



Board of Barbers & Hairdressers Meeting

Alaska Division of Corporations, Business and Professional Licensing

August 8, 2024 at 8:30 AM AKDT to August 8, 2024 at 4:30 PM AKDT

Zoom Details: <https://us02web.zoom.us/j/82005793693?pwd=SeFsQ46aNC0YRlpf72h7Dpv1PDFmmJ.1>

Meeting ID: 820 0579 3693

Passcode: 288123

Call In: 1-253 215 8782

TENTATIVE MEETING AGENDA

Working Groups May Occur

Agenda:

1. 8:30 a.m. **August 8, 2024 Call to Order/Roll Call**
 - A. Meet and Greet New Board Member – Kevin McKinley and Willie Mae Canady
2. 8:45 a.m. **Review/Amend Agenda**
3. 8:55 a.m. **Ethics Disclosure**
4. 9:00 a.m. **Regulation Project Review and Adoption 12 AAC 09.002. 09.106, 09.990. Public Comment Closed July 1st – NO Additional Oral or Written Public Comments Will Be Accepted.**
5. 10:00 a.m. **Public Comment**
6. 10:30 a.m. **Break/Recess**
7. 10:40 a.m. **Division and Financial Update**
 - A. FY24 3rd Quarter Budget Report
 - B. Technology Protocols to Protect State Information
8. 11:15 a.m. **Investigations**
 - A. Investigative Memo
 - B. Investigative Probation Report
 - C. Executive Session
9. 12:00 p.m. **Lunch**
10. 1:00 p.m. **New Business**
 - A. Medical Spa's Multi-Board workgroup
11. 1:30 p.m. **Administrative Business**
 - A. Review/Edit/Approve Meeting Minutes
 - i. November 8, 2023 Legislative Work Session

- ii. December 13, 2023 Town Hall Meeting – Hairstyling/Hair Braiding
- iii. December 14, 2023 Town Hall Meeting – Esthetics
- iv. March 4, 2024 Meeting
- B. FY24 Annual Report – Board Required Submissions
 - i. Draft FY24 Annual Report
- C. Officer Elections
- D. Correspondence
 - i. Hairdresser Curriculum Change Request – Heather Wagoner
 - ii. Sue and Franz Shroy
 - iii. NIC Notice Reminder – Dangers in the Beauty Profession
- E. 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

Revised 9/2013

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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.

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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.

Revised 2012

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.*

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF BARBERS AND HAIRDRESSERS ON REVIEW OF LICENSE APPLICATIONS, INSTRUCTOR LICENSE REQUIREMENTS, AND DEFINITIONS

BRIEF DESCRIPTION: The Board of Barbers and Hairdressers proposes to change regulations for the deadline to submit documentation for the purposes of obtaining a courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring; standard for acceptance of out of state instructor licenses by waiver; and clarifying definitions.

The Board of Barbers and Hairdressers (Board) proposes to adopt regulation changes in Title 12, Chapter 09 of the Alaska Administrative Code, dealing with clarifying courtesy license checklist and instructor license requirements, and clarifying the statutory use of the word ‘appliances’. These changes include:

1. **12 AAC 09.002. Review of license applications**, this change is proposed to amend the requirements to submit documentation from at least 30 days before the applicant plans to begin practicing to not fewer than 90 days.
2. **12 AAC 09.106. Instructor license requirements**, this section is proposed to be amended to clarify that verification of a license issued by another jurisdiction must meet or exceed the licensing standards of this state, and to repeal information now considered duplicative with the above amendment.
3. **12 AAC 09.990. Definitions**, this section is proposed to be amended to add clarification by defining the word ‘appliances’ used in AS 08.13.220(5).

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Stefanie Davis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/215479>, and using the comment link. **The comments must be received not later than 4:30 p.m. on July 1, 2024.**

You may submit written questions relevant to the proposed action to Stefanie Davis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board’s website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofBarbersHairdressers.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Stefanie Davis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than June 24, 2024 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Stefanie Davis at (907) 465-2537, RegulationsAndPublicComment@alaska.gov, or at <https://www.commerce.alaska.gov/web/portals/5/pub/BAH-0324.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during**

the time allowed if your interests could be affected.

Statutory Authority: AS 08.01.062; AS 08.13.030; AS 08.13.070; AS 08.13.080; AS 08.13.090; AS 08.13.100; AS 08.13.120; AS 08.13.180; AS 08.13.220

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.13.100; AS 08.13.220

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

DATE: 5/28/2024

/s/
Stefanie Davis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

1. **Adopting agency:** Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing – Board of Barbers and Hairdressers.
2. **General subject of regulation:** Clarifying courtesy license checklist and instructor license requirements, and clarifying the statutory use of the word ‘appliances’.
3. **Citation of regulation:** 12 AAC 09.002; 12 AAC 09.106; 12 AAC 09.990.
4. **Department of Law file number:** 2024200136.
5. **Reason for the proposed action:** Update and clarification of current regulations; compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None known.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2024 or in subsequent years.
9. **The name of the contact person for the regulation:**
Renee Carabajal, Program Coordinator
Alaska Board of Barbers and Hairdressers
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-3812
E-mail: renee.carabajal@alaska.gov
10. **The origin of the proposed action:** Staff of state agency.
11. **Date:** 5/28/2024 **Prepared by:** /s/ Stefanie Davis
Regulations Specialist

Chapter 09. Board of Barbers and Hairdressers.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

The introductory language of 12 AAC 09.002(s) is amended to read:

(s) The following checklist is established by the board for review of an application for a courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring. A courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring will be issued 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 practicing, submits

...

(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 11/23/2023, Register 248; 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 09.106(d)(2) is amended to read:

(2) verification of a current barber, hairdresser, manicurist, or esthetician instructor license issued by another licensing jurisdiction **that meets or exceeds the licensing standards of the state;**

12 AAC 09.106(d)(5) is repealed:

(5) repealed ____/____/____ [VERIFICATION OF EITHER

(A) AT LEAST THREE YEARS OF PRACTICE AS A LICENSED BARBER, HAIRDRESSER, MANICURIST, OR ESTHETICIAN IN THIS STATE OR IN ANOTHER LICENSING JURISDICTION; OR

(B) ONE YEAR OF PRACTICE AS A LICENSED BARBER, HAIRDRESSER, MANICURIST, OR ESTHETICIAN IN THIS STATE OR ANOTHER LICENSING JURISDICTION FOLLOWED BY 600 HOURS OF STUDENT-INSTRUCTOR TRAINING IN A SCHOOL APPROVED BY THE BOARD OR APPROVED BY ANOTHER LICENSING JURISDICTION].

(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 11/23/2023, Register 248; am ____/____/____, Register ____)

Authority: AS 08.13.030 AS 08.13.080 AS 08.13.100
AS 08.13.070

12 AAC 09.990(b) is amended to read:

(b) For the purposes of AS 08.13.220(5),

(1) “appliances” means

(A) any medical device with a United States Food and Drug Administration (FDA) Class I designation; and

(B) use of a setting on a FDA Class II device that allows for noninvasive treatment of the skin with low to moderate risk when

(i) the FDA Class II device is used on Class I settings only; and

(ii) medical supervision is not otherwise required by law; nothing in this definition prohibits a licensed esthetician from practicing under the direct supervision of a physician as allowed under AS 08.64 or an advanced practice registered nurse as allowed under AS 08.68;

(2) “for a fee” does not include remuneration received by a person employed or working under contract to provide make up services for a television, film, or stage production. (Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 2/28/88, Register 105; am 7/23/2000, Register 155; am 11/27/2002, Register 164; am 12/6/2002, Register 164; am 7/12/2007, Register 183; 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 08.13.030 AS 08.13.220

Editor’s Note: The FDA device designation list can be found at the U.S. Food and Drug Administration’s website:

<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfpdc/classification.cfm>.

From: [Regulations and Public Comment \(CED sponsored\)](#)
To: [Teesha Northcott](#)
Subject: RE: Proposed Regulations Questions
Date: Friday, June 21, 2024 1:57:00 PM

Good afternoon,

Thank you for your inquiry. Your questions were provided to board staff. They have let me know that these questions will be discussed and answered on the record by the board while reviewing public comments on this regulation project. The board's next scheduled meeting is October 10, 2024.

Thank you,

Stefanie L. Davis (she/her)
Regulations Specialist
Division of Corporations, Business and Professional Licensing
regulationsandpubliccomment@alaska.gov
Office: 907-465-2537
www.commerce.alaska.gov

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

From: Teesha Northcott <teeshanorthcott@yahoo.com>
Sent: Friday, June 21, 2024 1:31 PM
To: Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov>
Subject: Proposed Regulations Questions

[You don't often get email from teeshanorthcott@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Board of barbers and hair dressers,

This letter is to submit my questions in regards to potential regulation changes.

My name is Teesha Northcott and I have been a licensed esthetician for approximately 25 years and I also have a shopowners license for SkinLife Medspa. My two questions regarding the proposed regulation language of 12 AAC 09.990(b) are as follows:

1. By excluding a licensed esthetician practicing under the direct supervision of a doctor or an advanced practice registered nurse from the definition of "appliance," is the Board of Barbers and Hairdressers expanding the authorized scope of practice for estheticians working under these arrangements to perform treatments that go below the dermal layer of the skin?
2. At the June 15, 2023 meeting of the Board of Barbers and Hairdressers, the Board stated that it is going to develop an advanced esthetics license and seek legislation to establish that license. This has not yet occurred. Is it the exclusion of licensed estheticians practicing under the direct supervision of a doctor or an advanced nurse practitioner being subject to the limitations of the Board's definition of "appliances" an intent by the Board of Barbers and Hairdressers to recognize the practice of medical/advanced esthetics?

Thank you for your time and consideration of my questions.

Sincerely,

Teesha Northcott

From: [Kristine Barnard-Mares](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Proposed changes Esthetician License
Date: Saturday, June 22, 2024 4:26:37 PM

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Barber & Hairdressers
State of Alaska

Re: Changes to Esthetician License

I would like to express my unhappiness with the proposed changes to what is allowed on an Esthetician license in Alaska. Specifically I'm speaking about what appliances may be used by Estheticians.

Since opening my shop in 2009 I have ran a successful skin care business in Soldotna, Alaska. I have also had a Medical Director for the duration of that time. **prior to this I did Esthetics and Laser hair removal in a medical practice under the supervision of the physician for 7 years. I also continue to get referrals from physicians in our community for client care.

I have been Certified and Trained to use each piece of equipment that I operate. I have never harmed a client nor have I ever had any complaints or sanctioning.

In my shop I have a Diode laser, an IPL and a Radiofrequency machine. Each of these devices are safely operated and carefully monitored. As mentioned above, I have always had a medical Director that I could contact for any questions or concerns.

It appears that the verbiage of your license changes would require my Medical Director to

Be in the same building as I. Please advise if this is not correct. These modalities are the main items on my service menu and the loss of them would leave my business in a very difficult situation.

Financially I have over \$100,000 invested into my equipment, as well as a client base of

Clients who utilize & trust me to provide these services.

As noted above, I object to the changes and believe exceptions should be made.

Thank you for your consideration,

Kristine Boots
Renewal Skin Care Studio

From: [Alaska Online Public Notices](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: New Comment on NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF BARBERS AND HAIRDRESSERS ON REVIEW OF LICENSE APPLICATIONS, INSTRUCTOR LICENSE REQUIREMENTS, AND DEFINITIONS
Date: Saturday, June 29, 2024 4:16:51 PM

A new comment has been submitted on the public notice [NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF BARBERS AND HAIRDRESSERS ON REVIEW OF LICENSE APPLICATIONS, INSTRUCTOR LICENSE REQUIREMENTS, AND DEFINITIONS](#).

Submitted:

6/29/2024 4:16:45 PM

Christine Babcock
babcockcm@hotmail.com

Kenai, AK, US
Anonymous User

Comment:

I have been treated for over 10 years by Kris Boots at Renewal Skin Care and have been very pleased with my results. She uses the intervention machines like laser, Endy- med, IPL, microdermabrasion and I have never had a bad result or injury. These are expensive tools. She prices the treatments so that they are more affordable to clients , so they can afford to look their best. It will be a great disservice to many if that access is restricted. I am a nurse practitioner, trained to do Botox and fillers, although that is not my primary job. So I am an educated consumer of these services. I urge you not to restrict services provided by aestheticians. My experiences have been all positive and have been very thankful for her help in leading my best life at an affordable cost.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Marianna Macomber](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Proposed changes to the esthetician license
Date: Saturday, June 29, 2024 11:50:32 PM

You don't often get email from marianna.macomber@gmail.com. [Learn why this is important](#)

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To whom it may concern

My name is Marianna Macomber I've been working towards achieving my esthetician license for a little over 6 months now. I've completed over 500 hours of instruction/ training and am currently scheduled to test to become an esthetician in a few days.

The proposed changes will directly affect me and my future in my newly chosen career.

I don't understand the proposed idea of attempting to require that all estheticians be medical professionals as well as licensed estheticians. It's my understanding that if an esthetician wants to purchase additional machinery that they are required to receive extensive training to become proficient in said machinery prior to using that modality on the public. Further that a "medical professional" does not have that same requirement. It is assumed that because they have medical training that they are automatically "a professional" in any /all modalities with zero training required. I do not agree w this assumption. I ask you how is this safer for the public?

I also believe that there should be other factors considered prior to the proposed changes being implemented to the masses, if In fact that is decided and I sincerely hope it is not.

Things that should be considered are licesed years in service, years performing services with specific modalities, additional training achieved, additional licenses obtained to name a few. I think consideration of grandfathering in existing licensed individuals. Say for those who have been licensed for a specific time frame or if the licensed esthetician has spent over \$1000.00 on specific equipment and can prove that they've completed training to use the specific modality from manufacter or trained professional.

I sincerely believe that these proposed changes are a disguise to effectively limit or decimate the competition in the field of esthetics. Because they do not guarantee better or more quality services.

Thank you for your time and consideration

From: [Chrissie Engler](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Cc: [Chrissie Engler Richardson](#)
Subject: Esthetic Device Concerns
Date: Monday, July 1, 2024 7:26:40 AM

You don't often get email from chrissie.engler@gmail.com. [Learn why this is important](#)

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Hi,

I am writing to the Board of Barbers & Hairdressers regarding the language change for approved esthetics devices. I am an independent Licensed Esthetician. This language change on devices may greatly impact my business and what I am allowed to offer for services.

Is having clients complete Consent Forms and having Insurance being taken into consideration for what devices are allowed?

As well as, completing a class and receiving a certificate for any device purchased that required an estheticians license to buy?

Previously, the following had been stated in the June 2023 meeting to be allowed. Is this still the case? Some of them are not listed on the FDA list and/or are listed as Class II. Many of these devices are taught and tested on per the Milady Esthetics book and are used in classes/apprenticeships.

1. 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*

Following are some questions I came across while looking up devices on the FDA link. I just want to share all possible perspectives and how they may impact this decision.

Tanning Beds / Red Light Therapy / Infrared Saunas are all allowed in a Tanning Salon, which does not require a particular license other than a business license.

