



## **9:25 Board of Barbers & Hairdressers Meeting**

Alaska Division of Corporations, Business and Professional Licensing

May 15, 2025 at 9:00 AM AKDT to May 15, 2025 at 4:00 PM AKDT

### **Zoom Details:**

<https://us02web.zoom.us/j/82968380793?pwd=yMufuW3OwIFpF6iWABegxG0n0wM2e3.1>

**Meeting ID:** 829 6838 0793

**Passcode:** 909281

**Call In:** 1-253-215-8782

### **TENTATIVE MEETING AGENDA**

*Working Groups May Occur*

#### **Agenda:**

- 1. 9:00 a.m. May 15, 2025 Call to Order/Roll Call**
  - A. Meet and Greet New Board Member(s)
- 2. 9:05 a.m. Review/Amend Agenda**
- 3. 9:10 a.m. Ethics Disclosure**
- 4. 9:15 a.m. New Business**
  - A. Strategic Planning and Prioritization Processes (Jessica Pestrikoff)
- 5. 9:55 a.m. Break/Recess**
- 6. 10:00 a.m. Investigations**
  - A. Fine Schedule/Matrix Amendment – Training Documentation Submission
  - B. Investigative Memo
  - C. Investigative Probation Report
  - D. Executive Session
- 7. 11:00 a.m. Break/Recess**
- 8. 11:15 a.m. Division and Financial Update**
  - A. FY25 2<sup>nd</sup> OR 3<sup>rd</sup> Quarter Budget Report
  - B. HB158 - An Act relating to professional licensing; relating to temporary licenses for certain professions; and providing for an effective date. (Saviers/Robb)
  - C. Industrial Hemp – Notice to Boards and Licensees (Chambers/Saviers)
- 9. 11:45 a.m. Public Comment**
- 10. 12:00 p.m. Lunch**

- 11. 1:00 p.m. Administrative Business**
- A. Review/Edit/Approve Meeting Minutes
    - i. February 5, 2025 Meeting
    - ii. April 17, 2025 Meeting
  - B. FY25 Annual Report Submission
- 12. 2:00 p.m. Break/Recess**
- 13. 2:10 p.m. Old Business**
- A. Local Shop Courtesy License (body arts) Follow Up Report
  - B. Medical Spa's Multi-Board Workgroup Update/Report (Thompson and McKinley)
- 14. 2:30 p.m. Administrative Business, Cont.**
- A. Staff esthetician service assistance request – Threading
  - B. Correspondence
    - i. Jamie Norris – 12-hour manicuring exam language question
  - C. Application Review
- 15. 4:00 p.m. Adjourn**

### III. Executive Branch Ethics

Service on a state board or commission is a public trust and members are expected to conduct the public's business in a way that preserves the integrity of the governmental process and avoids conflicts of interest. The Ethics Act (AS 39.52) doesn't forbid public officers from having opinions, interests, or professional pursuits outside of their service on boards or commissions, but it does require that members disclose certain matters so a determination can be made about whether they constitute a conflict of interest.

#### Compliance with the Executive Branch Ethics Act

All board and commission members and staff should be familiar with the procedures outlined below. 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. Additional information is available from the Alaska Department of Law at <http://law.alaska.gov/doclibrary/ethics.html>. Much of the information in this section of the manual is taken directly from this site.

#### *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, 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 or an immediate family member have a personal or financial interest;
- coerce subordinates for his/her personal or financial benefit, or
- attempt to influence the outcome of an administrative hearing by privately contacting the hearing officer.



Alice knew that a proposal that was before the board would harm Alice's business partner. Instead of publicly disclosing the matter and requesting recusal, Alice engaged in discussions about the proposal and voted on the proposal.



Jack serves on a board that regulates parts of the building construction industry. Wearing a nametag that identifies him as a member of the industry board, Jack goes to a contractors' trade show and sets up a booth for his consulting business, called "Building a Future in Alaska."

#### *Improper Gifts (AS 39.52.130)*

A board or commission member may not solicit or accept a gift if it could reasonably be inferred that the gift is intended to influence the member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. The division has interpreted this guidance narrowly to ensure transparency in awareness and reporting.

Travel includes any expense paid directly to the board member in conjunction with a trip connected to the member's position on the board. This type of trip must be approved through the division and all reimbursements made through the CBPL Travel Desk to avoid violating the state's rules regarding travel.

(See section on travel.) All gifts from registered lobbyists are presumed to be improper unless the giver is an immediate family member of the person receiving the gift. This restriction on gifts does not apply to lawful campaign contributions.


A gift worth more than \$150 to a board or commission member or the member's 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 or commission.


The receipt of a gift worth less than \$150 may be prohibited if it could reasonably be inferred 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 or commission member will be advised as to the disposition of this gift.

A form for reporting gifts is available at [law.alaska.gov/doclibrary/ethics.html](http://law.alaska.gov/doclibrary/ethics.html) or from the board or commission staff.


 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.


 Sam buys a holiday gift every year for Jody. Jody was recently appointed to a board, but Sam has no business that is up before the board.

 Margie is a board member and decides to take a last-minute trip to a national conference for state board members in her industry. She is directly reimbursed by the national association for her meals, airfare, and rental car.

### ***Improper Use or Disclosure of Information (AS 39.52.140)***

No former or current member of a board or commission may use or disclose any information acquired through official duties if that use or disclosure could result in a financial or personal benefit to the board member (or a family member) unless that information has already been disseminated to the public.

 Sheila has been on the licensing board for several years. She feels she has learned a great deal of general information about how to launch a successful business venture. So, she sets up her own company helping small businesses get started and does well. She is careful not to assist in completing license applications that will be evaluated by the board on which she serves.

 Gordon is a tattoo artist and the reviewing board member for an investigation of serious potential violations of health and safety issues by a licensed shop owner. Before the board votes on the matter, he tells several people who are thinking of getting a tattoo there about the confidential matter and encourages them to come to his shop instead.

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

A board member who can affect the award or administration of a State grant, contract, lease, or loan may not apply for, or have an interest in that State grant, contract, lease, or loan. This prohibition also applies to the board member's immediate family.

A board member (or a family member) may apply for or be a party to a *competitively solicited* State grant, contract or lease, if the board member does not serve in the same administrative unit awarding or administering the grant, contract, or lease *and* so long as the board member does not take official action in the award or administration of the grant, contract, or lease.

A board member (or a family member) 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 award or administration of the loan.

Board members must report to the board chair any personal or financial interest (or that of a family member) 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 [law.alaska.gov/doclibrary/ethics.html](http://law.alaska.gov/doclibrary/ethics.html) 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, but he figures that it doesn't matter when her grant application comes up before the board; he votes on the grant to his daughter, without disclosing the relationship to the board. (While voting for the grant looks worse than voting against the grant, the Ethics Act prohibits deliberating or voting on the issue regardless of what position the board member takes.)

☹️ The board wants to contract out for an analysis of the board's decisions over the last ten years. Kim bids on 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 non-salaried 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 refrains 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. So, the member must disclose the fact of the member's involvement in the regulated matter and abide by the board or commission's finding as to the existence of a conflict of interest.

😊 Delores has always coordinated continuing education opportunities for the physicians in her practice. After Delores is appointed to the State Medical Board, she discloses this role to the board and continues to coordinate these classes in her capacity as a private individual, not a board member.

### ***Restriction on Employment after Leaving State Service (AS 39.52.180)***

For two years after leaving a board, a former board member may not work on any matter on which the former member had personally and substantially participated while on the board. This prohibition applies to cases, proceedings, applications, contracts, and similar matters.

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.

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 this prohibition if a determination is made that the public interest is not jeopardized.

☹️ 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 he specifies that he will have to work on another project.

☹️ Patrice, a licensed health care provider who is about to leave board service after eight years, is asked by a non-profit organization to work as their government relations director, which will require her to register as a lobbyist. She starts work for the organization in this capacity one week after her term on the board ends.

😊 Patrice accepts a clinical position with the non-profit organization instead.

### ***Aiding a Violation Prohibited (AS 39.52.190)***

Aiding another public officer to violate this chapter 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 (AS 39.52.220-250)***

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 Act has several ethics supervisors designated by statute. 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.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director. This does not apply to professional licensing boards and commissions, whose staff are employees for the Department, not the board.
- The Department of Commerce, Community, and Economic Development has assigned a Special Assistant to serve as DES for staff.
- The governor is the DES for a chair. The governor has delegated the DES responsibility to the Director of Administrative Services in the Office of Governor.

### ***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 staff of a board or commission, 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."* 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:

<http://law.alaska.gov/doclibrary/ethics.html>.

#### ***How Do I Avoid Violations of the Ethics Act?***

- When in doubt, disclose and seek advice from division staff or the department Boards and Regulations Advisor.
- Make timely disclosures.
- Follow required procedures.
- Provide all information necessary to a correct evaluation of the matter. 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.
- 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.

