alaska.gov		Viewed: 9/28/2023 10:56:09 AM
Senior Investigator III		Signed: 9/28/2023 10:56:14 AM
State of Alaska		
Security Level: Email, Account Authentication (None)	Signature Adoption: Uploaded Signature Image Using IP Address: 10.233.83.29	

Electronic Record and Signature Disclosure:
 Accepted: 2/3/2023 11:27:18 AM
 ID: 6df05cbc-7cdb-4975-bf6c-3e9644a75e05
 Company Name: State of Alaska

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Cynthia Spencer	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	Sent: 9/28/2023 10:56:16 AM
cynthia.spencer@alaska.gov		Viewed: 9/28/2023 10:56:54 AM
Security Level: Email, Account Authentication (None)		
Electronic Record and Signature Disclosure:		
Accepted: 5/18/2021 2:28:57 PM		
ID: 6017d3fb-de0b-4622-a2df-44547df6f9cd		
Company Name: State of Alaska		
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	9/28/2023 10:55:58 AM
Certified Delivered	Security Checked	9/28/2023 10:56:09 AM

Envelope Summary Events	Status	Timestamps
Signing Complete	Security Checked	9/28/2023 10:56:14 AM
Completed	Security Checked	9/28/2023 10:56:16 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		



PROBATION REPORT

DATE: September 28, 2023
TO: Board of Barbers and Hairdressers
THRU: Erika Prieksat, Chief Investigator
FROM: Jenni Summers, Senior Investigator
SUBJECT: Probation Report for the October 2, 2023 Board Meeting

The following is a complete list of individuals on probation for this Board. There are currently **three (3)** individuals being monitored on probation. **One (1)** was released from probation since the last report. Individuals **non-compliant** or on **“hold”** with their probation are noted next to **“**”** with explanations listed below

<u>NAME</u>	<u>Case Number</u>	<u>Probation Start</u>	<u>Probation End</u>
**Elijah Young	2020-001049	10/06/2020	Suspended
Hayley Moore	2023-000448	05/16/2023	05/16/2025
Connie Dougherty	2023-000449	05/16/2023	05/16/2025

RELEASE FROM PROBATION:

<u>NAME</u>	<u>Case Number</u>	<u>Probation Start</u>	<u>Probation End</u>
Saeed McKoy	2019-001074	08/20/2019	Surrendered

SPECIAL NOTES:

- **Elijah Young-** Esthetician license #HAD19515 was suspended on 4/1/2022, and the full civil fine of \$7,000 was invoked. She has made payments totaling \$350. Last payment was received October 2022. Her current fine balance is \$6,650.

END OF REPORT

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Barbers & Hairdressers enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____
Board staff to remain during the session.

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- 1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;**
- 2. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- 3. matters which by law, municipal charter, or ordinance are required to be confidential;**
- 4. matters involving consideration of government records that by law are not subject to public disclosure.**

From: [Spencer, Cynthia R \(CED\)](#)
Cc: [Whitcomb, Wanda E \(CED\)](#); [Carabajal, Renee R \(CED\)](#)
Bcc: [Breanna Hardy \(brehardy2013@hotmail.com\)](#); [Connie Dougherty \(Conair49@aol.com\)](#); [Glenda Ledford](#); [Khitsana Sypakanphay \(ak.tailoredbeauty@gmail.com\)](#); [michellem.nailtech@gmail.com](#)
Subject: Interpretation Request - 08.13.220(4) External Part of the human ear
Date: Wednesday, June 28, 2023 7:19:00 AM
Attachments: [image002.png](#)
Importance: High

Hello and good morning all.

Director Robb and Deputy Director Saviers have reviewed the board's request for the Department of Law to review/interpret AS 08.13.220(4).

Both Director Robb and Deputy Director Saviers agree, there's no gray area in AS 08.13.220(4), so an interpretation from the Department of Law is not necessary. AS 08.13.220(4)'s exception for "puncturing the external part of the human ear" allows non-licensed persons to perform ear piercings, and body piercers can also still perform this service.