Laser Light for Acne (Blue & Red) - OTC Class 2 per the FDA

<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfpdc/classification.cfm?id=OLP>

Radio Frequency - OTC Class 2 per the FDA

<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfpdc/classification.cfm?id=PAY>

What about devices that are "not classified"?

<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfpdc/classification.cfm?id=QQF>

If the “FDA has exempted almost all class I devices” wouldn’t that allow Estheticians to use devices that may not even be listed, such as OTC devices?

<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfpdc/315.cfm>

Class I Devices

FDA has exempted almost all class I devices (with the exception of Reserved Devices from the premarket notification requirement, including those devices that were exempted by final regulation published in the Federal Registers of December 7, 1994, and January 16, 1996. Some 510(k) exemptions annotated with "\#\" are with certain limitations as noted in the footnotes. It is important to confirm the exempt status and any limitations that apply with 21 CFR Parts 862-892. Limitations of device exemptions are covered under 21 CFR xxx.9, where xxx refers to Parts 862-892.

If a manufacturer's device falls into a generic category of exempted class I devices as defined in 21 CFR Parts 862-892, a premarket notification application and FDA clearance is not required before marketing the device in the U.S. However, these manufacturers are required to register their establishment and list the generic category or classification name.

Registration and listing information is submitted by using FDA's Unified Registration and Listing System (FURLS)/ Device Registration and Listing Module (DRLM) at:

<https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/HowtoMarketYourDevice/RegistrationandListing/ucm053185.htm>

IMPORTANT NOTE: Only the class I devices with an asterisk () are also exempted from the GMP regulation, except for general requirements concerning records (820.180) and complaint files (820.198), as long as the device is not labeled or otherwise represented as sterile.*

Class II Devices

The Food and Drug Administration (FDA) has also published a list of class II (special controls) devices (those devices are annotated as "(II)"), subject to certain limitations, that are exempt from premarket notification requirements under the Food and Drug Administration Modernization Act of 1997 (FDAMA) or the 21st Century Cures Act of 2016 (Cures Act). FDA believes that these exemptions will relieve manufacturers from the need to submit premarket notification submissions for these devices and will enable FDA to redirect the resources that would be spent on reviewing such submissions to more significant public health issues. FDA is taking this action in order to meet requirements of FDAMA and the Cures Act. Class II devices are annotated "(II)". Please note that class II devices are NOT exempt from GMP requirements.

Thank you for your time and consideration with this matter.

Respectfully,

Christine Engler Richardson, LE / Business Owner
Luminous by Chrissie

From: [Elaine Leibert](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Cc: [Rachel Lauesen](#)
Subject: Public Comment on Proposed 12 AAC 09.990(b) Definition of "Appliances"
Date: Monday, July 1, 2024 1:58:07 PM
Attachments: [2024-07-01 Comment on Proposed 12 AAC 09.990\(b\).pdf](#)

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To Whom It May Concern,

Please see the attached letter from Ms. Rachel Lauesen, counsel for SkinLife Medspa, LLC.

Thank you,
Elaine Leibert

--

Elaine Leibert
Legal Assistant
The Lauesen Law Team, LLC
Note New Mailing and Physical Address: 521 W. 41st Avenue, Suite 102
Anchorage, Alaska 99503
Phone: 907-206-2030
Fax: 907-206-2040

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Rachel Lauesen
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907-206-2040 (Fax)
Rachel@LauesenLaw.com
LauesenLaw.com

July 1, 2024

State of Alaska, Board of Barbers and Hairdressers
333 Willoughby Avenue
Juneau, Alaska 99801

via email only: regulationsandpubliccomment@alaska.gov

Re: Public Comment on Proposed 12 AAC 09.990(b) Definition of "Appliances."

To Whom It May Concern:

Lauesen Law Team represents Shop Owner licensee SkinLife Medspa LLC and licensed esthetician Teesha Northcott. The purpose of this letter is to provide public comment on behalf of SkinLife Medspa and Ms. Northcott relating to the proposed regulation at 12 AAC 09.990(b), which will define "appliances" for purposes of AS 08.13.220(5). Ms. Northcott submitted a public question to the proposed definition on June 21, 2024, asking whether the proposed definition of "Appliances" is intended to recognize the scope of practice for licensed estheticians includes advanced/medical esthetics. To date, Ms. Northcott has not received a response to her questions.

As the Board has not responded to Ms. Northcott's questions, it remains unclear to SkinLife Medspa whether the proposed definition of "Appliance" is making a statement that the practice of advanced/medical esthetics is within the permissible scope of an esthetician's license, or whether it is a statement that the Board of Barbers and Hairdressers is excluding these professionals from its regulatory authority.

If the proposed definition of "Appliances" is intended by the Board of Barbers and Hairdressers is to officially recognize the scope of practice for an esthetician working under direct supervision of a physician or nurse practitioner to use FDA Class II "Appliances" on Class II settings as permitted by AS 08.64 and AS 08.68, then the definition of "Appliances" should state:

(1) "appliances" means

- A. any medical device with a United States Food and Drug Administration (FDA) Class I designation; and**



- B. use of a setting on a FDA Class II device that allows for noninvasive treatment of the skin with low to moderate risk when the FDA Class II device is used on Class I settings only, so long as medical supervision is not otherwise required by law; and**
- C. Class II devices used at a Class II setting under the direct supervision of a physician as allowed under AS 08.64 or an advanced practice registered nurse as allowed under AS 08.68.**

Under AS 08.13.030(a),

The [Board of Barbers and Hairdressers] shall exercise general control over the vocations of barbering, hairdressing, hair braiding, manicuring, esthetics, body piercing, tattooing, and permanent cosmetic coloring.

Under AS 08.13.220(a)(5),

“esthetics” means the use of the hands, appliances, cosmetic preparations, antiseptics, or locations 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.

The Board is responsible to regulate the practice of esthetics, and its definition of “Appliance” should include Class II devices at a Class II setting under direct supervision of a medical or advanced nursing professional.

Under the currently proposed definition of “Appliances,” the Board’s definition of permissible appliances is Class I and Class II on a Class I setting, and is unclear whether Class II “appliances” on a Class II setting is within the definition, which speaks directly to the authorized scope of practice. The Board should explicitly recognize and acknowledge that the practice of “esthetics” regulated by this Board may include the use of “Appliances” by estheticians using Class II devices on a Class II setting with direct supervision of a physician or advanced practice registered nurse as permitted by those boards, because it could be interpreted in the future that the Board is excluding the use of Class II appliances



Rachel Lauesen
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Anchorage, AK 99503

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LauesenLaw.com

on a Class II setting from the definition “appliances” authorized in the definition of “esthetics.”

This matters because past Guidelines of the Alaska State Medical Board make clear that a physician may delegate certain procedures to estheticians under the direct supervision of a physician, but requires that the estheticians are practicing within the scope of their own license. Ms. Northcott is concerned that the Board, by excluding the definition of “Appliances” to estheticians using Class II devices on a Class II setting under medical supervision, the Board is excluding advanced esthetics services from the authorized scope of practice under an esthetician license.

If the Board’s intent is to formally recognize in its definition of “Appliances” that an esthetician may use Class II “Appliances” at a Class II setting under the direct supervision of a medical profession as authorized under those Boards, then the regulation should say that. If the Board’s intent is to exclude Class II “Appliances” at a Class II setting under the direct supervision of a medical professional from the esthetics scope of practice, then the proposed regulation is arbitrary and capricious.

As background, the Board of Barbers and Hairdressers dropped a bombshell on the industry through the issuance of a “Position Statement” on May 15, 2023, which declared that the services offered by medspas, such as laser treatments, microneedling, and other services are outside the scope of practice for a licensed esthetician. This “Position Statement” was issued without sufficient notice and comment to the public, and following a memorandum from the Department of Law advising the Board that its laws governing esthetics are antiquated and that the Board has taken inconsistent positions with regard to advanced esthetics and failed to act. This Memorandum was not released to the public until after the “Position Statement” was decided because the Board wanted to keep it internal.

At the June 15, 2023 meeting, no public comment was allowed by the Board, although there were numerous advanced esthetics practitioners in attendance for purposes of commenting how the Board’s drastic position statement was a dramatic step that threatened their livelihood. The inability to give public comment is not reflected in the meeting minutes.

At the June 15, 2023 meeting, the Board announced that it was going to pursue an “Advanced Esthetician” license through the legislature. The Board also announced that it would permit current licensees practicing advanced esthetics to obtain an advanced



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esthetics license without requiring additional schooling once the license was created. This “grandfathering” promise was also not reflected in the June 15, 2023 meeting minutes.

The deficiencies in the June 15, 2023 meeting minutes was brought to the Board’s attention in writing prior to the October 2, 2023 meeting, but the Board did not amend its meeting minutes and approved the June 15, 2023 meeting minutes.

At the October 2, 2023 meeting, the Board allowed limited public comment. During that meeting, the Board rescinded the May 15, 2023 Position Statement to allow the Board an opportunity to craft legislation for an Advanced Esthetician license. This rescission of the May 15, 2023 Position Statement at the October 2, 2023 meeting is not reflected in the meeting minutes of that meeting.

There was a town hall scheduled for October 18, 2023, for purposes of receiving public comment on the Advanced Esthetics license. This meeting was cancelled due to lack of quorum.

At the November 8, 2023 meeting, the Board decided that it was going to form a workgroup and seek legislation in 2025, to allow for more public input.

The rescheduled town hall held on December 14, 2023 was not well-attended. It was right before the holidays, the Position Statement had been revoked, numerous meetings had been cancelled due to lack of quorum, and all of the estheticians had been assured that the Board was not going to take any action until the 2025 legislative session. However, I was in attendance at that Town Hall and there was no discussion on drafting the proposed regulation of “Appliance.”

The January 25, 2024 meeting was cancelled due to lack of quorum.

The March 4, 2024 meeting, which was and is still listed as a “tentative reschedule” contained a “tentative agenda” titled “Regulation Drafting.” The “Regulation Drafting” was a proposed definition of “Appliances” which stated:

Amendment to 12 AAC 09.990 definitions to add:

(12) “appliances” any medical device in the FDA class I designation and Class II devices with settings that allow for class I treatment with low to



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moderate risk requiring general controls to be used by estheticians without medical supervision for the noninvasive treatment of the skin.

Excluded from the meeting packet was a document the Board Chair put on the Zoom showing that the Board intended the definition of “Appliances” to exclude the services offered by medspas and performed by advanced estheticians. In other words, the Board was going back on its word to the licensees and pursuing a course of action to illegalize advanced esthetics through a “Regulation Drafting” item on a “tentative agenda” for a “tentative” meeting. The Board stated at this meeting it wanted to get the “Regulation Drafting” approved by the Department of Law before it was submitted to regulation so that it did not have to present the “Regulation Drafting” at another Board Meeting.

On March 11, 2024, I wrote the Department of Law about irregularities in the Board’s conducting of meetings, its meeting minutes, its notices, and meeting packets, and expressed concern that the Board was violating the Open Meetings Act, which I had raised before in writing to the Board directly.

The May 23, 2024 meeting was cancelled that morning without explanation or reschedule. The proposed regulation that this comment applies to was issued in May 28, 2024, without an opportunity for comment.

There is precedent in other states to recognize advanced esthetics services without a separate license. At the June 15, 2023 meeting, the Board Chair Michelle McMullin stated that the Board’s proposed definition of “esthetics” that it was going to bring forward to the legislature was modeled after Idaho. Idaho does not have a separate license for “esthetics” and “advanced esthetics” and ID ST § 54-5802(8)(c) reads:

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 or eyelashes. (emphasis supplied).



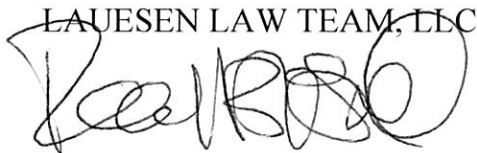
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Thus, the Board of Barbers and Hairdressers does not need an advanced esthetics license to recognize that it is within the authorized scope of practice for an esthetician to use class II "appliances" at class II settings under the direct supervision of a physician or advanced practicing nurse as authorized by those Boards.

It is the Board's responsibility to regulate estheticians and the practice of esthetics in this State. The Medical Board will look to this Board to determine the scope of practice. If the Board is going to define "Appliances," the Board should adopt Ms. Northcott's proposed definition of "Appliances" instead of its noticed proposed definition. Ms. Northcott's definition makes clear that the esthetician's scope of practice authorizes Class II devices at Class II settings under the direct supervision of a physician or advanced practice registered nurse. The Board should not adopt its proposed regulation, as it is ambiguous as to the Board's recognized scope of practice, and may be interpreted by future Boards and the medical board as not within the scope of practice for estheticians.

Very truly yours,

LAUESEN LAW TEAM, LLC

Rachel B. Lauesen

Board of Barbers and Hairdressers	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium	FY 22	FY 23	Biennium	FY 24 1st - 3rd QTR
Revenue										
Revenue from License Fees	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,035,686	\$ 349,898	\$ 1,385,584	\$ 961,795
General Fund Received					\$ -	-	\$ 21,523	\$ 5,933	27,456	\$ -
Allowable Third Party Reimbursements	-	-	-	\$ -	\$ -	-	\$ -	\$ -	-	\$ -
TOTAL REVENUE	\$ 1,210,958	\$ 439,932	\$ 1,650,890	\$ 1,034,860	\$ 389,183	\$ 1,424,043	\$ 1,057,209	\$ 355,831	\$ 1,413,040	\$ 961,795
Expenditures										
Non Investigation Expenditures										
1000 - Personal Services	190,824	195,815	386,639	187,928	154,229	342,157	177,685	201,311	378,996	190,239
2000 - Travel	10,451	6,127	16,578	2,521	-	2,521	2,862	-	2,862	1,738
3000 - Services	59,241	58,111	117,352	44,123	39,463	83,586	29,742	27,235	56,977	23,981
4000 - Commodities	300	193	493	-	-	-	-	-	-	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	260,816	260,246	521,062	234,572	193,692	428,264	210,289	228,546	438,835	215,958
Investigation Expenditures										
1000-Personal Services	108,332	126,521	234,853	163,905	87,573	251,478	97,978	157,238	255,216	33,015
2000 - Travel		-	-	723	-	723	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	1,425	1,489	2,914	558	288	846	8,185	767	8,952	426
3094 - Inter-Agency Hearing/Mediation	-	868	868	-	-	-	3,624	-	3,624	-
3000 - Services other		481	481	757	81	838	241	643	884	57
4000 - Commodities		-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	109,757	129,359	239,116	165,943	87,942	253,885	110,028	158,648	268,676	33,498
Total Direct Expenditures	370,573	389,605	760,178	400,515	281,634	682,149	320,317	387,194	707,511	249,456
Indirect Expenditures										
Internal Administrative Costs	205,071	177,867	382,938	217,172	164,610	381,782	196,546	192,783	389,329	144,587
Departmental Costs	104,226	96,684	200,910	76,526	60,003	136,529	71,313	70,880	142,193	53,160
Statewide Costs	33,433	34,066	67,499	46,351	33,188	79,539	34,649	38,993	73,642	29,245
Total Indirect Expenditures	342,730	308,617	651,347	340,049	257,801	597,850	302,508	302,656	605,164	226,992
TOTAL EXPENDITURES	\$ 713,303	\$ 698,222	\$ 1,411,525	\$ 740,564	\$ 539,435	\$ 1,279,999	\$ 622,825	\$ 689,850	\$ 1,312,675	\$ 476,448
Cumulative Surplus (Deficit)										
Beginning Cumulative Surplus (Deficit)	\$ 202,694	\$ 700,349		\$ 442,059	\$ 736,355		\$ 586,103	\$ 1,020,487		\$ 686,467
Annual Increase/(Decrease)	497,655	(258,290)		294,296	(150,252)		434,384	(334,020)		485,347
Ending Cumulative Surplus (Deficit)	\$ 700,349	442,059		\$ 736,355	\$ 586,103		\$ 1,020,487	\$ 686,467		\$ 1,171,814
Statistical Information										
Number of Licenses for Indirect calculation	8,514	6,784		7,460	6,956		7,507	7,086		
Additional information: <ul style="list-style-type: none"> General fund dollars were received in FY21-FY23 to offset increases in personal services and help prevent programs from going into deficit or increase fees. 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 program changes per AS 08.01.065. 										