#### ***Procedures for Declaring Actual or Potential Conflicts***

Members must declare potential conflicts and other matters that may violate the Ethics Act in writing to the chair. Public disclosure may take the place of a written disclosure 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.

- Notice of Violation or Request for Determination forms should be filed with the Designated Ethics Supervisor (the board chair) as soon as known.
- If a determination on whether a conflict exists on a matter pending before the board, it is ideal for the conflict to be submitted to the chair with enough time for the determination to be made—usually several weeks.
- If the matter is before the board before a determination has been made, the member must

refrain from voting, deliberations or other participation on it. 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.

- 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 before the meeting.

*Confidential disclosure in advance of public meeting.* Potential conflicts may be partially addressed in advance of a board or commission's public meeting.

- A member identifying a conflict or potential conflict may submit a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential. No one may discuss or disclose this information.
- The chair may contact staff to seek advice from the Attorney General. Staff and the AAG will walk the chair through the process.
- 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. 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.
- If the chair determines that the member would violate the Ethics Act by taking official action, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- A general 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. In this manner, a member's detailed personal and financial information may be protected from public disclosure.

*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 member must declare she or he has a potential conflict regarding a matter before the board.
- The chair states his or her determination regarding whether the member may participate. This ruling must be consistent with Attorney General advice and statute/regulation.
- 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. 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.

*If the chair identifies a potential conflict of his or her own, the same procedures are followed. If*



possible, the chair should forward a confidential written notice of potential violation through staff 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 by staff to the Office of the Governor for review by the chair's Designated Ethics Supervisor (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 DES for approval. The disclosure forms are found on the Department of Law's ethics website: [law.alaska.gov/doclibrary/ethics.html](http://law.alaska.gov/doclibrary/ethics.html).

### ***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. The DES provides a copy of the notice to the employee or board/commission member who is the subject of the notice and may seek input from the employee or board/commission member, 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 or board/commission member 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 or board/commission member of the personal or financial interests giving rise to the potential violation.
- 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?***

Generally, 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. In this division, staff compile any disclosures received during a meeting or outside of a meeting via the chair, then forward them on a quarterly basis to the Division Director, who send them to the department DES.

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.

### ***Complaints, Hearings, and Enforcement (AS 39.52.310-370, AS 32.52.410-460)***

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 from 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. 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. An accusation may result in a hearing.

When the Personnel Board determines a board member has violated the Ethics Act, the member must refrain from voting, deliberating, or participating in the matter. The Personnel Board may 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, the Personnel Board will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

### ***Conflict of Interest and Ex Parte Communication***

Conflicts outside of the Executive Branch Ethics Act may arise due to improper communication with a stakeholder. "Improper communication" can be any communication with an interested party where the communication is about something on which the board has authority to act, and which comes outside of a publicly-noticed meeting. A familiar example is the contact that a member of a jury could have with people or even news stories that could bias their opinion unfairly. Sometimes it is impossible for juries in high-profile cases to avoid hearing information that is inadmissible in court, so they are sequestered in hotel rooms with no television or public contact.

Board and commission members are not likely to be treated to such extremes, but they must take care not to discuss matters with others or among each other outside of appropriate meeting channels.

### ***Ex-Parte Contact***

The foundation of due process is that each side in a dispute has the opportunity to be heard. If one side has the opportunity to make an argument, the other side must have the opportunity to respond. It is sometimes tempting for an applicant, licensee, or attorney to attempt to circumvent the usual application decisionmaking procedures, to seek information on a pending application, to discuss a pending disciplinary action, or to seek to influence an individual's decision by directly contacting one of the board members. Such communications are called "ex parte" communications.

**Ex parte communications are improper. The result of such a communication is that the board member so contacted may be unable to discuss, participate in, or vote on the application or disciplinary action.**

The risk to the applicant or licensee who attempts such communication is that a board member who might have been favorably disposed to their license application or disciplinary case may not be able to participate in the decision or vote.

**Ex parte communication must be disclosed.** Should any individual attempt to contact you to discuss a license application or disciplinary case, please refer them to a staff member (licensing examiner, investigator, or executive administrator) for response.

Should you experience an ex parte communication, alert the chair about the contact in writing before the meeting and on the record at the beginning of the meeting so he or she can determine whether it is appropriate that you be recused from the discussion, deliberation, and vote. As the DES for the board, the chair is required to declare any conflict on the record.

If you are unsure about the nature and extent of the contact, please contact the board's staff for guidance.

### ***Conflict Due to Market Interest***

Another interesting conflict of interest issue that is gaining awareness is that of the potential for disproportionate influence of "active market participants" on boards. An active market participant is defined as someone who is currently engaged in the profession that the board regulates—or, licensees.

By nature, all licensed members of a board have an inherent market interest. However, determining whether a conflict exists goes a little deeper. Questions board members may ask to evaluate whether there is a possibility of running afoul of AS 39.52.120 (Misuse of Official Position):

- Does the matter involve an individual or business that is a direct competitor?
- Will ruling on this matter have a meaningful or measurable financial outcome for me, my family, or my business?
- Is there a *perception* that either of these answers are "yes"?
- A licensee wishes to utilize a new, cutting-edge health care technology and is seeking the

board's "thumbs up" in approving it for practice in Alaska. A member of the board is an investor in this technology and is considering utilizing it in his practice. The board member discloses this financial interest and asks to be recused from deliberation and vote. The chair recuses him, and he does not participate.

Market conflicts can extend to entire boards, as well. A 2015 United States Supreme Court decision ([\*North Carolina Board of Dental Examiners v. Federal Trade Commission\*](#)) resulted in a ruling that stripped the board of its immunity when addressing what might have seemed like a routine matter: The board violated the Sherman Act when it directed staff to send cease-and-desist letters to unlicensed teeth whiteners. Under North Carolina law, the teeth whitening companies posed a direct financial threat to dentists. By instructing them to close, they deprived the businesses of due process—as well as an income. The board did not work through their attorney or follow the standard investigative process when directing these individuals to close their businesses.

The case is complex, yet under Alaska law, the takeaway for professional licensing boards is straightforward:

- Ensure that the division's investigative standard operating procedures are followed.
- Adhere to the Administrative Procedure Act when taking action against anyone, licensed or unlicensed.
- Invite the department Boards and Regulations Advisor to assist with decisionmaking processes.
- Ask staff to invite an agency attorney to advise in policymaking that may restrict those outside the profession from engaging in business practices.
- Hold all deliberations in public view and invite the public to actively observe and comment.

Regarding matters involving ethics or potential real or perceived conflicts of interest, always ask for help well ahead of a meeting on the matter. Obtaining proper advice and following it will ensure everyone's rights are protected and that the most appropriate process is followed.

### **Board Members and Public Records**

As officers of the state, board members are compelled to adhere to state standards of documents and information shared with them. This may mean maintaining strict confidentiality, which could require saving on an unshared computer or storing in a locked cabinet. Confidential documents should always be transmitted via OnBoard, ZendTo, or using email encryption.

All emails, documents, handwritten notes, texts, and other means of communicating state business are discoverable. Many board members set up separate email addresses to ensure their state business is separate from work accounts or their personal lives. If communication on a legal matter were to be subpoenaed, it is possible that deep entanglement could require confiscation of a personal cell phone or computer. Board members are advised to become familiar with the standards and take steps to separate accounts, documents, and other information containing state business.

## Ethics Disclosure Form

### CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION

TO: \_\_\_\_\_, Designated Ethics Supervisor

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

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

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

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

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

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

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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Division, Board, Commission)

\_\_\_\_\_  
(Position Title)

\_\_\_\_\_  
(Location)

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

## Ethics Disclosure Form

### Receipt of Gift

TO: \_\_\_\_\_, Designated Ethics Supervisor, \_\_\_\_\_  
(Agency, Public Corporation, Board,  
Commission or Council)

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

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

☐ Yes ☐ No

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

☐ Yes ☐ No

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

The gift is \_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

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

\_\_\_\_\_

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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Division)

\_\_\_\_\_  
(Position Title)

\_\_\_\_\_  
(Location)

Ethics Supervisor Determination: ☐ Approve ☐ Disapproved

\_\_\_\_\_  
Designated Ethics Supervisor\*

\_\_\_\_\_  
(Date)

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

**From:** [Chambers, Sara C. \(CED\)](#)  
**To:** [jpestrikoff@gmail.com](mailto:jpestrikoff@gmail.com)  
**Cc:** [kevin20320@gmail.com](mailto:kevin20320@gmail.com); [Spencer, Cynthia R \(CED\)](#)  
**Subject:** Board of Barbers and Hairdressers planning and prioritization processes  
**Date:** Tuesday, December 10, 2024 3:37:17 PM  
**Attachments:** [Strategic Planning Overview 8-31-23.docx](#)  
[image003.png](#)  
[image004.png](#)  
[Strategic Planning Worksheet 8-31-23.docx](#)  
[PRIORITIZATION MATRIX with examples.docx](#)  
[PRIORITIZATION MATRIX.docx](#)  
[image005.png](#)

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Jessica:

Thank you so much for taking time to discuss the board's future strategic planning and activity prioritization activities. I'm thrilled that you are interested in leading this effort and that you have the skills and desire to take on this type of project.