This information will be included in the October 2, 2023 meeting packet.

Please let me know if any of you have questions or concerns.

Respectfully,
Cynthia Spencer
Occupational Licensing Examiner
[Div. of Corporations, Business and Professional Licensing](#)
[Professional Licensing](#)





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

These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the board.

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 Osborn 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 to 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; if 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 09.163(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 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 3rd 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 on:

A. FY22 3rd 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:

Cynthia Spencer, Licensing Examiner

Approved:

Michelle McMullin, Chairperson
Board of Barbers and Hairdressers

Date: _____



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 JUNE 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, June 15, 2023

These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the board.

June 15, 2023:

Attendance

Members Present: Chair Michelle McMullin, Connie Dougherty, Glenda Ledford, Breanna Hardy, Khitsana Sypakanphay

Staff Present: Cynthia Spencer & Wanda Whitcomb, Licensing Examiners, Alison Osborne and Stefanie Davis, Regulation Specialists, Renee Carabajal, Program Coordinator

Public Present via Zoom:

Despina Silverthorn, representing Alyeska Aesthetics,
Courtney Coon, Esthetician, representing Alyeska Aesthetics.
Rachel Lausen
Mechille South, Hairdresser Instructor, Shop Owner
Nicole Wilson
Teesha Northcutt, Esthetician,
Chloe Stillwell, Esthetician,
Kathleen Smart, Esthetician Instructor, Permanent Cosmetic Colorist, Tattooist
Shannon O'Neal-Yoakum, Esthetician and Hairdresser
Kiana Reese, Esthetician, Shop Owner
Tatyana Johnson, Esthetician
Michelle Bibbs, Esthetician and Shop Owner
Malissa Lindberg, Esthetician
Caitlin Webb, Esthetician
Monica Billman, Esthetician
Mina Fujimoto, Esthetician, Permanent Cosmetic Colorist
Megan Eubank, Esthetician
Kristen Harmon
Jane Henegan
Sonja Kontra, Esthetician
Elesha Taylor, Esthetician
Christine Engler, Esthetician
Crystal Loyer, Esthetician
Anna Smole, Esthetician

1. Call to Order/Roll Call

The board was called to order at 9:03 a.m.

All board members present via roll call.

2. Review Agenda

Board reviewed agenda.

Motion: 1st Glenda Ledford – 2nd Connie Dougherty

Approve agenda as written.

Approved by majority.

3. Ethics Disclosure

The board reviewed the provided Ethics packet.

Board members present stated they had no conflicts to disclose.

4. New Business

A. Scope of Practice Discussion – AS 08.13.220

i. Define Tattoo Removal

The board briefly discussed tattoo removal, tools, and injectable solutions.

The board agreed to define tattoo removal as a non-ablative removal via saline solution; the board agreed this service would only be allowed under a tattoo or permanent cosmetic colorist (PCC) license.

OLE Cynthia Spencer cautioned the board against adding “tattoo removal” to the scope of practice definitions of tattooing and PCC, based on services being accidentally added to incorrect license types; OLE Spencer suggested the board add the license types to the definition of “tattoo removal”.

Chair McMullin polled the board. Hearing no disagreements, the definition of tattoo removal would be “a non-ablative removal via saline solution; the board agreed this service would only be allowed under a tattoo or permanent cosmetic colorist (PCC) license.

ii. Barbering

The board reviewed the current scope of practice. The board briefly discussed the current definition and agreed to add hair braiding to the definition.

Chair McMullin polled the board. Hearing no disagreements, hair braiding will be added to the current definition.

iii. Body Piercing

The board reviewed the current scope of practice. The board briefly discussed the current definition and asked why the definition included “body piercing” does not include puncturing the external part of the human ear”. OLE Spencer stated that this was included to allow places like Claire’s, Icing, and jewelry shops to provide earlobe piercing only, without begin required to obtain a body piercing license; this does not mean that licensed body piercers cannot pierce the ear lobe.

The board agreed they don’t want to limit stores from providing this service but would like an opinion from Department of Law before making changes to the current definition.