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	2000 - Travel	3000 - Services	Grand Total
1011 - Regular Compensation	103,923.78			103,923.78
1014 - Overtime	51.93			51.93
1016 - Other Premium Pay	30.19			30.19
1023 - Leave Taken	25,446.65			25,446.65
1028 - Alaska Supplemental Benefit	7,947.69			7,947.69
1029 - Public Employee's Retirement System Defined Benefits	23,702.55			23,702.55
1030 - Public Employee's Retirement System Defined Contribution	1,809.30			1,809.30
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,215.32			1,215.32
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	344.26			344.26
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	5,179.97			5,179.97
1040 - Group Health Insurance	36,042.21			36,042.21
1041 - Basic Life and Travel	14.53			14.53
1042 - Worker's Compensation Insurance	881.21			881.21
1047 - Leave Cash In Employer Charge	2,966.92			2,966.92
1048 - Terminal Leave Employer Charge	2,055.54			2,055.54
1053 - Medicare Tax	1,827.23			1,827.23
1077 - ASEA Legal Trust	160.82			160.82
1079 - ASEA Injury Leave Usage	8.93			8.93
1080 - SU Legal Trst	27.37			27.37
1970 - Personal Services Transfer	9,617.82			9,617.82
2000 - In-State Employee Airfare			385.01	385.01
2001 - In-State Employee Surface Transportation			60.20	60.20
2002 - In-State Employee Lodging			550.00	550.00
2003 - In-State Employee Meals and Incidentals			303.99	303.99
2004 - In-State Empl Non-Reportable Reimburse / Mileage Pymt			340.78	340.78
2009 - In-State Non-Employee Taxable Per Diem			96.00	96.00
2036 - Cash Advance Fee			2.00	2.00
3035 - Long Distance			21.53	21.53
3036 - Local/Equipment Charges			1.08	1.08
3044 - Courier			25.01	25.01
3045 - Postage			62.70	62.70
3046 - Advertising			1,233.80	1,233.80
3085 - Inter-Agency Mail			1,099.86	1,099.86
3088 - Inter-Agency Legal			8,117.29	8,117.29
3979 - Inter-Agency Management/Consulting			13,902.90	13,902.90
Grand Total	223,254.22	1,737.98	24,464.17	249,456.37



MEMORANDUM

TO: DCCED Board Members and Support
Staff

DATE: Wednesday, May 01, 2024

FROM: Sara Chambers
Boards and Regulations Advisor

RE: Technology protocols to protect state
information

This memo is to clarify approved methods of transmitting and storing confidential State of Alaska (SOA) information.

Transmission and Storage of Confidential Information

Confidential SOA data should only be stored on approved State devices, servers, or services and transferred by methods that have been approved by the department's IT manager. Examples of approved methods in use within the department are ZendTo, OnBoard, CBP Portal, and AK ACCIS. These services meet the standards of the security plan as prescribed by ISP-162 of the State Security Office's Information Security Policies and are under contractual agreement for the purpose of transmitting secure information.

The need to store confidential information outside of a state-approved environment is minimal and must be approved prior to use. In rare situations where there exists a compelling business need to store or provide confidential information outside the SOA environment, further departmental and state approvals are needed. This can be requested through your division's leadership team.

All devices accessing SOA data must meet the following standards:

- The device must utilize security software that features the most current update. If your device doesn't install updates automatically, you must manually install an update before downloading or accessing protected information.
- The device must be protected from shared use. Downloading confidential information on a device that can be accessed by coworkers or family members is not allowed.
- The device must be password protected.
- Storing SOA data in a third-party cloud location such as Dropbox, Google Drive, OneDrive, or other storage center is not allowed unless the account has prior approval by the department's IT manager for the specific use.

Use of AI Technology

The State is working diligently to acquire appropriate AI solutions to meet state business needs. At this time, commercial AI solutions cannot be used to conduct official business. This includes AI transcription services for meetings, ChatGPT, Grammarly, Read.ai, Otter.ai, and other third-party services that are not under State contract.

It is everyone's responsibility to safeguard confidential information that we are entrusted to protect. Using commercial or personal AI solutions not approved is equivalent to publishing any input information to the public. Rapid changes in technology and the availability of software for personal use make navigating these options more complex than ever. DCCED staff supporting boards and board members should continue to proactively ensure the processes used to manage confidential information adhere to official State standards.

CC: Zach Essary, DCCED Information Technology Manager
Hannah Lager, Administrative Services Director



THE STATE
of **ALASKA**

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

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MEMORANDUM

DATE: August 05, 2024
TO: Board of Barbers & Hairdressers
THRU: Erika Prieksat, Chief Investigator
FROM: Chace Evans, Investigator
RE: Investigative Report for the August 08, 2024 Meeting

The following information was compiled as an investigative report to the Board for the period of December 22, 2023 thru August 05, 2024; 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 - 41

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
2024-000130	Unlicensed practice or activity	Intake	02/07/2024
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

2023-001123	Unlicensed practice or activity	Complaint	11/13/2023
2022-000154	Unlicensed practice or activity	Investigation	02/22/2023
2022-000249	Unlicensed practice or activity	Closed-Investigation	

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
2023-000271	Unlicensed practice or activity	Investigation	06/29/2023

INSTRUCTOR

2024-000161	Violation of Profession Statute or Regulation	Complaint	02/14/2024
2021-000531	Violation of licensing regulation	Investigation	08/30/2022
2023-000526	Unprofessional conduct	Closed-Intake	

SCHOOL

2024-000470	Violation of Profession Statute or Regulation	Intake	05/28/2024
2024-000614	Violation of Profession Statute or Regulation	Intake	06/20/2024
2024-000175	Unlicensed practice or activity	Complaint	02/23/2024
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

2024-000478	Unlicensed practice or activity	Intake	05/23/2024
2024-000554	Unlicensed practice or activity	Intake	06/18/2024
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
2024-000468	Unlicensed practice or activity	Complaint	05/28/2024
2022-000808	Unlicensed practice or activity	Investigation	05/16/2023
2023-000475	Compliance Inspection	Division Inspection	

TATTOOIST

2024-000476	Unlicensed practice or activity	Intake	05/23/2024
2024-000697	Unlicensed practice or activity	Intake	07/31/2024
2024-000092	Unlicensed practice or activity	Complaint	01/26/2024
2024-000552	Unlicensed practice or activity	Complaint	05/24/2024
2024-000619	Probation	Complaint	07/03/2024
2022-000291	Unlicensed practice or activity	Investigation	03/13/2023
2022-000736	Violation of licensing regulation	Investigation	03/09/2023

Closed - 12

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
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BARBER

2024-000376		Closed-Intake	05/20/2024	Compliance
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ESTHETICIAN

2023-000720	Unlicensed practice or activity	Closed-Complaint	06/28/2024	Review Complete
2023-000721	Unlicensed practice or activity	Closed-Complaint	06/28/2024	Review Complete

HAIRDRESSER

2024-000367	Unlicensed practice or activity	Closed-Intake	06/03/2024	Incomplete Complaint
2024-000118		Closed-Complaint	07/25/2024	Review Complete
2022-000820	Unlicensed practice or activity	Closed-Investigation	03/18/2024	License Action
2024-000139	Violation of Profession Statute or Regulation	Closed-Investigation	07/23/2024	Advisement Letter

SCHOOL

2024-000177	Unlicensed practice or activity	Closed-Complaint	05/21/2024	Compliance
SHOP OWNER				
2023-000675	Violation of licensing regulation	Closed-Complaint	07/15/2024	Compliance
2023-000467	Compliance Inspection	Closed-Investigation	03/18/2024	License Action
TATTOOIST				
2024-000164	Unlicensed practice or activity	Closed-Intake	04/04/2024	Incomplete Complaint
2024-000372	Violation of licensing regulation	Closed-Complaint	05/20/2024	Compliance

END OF REPORT



PROBATION REPORT

DATE: July 11, 2024
TO: Board of Barbers and Hairdressers
THRU: Erika Prieksat, Chief Investigator
FROM: Jacob Daviscourt, Investigator

DS
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SUBJECT: Probation Report for the August 08, 2024 Board Meeting

The following is a complete list of individuals on probation for this Board. There are currently **eight (8)** individuals being monitored on probation. **Zero (0)** were released from probation since the last report. Individuals **non-compliant** or on “**hold**” with their probation are noted next to “**”.

<u>NAME</u>	<u>Case Number</u>	<u>Probation Start</u>	<u>Probation End</u>
Saeed McKoy	2022-000587	6/18/2022	09/08/2024
**Elijah Young	2020-001049	10/06/2020	Suspended
Karrie Kvasager	2022-000820	03/05/2024	03/06/2025
Hayley Moore	2023-000448	05/16/2023	05/16/2025
Connie Dougherty	2023-000449	05/16/2023	05/16/2025
Francisco Valladolid	2024-000619	08/23/2023	08/24/2025
Sara Grocott	2022-000249	10/3/2023	10/02/2025
Eden Chase	2023-000467	10/11/2023	10/12/2025

RELEASE FROM PROBATION:

<u>NAME</u>	<u>Case Number</u>	<u>Probation Start</u>	<u>Probation End</u>
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END OF REPORT



Board of Barbers and Hairdressers

Alaska Division of Corporations, Business and Professional Licensing

DRAFT MEETING MINUTES

November 8, 2023, at 9:00 AM AKST via Zoom

These minutes have not yet been reviewed or approved by the board.

Members Present: Connie Dougherty, Khitsana Sypakanphay, Wendy Palin, Michelle McMullin, Brea Hardy, Tenaya Miramontes

Members Absent: Glenda Ledford

Staff Present: Renee Carabajal, Program Coordinator; Sylvan Robb, Director; Cynthia Spencer and Wanda Whitcomb, Occupational Licensing Examiners

Call to Order

The meeting was called to order at X by Chair McMullin. A quorum was established.

Chair McMullin noted that there was no new information on esthetician scope of practice, so the corresponding regulatory language item under New Business should be tabled. Ms. Carabajal said the board could continue to discuss legislative changes.

Motion by Chair McMullin to amend the agenda as noted to approve the agenda. Seconded by Ms. Sypakanphay. **Passed by unanimous consent.**

Chair McMullin asked if any members had ethics disclosures. No members responded.

Public Comment

Dr. Gloria Bamberg-Merritt provided comments regarding punitive regulations and potential grandfathering estheticians into future regulations. She expressed concern about what "full authority" means and wants to communicate more clearly. She is concerned that the board is giving their power away to someone. She feels confused by the board's changes and thinks it may be connected to fees.

Rachel Lausen expressed frustration that the board's town hall was cancelled due to lack of quorum and public comment appeared to be restricted at this meeting. She felt it was unprofessional that the board did not attend the meeting they called when public attendees had taken off work to attend.

Ms. Carabajal said that additional time would be provided once everyone had a chance to speak. She also said that the public comment on the derma lights regulations project had closed and comments would not be appropriate at this time.

Ms. Lausen said that she wanted existing estheticians to be grandfathered into any future advanced esthetics program. She was concerned that there was limited availability of advanced esthetics educational pathways. She wanted to see an instructor license, continuing education requirements, and an apprentice pathway. She suggested the legislature create a separate board for advanced esthetics because there are medical and nursing stakeholders, as well, who are needed to understand the technical changes. This board's inaction on this issue over the last 20 years is evidence that they are overburdened. The board needs to be accountable and transparent, as well as enforcing its statutes and regulations. The board needs a dedicated esthetics seat. She recommended Oregon and Idaho as examples of useful examples for advanced esthetics. She raised

concerns that the board has discussed changes to the manicuring scope of practice that would eliminate existing 12-hour manicurists' ability to apply artificial nails. Only 10% of current 12-hour manicurists hold an advanced endorsement. Ms. Lausen's client has been applying artificial nails for more than 10 years. Only two schools offer a pathway for advanced endorsement: One is owned by a company that is under indictment for fraud and the other is over \$5,000 and takes six months. She encouraged the board to create an apprenticeship program, if changes are made. She had concerns about the curricula being instructed in languages that current 12-hour manicurists could understand. Changes would create a hardship to licensees. She was especially concerned that the board's support for advanced manicuring created a direct financial benefit for board member Glenda Ledford, who owned the only operating school in the state, and no conflict of interest had been declared.

Mae Canaday doesn't want to see changes to hair braiding regulations. She mentioned that she was on the board when the hair braiding license was created. She was glad to see a lot of industry members offering public comments at meetings. She encouraged changes to the tattooing apprenticeship. She wanted to ask the board to hold an in-person town hall so members could respond.

Kristin Blakely works at a salon and said she was seeing individuals performing styling, chemicals, and other services under the hair braiding license. She thinks licensing standards should be increased so all practitioners are qualified to perform the services they are engaged in. She hoped that she could attend more future meetings.

Jaqueline Polis said it has been far too long since the board has changed any of the needed regulations and statutes. Too much is changing all at once. The board is struggling to even handle the basics like attending their own meetings. More attention and feedback is needed from industry members. She is concerned about the board's stated goal #7. She is concerned about the lack of expertise and experience on the board to oversee the practice of advanced esthetics. She hopes the board can see the reason for industry's frustration and take a different approach. She has lost faith in the board but is trying to stay positive. She hopes the board will act in the best interest of practitioners and receive more information from licensees. She asked what the next step was for legislation since the plan and specifics are unclear. The ideas may be amazing but need to be ironed out. She also hoped that the town halls could be held in person.

Chair McMullin said everything is under discussion and the board is seeking additional input from licensees and other licensing boards.

Another attendee also stated that she hoped town halls could be held in person.

Another attendee said she was concerned about what was under consideration for an advanced esthetician license.

Chair McMullin said that the boards needed to discuss overlap between the relevant boards. She said that going past the dermal layer may constitute the practice of medicine but this needs to be clarified. The board is awaiting information from the Department of Law.

Ms. Hardy said she supported an in-person meeting.

Ms. Bamberg-Merritt said that she was looking for a list of Class I and II medical devices and hoped the board would post it on the web site. Director Robb said the list was in the June 2023 meeting minutes.