I would envision the board setting aside an hour at the February 5th meeting to introduce these processes and walk through the worksheets (see below), as well as examples of other strategic plans adopted by Alaska licensing boards. The board should then schedule a three-hour meeting within the following month to walk through the strategic planning worksheet and develop clear vision, goals, and objectives. I can plan on leading both of these sessions, with the idea that you will take over as the point person to update them and ensure the board is following through on them. As discussed, I am happy to assist you anytime with questions, learning, and guidance at any point along the way.

I've attached the worksheets I mentioned on the phone:

1. Strategic Planning Overview: A brief, high-level overview of strategic planning for regulatory boards.
2. Strategic Planning Worksheet: After delivering the overview, this worksheet can be filled in by boards during a brainstorming session, working toward narrowing down a final, usable product.
3. Prioritization Matrices: Two worksheets, one with examples from another board in yellow, and one that is blank for your board to fill in.

I sent a meeting invitation for January 16 at 10am so we can go through these documents and look at some strategic plans other boards have adopted. Kevin is welcome to join us if interested.

Thank you again for taking this on—I look forward to working with you!

Sara Chambers  
Boards and Regulations Advisor  
Office of the Commissioner

[sara.chambers@alaska.gov](mailto:sara.chambers@alaska.gov)



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# PRIORITIZATION MATRIX

Board: *Big Game Commercial Services Board*

Date Updated: *March 2023*

**Part I: Types of Projects:** List the various projects on the board's radar according to category. Add or edit categories or projects as needed.

	A	B	C	D	E	F
	Regulations	Applications & Fees	Exams	Committees	Enforcement	Other Initiatives
1	Adding survivorship for emergency transfers		Revise registered guide written exam content		Incorporate ethics violations into the disciplinary guidelines and precedence matrix	Guide Concession Program Inter-agency Workgroup
2	Supervision regulation clarification		Revise GMU exam content			Development of online hunt records user interface
3	Definitions of "physically present", "primarily in the field", "in or near camp"					
4	Unlawful provisions by transporters					
5	Marine Transporter Regulation					
6	Trainees					
7	Guide Use Area registration - clarification					
8	Booking Agents/Hunt Planners/Hunt Consultants					
9	Update UVC code regs for various drawings					
10						

**Part II: Project Information:** Enter crucial details about the projects to help prioritize the board's time, effort, and resources.

	Project	Authority?	Urgency to Reduce/Prevent Public Harm?	Urgency to Meet Licensee-Related Deadline?	Resources Required?	Priority Ranking and Rationale?
		Does the board have full control over this issue? If not, is another agency appropriate to lead?	Is this necessary to reduce or prevent harm to the public, such as landowners, wildlife, public land users, etc.	Is a renewal or exam coming up? HR/TAR deadlines? State or federal deadlines? Guiding seasons?	Which board member will take the lead? Is staff needed? Anticipated expenses? Other stakeholders necessary? Public engagement?	Looking at all the information, how should this rank on the timeline of board priorities? <b>Urgent (U):</b> Take immediate steps to complete <b>Scheduled (S):</b> Others more important; can happen as we get to it <b>Postponed (P):</b> Not our issue or not a "must have"
1A	Adding survivorship for emergency transfers					
2A	Supervision regulation clarification					
3A	Definitions of "physically present", "primarily in the field", "in or near camp"					
4A	Unlawful provisions by transporters					
5A	Marine Transporter Regulation					
6A	Trainees					
7A	Guide Use Area registration - clarification					
8A	Booking Agents/Hunt Planners/Hunt Consultants					
9A	Update UVC code regs for various drawings					
1B						
1C	Revise registered guide written exam content					
2C	Revise GMU exam content					
1D						
1E	Incorporate ethics violations into the disciplinary guidelines and precedence matrix					
1F	Inter-agency Guide Concession Program Workgroup					
2G	Development of online hunt records user interface					

**Part III: Next Steps:** Using the information in Part II, list the *urgent* (U) and *scheduled* (S) projects in order of priority. Include details that support timelines and accountability. Omit postponed projects until they rise to a higher priority and keep track of them above.

Code Assigned	Project	Target Effective Date of Project	Person Responsible for Project Success	Staff Needed to Help Complete Project	Additional Resources, Outreach, Elements	Next Step to Move Forward	Due Date for Next Step
Example:	Regulation XYZ	11-1-23	Board Member A	Board Staff, Regs Specialist, Board Advisor	Additional outreach to large private landowners and native corporations	Board Member A will draft a letter for staff to send to stakeholders and include list of recipients. Announce public forum scheduled for 5-15-23.	Letter to staff by 4-1-23 Sent by 4-5-23
U1							
U2							
U3							
S1							
S2							
S3							

**Part IV: Project Tracker:** Members responsible for the success of the project can use the tracker to organize steps to completion. Duplicate the tracker for every project.

Project:		Code:	Target Effective Date:		
Action needed	Details to complete the action	People involved	Additional resources, concerns	Deadline for action	

PRIORITIZATION MATRIX

Board:

Date Updated:

**Part I: Types of Projects:** List the various projects on the board’s radar according to category. Add or edit categories or projects as needed.

	A	B	C	D	E	F
	Regulations	Applications & Fees	Exams	Committees	Enforcement	Other Initiatives
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

**Part II: Project Information:** Enter crucial details about the projects to help prioritize the board’s time, effort, and resources.

	Project	Authority?	Urgency to Reduce/Prevent Public Harm?	Urgency to Meet Licensee-Related Deadline?	Resources Required?	Priority Ranking and Rationale?
		Does the board have full control over this issue? If not, is another agency appropriate to lead?	Is this necessary to reduce or prevent harm to the public?	Is a renewal or exam coming up? State or federal deadlines? Industry-related seasons?	Which board member will take the lead? Is staff needed? Anticipated expenses? Other stakeholders necessary? Public engagement?	Looking at all the information, how should this rank on the timeline of board priorities? <b>Urgent (U):</b> Take immediate steps to complete <b>Scheduled (S):</b> Others more important; can happen as we get to it <b>Postponed (P):</b> Not our issue or not a “must have”
1A						
2A						
1B						
2B						
1C						
2C						
1D						
1E						
1F						

**Part III: Next Steps:** Using the information in Part II, list the *urgent* (U) and *scheduled* (S) projects in order of priority. Include details that support timelines and accountability. Omit postponed projects until they rise to a higher priority and keep track of them above.

Code Assigned	Project	Target Effective Date of Project	Person Responsible for Project Success	Staff Needed to Help Complete Project	Additional Resources, Outreach, Elements	Next Step to Move Forward	Due Date for Next Step
<i>Example:</i>	<i>Regulation XYZ</i>	<i>11-1-23</i>	<i>Board Member A</i>	<i>Board Staff, Regs Specialist, Board Advisor</i>	<i>Additional outreach to large private landowners and native corporations</i>	<i>Board Member A will draft a letter for staff to send to stakeholders and include list of recipients. Announce public forum scheduled for 5-15-23.</i>	<i>Letter to staff by 4-1-23 Sent by 4-5-23</i>
U1							
U2							
U3							



## Strategic Planning General Overview

### Why engage in strategic planning?

Compared to private non-profit boards of directors or corporate agencies, the purpose of a regulatory board has a limited focus. Along this narrow lane, the board shoulders considerable responsibility to *regulate a profession in the public interest*. Regulatory boards are free from many of the burdens held by other types of boards. They do not employ staff, and they do not manage a budget, so they do not have the responsibility of directly managing these resources. However, the state legislature has given them considerable power and influence over specific important areas:

1. Establishing and managing the gateway to employment in the profession in Alaska.
2. Influencing the availability of services of this profession in Alaska.
3. Supervising the practice of the profession in Alaska.
4. Setting standards of continued practice of the profession in Alaska.
5. Handling persons who do not practice the profession safely or in the public interest.

Within the lanes set by the state legislature, there is plenty of opportunity for a board to proceed in one of three directions:

1. Hold back progress by blindly maintaining the status quo,
2. Degrade the public's trust through negligence or recklessness, or
3. Improve outcomes through intentional and thoughtful decisionmaking.

A strategic planning process answers the following questions:

<b>MISSION STATEMENT</b> The mission is the purpose of the board.	Who are we?	What does our enabling statute say we do?
	Why are we here?	What is our functional purpose?
<b>VISION STATEMENT</b> The vision is how the board imagines exemplifying its mission.	Where are we headed?	What does the best version of our licensing program look like?
		What does the best version of our board look like?
		What is the vision of this board's contribution to nursing in this state?
<b>ANALYSIS</b> A gathering of existing facts or data to frame the board's current position and prepare it to establish goals.	Where are we now?	What are our activities?
	How can we do better?	What are the metrics for those activities?
		What are stakeholders' perceptions about us and why?
		Who are our stakeholders and how do we interact?
		What resources are needed for our activities?
		What are our strengths?
		What are our weaknesses?
		What opportunities do we have?
		What threats do we face?
		What are our activities?