Chair McMullin polled the board. Hearing no disagreements, staff was directed to request an opinion from Dept. of Law regarding why the definition of body piercing includes “does not include puncturing the external part of the human ear”.

Action Item: Request Dept. of Law opinion – why “body piercing” does not include puncturing the external part of the human ear.”

iv. Esthetics

Chair McMullin reviewed the definition of esthetics as written by the Idaho, Utah, and Washington State Boards.

The board briefly discussed estheticians providing injectables under the direct supervision of a licensed healthcare provider. OLE Spencer and Whitcomb both stated they had been telling estheticians that they could provide injectables under direct supervision of a licensed health care provider.

Chair McMullin informed the board and staff that the Medical Board had issued a guideline which stated esthetician may not provide any injectables even under supervision. The board briefly discussed the Medical Board’s Issued Guidelines, Section 6.

The board briefly discussed training requirements and the definitions from ID, UT, and WA. The board agreed the scope of practice for estheticians should reflect:

“noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams, and essential oils to cleanse, massage, exfoliate, hydrate and stimulate, makeup application, strip lashes and lash extensions applications, temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories, or others means; and tinting or perming the eyelashes and eyebrows; pore extraction; use of chemical exfoliants approved for professional esthetic use particle exfoliation; use of any class 1 medical device, as classified by the united states food and drug administration, designed for the care of skin. Estheticians may not provide injectable services.

Class I medical device with low to moderate risk requiring general controls; Estheticians may use these devices without medical supervision. Devices are:

- Microdermabrasion
- Hydrodermabrasion
- Microcurrent
- LED
- Microchanneling
- Superficial ultrasound (3mhz or less)
- Galvanic
- Vacuum
- High frequency”

Chair McMullin polled the board. Hearing no disagreements, the definition of esthetics would reflect the above.

Khitsana Sypakanphay stated she felt the board was moving in the right direction with this definition of esthetics and discussing a “master/advanced” esthetician license.

v. Hair Braiding

The board reviewed the current scope of practice and determined no change to the current definition is needed.

Chair McMullin polled the board. Hearing no disagreements, no changes were made to the current definition.

vi. Hairdressing

The board reviewed the current scope of practice. The board asked why “living person” was included in this definition. OLE Spencer informed the board that the clarification was included as an embalmer license is required to provide hair and makeup services on the deceased.

The board briefly discussed the current definition and agreed to remove “dressing” and add hair braiding to the definition.

Chair McMullin polled the board. Hearing no disagreements, “dressing” would be removed, and hair braiding added the current definition.

vii. Limited Esthetics

OLE Spencer reminded the board that hairdressers are allowed to provide limited esthetics and to keep than in mind when updating this scope of practice.

The board briefly discussed removal of superfluous hair and eyelash extension services and tools. The board agreed to remove the reference of “use of wax” for hair removals as they felt it limited the tools used as hairdresser may only use tweezers to remove superfluous hair and expand on “false eyelashes”.

The board agreed with the following as a scope of practice definition of “limited esthetics” and want this added to the esthetician scope of practice.

“makeup application, strip lashes and lash extensions applications, temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories, or others means; and tinting or perming the eyelashes and eyebrows.”

Chair McMullin polled the board. Hearing no disagreements, the definition of limited esthetics would reflect the above and also be added to the scope of practice definition of "esthetics".

viii. Manicuring

The board reviewed the current scope of practice. OLE Spencer asked the board to consider section B as it pertains to massage treatment as it seems massaging of the hands and feet are provided with manicures and pedicures.

The board discussed "massage" and asked that staff work with Regulation Specialist, Alison Osborne to verify what could be provided without overstepping into the Massage Therapy program. Upon review by OLE Spencer and Ms. Osborne; they reported, in accordance with statute 08.06.080((13), person practicing only the manipulation of the soft tissues of the hands, feet, or ears and not holding out to be a massage therapist; a manicurist is able to provide massage as defined in 08.06.080(13) to clients.