Chair McMullin said the statutes did not take into consideration many of the technologies that have been developed since they were adopted. They need to be updated to move Alaska forward. If the statutes are outdated and restrictive, they should be updated to ensure scopes of practice are modern.

Ms. Lausen said in 2005 the board voted to allow cold lasers, and that is allowed by the State Medical Board. She thought that electrolysis is not regulated by any board because estheticians perform temporary—not permanent—hair removal. If this board isn't regulating an advanced, perhaps people should surrender their esthetician license and work under a physician. Not doing anything is detrimental to the public. The board has noted needs over the last decade and are not doing anything about it.

Motion by Ms. Sypakanphay to enter into executive session in accordance with AS 44.62.310(c) and Alaska Constitutional Right to Privacy provisions for the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential. Board staff are requested to join.
Seconded by Brea Hardy. **Hearing no objections, the board entered executive session.**

The board entered executive session and returned on the record at 11:10 a.m. A quorum was present.

Director Robb suggested the board consider their timing since the legislature is about to enter their last year of Session. She walked through the elements of seeking a bill sponsor and advised whether it was likely a bill could be passed in the second half of Session. The chair said that her service on the board ends in March and recommended the board form a committee to work on this project. Director Robb said that full board support and evidence of a thorough public process would help the board gain traction to find a sponsor. The chair said the needs have been known for several years without strong public participation. She said the board should start with the definition of esthetics.

Ms. Palin mentioned that using FDA classification might help clarify which devices could be used by estheticians who are not working under supervision of a medical provider versus those who are. The chair said that estheticians are not required to be licensed if working under medical supervision. Ms. Sypakanphay suggested that estheticians working under a physician or APRN could be inspected. The chair said that only tattoo and PCC licensees must have pre-inspections; municipalities may require building inspections but they do not relate to licensing safety and sanitation. She said the board in the past was working toward moving those requirements from DEC to DCCED under the board's purview. She mentioned that the board didn't have jurisdiction over practitioners working under Medical Board or Board of Nursing statutes and regulations, and she hoped to collaborate with those boards to provide greater clarity to licensees.

Ms. Palin said she had been in contact with members of boards in Virginia and Washington and said that licensed estheticians working under medical supervision submit documentation that there is a supervising physician or APRN when working with devices that penetrate the dermal layer, such as microneedling and fractional lasers that operate up to .04 millimeters below the surface of the skin, penetrating the dermal layer. The manufacturers of those devices often require continuing education to ensure users know how to safely operate the machine. The chair said that she thought that would require working under medical supervision now and opined that the 600-hour test everyone takes to become licensed might be enough to qualify under a new advanced license.

Director Robb again suggested that the board look at whether the board wanted to seek legislation for introduction in January—if so, they need to roll up their sleeves. If not, there is more opportunity for

discussion and public input. The chair informally asked the board for input on how they wanted to proceed. Ms. Sypakanphay suggested the board work on their long list of topics instead of pushing through to add more. Ms. Dougherty and Ms. Palin agreed that more work and public input was needed. Chair McMullin suggested the topic be tabled to the January meeting.

Director Robb suggested the board could establish a subcommittee to work on legislation so it could undergo a collaborative process and be ready for introduction in early 2025, especially since the public is frustrated with the slowness of the current process. Ms. Carabajal suggested the board instead form a workgroup of one or two board members with expertise on the topic and include members of the public. Ms. Palin, Ms. Miramontes, Ms. Dougherty, and Ms. Sypakanphay volunteered to be on the work group. Ms. Carabajal reminded the board that they could not have more than three members on the work group because it would then constitute a board meeting. Ms. Carabajal described how a work group would operate, including the need to follow the Open Meetings Act. She said the work group could host a town hall meeting. Ms. Dougherty requested an outline or checklist to help the board track all of the projects and where they are in their respective processes. Chair McMullin said that could absolutely be completed.

Director Robb suggested the board split into workgroups on different topics to help share the workload. Ms. Carabajal said that the public's involvement in those work groups would increase their ability to share in drafting proposed language that directly affects their professions. Ultimately, the board would have to adopt the work group products in order to champion them as regulation or statute changes.

Chair McMullin suggested an esthetics workgroup be developed, as well as a possible work group for statutory changes. She appointed herself, Ms. Palin, and Ms. Sypakanphay to the esthetics work group and suggested the others might be formed later in the meeting.

Legislative Changes: Hair Braiding and Hair Styling

The board discussed potential hair braiding and styling changes. Chair McMullin said those who are working out of scope need to be handled by the investigative discussion. Ms. Spencer reminded the board would work to make requirements in regulations, not in statute. Ms. Miramontes said she wrote her legislative proposal regarding styling to do that. Chair McMullin suggested that training and education align with the scope of work. She raised concerns about combining the hair braiding and styling licenses because it might unintentionally increase the training requirements for braiders who are currently operating within their scope. She also wondered whether the training and education was available in Alaska and suggested the apprenticeship pathway as the best method to train licensed stylists.

Ms. Miramontes said her first draft created two licenses and then revised it after receiving feedback that an additional license might not be advisable—adding bureaucracy and limiting possibilities. Ms. Dougherty said she would be concerned that adding requirements to the hair braiding license might disenfranchise existing hair braiders. Ms. Spencer suggested the board look at a chemical/non-chemical hairdresser license split like it currently offers for barbers. However, the non-chemical hairdresser option she researched in other states required about 1,000 hours of training/education. Chair McMullin thought that high number of hours might be prohibitive. Ms. Whitcomb expressed concern that having two licenses might be misleading to hair braiders who could think they are authorized to perform more services. Chair McMullin said that they had already heard in public comment that is already happening. Ms. Miramontes thanked everyone and she looked forward to further conversation in a work group. Chair McMullin appointed herself, Ms. Miramontes, and Ms. Dougherty to this work group, to which they agreed.

Chair McMullin encouraged board members to use caution when entering salons so it wasn't perceived as surveillance. Licensees are welcome to approach members with comments and questions.

The board recessed at 12:06 p.m. and went back on the record at 1:04 p.m.

To formalize the work groups previously discussed:

Chair McMullin moved to create a work group to address changes to esthetics scope of practice that includes herself, Ms. Sypakanphay, and Ms. Palin. Seconded by Ms. Sypakanphay. Passed unanimously by roll call vote.

Ms. Miramontes moved to create a work group to address potential legislation relating to hair styling. Seconded by Ms. Dougherty. **Passed unanimously by roll call vote.**

Although it was not included in the motion, the prior informal discussion placed Chair McMullin, Ms. Miramontes, and Ms. Dougherty in the hair styling work group. The chair suggested the board set dates for town hall-style meetings of these work groups soon.

Current Legislative Project

Chair McMullin reviewed the board's existing legislative priorities as stated in their published annual report:

- Sec. 08.13.220: Remove "microneedling" from the definition of tattooing.
- Sec 08.13.080 and Sec 08.13.160: Add section to allow barbers and non-chemical barbers to practice and teach hair braiding. This was inadvertently omitted from statute when the hair braiding bill passed several years ago. The board does not intend to "chase down" barbers who are instructing in hair braiding.
- Sec 08.13.082: Allow for apprenticeship hours and other specifications of apprenticeships to be in regulations rather than statute so they can be regulated more responsive to industry. Include apprenticeship for advanced 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 allowance 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 chair encouraged members to remain engaged in addressing these priorities, including coming to meetings, so they can make progress. She indicated that microneedling was missed by the board during the legislative process.

She asked whether the board wanted to support moving licensing standards into regulation as part of the legislative process. Ms. Sypakanphay and Ms. Dougherty both thought it was a good idea to pursue this legislation. The chair said legislation can take several years to pass. Director Robb said that the process doesn't have to take that long, especially if the board has engaged the public and presents a well thought-out

argument. The chair is looking forward to further defining scope of practice to protect both the public and the licensee. She suggested looking at options to “grandfather” in existing licensees who are successfully practicing scopes of practice that might be restricted in future legislation. Ms. Carabajal and Director Robb suggested how they have seen this expressed in legislation.

Director Robb suggested the board create an additional work group to address other legislative issues that are not included in the narrow scope of the existing two. She said the chair did not have to be a member of each work group. Chair McMullin said she just wants to make sure the board is moving forward, especially since she is nearing the end of her term. She hoped the board could receive right-touch regulation training since most members were not aware of the concept and it is important information for state boards. Members responded that adding another work group might be a big commitment for the board, so she hoped there would be a lot of public input, even on topics that are general to the board, that could be passed along to the whole board for consideration.

The chair reminded the board that the items on this list had been provided to a legislator; however, they did not yet have a confirmed sponsor. She hoped Ms. Miramontes might volunteer to serve as the board’s legislative liaison. Director Robb reminded the board that they should vote on a representative at a public meeting. She also said that it might take up to 25 hours of board member time to meet with the sponsor, members of the first committee of referral, and attend committee hearings. This work did not need to fall on one person but could be split among various members. Chair McMullin hoped multiple members would help. Ms. Carabajal suggested that multiple members might be helpful since hearings are often called at short notice and committees need representatives of the requesting organizations to attend to answer questions and speak to the request.

Scheduling Work Group Meetings

The board discussed the need for a large, publicly accessible location after work hours. They wished to meet in a location with Zoom access, as well. Ms. Carabajal suggested meeting at a conference room in the Atwood building in Anchorage the second week in December. They decided the work groups could meet on separate evenings during December 12-14 at 5:00 p.m. Ms. Carabajal said she would start reserving rooms within that window.

Chair McMullin suggested the board work through information and allow the public to offer comments and ask questions. She requested board members arrive early. Ms. Carabajal asked board members to ensure official correspondence was not going into their spam filters. She said that staff were not receiving prompt responses to their emails, so please look out for them, including emails from her since she is taking over the board duties as the program supervisor. Chair McMullin reminded board members that they need to show up for their assigned work group sessions and encouraged public attendance. She asked the public to please focus on the goals of each specific work group.

Chair McMullin reminded the board that they had already committed to meeting January 25. Ms. Carabajal said she would look into whether the board could hold that meeting in person. It depended in part on the ability of program staff to travel to Anchorage from Juneau.

Hearing no further business to come before the board, the chair adjourned at 2:01 p.m.



Board of Barbers and Hairdressers

Hair Styling/Braiding Work Group and Town Hall Meeting
Alaska Division of Corporations, Business and Professional Licensing

DRAFT MEETING MINUTES

December 13, 2023, at 9:00 AM AKST via Zoom

These minutes have not yet been reviewed or approved by the board.

Work Group Members Present: Michelle McMullin, Tenaya Miramontes

Staff Present:

Call to Order

Add info about call to order, conflict statements, quorum, etc. It was not on the recording.

Chair McMullin opened the meeting and explained the purpose of the Town Hall and generally how the board operates. She explained that the board was aware of the need to allow barbers to braid hair, which was accidentally taken out of statute in 2017. The board had also issued a statement on its web site regarding instruction of hair braiding and was working on regulations to change this. The board had also heard a statutory proposal from Ms. Miramontes regarding hair styling.

The chair opened the floor to the public:

A public person requested Ms. Miramontes explain what the hair styling statute change would do. The speaker was concerned that the proposal would negatively impact the hair braiding license. Ms. Miramontes said the purpose is to encourage young people to become interested in the profession. Teaching them to use hot tools is a way to start them out at first. She didn't see that this conflicted with braiding. The public person said that King Career Center offered training for most professions under this board. She said that adding limited styling to the braiding license didn't make sense. Ms. Miramontes said the board hadn't worked through the number of hours it might require to learn how to use a blow dryer, curling iron, etc. Chair McMullin said that some states required a lot more hours than Alaska currently requires for hair braiders, so the board needed to be careful not to impact hair braiders. Chair McMullin said she envisioned this training being most successful as an apprenticeship, especially since schools are not available in all major areas of the state.

A public person wondered what license is required to apply hair extensions. Chair McMullin stated a hairdresser license was required because of the need to understand porosity, coloring, etc.

A public person stated she was a school owner. One of her students quit after six days because sectioning hair was too difficult. She thought hair braiding was an art and pretty difficult. She wondered why hair braiding wasn't part of the non-chemical barber license. They can use hot tools. There was a discussion about schools. Chair McMullin said that the Department of Environmental Conservation (DEC) required ducting at nail salons and schools. The public person said that 12-hour nail courses were not "hands-on" but were all safety and sanitation. Another public person said that all courses should require safety and sanitation education, as well as diseases and disorders. One speaker said that braiding too tight is the biggest problem with that procedure, causing sores on the scalp.

The instructor speaking said that people don't concentrate when someone else is paying for their education. Students quit once they learn the one thing they want to learn instead of seeing it through the entire program.

Someone asked how Anchorage instructors could help students in other areas, like Juneau, could help. Chair McMullin said that apprenticeship is an option. Ms. Miramontes said that there is currently no school in Juneau. She said she knows many people who are working without a license in Juneau because there is no school and no ability for people to properly train. The speaker raised concerns about the risk to public safety. The chair said that people think they can watch YouTube and TikTok and understand all of the considerations necessary to safely do hair and nails. If people want a legal career, they need to put in the work. The chair said there was a lot of dangerous material online. A public person said she had seen people teach that using hand sanitizer on a spoolie as okay. Or washing and reusing sponges. Or using cheese graters. Or buying needles for permanent brows on Amazon and getting dirty needles. This is not okay.

A public person asked how the hair styling license would benefit people in Juneau if there is no school. Ms. Miramontes said that hairdressers could see more clients at the same time if someone else could finish the style. People are waiting two months for an appointment. Someone with a hair styling license could specialize in blow-dry bars, especially to help people who are disabled or elderly and need to have their hair washed weekly.

The instructor said she is extremely stressed out completing the Commission on Postsecondary Education's (ACPE) paperwork. Another speaker advised the board to be careful about requirements so schools are not required; apprenticeship should be an option.

The chair said the board is currently complaint-driven because they are waiting for DEC to allow them to inspect hair and nail salons because DEC is not doing it. People who have shop owners' licenses, other than tattoo and permanent cosmetic coloring, can do whatever they want. The only unlicensed person who can touch hair is the shampoo person. They can shampoo and rinse but can't do anything else.

A public person mentioned the exemptions from licensure for rural areas. Someone mentioned the possibility of opening a temporary school where permanent schools don't exist. The chair said something like this had been done when corporate representatives came to instruct on their products in hotel conference rooms.

Ms. Miramontes said she had looked at the non-chemical barber requirements and expected the hair styling license might require 220 hours, which she hoped could be established in regulations. Chair McMullin said definitions would always stay in statute but agreed that putting hours in regulations would be better. A public person said that if more than 100 hours is required, that program must be accredited with ACPE, which is an incredibly difficult process. The chair suggested a 400-hour program to apply makeup and style hair for events. The chair said she does nails and makeup at weddings outside of a shop. A public person said she thought that should be available to all licensees, not just the board chair.

The chair said that protecting the public must be the board's top priority, but they should be flexible to meet Alaska's unique needs. The chair said that the legislature needs to allow the board to adopt these in regulation so the board can be more flexible.

There was a discussion about the proposed hair styling legislation, including concerns that a hair stylist may believe they can do more than what is allowed, confusing it with a hairdresser license.