<b>INITIATIVES</b> Initiatives are broad categories that exist within the board's vision.	What are the main outcomes that accomplish our vision?	How do we break out our vision into categories?
<b>GOALS</b> Goals are the measurable outcomes the board plans to accomplish during this time period.	What do we want to accomplish within those categories?	What do outcomes look like?
<b>STRATEGIES</b> Broad actions that support reaching the stated goal.	How will we accomplish each goal?	What types of actions should be taken?
<b>OBJECTIVES</b> These are the measurable steps required to reach each goal.  <b>IMPLEMENTATION DETAILS</b> List any details that help ensure the objectives are met.	How are we using our resources?	What are the steps required to meet our goals?
	How are we being accountable to our stated outcomes?	What is the time frame for completion of each step?
		What are the specific resources needed for each step?
		Who will be involved?
<b>KPIs, TRACKING, &amp; EVALUATION</b> These are methods of determining whether outcomes have been met. They should be specific and measurable.	How are we doing?	What Key Performance Indicators are relevant to our outcomes?
	How will we know when we have reached our destination?	What Key Performance Indicators are within our control?
		How will we partner with the division to construct and communicate KPIs to the board and the public?
		How will others know how we are doing?
		How often will we schedule evaluations of the entire plan?
		How will we evaluate new activities against the framework of the plan?
		How and when will we adjust elements of the plan?

#### Important elements in crafting a valuable strategic plan:

- **Create one forward-focused vision.** Lack of a common vision will lead to fractured decisionmaking and resource allocation. The vision of a regulatory board should be reasonably simple to state

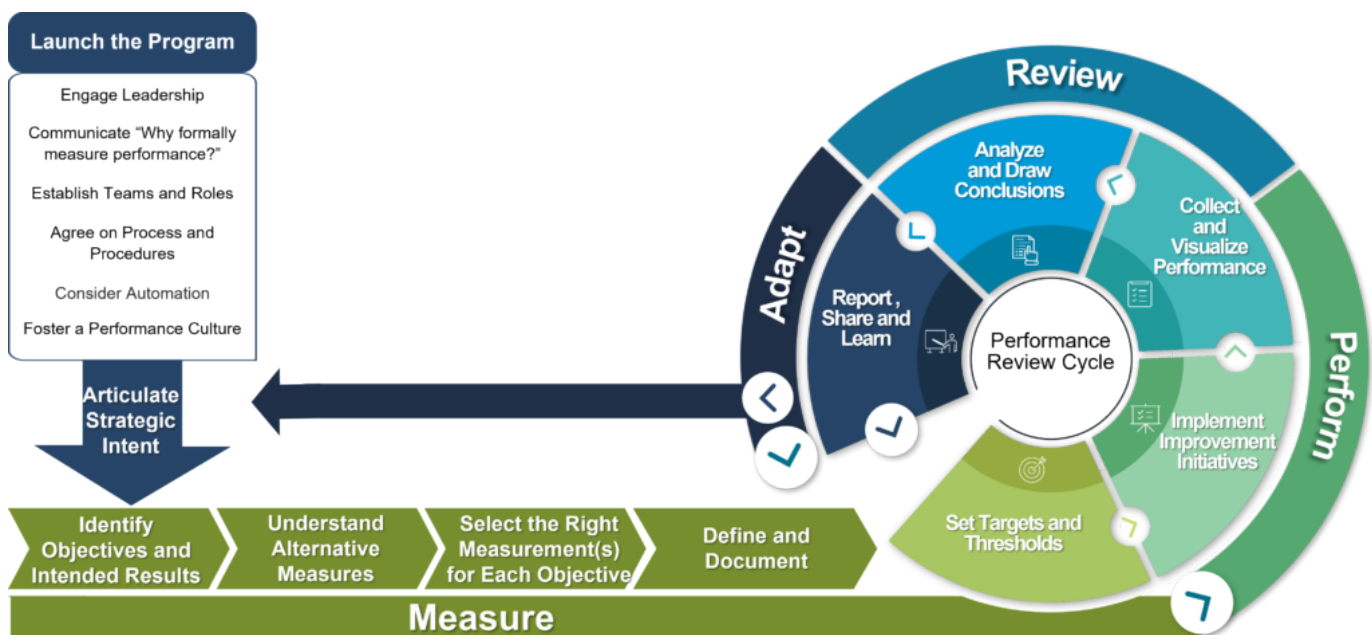


since the board's mandate and authority—ostensibly, its mission—come from the legislature via statute.

- **Ensure all stakeholders participate appropriately.** All board members should schedule time to fully participate in every decisionmaking process, especially stages of strategic planning. Stakeholders involved with the board, including those who are impacted by the board's decisions, should be provided a voice in the process that is commensurate with their role. Surveys, public comment, and focus groups are examples of ways stakeholders can be invited to share their input.
- **Draw attention to cognitive biases and flaws in reasoning, then set up structures to resist these common problems in decisionmaking:**
  - *Recency effect*: Because it's recent, it's valid
  - *Occam's razor bias*: Expressing a preference for the simplest decision over a more appropriate one
  - *Inertia bias*: Tending toward the familiar
  - *Framing effect*: Making a decision based on how the information is presented rather than the information itself
  - *Anchoring bias*: Becoming attached to initial information to the exclusion of additional data or viewpoints
  - *Confirmation bias*: Seeking and using data that confirms your viewpoint
  - *Self-Serving Bias*: This is one's tendency to attribute the positive results of a decision or situation to one's own actions or decision. Likewise, it causes individuals to attribute negative consequences to factors outside of our control.
  - *Availability bias*: Utilizing only immediately available information instead of researching additional data
  - *Stereotyping*: This is the tendency to believe a unique situation is indicative of a greater tendency.
  - *Action-oriented bias*: Making decisions because you feel internal or external pressure to act
  - *Dunning Kruger effect*: When a person's lack of knowledge and skills in a certain area cause them to overestimate their own competence
  - *Sunk cost fallacy*: Tendency to continue down an unproductive path because of the existing resources already allocated to it
  - *Status quo bias*: The tendency for people to like things to stay relatively the same. The preference towards alternatives that maintain or perpetuate the current situation even when better alternatives exist.
  - *Bandwagon effect*: The tendency to do (or believe) things because many other people do (or believe) the same.
  - *Illusion of control fallacy*: The tendency for human beings to believe they can control or at least influence outcomes which they clearly cannot.
- **Establish data-driven metrics to help gauge progress**
  - Develop key performance indicators (KPIs) for the board. Work with the division to learn management's KPIs for administrative operations, license processing, and investigative systems. Determine together how often and in what format these will be communicated to each other and to the public.
  - Good KPIs:

- Provide objective evidence of progress towards achieving a desired result
- Measure what is intended to be measured to help inform better decision making
- Offer a comparison that gauges the degree of performance change over time
- Can track efficiency, effectiveness, quality, timeliness, governance, compliance, behaviors, economics, project performance, personnel performance or resource utilization
- Are balanced between leading and lagging indicators
- Consider that not everything that is important can be measured, and just because you can measure it doesn't mean you should. Heavy reliance on measurements can lead to reliance on partial truth and bias in decisionmaking.
- **Evaluate progress based on strategic goals**
  - Establish a process and timeline for all evaluation activities, including how to handle unplanned pivots.
  - Check in regularly as a board, with staff, and management. Plan additional check-ins with key stakeholders, such as industry associations, national organizations that support state licensing boards, and other important partners. Establish standards for how voices will be granted the power to influence board decisions—see [“The Man in the Arena”](#) speech by President Theodore Roosevelt. The squeaky wheel may not be worthy of all the grease.
  - Consult both the measured and anecdotal data, as well as the perception. Close gaps if practical and meaningful to do so.
  - Hold new activities and ideas against the framework of the plan to ensure you are staying on track.
  - Be prepared to pivot as you receive new data and as circumstances change.

*Overview of strategic plan evaluation; Balanced Scorecard Institute*



## Strategic Planning Worksheet: Planning Your Plan

A thoughtful strategic plan guides the board in its decisionmaking, ensuring all activities are moving productively in an intentional direction. Strategic plans can reduce the “clutter” or “noise” at board meetings; a solid plan will help members and staff target appropriate activities, use resources efficiently, and convey purpose to stakeholders.

**As you begin the strategic planning process, use this space to brainstorm your answers to the following questions.** Add more space for answers as needed. In the “takeaways” column, write any notes about what you observe about your answers or the process, or list any issues/concerns. If you feel stuck, you may want to review previous strategic plans established by this board, plans created by other Alaska licensing boards, or plans created by boards that regulate your profession in other jurisdictions.