The board asked if there was a current scope of practice definition for Advanced Manicuring; staff stated there was no definition for this license type.

The board briefly discussed changing the manicuring (12-hours) license to natural nail only services and changing the manicurist with advanced endorsement (250 hours and National Nail Technology theory exam). The board agreed no change in the training hours for each license type was warranted.

The board agreed to add "pedicuring" to the current scope of practice definition of manicuring; the updated scope of practice should be as follows and would remain as follows if the license type was changed to natural nails.

"Manicuring (to remain for natural nails and gel polish) and to include the following services:

Cutting, filing, trimming, shaping, polishing, coloring, removing polish, tinting, airbrushing, decorating, cleansing, or otherwise beautifying natural nails and toenails.

To include gel polish application and removal.

Massaging, cleansing and exfoliating a person's hands, arms, feet and legs.

Does not include hair removal cutting nail beds, treating corns or calluses or any medical treatment involving feet, hands or nails."

Chair McMullin polled the board. Hearing no disagreements, the definition of manicuring would reflect the above.

The board agreed that a scope of practice definition should be created for Advanced Manicuring. The board agreed the license type and scope of practice definition should be titled "Nail Technician".

Chair McMullin informed the board that the South Dakota Cosmetology board definition of nail technology seems to fit their needs:

"A person is engaged in the practice of nail technology if that person, for compensation, a fee, or any valuable consideration, engages in any of the following practices with hands, chemicals, or any mechanical or electrical apparatus or appliance for beautifying or cosmetic purposes: (1) Cutting, filing, trimming, shaping, polishing, coloring, removing polish, tinting, air-brushing, decorating, cleansing, or otherwise beautifying a person's fingernails or toenails; (2) Applying and removing artificial nails; or (3) Massaging, cleansing, and exfoliating a person's hands, arms, feet, and legs. Nail technology does not include hair removal, cutting nail beds, treating corns or calluses, or any medical treatment involving the feet, hands, or nails."

Chair McMullin polled the board. Hearing no disagreements, the definition of advanced manicuring/nail technician would reflect the above.

ix. Non-Chemical Barbering

The board reviewed the current scope of practice. The board briefly discussed the current definition and agreed to add hair braiding to the definition.

Chair McMullin polled the board. Hearing no disagreements, hair braiding will be added to the current definition.

x. Permanent Cosmetic Coloring

The board reviewed the current scope of practice. Cynthia Spencer asked if this license type was able to provide reconstructive tattoos. The board briefly discussed and stated reconstructive tattooing is only allowable under a tattoo license.

The board determined no change to the current definition is needed.

Chair McMullin polled the board. Hearing no disagreements, no changes were made to the current definition.

xi. Tattooing

The board reviewed the current scope of practice and determined microneedling and microblading needed to be removed.

Chair McMullin polled the board. Hearing no disagreements, microneedling and microblading would be removed from current definition.

Ms. Sypakanphay asked OLE Spencer why regulation 12 AAC 09.185(2) reflects a licensed tattooist can still train a permanent cosmetic colorist trainee. OLE Spencer stated this was missed during the license update splitting tattooing and PCC into two separate license type; a regulation project would be started to amend this.

Action Item: Request regulation project 12 AAC 09.185(a)(2) - remove "..., or PCC if the trainer meets the requirements of 12 AAC 09.168."

Recess The Board recessed at 10:39 a.m. for a short break; reconvened at 10:49 a.m. Majority of the board confirmed by roll call.

B. Discuss Creation of New License Type, Advanced Esthetician

The board discussed additional training for this new license type would require the applicant hold an active esthetician license and then complete an additional 400 – 500 hours of training some of which would require a collaboration with a medical professional due to the use of Class I and Class II medical devices.

The board briefly discussed raising the current esthetician hour requirement from 350 hours to 600 hours.

The board briefly discussed "licensed health care provider" and "licensed medical provider".

Chair McMullin stated she would work with the Medical Board for details on a collaborative training reporting and requirements and how this would work into a school or apprenticeship program.

The board agreed this license type would have reciprocity with other states that met or exceeded their requirements for licensure.