Ms. Miramontes said she needed to leave the meeting. The chair asked Ms. Miramontes if she could research requirements in other states, to which she agreed. The chair said she would like licenses to be transferable.

The group discussed whether makeup companies and department stores should be allowed to put makeup on people without the appropriate license. The discussion included latex prosthetics and allergies, skin conditions, sanitation, and other health concerns. Women won't report—or don't know who to report to—if their skin is damaged during a service, whether by a licensed or unlicensed individual. So, there is an even deeper stigma preventing problems from being corrected.

The group discussed how this is an important trade that needs to be supported. Students need to understand that this is work and requires commitment.

Attendees said they appreciated the opportunity to discuss these topics with members of the board.

The work group did not take any further action on any items during this session.

The work group adjourned at X p.m.



Board of Barbers and Hairdressers

Esthetician Work Group and Town Hall Meeting

Alaska Division of Corporations, Business and Professional Licensing

DRAFT MEETING MINUTES

December 14, 2023, at 9:00 AM AKST via Zoom

These minutes have not yet been reviewed or approved by the board.

Work Group Members Present: Michelle, Wendy, Khitsana—anyone else?

Staff Present:

Call to Order

Add info about call to order, conflict statements, quorum, etc. It was not on the recording.

Chair McMullin reviewed the history leading up to this meeting. She mentioned that the board took up the issue of what specific practices were within the current statutory definition (AS 08.13.220(5)) last summer, requested advice from its attorney. The advice they received resulted in the position statement that was published. The board subsequently removed the position statement, realizing that more analysis would be needed to fully and clearly address all the questions arising within this rapidly changing industry. The work group was convened at the board's November meeting to begin this research.

Given the nature of the meeting, many speakers could not be identified from the recording.

There was a discussion about how industry training and education, attorney knowledge about the practice of esthetics, how the various esthetics, medical, and nursing stakeholders can work together to identify appropriate pathways. The chair said that at the time the statutory definition was created, many technologies in use today had not been developed, so they were not within the scope of the definition.

Comments from the public:

- How can estheticians have a more active voice in this clarification, having open and transparent conversations?
- How could FDA classification be incorporated into Alaska's definition or scope?
- How will the depth of skin penetration be defined? The 2022 Department of Law memo suggested "below the dermal layer" as the board had voted on in previous years or deeper than .03 millimeters. The memo also reiterated that these definitions should be in statute or regulation. This is what the practitioners want so there is clarity—this will reduce risk to estheticians who may be practicing techniques that are popular but outside of current Alaska law.
- We are concerned that the board is not taking action or engaging the Department of Law when they have asked to assist the board with this project.
- The legislature should create a separate board to manage advanced estheticians because the current makeup of the Board of Barbers and Hairdressers does not include the expertise needed to properly address these issues.
- Attorneys and insurance companies may not be willing to work with estheticians delivering medical services without direct supervision of a physician, but not all estheticians know this.

- How can the attorney interpret the statutory definition of “appliances” to limit the type of appliance?
- Why is attorney advice to the board considered confidential?
- Doesn’t the board have the authority to interpret its own statutes and regulations?
- The public was frustrated about public testimony not being allowed when 50 members of the public showed up and were upset about the position statement the board had issued.
- When will the meeting with the Medical Board and Board of Nursing occur?
- Would the board support a new board being created to manage advanced esthetics or creating additional seats on the board for advanced esthetics?
- Are schools teaching techniques and products beyond what is allowed within the statutory scope of practice?
- Maybe estheticians don’t need state oversight to ensure safety to customers.
- The stories being shared about harm are hypothetical and being used to oppress practitioners.
- Rules and regulations should be made based on the majority.
- How can we make sure that training is accessible to practitioners and not overly restrictive or expensive?
- How can the board incorporate certification by the manufacturers as part of their training/continuing education?
- Can advanced estheticians be required to show that they are insured or bonded?
- How are the esthetician and hairdresser “limited esthetics” scopes of practice differentiated? Why are hairdressers allowed to apply lashes but estheticians aren’t? Lash extensions are more complicated since the regulation was adopted and estheticians should be able to do that.
- Estheticians aren’t technically allowed to permanently remove hair, but that is also in demand. Why only temporary removal of hair?
- Why are estheticians only able to provide services on the scalp, face, and neck?
- How will estheticians currently providing advanced services be able to continue to do so?
- Will the board consider setting a specific depth for estheticians (i.e. dermal layer) instead of establishing guidelines for specific technologies or classes of devices?
- Who governs the practice of a licensed esthetician working under physician or APRN supervision—this board or the Medical Board or Board of Nursing?
- What changes have the board already provided to the state legislature?
- The June meeting minutes don’t reflect an intention to allow current estheticians continue to practice if the requirements are increased in statute.
- We are frustrated that the board calls meetings and doesn’t show up. We need the opportunity to understand what is going on. The town hall is helping.
- It sounds like the industry would support some of the board’s changes now that we understand them. We felt threatened because we didn’t understand what was happening.
- We appreciate the board’s hard work, especially now that we understand the board’s intentions with the changes.
- We want to keep derma lights for estheticians.

Work Group Responses:

- Companies selling technology to individuals and training them are not always scrupulous. Some mislead buyers that they will be able to legally practice under an Alaska esthetician license.
- People can go online and buy tools that may not be safe to use without training and may not be allowable to safely use for compensation under the laws of various states.

- The meeting with the Medical Board and Board of Nursing is being planned for a time in early 2024 when those boards finish other projects they have underway.
- The derma lights regulations are pending. The board has requested more guidance on the best way to proceed.
- Oversight is important because members are aware of cases when estheticians have been trained by being given a handbook and no supervision or training, resulting in injury. If they are not properly trained and if there is no oversight, they don't know how to screen patients, ask the right questions, or operate equipment properly. The board exists to provide oversight and redress in the cases where this happens.
- The statutes and regulations need to be updated to encompass upcoming technologies. The board will look at defining the esthetics scope in regulation by Class I/Class II.
- The advanced esthetics license would require additional training and education, but that hasn't been determined yet.
- The meeting minutes from June should be corrected to accurately reflect the board's discussion about esthetics and advanced esthetics.
- Once we have a solid clarification and public engagement, we can move forward with legislation. We said we would move forward in 2025 because it may not make sense to move forward in 2024 because it is the second year of a two-year legislature.

The work group did not take any further action on any items during this session.

The work group adjourned at X p.m.



Board of Barbers and Hairdressers

Alaska Division of Corporations, Business and Professional Licensing

DRAFT MEETING MINUTES

March 4, 2023, at 9:00 AM AKST via Zoom

These minutes have not yet been reviewed or approved by the board.

Members Present: Connie Dougherty, Khitsana Sypakanphay, Michelle McMullin, Brea Hardy, Tenaya Miramontes, Wendy Palin

Staff Present: Renee Carabajal, Program Coordinator; Cynthia Spencer and Wanda Whitcomb, Occupational Licensing Examiners; various staff present for certain reports

Call to Order

The meeting was called to order at 9:03 a.m. by Chair McMullin. A quorum was established.

Motion by Ms. Hardy to approve the agenda. Seconded by Ms. Sypakanphay. **The board did not vote on this motion; however, no member objected.**

Chair McMullin asked if any members had ethics disclosures. No members responded.

Discussion About Executive Order 129

Boards and Regulations Advisor Sara Chambers joined the board to answer questions or talk through Executive Order (EO) 129. She summarized the EO, which was introduced about six weeks earlier. She explained that about half of the state's professional licensing programs are currently managed by the division, so it isn't a new model, just an alternative that the governor believes will be more efficient than the current model. She said that the department valued industry engagement in issues affecting licensure and is exploring options to continue that if the board is eliminated.

The chair said she didn't think the EO was the right direction, even considering the board's struggle with participation. She is very concerned that this is a step toward deregulation, which she thinks is dangerous. The public harmed by a hairdresser or esthetician is silent; they typically live in shame of the harm done after seeking a beauty service. She also didn't believe the division could handle the work that the board does and would have to hire additional employees with industry experience.

Ms. Chambers said the department affirmatively clarified with the governor's office that this is not a move toward deregulation, which would require a bill introduced in the legislature and not through an executive order. She said that the department was looking at creation of an advisory board or panel that could offer advice and insight without the additional burden of adopting regulations or otherwise requiring a quorum for action. All regulations will continue to require public comment, as it does now. Since licenses are already primarily approved by staff, that is not a primary concern. She explained some of the existing structures that would assist the program in being successful if the EO goes into effect.

The chair reviewed the upcoming meetings scheduled regarding the EOs.

Ms. Palin said that she is licensed in five states, and this board operated differently than other boards she has experienced. Industry expertise is important.

Chair McMullin said it was important that the board be engaged and discuss matters related to the industry. Ms. Chambers said that if the EO does not pass, the board will need to have some serious and perhaps uncomfortable discussions about the level of participation and engagement required to ensure matters before the board move forward successfully. She said she will provide training and support to help board members understand their responsibilities and the steps needed to complete the work they have been stating they need to do but which doesn't get done—starting with making a commitment to attend board meetings and completing research and other necessary work outside of meetings. If the board isn't committed to doing the work required, the EO might be a gift to explore an alternative method of governance. The chair agreed.

Ms. Hardy asked what the reason was for sunseting the board. Ms. Chambers said the governor's office had considered various elements and determined this and other programs would be more efficiently managed by the division instead of a board. Ms. Hardy said she would reach out to the governor's office of boards and commissions for specific information since she used to work in that office. The chair said she felt that would be helpful.

Ms. Miramontes asked if division staff felt they could handle the workload. She said that she understands the reason for the EO since the board has been unwilling to form a quorum for most meetings over the last year.

Ms. Carabajal said that it was time for public comment. The chair said that they would potentially continue the discussion at 11:00.

Public Comment

Rachel Lauesen requested that the board consider taking public comment at the end of the meeting so people could respond to board discussions. The chair said that the board typically didn't take action at the same meeting the topic was introduced.

Ms. Carabajal said that staff had been advised to offer public comment at the beginning of the meeting so the board can benefit from public input on items on the agenda and can consider it in their deliberation.

Investigative Report

The board heard the most recent probation report from Senior Investigator Jenni Summers, reflecting five individuals on probation and none released during this period. She also introduced Chase Evans, who is the new investigator for this program. Investigator Kendra Wardlaw was also present. Investigator Evans provided the report for the period from September 29, 2023, and December 21, 2023. There were 31 open cases and one closed case during this period.

Ms. Spencer stated that Chair McMullin would need to be recused from the executive session because she was the reviewing board member.

Motion by Ms. Sypakanphay to enter executive session according to AS 44.62.310(c)(3) to discuss matters required to be confidential under state law. Seconded by Ms. Miramontes. The board did not vote on this motion; however, no member objected.

Board members and staff, except for Ms. McMullin, entered executive session at approximately 10:00 a.m. and exited executive session at 10:10 a.m. A quorum was present to conduct business.

Motion by Ms. Sypakanphay to adopt the consent agreement in case #2023-000467. Seconded by Brea Hardy. **On a roll call vote, all eligible members voted to support the motion; Ms. McMullin abstained.**

Motion by Ms. Sypakanphay to adopt the consent agreement in case #2022-000820. Seconded by Brea Hardy. **On a roll call vote, all eligible members voted to support the motion; Ms. McMullin abstained.**

Ms. Spencer said she would route those consent agreements to the chair through DocuSign.

The board took a break between 10:17 and 10:27 a.m. Following the break, all members were present, and there was a quorum to conduct business.

Division and Financial Update

Division Operations Manager Melissa Dumas presented the fiscal report for the second quarter of FY2024, ending December 31, 2023. It reflected a surplus of \$1,350,795 following this fiscal year's renewal and a carry-forward from FY23 of \$686,467. She explained how to read the report, described the positive timekeeping process, and explained the differences among types of expenditures. Applications for this program have increased by 5% since FY19. She reviewed where to find the board member resources, statistical information, and division reports pages on the web site.

New Business

Since it was running ahead of schedule, the board skipped to a discussion of dermaplaning services. Ms. Spencer stated that the board had determined "many moons ago" that only barbers could provide dermaplaning services because they utilized razors. The chair said that estheticians, not barbers, may provide dermaplaning services because they are allowed to exfoliate the skin not to go below the dermal layer. Ms. Spencer asked if she could share that publicly, and the chair said that was allowed.

Ms. Spencer said there have been questions about approval of blood-borne pathogen courses from providers of those courses. Since the board had not been able to form a quorum for several months, those approvals have not happened. She asked if the board would delegate to staff approvals of blood-borne pathogen courses required in AS 08.13.030, as long as the courses met the requirements in statute and regulation. The chair said that would be fine with her and asked if any member objected. No member commented. Ms. Carabajal said a motion and vote is required.

Motion by Chair McMullin to approve delegation of blood-borne pathogen courses to staff. Seconded by Ms. Palin. **On a roll call vote, all members voting supported the motion; Ms. Sypakanphay did not respond.**

Administrative Business

Ms. Carabajal said the minutes for the October meeting were available and requested board approval. Remaining minutes for November and December town halls would be posted in OnBoard soon.

Motion by Ms. Hardy to approve the minutes from October 2, 2023. Seconded by Chair McMullin. **On a roll call vote, all members supported the motion.**

The board discussed The Esthetics District. Ms. Carabajal said they were awaiting affidavits from two applicants, and the Department of Law was looking at some information. Ms. McMullin and Ms. Palin offered to proctor that practical exam. Staff said they would work to schedule the exam once their information had been received. Applicants would be required to bring models and kits for use during the practical exam.

Ms. Spencer said there were no licensing applications requiring board review.

Regulations

Chair McMullin said the board had heard some useful information at the town hall meeting on esthetics and that she had emailed the Department of Law with questions regarding the board's discussion about esthetics in 2023. She read aloud the current definitions of esthetics in statute and regulation, as well as her proposed definition of "appliances," which refers to that term used in AS 08.13.220(5):

12 AAC 09.990 (12) "appliances" means any medical device in the FDA Class I designation and Class II devices with settings that allow for Class I treatment with low to moderate risk requiring general controls to be used by estheticians without medical supervision for the noninvasive treatment of the skin

She said her intent is to clarify without being so specific that it would not be relevant in five years.

Ms. Hardy said she had no comments. Ms. Miramontes and Ms. Sypakanphay said they supported the proposed definition.

Ms. Palin said she agreed with the proposed definition. She asked if the board would require training to use a dermaplaning scalpel. Chair McMullin said schools would be allowed to teach it under the current "appliances and devices" section in the curriculum. They would not be required to do so. Hopefully schools will ensure they are teaching the services the market demands. She said hands-on training is important for dermaplaning since using a scalpel could be invasive if done incorrectly.

Ms. Miramontes asked whether an esthetician could use these appliances on the body. Chair McMullin said she wasn't clear on whether AS 08.13.220(5) allowed estheticians to work on the body—such as removal of body hair—although she knew they were doing so in practice.

Executive Order 129, continued

Ms. Chambers rejoined the board at 11:00 to see if there were any additional questions or concerns for the board to discuss. Chair McMullin reminded the board that they could call in and speak during public testimony or simply watch the hearings online. Ms. Chambers said she understood that public testimony had closed in House Labor and Commerce but would continue to let the board know what is scheduled. She also said that the hearings were archived online if listening in real time wasn't an option.