Intended time frame for this strategic plan (recommend 3-5 fiscal years):

PHASE	QUESTION	RESOURCES	ANSWERS	TAKEAWAYS
<b>MISSION STATEMENT</b> The mission is the purpose of the board.	Who are we?	What does our enabling statute say we do?		
	Why are we here?	What is our functional purpose?		
<b>VISION STATEMENT</b> The vision is how the board imagines exemplifying its mission.	Where are we headed?	What does the best version of our program look like?		
		What does the best version of our board look like?		
		What is the vision of this board’s contribution to this sector of the state?		
<b>ANALYSIS</b> A gathering of existing facts or data to frame the board’s current position and prepare it to establish goals.	Where are we now?	What are our activities?		
	How can we do better?	What are the metrics for those activities?		
		What are stakeholders’ perceptions about us and why?		
		Who are our stakeholders and how do we interact?		

		What resources are needed for our activities?		
		What are our strengths?		
		What are our weaknesses?		
		What opportunities do we have?		
		What threats do we face?		
		What are our activities?		
<b>INITIATIVES</b> Initiatives are broad categories that exist within the board's vision.	What are the main outcomes that accomplish our vision?	How do we break out our vision into categories?		
<b>GOALS</b> Goals are the measurable outcomes the board plans to accomplish during this time period.	What do we want to accomplish within those categories?	What do outcomes look like?		
<b>STRATEGIES</b> Broad actions that support reaching the stated goal.	How will we accomplish each goal?	What types of actions should be taken?		
<b>OBJECTIVES</b> These are the measurable steps required to reach each goal.  <b>IMPLEMENTATION DETAILS</b> List any details that help ensure the objectives are met.	How are we using our resources?	What are the steps required to meet our goals?		
	How are we being accountable to our stated outcomes?	What is the time frame for completion of each step?		
	Are our actions adhering to the plan?	What are the specific resources needed for each step?		
		Who will be involved?		

<b>KPIs, TRACKING, &amp; EVALUATION</b> These are methods of determining whether outcomes have been met. They should be specific and measurable.	How are we doing?	What Key Performance Indicators are relevant to our outcomes?		
	How will we know when we have reached our destination?	What Key Performance Indicators are within our control?		
		How will we partner with the division to construct and communicate KPIs to the board and the public?		
		How will others know how we are doing?		
		How often will we schedule evaluations of the entire plan?		
		How will we evaluate new activities against the framework of the plan?		
		How and when will we adjust elements of the plan?		

## Strategic Planning Worksheet: Board “Mini” Strategic Plan

Time frame:

Department of Commerce, Community, and Economic Development Mission:

Promote a healthy economy, strong communities, and protect consumers in Alaska.

Division of Corporations, Business and Professional Licensing Mission:

Inspire public confidence through balanced regulation of competent professional & business services.

Board Mission:

Board Vision:

INITIATIVE #1.			
Goal 1.A	Strategies	Objectives	Implementation Details
Goal 1.B	Strategies	Objectives	Implementation Details

<b>INITIATIVE #2.</b>			
Goal 2.A	Strategies	Objectives	Implementation
Goal 2.B	Strategies	Objectives	Implementation
<b>INITIATIVE #3.</b>			
Goal 3.A	Strategies	Objectives	Implementation

Goal 3.B	Strategies	Objectives	Implementation



**Disciplinary Sanctions/Fine Schedules (Adopted and Revised May 11-12, 2020)**

Violation	Time Frame	Disciplinary Action	Civil Fine	
			Total Amount	Amount Suspended
AS 08.13.070 (1) & (2) Unlicensed Practice	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Imposition of Civil Fine	\$500/incident	n/a
AS 08.13.070 (3) Operating School w/o School License	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Consent Agreement (Fine/2-year probation/reprimand)	\$4,000	\$2,000
AS 08.13.070 (4) Teach/Supervise Apprentice w/o License	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Consent Agreement (Fine/2-year probation/reprimand)	\$2,000	\$1,000
AS 08.13.080 (5) Shop Owner License	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Consent Agreement (Fine/2-year probation/reprimand)	\$4,000	\$2,000
AS 08.13.070 (6) Allow Unlicensed Practice	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Consent Agreement (Fine/2-year probation/reprimand)	\$2,000 per Practitioner/student/apprentice	\$1,000 per Practitioner/student/apprentice
AS 08.13.070 (8) Fraudulent License	n/a	Consent Agreement (Fine/2-year probation/reprimand)	\$4,000	\$2,000
AS 08.13.130 (a) License Display	1 offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Imposition of Civil Fine	\$1,000	n/a
AS 08.13.217 (a)(b) Tattoo a Minor	n/a	Consent Agreement (Fine/2-year probation/reprimand)	\$4,000	\$2,000
12 AAC 09.130 Student Records	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Imposition of Civil Fine	\$1,000	n/a
12 AAC 09.185 Apprentice Records (Tattoo/PCC/Body Piercing)	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Imposition of Civil Fine	\$1,000	n/a
12 AAC 09.190 Apprentice Records (All Other)	1st offense	Non-Disciplinary Advisement Letter	n/a	n/a
	2nd or More offense	Imposition of Civil Fine	\$1,000	n/a



THE STATE  
of **ALASKA**

Department of Commerce, Community,  
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND  
PROFESSIONAL LICENSING

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Anchorage, AK 99501-3567  
Main: 907.269.8160  
Fax: 907.269.8156

**MEMORANDUM**

DATE: April 14, 2025  
TO: Board of Barbers & Hairdressers  
THRU: Erika Prieksat, Chief Investigator *EP*  
FROM: Joy Hartlieb, Investigator  
RE: Investigative Report for the May 15, 2025 Meeting

The following information was compiled as an investigative report to the Board for the period of February 01, 2025 thru April 14, 2025; 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 - 37**

<b><u>Case Number</u></b>	<b><u>Violation Type</u></b>	<b><u>Case Status</u></b>	<b><u>Status Date</u></b>
<b>BARBER</b>			
2023-000882	Unlicensed practice or activity	Complaint	08/15/2023
2025-000182	Unlicensed practice or activity	Complaint	03/07/2025
2025-000201	Unlicensed practice or activity	Complaint	03/17/2025
2025-000202	Violation of License Regulation	Complaint	03/13/2025
<b>ESTHETICIAN</b>			
2023-001123	Unlicensed practice or activity	Complaint	11/13/2023
2024-000350	Unlicensed practice or activity	Complaint	09/06/2024
2024-000760	Unlicensed practice or activity	Complaint	11/18/2024
2022-000154	Unlicensed practice or activity	Investigation	02/22/2023

**HAIRDRESSER**

2024-001165	Unlicensed practice or activity	Complaint	12/11/2024
2023-000271	Unlicensed practice or activity	Investigation	06/29/2023

**INSTRUCTOR**

2024-000161	Violation of Profession Statute or Regulation	Complaint	02/14/2024
2024-001173	Violation of License Regulation	Complaint	12/12/2024
2024-001114	Violation of License Regulation	Investigation	03/18/2025

**MANICURIST**

2025-000181	Unlicensed practice or activity	Complaint	03/11/2025
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**SCHOOL**

2024-001063	Violation of License Regulation	Complaint	12/05/2024
2023-000219	Violation of licensing regulation	Investigation	06/27/2023
2021-000550	Violation of licensing regulation	Litigation Initiated	07/03/2024
2021-000860	Unlicensed practice or activity	Litigation Initiated	
2021-000883	Unlicensed practice or activity	Litigation Initiated	
2021-001088	Violation of licensing regulation	Litigation Initiated	
2022-000149	Violation of licensing regulation	Litigation Initiated	07/03/2024

**SHOP OWNER**

2025-000275	Compliance	Intake	04/09/2025
2025-000276	Compliance	Intake	04/09/2025
2025-000277	Compliance	Intake	04/09/2025
2023-000109	Violation of licensing regulation	Complaint	02/06/2023
2023-000383	Unlicensed practice or activity	Complaint	05/08/2023
2024-000468	Unlicensed practice or activity	Complaint	05/28/2024
2024-000478	Unlicensed practice or activity	Complaint	09/20/2024
2024-000554	Unlicensed practice or activity	Complaint	06/18/2024
2024-000751	Compliance	Complaint	12/09/2024
2025-000200	Unlicensed practice or activity	Complaint	03/12/2025

2022-000808	Unlicensed practice or activity	Investigation	05/16/2023
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**TATTOOING AND PERMANENT  
COSMETIC COLORING**

2025-000260	Unlicensed practice or activity	Complaint	04/08/2025
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**TATTOOIST**

2024-000476	Unlicensed practice or activity	Complaint	11/25/2024
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2024-000552	Unlicensed practice or activity	Complaint	05/24/2024
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2024-000619	Probation	Complaint	07/03/2024
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2022-000291	Unlicensed practice or activity	Investigation	03/13/2023
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**Closed - 19**