The board briefly discussed a continued health care professional collaboration required to practice advanced manicuring once licensed; these collaborations would be maintained by this board.

The board agreed that the additional 400 hours of training would include 100 completed procedure hours, 150 hours of theory, 150 hours of practical, 25 discretionary hours, and passing the NIC Esthetics Advanced Practice (AP) theory written examination.

The board drafted the following scope of practice definition for "advanced esthetics".

“Noninvasive care of the skin by application of cosmetic preparations, antiseptics, tonics, lotions, creams, and essential oils to cleanse, massage, exfoliate, hydrate and stimulate, makeup application, strip lashes and lash extensions applications, temporary removal of superfluous hair by lotions, creams, waxing, tweezing, depilatories, or others means; and tinting or perming the eyelashes and eyebrows; pore extraction; use of chemical exfoliants approved for professional esthetic use particle exfoliation; use of any class 1 medical device, as classified by the united states food and drug administration, designed for the care of skin.

Class II medical device designed for the care of the skin may be used as directed and supervised by an authorized and licensed health care provider. Class II medical device with a moderate to high risk that requires special controls. Estheticians may use these devices when working under medical supervision.

- Microneedling
- Lasers for hair removal or skin resurfacing
- Radiofrequency
- Non-superficial ultrasound (2mhz or less)
- Cool sculpting

Class I medical device with low to moderate risk requiring general controls. Estheticians may use these devices without medical supervision.

- Microdermabrasion
- Hydrodermabrasion
- Microcurrent
- LED
- Microchanneling
- Superficial ultrasound (3mhz or less)
- Galvanic
- Vacuum
- High frequency

The board briefly discussed Class III medical devices and determined, Class III medical devices with a high risk that require premarket approval; estheticians cannot use these devices with or without medical supervision. The board also reiterated; estheticians are not legally allowed to preform injectables under a doctor’s supervision.

Chair McMullin polled the board. Hearing no disagreements, the definition and curriculum of advanced esthetics would reflect the above and would allow for reciprocity with equivalent states.

Action Item: Chair McMullin with work with the Medical Board on a collaborative training reporting and requirements; how this would work into a school or apprenticeship program for training and then licensure.

C. Create New Regulation Projects(s)

Ms. Spencer asked Regulation Specialist, Alison Osborne, to begin a new regulation project to amend 12 AAC 09.185(a)(2). Ms. Osborne stated as this was just a small clean up, this could be added to the current regulation project packet.

The board agreed to add this to the current regulation packet and stated they had no new regulation projects to begin.

D. Proposed Regulation Projects – Update - 12 AAC 09.002, 09.005, 09.010, 09.075, 02.140, 12 AAC 09.004, 12 AAC 09.185, 12 AAC 09.190, 12 AAC 09.002(j) and 12 AAC 09.106(d)

Ms. Osborne reviewed the current regulation projects with the addition of 12 AAC 09.185(a)(2); removal of tattooist training PCC.

Glenda Ledford excused herself from the meeting at 12:11 p.m.

Action Item: The board requested adding aspects to instructor licenses be added to the October 2, 2023, agenda.

Motion: 1st Michelle McMullin – 2nd Connie Dougherty

Approve regulation packet as written with the additional of 12 AAC 09.185(a)(2), removal of tattooist training PCC.

Approved by majority.

The board thanked Ms. Osborne for her time and assistance.

5. Administrative Business

A. Approve FY23 Annual Report

The board reviewed the drafted annual report with OLE Spencer and had no edits.

Motion: 1st Connie Dougherty – 2nd Breanna Hardy

Approve the FY 23 Annual Report as presented.

Approved by majority.

6. Adjourn

The chair declared the board off the record at 12:42 p.m.

Respectfully submitted:

Cynthia Spencer, Licensing Examiner

Approved:

Michelle McMullin, Chairperson
Board of Barbers and Hairdressers

Date: _____

Annual Report Instructions and Checklist

This document serves as both the instructions and checklist for the 2024 annual reports. Save a copy to be completed for your program(s) in the specific program folder (within the (I:) drive for Juneau or the (J:) drive for Anchorage).