Ms. Miramontes asked again whether staff could provide their input on the Executive Order and whether additional staff would be needed. Ms. Carabajal, who supervises program staff, said that they do not have an opinion on the EO but that management was already discussing options if it passes. She said the EO would not go into effect until July 1, and they would let the current board and public know what will happen.

Ms. Chambers said that the licensing staff would actually gain more time to work on licensing matters if they didn't have board business to also handle. Management would need to take additional time to review and implement an advisory board or other changes necessary as a result of the EO.

Ms. Hardy asked why a tattoo artist needed a temporary license for a convention if the shop they are working for already had a shop license. Ms. Carabajal referred Ms. Hardy to AS 08.13.120 for an explanation and encouraged board members to refer individuals with questions to staff if the board member is unsure of the answer.

Chair McMullin asked for an explanation about HB 314 and SB 225 regarding occupational licensing fees. Ms. Chambers explained that the two governor's bills on occupational licensing fees would pull investigative expenses out of the formula required to set fees in AS 08.01.065. Her understanding was that the division would use business license and/or corporations revenues to cover professional licensing investigative expenses, including appeals. This would help stabilize licensing fees, especially for smaller licensing programs, without impacting fees for business licenses or corporate registration. This concept has been researched and proposed over many years but was only introduced as legislation this year. Ms. Carabajal agreed with Ms. Chambers' assessment and encouraged the board to write a letter of support. She pointed out as an example that this licensing program had \$13,000 YTD in investigative expenses; if this legislation passes, those expenses would no longer be borne by licensees of this program. The chair said she supported the legislation. Ms. Chambers said that the board would need to vote to support the legislation as a body. Ms. Carabajal said the division had provided a template letter for boards to use, if they wish.

Motion by Chair McMullin to send a letter of support using the template HB 314 and SB 225.

Seconded by Ms. Sypakanphay. On a roll call vote, all members supported the motion.

The board took a break for lunch between 11:30 a.m. and 12:30 p.m. Following the break, all members except Ms. Hardy were present, and there was a quorum to conduct business.

Regulations, continued

The chair said she had drafted a list of appliances and procedures that she thought would be helpful to post if the proposed regulations are adopted and become effective. Ms. Spencer said she anticipated regulations specialist Alison Osborne would be present at 1:00 p.m.

Ms. Spencer and Ms. Whitcomb said estheticians are asking about whether they can perform nanostamping, nanoneedling, and Japanese scalp cleansing. The chair said she felt that scalp cleansing falls under hair-related practices, not esthetician services. The chair said that nanostamping and nanoneedling might be included in the proposed regulatory scope if practitioners utilize Class I low-impact cartridge heads that do not use needles and do not penetrate below the dermal layer. She thought a scalpel would be another example of a Class II device being used at a Class I level if they are using them superficially and with dermaplaning training. The chair said that the DEC regulations (18 AAC 23.220) did not permit estheticians to use lancets or needles. She said that lidocaine is not within the scope of estheticians who are not supervised by a medical professional.

The chair asked if board members had any additional regulatory ideas or projects. No board members responded. Ms. Spencer suggested 12 AAC.09.106(d) should be amended to follow 12 AAC 09.002(j) because the former requires information that is already obtained in the license verification, creating an unnecessary

burden on the applicant and staff. 12 AAC 09.106 has more requirements than 12 AAC 09.002. Ms. Spencer also said there was a necessary courtesy licensing update in 12 AAC 09.002(s) to match the new 90-day requirement in 12 AAC 09.004.

Ms. Osborne joined the meeting, and the chair brought her up-to-speed on the discussion. The chair said that all devices used by licensees are FDA classified. She said she had recently reached out to a contact at DEC to see if their regulations could be updated.

Ms. Spencer displayed the chair's proposed list of allowable devices and procedures, which the chair walked through. The chair said that derma lights and IPL were two completely different devices: Derma lights are low-impact LED lights, while IPL is an ablative laser treatment. She also said she was hearing that body cavitation is a medical procedure that should be performed in a doctor's office, not in a salon.

Ms. Osborne said that instructor licenses in 12 AAC 09.002 and 12 AAC 09.006 could possibly serve two different purposes and, therefore, might need to be different. Ms. Spencer said her concern was with requiring information that was already provided in the license verification. The chair suggested that if the instructor license in another state required the same standards as Alaska's, that should be sufficient. Ms. Osborne said that could be changed in 12 AAC 09.106(d)(2). She said that 12 AAC 09.106(d)(5) could be deleted so the licensing jurisdiction, not the applicant, would have to provide that information. She was concerned that all jurisdictions might not supply verification of the three years/600 hours.

Motion by Chair McMullin to initiate a regulations project regarding the definition of appliances, repeal the instructor license requirements in 12 AAC 09.106(d)(5), amend 12 AAC 09.106(d)(2), and change the 30-day requirement in 12 AAC 09.002(s) to 90 days. Seconded by Ms. Hardy. On a roll call vote, all members supported the motion.

Ms. Carabajal suggested the board approve the project to move forward without additional board approval unless substantive changes were made by the regulations specialist or Department of Law.

Motion by Chair McMullin to approve the project for public comment if there are no substantive changes by the regulations specialist or Department of Law. Seconded by Ms. Sypakanphay. On a roll call vote, all members supported the motion.

The chair thanked Ms. Osborne.

Officer Elections

The chair said she needed to step down because she had completed her second term. Ms. Palin nominated Ms. Sypakanphay, who was not sure she could take on the responsibility. She said that she was planning to nominate Ms. Palin. The chair and Ms. Carabajal recommended a co-chair be appointed to help with the responsibilities. Ms. Carabajal recommended the board establish an interim chair in case Ms. McMullin is replaced; elections would be held at the following meeting, if needed. This would allow a potential new chair or co-chairs to try out the role until elections were held.

Motion by Chair McMullin to elect Ms. Sypakanphay and Ms. Mirsmontes as interim co-chairs. The motion was not seconded. On a roll call vote, all members supported the motion.

Chair McMullin said she was happy to work with the new interim co-chairs to learn and share duties. Ms. Carabajal said she had just heard that Ms. Dougherty was not reappointed, and staff had not yet heard any information about filling the vacant barber seat.

Correspondence

Chair McMullin said she talked to the writer of a letter with concern that the esthetician license was being phased out in favor of limited esthetics and advanced esthetics. This was a misunderstanding based on her reading of the minutes and has been cleared up. There are currently no changes proposed to the esthetics license or scope of practice. The chair said there is no license to practice advanced esthetics or definition of advanced esthetics at this time.

The board received a letter requesting a waiver of the regulation pertaining to a mobile shop license (12 AAC 09.111). Ms. Spencer displayed the regulations for mobile shops, which does not include body art. Ms. Sypakanphay, as a body art licensee, said that the safety and sanitation requirements would be difficult to meet in an Airstream, and that every move would require a new inspection. The board discussed that body art is not currently included and would require a regulations change.

The board received a letter asking if estheticians could use Nanostamp 360, which has a depth of 0.25 and .5. The board said that needles were not allowable within the esthetician scope of practice as discussed earlier in the meeting. The letter also asked if Biorepeel and lancets could be used. The board said Biorepeel is allowed since it is a superficial salicylic acid chemical treatment. Lancets are not allowed as discussed earlier in the meeting.

The board received a letter asking what licenses are required to perform permanent laser hair removal. The board discussed that IPL lasers that offer permanent hair removal are not allowed under the esthetician scope of practice and use of them is regulated by the State Medical Board.

The chair asked if there were any follow-up questions regarding what the board had accomplished during the meeting. Ms. Spencer said she had no additional questions. There were no questions from other board members. The chair encouraged the new co-chairs to reach out to her if needed.

There being no further business before the board, they adjourned at 1:52 p.m.

Department of Commerce, Community
and Economic Development

Division of Corporations, Business
and Professional Licensing

Board of Barbers and Hairdressers
Annual Report
Fiscal Year 2023



Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing
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**Board of Barbers and Hairdressers
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Identification of the Board

Board Member	Duty Station	Date Appointed	Term Expires
Michelle McMullin Nail Technician, Chairperson	Anchorage	March 1, 2017	March 1, 2024
Connie Dougherty Hairdresser / Esthetician	Wasilla	March 1, 2021	March 1, 2024
Tina Taylor / Vacant Hairdresser	Soldotna	March 1, 2021	March 1, 2024
Khitsana Sypakanphay Tattoo / Body Piercer / Permanent Cosmetic Coloring	Anchorage	January 29, 2021	March 1, 2024
Glenda Ledford Barber	Wasilla	March 22, 2023	March 1, 2026
Breanna Hardy Public	North Pole	March 22, 2023	March 1, 2025
Kelsie McGraw / Vacant Industry Licensee	Wasilla	August 4, 2022	March 1, 2024

**Board of Barbers and Hairdressers
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Identification of Staff

Cynthia Spencer – Licensing Examiner

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Wanda Whitcomb – Licensing Examiner

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Colleen Kautz – Program Coordinator / Supervisor

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**Board of Barbers and Hairdressers
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Identification of Staff (continued)

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

Narrative Statement

The board held a total of two of our three face to face zoom meetings during the fiscal year; the board has multiple vacancies and members that had to resign for personal reasons. 2022 meetings were via Zoom video conference with our bill not being sponsored, and we did our zoom meetings without travel this last fiscal year. State investigators and division representatives were present during these meetings. In person meetings are still considered vital for our decision-making process and will be requested for meeting and legislative purposes.

The board presented a bill with five important statute change requests to the legislature. This bill was not picked up, and the inability to travel to Juneau made the situation difficult as the board was unable to communicate in person with legislators regarding the needed changes. The board is also expected to have future travel suspended and future meetings held either via video or teleconference due to proposed budget cuts.

The board worked very hard on a bill to change five statutes; this bill did not get picked up. The first statute change, removing “microneedling” from the tattoo definition, has significant health and safety concerns, and the board obtained legal advice to change this. The next statute change, giving authority back for barbers to teach and practice hair braiding, had been removed as an unintentional consequence of passing SB4. The next statute, adding “current state of Alaska” to license verbiage, allows for clearer advice regarding the display of licenses. The other two are in line with right touch regulation and would allow the board to attend to the needs of licensees more efficiently by allowing people to get back to work without needless barriers. One pertains to cleaning up language that is confusing, outdated, and contradictory for temporary licenses, temporary shop licenses, and the allowance of conventions. The last statute change request is to allow the board to modify apprenticeship hours in regulation and create an apprenticeship program for an advanced manicurist endorsement. This change would allow the board to more adequately keep up with our fluid and changing professions. Right touch regulation training was provided, and the board immediately began using these new tools.

Discussion continues during board meetings and town hall meetings regarding the need to increase the length of time a licensed tattooist, body piercer, or permanent cosmetic colorist is required to hold an active license before taking on an apprentice. Currently, the body arts licensee must be licensed for one year, but the board would like to increase this to a minimum of three (or five) years before taking on an apprentice. This is a health and safety concern.

The board continues to recommend that licensing examiners be present and to resume face to face meetings. It is the board’s view that in person meetings are more productive than video or teleconference meetings.

A regulation project for the Dept. of Commerce, Community and Economic Development (DCCED) to begin salon/shop/studio inspections was begun and adopted during the May 11 – 12, 2020 meeting and will be transmitted to the lieutenant governor’s office. The board continues to work with investigative staff to create a shop/salon checklist for annual inspections.

Regulation change suggestions for the Dept. of Environmental Conservation (DEC) to update 18 AAC 23 were decided during May 11 - 12, 2020 and sent to our regulation specialist, the liaison between the board and the DEC. The board continues to support investigative staff and include them in board meetings. The board continues to encourage investigative staff to perform inspections across the state.

The board continues discussion regarding updating the esthetics curriculum to be more in line with national standards and to improve the professional quality of our licensees. The board continues to discuss ways to improve the health and safety of our communities and to provide more economic opportunities for licensees. The division continues to explore ways for applicants and licensees to submit documentation and applications online. Position statements to recognize issues in the community when regulatory authority is outside our purview.

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

Narrative Statement (continued)

The board continues to remove outdated study materials for the tattoo and permanent cosmetic color exams. We are now using online testing for all the licensees with the ability to test from home with adequate equipment from the testing companies' guidelines.

The board continues working with NIC and using NIC examinations for local testing for many license types. The board would like to continue to send local representation to the annual NIC convention to include one staff member as well as one board member. The information from these conventions assists the board in providing excellent service to our community members and licensees. The division and the board are not recommending any fee changes for applicants and licensees at this time removal of testing fees that licensees will pay directly to the testing company for their initial exams. Discussion continues about the practicality of mobile shops for special events and services, out of state tattoo and PCC schools, tattoo instructor's licenses, and online education.

The board created position statements on Barbers being allowed to teach hair braiding, as well as our positions on crazy hair, teeth gemming, esthetic practices and teeth whitening and are in the process of posting them to our website. The board continues to use position statements to recognize the issues in the community when regulatory authority is outside our purview.

**Board of Barbers and Hairdressers
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Budget Recommendations for FY 2024

Budget Recommendations section anticipates the board's fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt- supported services or RSS). Be sure to explain any items listed as "other" so they may be tracked appropriately.

Board Meeting Date	Location	# Board	# Staff
October 2, 2023	Videoconference/Anchorage Office Conference Room	5	2
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input checked="" type="checkbox"/> Ground: <input checked="" type="checkbox"/> Other (Please Specify): M&IE </div> <div style="text-align: right;"> \$150.00 \$100.00 Total Estimated Cost: </div> </div>			
\$250.00			

Board Meeting Date	Location	# Board	# Staff
January 18, 2024	Videoconference	5	2
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input type="checkbox"/> Ground: <input type="checkbox"/> Other (Please Specify): </div> <div style="text-align: right;"> Total Estimated Cost: </div> </div>			
\$0.00			

Board Meeting Date	Location	# Board	# Staff
May 23, 2024	Videoconference	5	2
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input type="checkbox"/> Ground: <input type="checkbox"/> Other (Please Specify): </div> <div style="text-align: right;"> Total Estimated Cost: </div> </div>			
\$0.00			

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

Budget Recommendations for FY 2024 (continued)

Travel Required to Perform Examinations

☒ Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

- ☐ Airfare:
- ☐ Hotel:
- ☐ Ground:
- ☐ Conference:
- ☐ Other (Please Specify):

Total Estimated Cost:

Travel Required to Perform Examinations

☒ Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

- ☐ Airfare:
- ☐ Hotel:
- ☐ Ground:
- ☐ Conference:
- ☐ Other (Please Specify):

Total Estimated Cost:

**Board of Barbers and Hairdressers
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Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

(Rank in order of importance)

☒ #1 Rank in Importance or ☐ Not Applicable

Date	Location	# Board	# Staff
October 27 – 30, 2023	Albuquerque, NM	1	1

Description of meeting and its role in supporting the mission of the Board:

Attendance of this annual National Interstate Council of State Boards of Cosmetology (NIC) Annual Conference allows for the gathering of information on other state licensure requirements, statutory/regulatory updates or changes, informational exchange, addressing common state board licensing issues, sharing of databases. The gain of information and knowledge on new techniques, equipment and industry standard changes which may affect Alaska and require changes in regulations, license requirements, etc. This is typically a four-day meeting. NIC travel estimate 1.5 days pre & post travel based on flight schedules.