<b><u>Case #</u></b>	<b><u>Violation Type</u></b>	<b><u>Case Status</u></b>	<b><u>Closed</u></b>	<b><u>Closure</u></b>
2022-000451	Unlicensed practice or activity	Closed-Complaint	03/24/2025	No Action - No Violation
<b>BARBER</b>				
2025-000197	Compliance Inspection	Closed-Intake	03/12/2025	Closed - Case Opened
<b>ESTHETICIAN</b>				
2025-000241	Compliance Inspection	Closed-Intake	03/26/2025	Compliance
2023-000698	Unlicensed practice or activity	Closed-Complaint	03/28/2025	No Action - Unfounded
<b>HAIRDRESSER</b>				
2025-000238	Compliance Inspection	Closed-Intake	03/26/2025	Compliance
2024-000130	Unlicensed practice or activity	Closed-Complaint	03/21/2025	Incomplete Complaint
2023-000384	Unlicensed practice or activity	Closed-Investigation	03/27/2025	Advisement Letter
2023-000385	Unlicensed practice or activity	Closed-Investigation	03/17/2025	Advisement Letter
<b>INSTRUCTOR</b>				
2024-000875	Unethical conduct	Closed-Intake	03/21/2025	Incomplete Complaint
2021-000531	Violation of licensing regulation	Closed-Investigation	02/28/2025	License Lapsed - Flagged Do Not Renew

**MANICURIST**

2025-000212	Compliance Inspection	Closed-Intake	03/24/2025	Compliance
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**SHOP OWNER**

2024-000921	Compliance Inspection	Closed-Intake	03/11/2025	Other (See Abstract)
2025-000168	Compliance Inspection	Closed-Intake	03/11/2025	Compliance
2025-000204	Compliance Inspection	Closed-Intake	03/12/2025	Closed - Case Opened
2023-000455	Unlicensed practice or activity	Closed-Investigation	03/27/2025	Advisement Letter

**TATTOOING AND PERMANENT  
COSMETIC COLORING**

2025-000160	Unprofessional conduct	Closed-Intake	03/11/2025	Incomplete Complaint
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**TATTOOIST**

2024-000092	Unlicensed practice or activity	Closed-Intake	03/21/2025	Incomplete Complaint
2024-000759	Unlicensed practice or activity	Closed-Complaint	03/17/2025	Incomplete Complaint
2024-000697	Unlicensed practice or activity	Closed-Investigation	03/19/2025	Advisement Letter

***END OF REPORT***



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS  
AND PROFESSIONAL LICENSING  
Anchorage Office

550 West 7<sup>th</sup> Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
Main: 907.269.8160  
Fax: 907.269.8156

**PROBATION REPORT**

**DATE:** May 9, 2025  
**TO:** BAH – Board of Barbers and Hairdressers  
**THROUGH:** Erika Priksat, Chief Investigator  
**FROM:** Jenni Summers, Senior Investigator  
**SUBJECT:** Probation Report for the May 15, 2025 Meeting

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The following information was compiled as a Probation report to the Board for the period of February 1, 2025 thru May 9, 2025. This report includes probationers who are in compliance with their agreements, non-compliant probationers and probationer requests to the Board.

There are currently **seven (7)** licensees on probation as of the date of this report. Since the last probation report, **one (1)** licensees were released from probation.

The following is a complete list of individuals on probation for this Board that are **in compliance** with their Consent Agreements.

<b>Name</b>	<b>Case Number</b>	<b>Start of Probation</b>	<b>End of Probation</b>
Hayley Moore	2023-000448	05/16/2023	05/15/2025
Connie Dougherty	2023-000449	05/16/2023	05/15/2025
Sara Grocott	2022-000249-Prb	10/03/2023	10/2/2025
Francisco Valladolid	2024-000619-Prb	08/23/2023	08/22/2025
Eden Chase	2023-000467-Prb	03/05/2024	03/04/2026
Lui Talo	2022-000736-Prb	08/08/2024	08/07/2026

The following is a complete list of individuals on probation for this Board that are **not in compliance** with their Consent Agreements.

<b>Name</b>	<b>Case Number</b>	<b>Start of Probation</b>	<b>End of Probation</b>
Elijah Young	2020-001049	10/06/2020	Suspended

The following is a complete list of individuals on probation for this Board that are **suspended**.

<b>Name</b>	<b>Case Number</b>	<b>Start of Probation</b>	<b>End of Probation</b>
Elijah Young	2020-001049	10/06/2020	Suspended

The following were **released** after probation completion.

<b>Name</b>	<b>Case Number</b>	<b>Start of Probation</b>	<b>End of Probation</b>
XXX	XXX	XXX	XXX

**Board Requests:**

**END OF REPORT**

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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.**



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

Summary of All Professional Licensing  
Schedule of Revenues and Expenditures

Board of Barbers and Hairdressers	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium	FY 22	FY 23	Biennium	FY 24	FY 25 1st -3rd QTR
<b>Revenue</b>											
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	\$ 1,146,245	\$ 199,278
General Fund Received					\$ -	-	\$ 21,523	\$ 5,933	27,456	\$ 958	\$ -
Allowable Third Party Reimbursements	-	-	-	\$ -	\$ -	-	\$ -	\$ -	-	\$ -	\$ -
<b>TOTAL REVENUE</b>	<b>\$ 1,210,958</b>	<b>\$ 439,932</b>	<b>\$ 1,650,890</b>	<b>\$ 1,034,860</b>	<b>\$ 389,183</b>	<b>\$ 1,424,043</b>	<b>\$ 1,057,209</b>	<b>\$ 355,831</b>	<b>\$ 1,413,040</b>	<b>\$ 1,147,203</b>	<b>\$ 199,278</b>
<b>Expenditures</b>											
Non Investigation Expenditures											
1000 - Personal Services	190,824	195,815	386,639	187,928	154,229	342,157	177,685	201,311	378,996	269,282	200,026
2000 - Travel	10,451	6,127	16,578	2,521	-	2,521	2,862	-	2,862	1,738	1,024
3000 - Services	59,241	58,111	117,352	44,123	39,463	83,586	29,742	27,235	56,977	30,763	16,108
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	301,783	217,158
Investigation Expenditures											
1000-Personal Services	108,332	126,521	234,853	163,905	87,573	251,478	97,978	157,238	255,216	58,249	61,386
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	4,587	1,338
3094 - Inter-Agency Hearing/Mediation	-	868	868	-	-	-	3,624	-	3,624	-	2,976
3000 - Services other	-	481	481	757	81	838	241	643	884	88	76
4000 - Commodities	-	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	109,757	129,359	239,116	165,943	87,942	253,885	110,028	158,648	268,676	62,924	65,775
<b>Total Direct Expenditures</b>	<b>370,573</b>	<b>389,605</b>	<b>760,178</b>	<b>400,515</b>	<b>281,634</b>	<b>682,149</b>	<b>320,317</b>	<b>387,194</b>	<b>707,511</b>	<b>364,707</b>	<b>282,933</b>
Indirect Expenditures											
Internal Administrative Costs	205,071	177,867	382,938	217,172	164,610	381,782	196,546	192,783	389,329	195,961	146,971
Departmental Costs	104,226	96,684	200,910	76,526	60,003	136,529	71,313	70,880	142,193	71,755	53,816
Statewide Costs	33,433	34,066	67,499	46,351	33,188	79,539	34,649	38,993	73,642	31,700	23,775
<b>Total Indirect Expenditures</b>	<b>342,730</b>	<b>308,617</b>	<b>651,347</b>	<b>340,049</b>	<b>257,801</b>	<b>597,850</b>	<b>302,508</b>	<b>302,656</b>	<b>605,164</b>	<b>299,416</b>	<b>224,562</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 713,303</b>	<b>\$ 698,222</b>	<b>\$ 1,411,525</b>	<b>\$ 740,564</b>	<b>\$ 539,435</b>	<b>\$ 1,279,999</b>	<b>\$ 622,825</b>	<b>\$ 689,850</b>	<b>\$ 1,312,675</b>	<b>\$ 664,123</b>	<b>\$ 507,495</b>
<b>Cumulative Surplus (Deficit)</b>											
Beginning Cumulative Surplus (Deficit)	\$ 202,694	\$ 700,349		\$ 442,059	\$ 736,355		\$ 586,103	\$ 1,020,487		\$ 686,467	\$ 1,169,547
Annual Increase/(Decrease)	497,655	(258,290)		294,296	(150,252)		434,384	(334,020)		483,080	(308,217)
Ending Cumulative Surplus (Deficit)	\$ 700,349	442,059		\$ 736,355	\$ 586,103		\$ 1,020,487	\$ 686,467		\$ 1,169,547	\$ 861,330
<b>Statistical Information</b>											
Number of Licenses for Indirect calculation	8,514	6,784		7,460	6,956		7,507	7,086		7,549	
<b>Additional information:</b> <ul style="list-style-type: none"> <li>General fund dollars were received in FY21-FY24 to offset increases in personal services and help prevent programs from going into deficit or increase fees.</li> <li>Most recent fee change: New fee added FY19</li> <li>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.</li> </ul>											