Purpose: The annual performance report is presented by each board in accordance with AS 08.01.070(10). The purpose is to report the accomplishments, activities, and the past and present needs of the licensing program from the board's perspective.

Timeframe: Annual reports must be reviewed and approved by each board and submitted to the division's publication specialist no later than June 30 each year. Boards and staff should plan to ensure an adequate amount of time to discuss, edit, and approve.

Upcoming Board Meeting Dates: _____

☐ Discussed with Board Date: _____

☐ Draft Completed by Board Date: _____

☐ Ready for Board Review Date: _____

Approval and Finalizing Process: *Do NOT send annual reports to the publication team without obtaining board approval first.* Official board approval should be recorded below in the "Board Approval" section. Once the board has approved the annual report content, the document should be emailed to the publications specialist for finalizing. After the document is finalized, it is posted online. The content is not altered during the finalizing process – a 2nd review and approval from the board is not required.

Personnel: It can be difficult to write a report by committee, so boards may wish to appoint a drafter and set forth a process and timeline for completion. Often, this is the board chair or a long-serving member. Boards may also assign sections to members to help allocate the responsibility.

Guidance: Only the content (i.e., informational board-specific text) should be modified by staff. **Do not add, remove or format the annual report yourself.**

- If additional pages, sections, etc. are needed, **contact the publications specialist** and ask for assistance.
- It is imperative that the changes to formatting (i.e., additional pages, etc.) are completed **ONLY** by the publications team - there are specific formatting aspects that must remain in place.
- If changes to formatting are made by staff, you will be asked to re-do the entire template after the publications team has made the formatting changes for you.

Remember this is a public document. Do not include information that may be confidential or create a liability for the board or its members.

Professional licensing staff may not write the report on behalf of the board. Staff may work with the division's administrative team to fill in staff/board information, statistics and other objective data.

Annual Report Instructions and Checklist (continued)

Board Review and Approval: As mentioned above, *do NOT send annual reports to the publication team prior to obtaining board approval*. Official board approval means a motion to approve the document as-is, with a quorum reached. No changes should be made to the document (outside of final formatting) after receiving board approval. Final formatting is to be completed by the publications specialist only.

☐ Approved

Date of Final Board Approval: _____

Comments: _____

Program Staff (Name): _____

This instruction/checklist page, with official board approval, must be submitted to the publications team with the approved annual report document. Annual reports submitted to the publications team without this sign-off will not be accepted.

Department of Commerce, Community
and Economic Development

Division of Corporations, Business
and Professional Licensing

Enter program name.

Annual Report
Fiscal Year 2024



Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

P.O. Box 110806
Juneau, Alaska 99811-0806
Email: License@Alaska.Gov

This report is required under Alaska Statute 08.01.070(10).

Program Name
FY 2024 Annual Report

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Program Name
FY 2024 Annual Report

Board Membership (as of the Date This Report was Approved)

Date of Final Board Approval: Click or tap to enter a date.

Click or tap here to enter text. (List all board members as of the date this report was approved.)

Program Name FY 2024 Annual Report
Accomplishments

Click or tap here to enter text. ("Accomplishments" include but are not limited to statutory or regulatory changes finalized, disciplinary matrices created, investigations conducted, public safety measures implemented, general descriptions of license actions taken for the sake of public safety, accomplishments by staff, accomplishments by board members, etc.)

Program Name FY 2024 Annual Report
Activities

Click or tap here to enter text. ("Activities" include but are not limited to board meetings, subcommittee or workgroup meetings, attendance at conferences, public speaking events, involvement in legislative hearings, in process statute or regulation changes, etc.)

Program Name FY 2024 Annual Report
Needs

Click or tap here to enter text. ("Needs" include but are not limited to changes to statutes, changes to regulations, trainings, board seats to be filled, executive administrator for the board, additional staff, travel to certain conferences, support, etc. Highly recommend also including the "why" for each listed need.)