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$1,205.16			\$1,205.16
<input checked="" type="checkbox"/> Hotel:	\$1,780.00			\$1,780.00
<input checked="" type="checkbox"/> Ground:	\$40.00			\$40.00
<input checked="" type="checkbox"/> Conference:	\$900.00			\$900.00
<input checked="" type="checkbox"/> Other:	\$520.00			\$520.00
Describe "Other" (break out all sections): Meals not provided.				
Net Total:	\$4,445.16			\$4,445.16

**Board of Barbers and Hairdressers
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Budget Recommendations for FY 2024 (continued)

Out-of-State Meetings and Additional In-State Travel

(Rank in order of importance)

☒ #2 Rank in Importance or ☐ Not Applicable

Date	Location	# Board	# Staff
Spring 2024	TBD	1	1

Description of meeting and its role in supporting the mission of the Board:

Attendance of this annual National Interstate Council of State Boards of Cosmetology (NIC) Regional & Administrators meeting allows for the gathering of information on other state licensure requirements, statutory/regulatory updates or changes, informational exchange, addressing common state board licensing issues, sharing of databases. The gain of information and knowledge on new techniques, equipment and industry standard changes which may affect Alaska and require changes in regulations, license requirements, etc. This is typically a four-day meeting. NIC travel estimate 1.5 days pre & post travel.

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$2,000.00			\$2,000.00
<input checked="" type="checkbox"/> Hotel:	\$1,800.00			\$1,800.00
<input checked="" type="checkbox"/> Ground:	\$50.00			\$50.00
<input checked="" type="checkbox"/> Conference:	\$900.00			\$900.00
<input checked="" type="checkbox"/> Other:	\$400.00			\$400.00
Describe "Other" (break out all sections): Meals not provided.				
Net Total:	\$5,150.00			\$5,150.00

**Board of Barbers and Hairdressers
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Budget Recommendations for FY 2024 (continued)

Non-Travel Budget Requests

- ☐ Not Applicable
 ☐ Resources
 ☐ Examinations
☒ Membership
 ☐ Training
 ☐ Other

Product or Service	Provider	Cost Per Event
National Interstate Council of State Boards of Cosmetology (NIC)	NIC	\$310.00

Description of item and its role in supporting the mission of the Board:

Annual membership dues. Being a member of NIC allows the board to keep current with National standards and practices; allows the use of the NIC written examinations, access to National Database for license verification/certifications which allows member States an ease of sharing license information (verifications / certifications).

Other Items with a Fiscal Impact

- ☒ Not Applicable

Cost Per Event:

Number of Events:

Product or Service	Provider	Cost Per Event

Description of item and its role in supporting the mission of the Board:

Summary of FY 2024 Fiscal Requests:

Board Meetings and Teleconferences:	\$250.00
Travel for Exams:	\$0.00
Out-of-State and Additional In-State Travel:	\$9,595.16
Dues, Memberships, Resources, Training:	\$310.00
Total Potential Third-Party Offsets:	\$0.00
Other:	\$0.00
Total Requested:	\$10,155.16

**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.

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

Regulation Recommendations - Proposed Regulations for FY 2024

☐ **No Recommendations**

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

☒ **Recommendations**

The Board has the following recommendations for proposed regulations:

12 AAC 09.160(a)(c); 12 AAC 09.161(a)(c); 12 AAC 09.097

Change regulation to allow barbers and non-chemical barbers to continue practicing and teaching hair braiding. An unintentional change during SB4 legislation and the regulation changes the accompany it only state that hairdressers are able to practice and teach hair braiding. Barber and non-chemical barbers are taught braiding and have been practicing and teaching braiding. We would like to make sure they are able to continue this practice.

12 AAC 09.185

As a result of comments from town hall meetings as well as several board meeting discussions, the board discussed increasing the length of time from one to a minimum of three years for a licensed tattooist, body piercer, or permanent cosmetic colorist to take on an apprentice. This has been a concern of the public and would help increase the health and safety of our communities.

12 AAC 09.004; 12 AAC 09.112

Clarify language relating to temporary shop licenses, courtesy licenses, and conventions once legal advice that was requested is relayed back to the board. The language surrounding this topic is vague and difficult to interpret. The growing industries are adapting to conventions where commerce is the main goal rather than demonstrating techniques to other professionals.

12 AAC 09.163

Update the esthetics curriculum to a more national standard after adequate research and discussion is reached by the board. After taking in suggestions from town hall meetings and information brought back from the NIC conventions, the board would like to update the esthetics curriculum to better serve the health and safety as well as professional quality of these licensees.

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

12 AAC 09.004 Courtesy License

Change from one courtesy license in a calendar year to two courtesy licenses in a calendar year. This change will allow additional opportunities for out of state artists to attend multiple events occurring in Alaska. The number of special events in Alaska has been growing over the last several years from one per year to a minimum of two per year.

12 AAC 09.185(h) Trainees in Body Piercing, Tattooing, or Permanent Cosmetic Coloring.

Eliminating conflicting completion of training documentation submission requirements.

12 AAC 09.190(l) Apprentices of Barbering, Non-Chemical Barbering, Hairdressing, and Esthetics

Eliminating conflicting completion of training documentation submission requirements.

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

Regulation Recommendations - Proposed Regulations for FY 2024 (continued)

12 AAC 09.002(j) and 12 AAC 09.106(d) - Instructor by Waiver of Examination

Removes requirements for out of state instructors to hold an individual aspect (barber, hairdresser, etc.) license in AK before an application for instructor license submitted. Currently, instructors by waiver of exam must first obtain an individual aspect license; costs for this on AK side is \$330.00, however this does not include additional VOL and transcript costs to applicant. Once individual aspect license is issued, the individual may then apply for an instructor license; AK costs are \$410.00, however this does not include additional VOL and transcript costs to applicant.

12 AAC 09

Clean up/removal of written examination deadlines and fees. Effective October 1, 2022, the board moved to computerized/on-line written examination administration through Prov. Candidates must submit applications to the division and be approved to test; however, examination fees, postponement fees, and examination scheduling are now done through Prov.

The board will continue to work and draft regulation projects as needed.

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

Goals and Objectives

Part I

FY 2023's goals and objectives and how they were met:

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.

Two of our three board meetings were conducted with vacancies on our board and resignation of members for personal reasons. Both meetings were held via zoom and the request for face-to-face meeting is still ongoing.

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 and conducting meetings face to face.

Historically, the board has been very strong about maintaining this goal; however, with the new budget proposal, travel for the division member and board members are at risk of being denied. It is important to the board to have meetings face to face where goals can be accomplished and at a more efficient rate.

Have representation on the national level.

The board continues to maintain representation at a national level, including sending the board appointed member and staff to the National Interstate Council of State Boards annual conference which is highly valuable to regulating our professions. In the past years, travel has not been allowed due to travel restrictions. The board has requested travel to the NIC national convention.

Continue to be attentive to the school and instructor responsibilities to the student (i.e., applications and record keeping filed in a timely manner).

The board will continue to be attentive to the school and instructor responsibilities to the student by addressing ongoing issues as they arise, holding town hall meetings, suggesting legislation change and updating regulations to keep up with the growing industry. Removing practical exams and offering online testing for our written exams has created an environment suitable for licensees and future licensees to be in the workforce with more efficient times.

Take steps to educate the legislature on the concerns of our profession (i.e., sanitation and public safety).

The board will continue to take steps to educate the legislature on the serious concerns of our profession.

Continue to have increased investigative staff time to address the complaints and concerns of the public.

The board recognizes that increased investigative staff time has been allowed for follow-through on complaints, open cases, and current investigative issues. This has greatly alleviated many complaints being received. Ongoing investigative staff time will be needed for public safety. A hardship to continue with and increase excellent investigative staff is the new budget proposal which is suggesting changes to the internal structure of investigations as well as potentially declining the board's suggestion for increased investigative staffing.

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

Goals and Objectives (continued)

Part I (continued)

FY 2023's goals and objectives and how they were met:

Supported staff for licensing to properly handle the growing volume of licenses, apprentice, and student paperwork.

The board will continue supporting the department's addition of another full-time licensing examiner. The board hired an additional licensing examiner in January 2021. With the legislative change eliminating the practical exam and requiring a proficiency exam at the school level, some of the workload on licensing examiners has been lifted.

Update service and practices of estheticians to meet current industry standards and practices.

The board continues to make this issue a priority. Board members have reached out to state representatives on changes to the regulation of esthetician training to bring this up to industry standards. Discussion about an advanced esthetic license is on the agenda.

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.

The board will continue to increase the health and safety practices in our communities as well as take advice from community members during town hall meetings.

The board be given authority to create and edit licensing requirements they regulate for each of the professions.

Currently, specific criteria for the majority of licenses are written in legislation requiring a lengthy and consuming process to stay current with our growing and changing industries. The board would like to see a legislation change to set certain criteria for our professions in regulation and will continue to better serve the health and safety of our communities by doing so.

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.

The board is currently communicating with representatives on how to make changes to regulation to allow the board members to oversee the training requirements for licensees. The board is working to have legislation changes to have this authority moved to regulation giving the board the ability to set the standards for training requirements for students and apprentices.

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

Goals and Objectives (continued)

Part II

FY 2024's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

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.*
Historically, the board has met this goal. This last year with vacancies and resignations we only had 2 meetings conducted and no travel with our legislative changes not being picked up.
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.*
The board historically has been very strong about maintaining this goal. It is important to the board to have meetings face to face where goals can be accomplished and at an efficient rate.
3. *Have representation on the national level.*
The board continues to maintain representation at a national level including sending the board appointed member and staff to the National Interstate Council of State Boards annual conference which is highly valuable to regulating our professions. This may be at risk due to budgetary issues.
4. *Supported staff for licensing to properly handle the growing volume of licenses, apprentice, and student paperwork.*
The board will continue supporting the department's addition of another full-time licensing examiner.
5. *Update service and practices of estheticians to meet current industry standards and practices.*
The board continues to make this issue a priority. Board members have reached out to state representatives on changes to the regulation of esthetician training to bring this up to industry standards.
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.*
The board will continue to increase the health and safety practices in our communities, as well as take advice from community members during town hall meetings.
7. *The board be given authority to create and edit licensing requirements they regulate for each of the professions.*
Currently specific criteria for the majority of licenses are written in legislation requiring a lengthy and consuming process to stay current with our growing and changing industries. The board would like to see a legislation change to set certain criteria for our professions in regulation and will continue to better serve the health and safety of our communities by doing so.
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.*
The board is currently communicating with representatives on how to make changes to regulation to allow the board members to oversee the training requirements for licensees. The board is working to have legislation changes to have this authority moved to regulation giving the board the ability to set the standards for training requirements for students and apprentices.

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

Sunset Audit Recommendations

Date of Last Legislative Audit: 4/18/2018

Board Sunset Date: 6/30/2027

Audit Recommendation:

The board received no new recommendations.

Action Taken:

N/A

Next Steps:

N/A

Complete : ☒ **No** ☐ **Yes** **If yes, date completed:**

Department of Commerce, Community
and Economic Development

Division of Corporations, Business
and Professional Licensing

**Board of Barbers and
Hairdressers
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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Board Membership

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Accomplishments

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Activities

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Needs

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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.

Breanna Hardy, Public Seat
Tenaya Miramontes, Hairdresser Seat
Wendy Palin, Industry Licensee Seat
Kevin McKinley, Tattooist/Body Piercer/Permanent Cosmetic Colorist Seat

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.)

Department of Commerce, Community
and Economic Development

Division of Corporations, Business
and Professional Licensing

**Board of Barbers and
Hairdressers**

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).

**Board of Barbers and Hairdressers
FY 2024 Annual Report**

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**Board of Barbers and Hairdressers
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.

Name	Appointed	Duty Station	Reappointed	Expires
Kevin McKinley Tattooist/BodyPiercer/PermanentCosmeticColorist	3/29/2024	Fairbanks		
Breanna Hardy Public Member	3/22/2023	North Pole		3/1/2025
Wendy Palin Industry Licensee	6/22/2023	Palmer		3/1/2025
Tenaya Miramontes Hairdresser	8/22/2023	Juneau	3/1/2024	3/1/2026
Willie Mae Canady Hairdresser/Esthetician	6/25/2024	Anchorage		

**Board of Barbers and Hairdressers
FY 2024 Annual Report**

Accomplishments

12 AAC 09.002 Review of License Applications • The proposed regulation changes will update requirements to clarify that applicants for a courtesy license to practice body piercing, tattooing, or permanent cosmetic coloring must submit required documentation not fewer than 90 days before the applicant plans to begin practicing. The current regulation states this must be received at least 30 days before the applicant plans to begin practicing. • This change is to address an inconsistency with the current language in this section, and the courtesy license language in 12 AAC 09.004. The language in 12 AAC 09.004 has already had this change adopted.

12 AAC 09.106 Instructor License Requirements • The proposed regulation change will eliminate redundant language and will clarify requirements for applications for an instructor license. • This change will streamline the licensing process and reduce redundant submission of documentation by applicants.

12 AAC 09.990 Definitions • The proposed regulation change will further clarify the use of the term ‘appliances’ as referenced in AS 08.13.220(5). • This will give clear guidance to all interested parties regarding what devices can be used by licensees.

Disiplinary Actions: 1

Q3 2023: N/A

Q4 2023: 2 Cases – 1 Esthetician, 1 Shop Owner

Q1 2024: 2 Cases – 1 Hairdresser, 1 Shop Owner

Q2 2024: N/A

Licenses Issued: 528 (barber, body piercing, body piercing courtesy license, esthetician, hair braiding, hairdresser, hairdresser courtesy license, instructor, manicurist, manicurist with advanced endorsement, non-chemical barber, permanent cosmetic coloring, permanent cosmetic coloring courtesy license, school owner, shop owner, student temporary license, tattooing, tattooing courtesy license?)

Licenses Denied:0

**Board of Barbers and Hairdressers
FY 2024 Annual Report**

Activities

October 2nd 2023 Board Meeting
November 8th 2023 Board Meeting
December 13th 2023 Town Hall Meeting – Hairstyling/Hairbraiding
December 14TH 2023 Town Hall Meeting – Esthetics
March 4, 2024 Board Meeting

**Board of Barbers and Hairdressers
FY 2024 Annual Report**

Needs

- Additional Board Members Appointed to Board: One Licensed hairdresser who is also a licensed esthetician, One Licensed Barber, One Licensed Manicurist. Having only four members appointed to the board makes it challenging to establish a quorum to conduct business in a seven member board.
- In person sit down meeting with all members and staff would be helpful to re-establish a functioning board.
- Board meeting with Medical board for cross over services is still needed.
- Board members to work with the Alaska State Legislature to update current statutes.
- Initiate a board project to review the NIC Standards in comparison to Alaskas statutes and regulations. Using this comparison, the board will highlight and prioritize those statutes and regulations that are most critically out of date and negatively impacting public health and safety. The board will establish work groups to address the needed changes.