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	137,268.58			137,268.58
1014 - Overtime	75.15			75.15
1021 - Allowances to Employees	18.50			18.50
1023 - Leave Taken	22,608.87			22,608.87
1028 - Alaska Supplemental Benefit	9,818.47			9,818.47
1029 - Public Employee's Retirement System Defined Benefits	26,757.94			26,757.94
1030 - Public Employee's Retirement System Defined Contribution	3,142.05			3,142.05
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,951.73			1,951.73
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	497.77			497.77
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	10,455.45			10,455.45
1039 - Unemployment Insurance	95.78			95.78
1040 - Group Health Insurance	35,305.77			35,305.77
1041 - Basic Life and Travel	2.23			2.23
1042 - Worker's Compensation Insurance	891.02			891.02
1047 - Leave Cash In Employer Charge	3,692.93			3,692.93
1048 - Terminal Leave Employer Charge	2,444.21			2,444.21
1053 - Medicare Tax	2,272.85			2,272.85
1069 - SU Business Leave Bank Contributions	40.24			40.24
1077 - ASEA Legal Trust	167.70			167.70
1079 - ASEA Injury Leave Usage	15.99			15.99
1080 - SU Legal Trst	29.49			29.49
1970 - Personal Services Transfer	3,859.56			3,859.56
2005 - In-State Non-Employee Airfare			649.55	649.55
2007 - In-State Non-Employee Lodging			239.00	239.00
2008 - In-State Non-Employee Meals and Incidentals			90.00	90.00
2009 - In-State Non-Employee Taxable Per Diem			45.00	45.00
3035 - Long Distance			19.30	19.30
3044 - Courier			13.51	13.51
3045 - Postage			78.29	78.29
3085 - Inter-Agency Mail			26.01	26.01
3088 - Inter-Agency Legal			1,338.37	1,338.37
3094 - Inter-Agency Hearing/Mediation			2,975.70	2,975.70
3979 - Inter-Agency Management/Consulting			16,046.06	16,046.06
<b>Grand Total</b>	<b>261,412.28</b>	<b>1,023.55</b>	<b>20,497.24</b>	<b>282,933.07</b>

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

Summary of All Professional Licensing  
Schedule of Revenues and Expenditures

Board of Barbers and Hairdressers	FY 18		FY 19	Biennium	FY 20		FY 21	Biennium	FY 22		FY 23	Biennium	FY 24		FY 25 1st & 2nd QTR								
<b>Revenue</b>																							
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	\$	1,146,245	\$	141,393	
General Fund Received														\$	21,523	\$	5,933	\$	27,456	\$	958	\$	-
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	\$	1,147,203	\$	141,393	
<b>Expenditures</b>																							
Non Investigation Expenditures																							
1000 - Personal Services		190,824		195,815		386,639		187,928		154,229		342,157		177,685		201,311		378,996		269,282		136,874	
2000 - Travel		10,451		6,127		16,578		2,521		-		2,521		2,862		-		2,862		1,738		465	
3000 - Services		59,241		58,111		117,352		44,123		39,463		83,586		29,742		27,235		56,977		30,763		51	
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		301,783		137,390	
Investigation Expenditures																							
1000-Personal Services		108,332		126,521		234,853		163,905		87,573		251,478		97,978		157,238		255,216		58,249		34,036	
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		4,587		1,031	
3094 - Inter-Agency Hearing/Mediation		-		868		868		-		-		-		3,624		-		3,624		-		1,802	
3000 - Services other		-		481		481		757		81		838		241		643		884		88		31	
4000 - Commodities		-		-		-		-		-		-		-		-		-		-		-	
Total Investigation Expenditures		109,757		129,359		239,116		165,943		87,942		253,885		110,028		158,648		268,676		62,924		36,900	
Total Direct Expenditures		370,573		389,605		760,178		400,515		281,634		682,149		320,317		387,194		707,511		364,707		174,290	
Indirect Expenditures																							
Internal Administrative Costs		205,071		177,867		382,938		217,172		164,610		381,782		196,546		192,783		389,329		195,961		97,981	
Departmental Costs		104,226		96,684		200,910		76,526		60,003		136,529		71,313		70,880		142,193		71,755		35,878	
Statewide Costs		33,433		34,066		67,499		46,351		33,188		79,539		34,649		38,993		73,642		31,700		15,850	
Total Indirect Expenditures		342,730		308,617		651,347		340,049		257,801		597,850		302,508		302,656		605,164		299,416		149,709	
TOTAL EXPENDITURES	\$	713,303	\$	698,222	\$	1,411,525	\$	740,564	\$	539,435	\$	1,279,999	\$	622,825	\$	689,850	\$	1,312,675	\$	664,123	\$	323,999	
<b>Cumulative Surplus (Deficit)</b>																							
Beginning Cumulative Surplus (Deficit)	\$	202,694	\$	700,349			\$	442,059	\$	736,355			\$	586,103	\$	1,020,487			\$	686,467	\$	1,169,547	
Annual Increase/(Decrease)		497,655		(258,290)				294,296		(150,252)				434,384		(334,020)				483,080		(182,606)	
Ending Cumulative Surplus (Deficit)	\$	700,349		442,059			\$	736,355	\$	586,103			\$	1,020,487	\$	686,467			\$	1,169,547	\$	986,941	
<b>Statistical Information</b>																							
Number of Licenses for Indirect calculation		8,514		6,784				7,460		6,956				7,507		7,086				7,549			
<b>Additional information:</b>																							
• General fund dollars were received in FY21-FY24 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.																							

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

Appropriation Name (Ex)	Summary of All Professional Licensing
Sub Unit	(Multiple Items)
PL Task Code	(All)
	BAH1

Sum of Budgetary Expenditures	Object Type Name (Ex)			
Object Name (Ex)	1000 - Personal Services	2000 - Travel	3000 - Services	Grand Total
1011 - Regular Compensation	88,436.63			88,436.63
1014 - Overtime	37.44			37.44
1021 - Allowances to Employees	10.50			10.50
1023 - Leave Taken	14,448.32			14,448.32
1028 - Alaska Supplemental Benefit	6,318.03			6,318.03
1029 - Public Employee's Retirement System Defined Benefits	17,337.88			17,337.88
1030 - Public Employee's Retirement System Defined Contribution	1,997.83			1,997.83
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,236.95			1,236.95
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	316.53			316.53
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	6,653.74			6,653.74
1040 - Group Health Insurance	24,057.27			24,057.27
1041 - Basic Life and Travel	0.82			0.82
1042 - Worker's Compensation Insurance	565.21			565.21
1047 - Leave Cash In Employer Charge	2,376.98			2,376.98
1048 - Terminal Leave Employer Charge	1,646.17			1,646.17
1053 - Medicare Tax	1,462.48			1,462.48
1077 - ASEA Legal Trust	112.10			112.10
1079 - ASEA Injury Leave Usage	15.99			15.99
1080 - SU Legal Trst	20.38			20.38
1970 - Personal Services Transfer	3,859.56			3,859.56
2005 - In-State Non-Employee Airfare		420.00		420.00
2009 - In-State Non-Employee Taxable Per Diem		45.00		45.00
3035 - Long Distance			19.30	19.30
3044 - Courier			3.55	3.55
3045 - Postage			32.83	32.83
3085 - Inter-Agency Mail			26.01	26.01
3088 - Inter-Agency Legal			1,030.94	1,030.94
3094 - Inter-Agency Hearing/Mediation			1,801.80	1,801.80
3979 - Inter-Agency Management/Consulting			-	-
<b>Grand Total</b>	<b>170,910.81</b>	<b>465.00</b>	<b>2,914.43</b>	<b>174,290.24</b>

**HOUSE BILL NO. 158**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/26/25

Referred: House Special Committee on Military and Veterans' Affairs, Labor and Commerce

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to professional licensing; relating to temporary licenses for certain  
2 professions; and providing for an effective date."

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

4 \* **Section 1.** AS 08.01 is amended by adding a new section to read:

5 **Sec. 08.01.061. Temporary license.** (a) The department may issue a  
6 temporary license to practice an occupation in AS 08.01.010 if

7 (1) the applicant

8 (A) is licensed or credentialed to practice the occupation in  
9 another state or territory of the United States that

10 (i) has requirements for a license to practice the  
11 occupation that are substantially equivalent to or greater than the  
12 requirements listed in the applicable chapter of this title; and

13 (ii) authorizes a scope of practice substantially  
14 equivalent to the scope of practice of the corresponding license in this

1 state; or

2 (B) does not hold a license to practice that occupation in  
3 another jurisdiction but meets the qualifications and requirements for a license  
4 under the applicable chapter of this title through military education, training,  
5 and service under AS 08.01.064;

6 (2) at the time of application, the applicant is not subject to  
7 disciplinary action related to the occupation in another jurisdiction or the subject of an  
8 ongoing review or disciplinary proceeding by the licensing authority in that  
9 jurisdiction;

10 (3) in the 10 years preceding the submission of an application, the  
11 applicant has not committed an act in another jurisdiction that would constitute  
12 grounds for the denial or revocation of a license, certificate, or permit to practice that  
13 occupation at the time the act was committed; and

14 (4) the applicable fees are paid.