Spencer, Cynthia R (CED)

From: Front Desk THE Beauty School <frontdesk.beauty.school@gmail.com>
Sent: Friday, March 1, 2024 12:39 PM
To: Board of Barbers Hairdressers (CED sponsored)
Subject: Re: Hair training Requirements

Categories: OLE response needed, Need Board Response

To the Board of Hairdressers

I am a Hair Instructor and current Hairstylist. I Instruct at The Beauty School in Wasilla.

As i have been Instructing these Future Hair Stylists, the requirements seem out of date.

For Example Current Requirement for Wet Hair Styling included are pin curls/ finger waves , roller sets required are 180. Because its 2024 there is not a demand for Roller sets pin curls finger waves but yet are required of 180 of those practical.

I do feel they are still necessary for training but not the amount currently required.

The Hair industry Clientele is demanding of Highlight techniques dyes and other various color applications but The state of Alaska only requires 75 requirements.

My question is would it be possible to revise the Requirements of Wet Set styles finger waving, pin curls ect. be revised to 75 practical during training?

And Haircoloring practical be revised to 180 requirements for training?

I hope you will take these suggestions into consideration.

Thank You
Heather Wagoner

On Fri, Mar 1, 2024 at 10:42 AM Board of Barbers Hairdressers (CED sponsored)
<boardofbarbershairdressers@alaska.gov> wrote:

Hello Heather,

Are you wishing to request a change to curriculum or needing clarification of the requirements.

If you would like to suggest changes to the curriculum, please compose an email to the board. We can include your email in an upcoming meeting. Monday is the next board meeting, but I cannot guarantee if there will be time to include correspondence received today for this meeting.

Monday's board meeting does have a time slot for public comment but depending on the number of public attendees, I'm not sure of the time allowed for each commentor.

You will find the agenda and login information for the Zoom meeting

here: <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofBarbersHairdressers/MeetingNotice.s.aspx>

Sincerely,

Wanda Whitcomb

License Examiner

[Board of Barbers and Hairdressers](#)



From: Front Desk THE Beauty School <frontdesk.beauty.school@gmail.com>

Sent: Friday, March 1, 2024 10:34 AM

To: Whitcomb, Wanda E (CED) <wanda.whitcomb@alaska.gov>

Subject: RE: Hair training Requirements

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.

Wanda

To whom I would contact for the Hair training requirements to make some Revised adjustments.

Who do I contact?

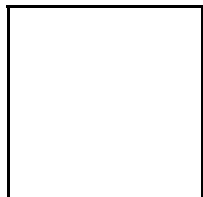
What is their Email?

I am a Hair Stylist and Hair Instructor.

Heather Wagoner

You can contact me thru
this email address

--



Front Desk Staff

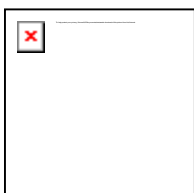
THE Beauty School

Office: 907-357-7777

Website: www.thebeautyschoolalaska.com

Email: frontdesk.beauty.school@gmail.com

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Front Desk Staff

THE Beauty School

Office: 907-357-7777

Website: www.thebeautyschoolalaska.com

Email: frontdesk.beauty.school@gmail.com

METROASIS®ATC

June 28, 2024

To the Alaska Board of Barbers and Hairdressers:

Sigel and I have been the sole owners and operators of MetrOasis ATC since January of 1995. We love this great state, and are grateful to have operated our beauty school successfully here for almost 30 years. We love Alaska because it is so different from every other state in the union, and cannot be compared to any other state.

As the Board contemplates these current regulation projects, I wanted to contribute some ideas to ponder. Regulations should benefit both the business owner and the customer, to provide a healthy economic environment for growth as well as keep the customer safe from harm. We are concerned that these changes will bring harm to our industry and the economy of Alaska and is moving us in a backward direction, not forward. We feel the board ought to be cautious when looking to other states for statute and regulation changes, as our state is unlike all others due to its small population. We have a small number of schools in this state and a small pool of licensed instructors. What works for most other states cannot work for Alaska.

Two areas of concern to us is the proposed regulation to change the definition of esthetician, and also the current discussion on possibly increasing the manicuring hours.

The State should always keep in mind Right Touch Regulations when approaching changes to our statutes and regulations. I found a document online (crnm.mb.ca) that I found helpful in guiding us through some important questions to ask during this process.

Key Elements in the use of Right Touch Regulation:

1. Identify the Problem Before the Solution. • Properly describe and understand the problem before jumping to solutions. What problem are you trying to solve?

We ask What problem is Alaska currently having regarding services being offered by estheticians and why is a change in the definition necessary? Are there documented cases where a member of the public has been harmed in any of the procedures that estheticians are now offering to the public? What about manicures? Has injury occurred to customers from poor execution of services?

2. Quantify and Qualify the Risks. • Quantifying risks is gauging the likelihood of harm occurring and the severity of it. • Qualifying risks is looking closely at the nature of the harm and understanding how and why it may occur. This allows regulators to understand what causes the harm and how it could be prevented.

We ask Has harm occurred, or are you trying to avoid it? How and why would this harm occur? Many of us for years have offered esthetics services that have been performed successfully without incident of harm. These beneficial services will most likely fall out of scope if the adoption of type I medical devices is implemented in the new definition. It is very restrictive for no apparent reason.

3. Get as Close to the Problem as Possible. • Look for a solution that is as close to the problem as possible. • Regulation is distant and removed from the point of care and problems are best solved near to where they occur.

We ask If you do not have documented cases of harm, why are you trying to regulate something that does not need regulating? What are the investigators responding to most often? Injury to the client? Unlicensed activity? Unsanitary procedures or spaces? Fraud?

METROASIS®

4. Focus on the Outcome. • Stay focused on the outcome that we are looking to achieve, prioritizing public interest and safety, and not concerned about process. • Outcomes should be clearly defined, attainable, measurable, and directed towards reduction of harm.

We ask Again, can you document cases of actual physical harm? We can provide statistics that will document financial harm to the estheticians affected by these restrictions. In regards to the potential increase in manicuring hours, has the board considered the lack of schools willing to offer more than a 12 hour sanitation class? Are there instructors willing to teach a longer course? Will there be educational choices for the community, or will students be forced to train in only one or two schools?

5. Use Regulation Only When Necessary. • Changes to regulation is a slow process, and a decision to choose a solution that does so should only be used when other actions are unable to deliver the desired results. • If a solution to the problem can be found without involving regulators, that is the preferred choice.

We ask Are the current regulations being enforced? Our condo board was notorious for trying to come up with new house rules, while the existing rules were not being enforced. I feel that there are so many regulations that are not being sufficiently enforced in the beauty industry, (unlicensed activity comes to mind first) and I hate to see more restrictions added to the burden that the investigators already bear. Again, what is the problem? Cases of harm, or the fear of harm occurring and what is the probability of that? We all drive, even though the probability of us having an accident are much higher than suffering harm from a photorejuvenation treatment, for example.

6. Keep it Simple. • Regulation must be clear to those who are regulated, the public and the regulating body, for it to work. • The purpose of the regulation and why it will work must be clearly understood – simple. • If regulations are not workable workarounds will be used which creates new risks.

***I have tried to determine what actually falls under the classification of type 1 medical devices, and the answer is not clear. Estheticians have been using the following modalities safely for years: tesla high frequency, microcurrent, galvanic, LED red light photorejuvenation, microdermabrasion. They are discussed in our Milady Standard textbooks, which is approved by the Board. Are these type 1 or type 2 devices? My internet searches result in no findings of injury in the usage of these devices.

7. Check for Unintended Circumstances. • Assess for the potential impact of implementing the solution to avoid unintended consequences such as impact to other parts of the system.

***Severe financial impact to estheticians across Alaska is not a just a possibility, it is a fact, as many of us have been testifying since this discussion began. If you cannot provide empirical data that shows these treatments have indeed caused injury, we see no reason for these changes to the definition.



Sue Shroy

MetrOasis Advanced Training Center

Spencer, Cynthia R (CED)

From: National Interstate Council of State Boards of Cosmetology
<susan@nationalinterstatecouncilofstateboardsofcosmetology.ccsend.com>
Sent: Sunday, April 21, 2024 3:01 PM
To: Spencer, Cynthia R (CED)
Subject: Reminder: Dangers in the Beauty Professions!

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A Study by the New England Journal of Medicine

Kidney Injury and Hair-Straightening Products Containing Glyoxylic Acid

Medical professionals are warning about the potential side effects of certain hair treatments after a young woman sustained kidney injuries after a session at a salon.

A 26-year-old Tunisian woman suffered from three acute kidney injuries between June 2020 and July 2022, according to a piece that was published in the New England Journal of Medicine this month. The letter to the editor, which was written by French doctors, linked certain smoothing and straightening hair products to kidney damage.

The woman in the case study had no previous health issues when she sought medical help. She suffered from vomiting, fever, diarrhea and back pain when she approached the doctor.

"Each episode of acute kidney injury had coincided with a hair treatment at the same salon on the day the symptoms began," the journal letter explained.

"The patient reported a burning sensation during each procedure, followed by scalp ulcers."

Upon examination, medical staff found that her blood tested positive for increased plasma creatinine levels. Plasma creatinine is a waste product that comes from muscles – when it enters the blood, it is filtered out by kidneys.

When the woman went to the salon, the hairstylist would apply a cream on her hair that contained 10% glyoxylic acid. That chemical is what researchers believe caused the kidney damage.

"These results provide evidence that hair-straightening cream containing glyoxylic acid is responsible for calcium oxalate–induced nephropathy after hair-straightening procedures of the type described here," the letter argues. "Glyoxylic acid was patented and introduced recently in hair-straightening products as a seemingly safer alternative to formulations containing formaldehyde."

"In consideration of the potential nephrotoxicity of topical glyoxylic acid, products containing this compound should be avoided and, we would proffer, discontinued from the market."

The article also noted that 26 patients in Israel suffered acute kidney injuries after "Brazilian-style" hair-straightening procedures.

In 2022, a National Institutes of Health (NIH) study suggested that chemical [hair-straightening products](#) may increase women's risk of uterine cancer. Researchers pointed to endocrine-disrupting chemicals in the products.

Published March 20, 2024
N Engl J Med 2024;390:1147-1149
DOI: 10.1056/NEJMc2400528
VOL. 390 NO. 12

This demonstrates the importance of knowledgeable professionals in the salons who are educated and tested to ensure they are competent to practice safely on the public. Take a moment to thank your beauty professional for their dedication to ensure you not only look great, but are also in safe hands.

~

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www.nictesting.org



National Interstate Council of State Boards of Cosmetology | Post Office Box 48, MCCLEARY, WA 98557-9502

[Unsubscribe cynthia.spencer@alaska.gov](mailto:cynthia.spencer@alaska.gov)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by susan@nationalinterstatecouncilofstateboardsofcosmetology.ccsend.com powered by



From: [Beatriz Font](#)
To: [Occupational, License \(CED sponsored\)](#); [Board of Barbers Hairdressers \(CED sponsored\)](#)
Subject: Re: Silver Nitrate formulas Permissions by State_Alaska
Date: Thursday, July 11, 2024 12:48:14 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Some people who received this message don't often get email from bfont@luxbp.com. [Learn why this is important](#)

Hello

As you may be aware the FDA has changed the regulation on tinting the eyebrows with silver nitrate formulas. Luxury Brand Partners is curious as to if this is currently on the Cosmetology State Board in your State. If this legislature is on the books, is it legal to apply eyebrow tint in the salon by a licensed Cosmetologist?

Yes. No matter whether a particular color is subject to certification or exempt from certification, U.S. law prohibits its use in cosmetics (or any other FDA-regulated product) unless it is approved specifically for the intended use [FD&C Act, sec. 721(a)(1)(A); 21 U.S.C. 379e(a)(1)(A)].

The regulations also restrict intended use as follows:

- **Eye-area use:** You may not use a color additive in the area of the eye unless the regulation for that additive specifically permits such use [21 CFR 70.5(a)]. The "area of the eye" includes "the area enclosed within the circumference of the supra-orbital ridge and the infra-orbital ridge, including the eyebrow, the skin below the eyebrow, the eyelids and the eyelashes, and conjunctival sac of the eye, the eyeball, and the soft areolar tissue that lies within the perimeter of the infra-orbital ridge" [21 CFR 70.3(s)]. Although there are color additives approved for use in products such as mascara and eyebrow pencils, silver nitrate is the only color additive approved for dyeing the eyebrows or eyelashes, but for professional use only. The FDA has provided for the safe use of silver nitrate as a color additive, in professional-use only cosmetics, to color eyebrows and eyelashes [[21 CFR 73.2550](#)]. Use is restricted to up to 4 percent silver nitrate (by weight) in a viscous gel product. These silver nitrate containing cosmetic products are not intended for use on persons under the age of 16 or for application for longer than 1 minute. Furthermore, these products are not for distribution or direct sale to consumers.

Silver Nitrate

As of 2022, this formulation is the only [FDA approved](#) formula to tint your eyebrows and is becoming the *de facto* way to tint around the eye area. It utilizes the naturally occurring reaction of silver nitrate, light, and iron oxide to deposit color onto hair. This fundamentally changes the way tints are applied and makes tints much safer to use on the sensitive eye area when compared to PPD and Henna. This is due to a much lower allergic reaction rate, less invasive, and less corrosive ingredients. Silver Nitrate hair tints also do not contain hydrogen peroxide, [and is PFAS free](#).

Thank you for your time.

Much appreciated.

Beatriz Font

Brand Development Coordinator

LUXURY BRAND PARTNERS

P: 786-585-4615 • F: 305-463-1310

331 NW 26th St., Ste. #103

Miami, FL 33127

luxurybrandpartners.com



From: Occupational, License (CED sponsored) <license@alaska.gov>

Date: Tuesday, July 18, 2023 at 4:11 PM

To: Board of Barbers Hairdressers (CED sponsored)

<boardofbarbershairdressers@alaska.gov>

Cc: Beatriz Font <bfont@luxbp.com>

Subject: FW: Silver Nitrate formulas Permissions by State_Alaska

Please assist with the below inquiry.

Thank you,

Melissa Dumas

Department of Commerce, Community and Economic Development

Division Corporations, Business and Professional Licensing

PO Box 110806 Juneau, Alaska 99811

From: Beatriz Font <bfont@luxbp.com>

Sent: Tuesday, July 18, 2023 12:09 PM

To: Occupational, License (CED sponsored) <license@alaska.gov>

Subject: Silver Nitrate formulas Permissions by State_Alaska

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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,

I hope you can be of help,

The FDA updated it's monograph on Lash and Brow tinting by professionals to include allowing Silver Nitrate formulas to be used in salons and spas as professional services. I have included the link below.

<https://www.federalregister.gov/documents/2021/10/06/2021-21755/listing-of-color-additives-exempt-from-certification-silver-nitrate>

Can you tell me if your state **does NOT allow eyelash and brow tinting with silver nitrate formulas?**

Your help is greatly appreciated. Can you please respond by this Friday the 21st?

Thanks and have a great day!

Kind Regards,

Beatriz Font

Brand Development Coordinator

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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.**