15 (b) If the department or applicable board requires that an applicant for a  
16 professional license submit information related to a criminal history record check,  
17 those requirements also apply to an applicant for a temporary license. The department  
18 may grant a temporary license before obtaining the resulting report.

19 (c) If the department finds that a temporary license was secured through  
20 deceit, fraud, or intentional misrepresentation, the department may take disciplinary  
21 action against the temporary license, including revoking the temporary license.

22 (d) A temporary license is valid for up to 180 days as determined by the  
23 department. For each temporary license issued to an applicant, the applicant may  
24 apply for one 180-day extension, which will be approved at the department's  
25 discretion.

26 (e) Except as provided in (f) of this section, a temporary license for an  
27 occupation listed in AS 08.01.010 satisfies the requirements to practice that  
28 occupation.

29 (f) This section does not apply to an occupation regulated under AS 08.54 or  
30 AS 08.62.

31 \* **Sec. 2.** AS 08.01.062 is amended to read:

1           **Sec. 08.01.062. Courtesy licenses.** (a) A board established under this title  
 2 [AND THE DEPARTMENT, WITH RESPECT TO AN OCCUPATION THAT IT  
 3 REGULATES UNDER THIS TITLE,] may by regulation establish criteria for issuing  
 4 a [TEMPORARY] courtesy license to nonresidents who enter the state so that, on a  
 5 temporary basis, they may practice the occupation regulated by the board **for a**  
 6 **limited purpose. A courtesy license may not authorize a licensee to engage in the**  
 7 **general practice of the related occupation** [OR THE DEPARTMENT].

8           (b) The regulations adopted under (a) of this section may include limitations  
 9 relating to the

- 10                       (1) duration of the license's validity;
- 11                       (2) scope of practice allowed under the license; and
- 12                       (3) other matters considered important by the board [OR THE  
 13 DEPARTMENT].

14 \* **Sec. 3.** AS 08.01.063 is repealed and reenacted to read:

15           **Sec. 08.01.063. Portability of professional licenses for servicemembers and**  
 16 **their spouses.** (a) Except as provided in (e) of this section and 50 U.S.C. 4025a, the  
 17 department shall issue a license to practice an occupation in AS 08.01.010 that has an  
 18 equivalent scope of practice as a certificate or license held by a servicemember or  
 19 spouse of a servicemember if the servicemember or spouse relocates residence to the  
 20 state in accordance with military orders, applies in a manner prescribed by the  
 21 department, and meets the requirements of this section. An application under this  
 22 section must include

- 23                       (1) evidence satisfactory to the department that the applicant
  - 24                               (A) has received military orders, or is the spouse of a  
 25 servicemember who has received military orders, for military service in the  
 26 state;
  - 27                               (B) holds a license or certificate issued by the licensing  
 28 authority of another state that
    - 29                                       (i) is in good standing with the licensing authority;
    - 30                                       (ii) has not been revoked or subject to discipline;
    - 31                                       (iii) does not have an investigation relating to

unprofessional conduct pending in any state relating to it; and

(iv) has not been voluntarily surrendered while under investigation for unprofessional conduct in any state; and

(C) is in good standing with the licensing authority of any state that has issued the applicant a license or certificate.

(2) a notarized affidavit affirming, under penalty of law, that

(A) the applicant is the person described and identified in the application;

(B) all statements made in the application are true and correct;

(C) the applicant has read and understands the requirements to receive a license and the scope of practice of that license type;

(D) the applicant will comply with the requirements to practice under the license, including requirements related to discipline and fulfillment of continuing education; and

(E) the applicant is in good standing with the licensing authority of

(i) the jurisdiction that issued the applicant's existing license or certificate; and

(ii) any other jurisdiction of a state, district, or territory of the United States that has issued the applicant a license or certificate;

(3) if the applicant is the spouse of a military servicemember, a copy of the marriage certificate; and

(4) payment of any applicable fees.

(b) If an applicant meets the requirements of (a) of this section, the department shall issue a license to the applicant within 30 days after receipt of the application. The department may extend the 30-day period only for the purpose of completing a criminal history record check under (d) of this section. If the department cannot issue the license within 30 days, the department may issue to the applicant a temporary license to practice the profession while the criminal history record check is pending.

(c) Notwithstanding (d) of this section, a license issued under this section is subject to the applicable department or board requirements for that license and for the



1 practice of the related profession, including renewal dates established under  
2 AS 08.01.100.

3 (d) If the department or applicable board requires that an applicant for a  
4 professional license submit information related to a criminal history record check, the  
5 department may require an applicant under this section to meet the same requirements.

6 (e) This section does not apply to

7 (1) a profession not set out under AS 08.01.010; or

8 (2) a profession that is subject to an interstate licensing compact that  
9 has been entered into by the state.

10 (f) In this section,

11 (1) "license" has the meaning given in 50 U.S.C. 4025a;

12 (2) "licensing authority" has the meaning given under 50 U.S.C.  
13 4025a;

14 (3) "military orders" has the meaning given under 50 U.S.C. 4025a;

15 (4) "military service" has the meaning given under 50 U.S.C. 3911;

16 (5) "scope of practice" has the meaning given under 50 U.S.C. 4025a;

17 (6) "servicemember" has the meaning given in 50 U.S.C. 3911.

18 \* **Sec. 4.** AS 08.13.070 is amended to read:

19 **Sec. 08.13.070. License required.** A person may not

20 (1) practice barbering, hairdressing, hair braiding, manicuring,  
21 esthetics, body piercing, tattooing, or permanent cosmetic coloring without a license,  
22 [TEMPORARY PERMIT,] temporary license under AS 08.01.061, or student permit  
23 unless exempted under AS 08.13.160(d);

24 (2) practice barbering, hairdressing, hair braiding, manicuring,  
25 esthetics, body piercing, tattooing, or permanent cosmetic coloring except in a shop or  
26 school licensed under this chapter unless exempted under AS 08.13.160(d) or  
27 permitted under AS 08.13.160(e);

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

30 (4) teach in a school of barbering, hairdressing, manicuring, or  
31 esthetics, or supervise an apprentice in barbering, hairdressing, manicuring, or

1 esthetics without an instructor's license;

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

3 (6) permit an employee or other person being supervised who is not  
4 exempted under AS 08.13.160(d) to practice barbering, hairdressing, hair braiding,  
5 manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring  
6 without a license, [TEMPORARY PERMIT,] temporary license under AS 08.01.061,  
7 or student permit;

8 (7) permit the use of the person's license, [TEMPORARY PERMIT,]  
9 temporary license under AS 08.01.061, or student permit by another person;

10 (8) obtain or attempt to obtain a license, [TEMPORARY PERMIT,]  
11 temporary license under AS 08.01.061, or student permit by fraudulent means.

12 \* **Sec. 5.** AS 08.13.120(b) is amended to read:

13 (b) The regulations adopted under (a) of this section must include provisions  
14 under which the board may issue a temporary shop license to a person who has a  
15 license or temporary license under AS 08.01.061 [PERMIT UNDER THIS  
16 CHAPTER] to practice tattooing, permanent cosmetic coloring, or body piercing. The  
17 temporary shop license authorized under this subsection may only be issued to cover a  
18 site where the practitioner intends to hold a workshop or to demonstrate techniques as  
19 part of a convention or other special event, as defined by the board, that includes other  
20 practitioners of tattooing, permanent cosmetic coloring, or body piercing. Each  
21 practitioner of tattooing, permanent cosmetic coloring, or body piercing who holds a  
22 workshop or demonstrates techniques at a convention or special event shall have a  
23 separate temporary shop license and a license or temporary license under  
24 AS 08.01.061 [PERMIT UNDER THIS CHAPTER] to practice tattooing, permanent  
25 cosmetic coloring, or body piercing. The board shall issue a temporary shop license  
26 upon receipt of an application from a practitioner demonstrating compliance with the  
27 regulations adopted under this section and payment of the appropriate fee; however,  
28 the temporary shop license may be summarily revoked, without refunding of the fee, if  
29 the Department of Environmental Conservation determines after an inspection that the  
30 cleanliness or sanitation conditions at the site covered by the temporary shop license  
31 pose a clear and immediate danger to the public health or safety. A licensee may

1 appeal a summary revocation under this subsection to the superior court.

2 \* **Sec. 6.** AS 08.13.130(a) is amended to read:

3 (a) A practitioner shall display the practitioner's license in a conspicuous  
4 location in the practitioner's place of business. Each shop owner is responsible for the  
5 conspicuous display of the shop's license and the licenses of employees and  
6 individuals renting booths in the shop. A person holding a student permit or [,]  
7 temporary license under AS 08.01.061 [, OR TEMPORARY PERMIT] shall display  
8 the permit or license in a conspicuous location in the school in which the person is  
9 enrolled or the shop in which the person works. The school or shop owner is  
10 responsible for the display of a permit or license for each enrolled student, apprentice,  
11 or temporary license holder.

12 \* **Sec. 7.** AS 08.13.150 is amended to read:

13 **Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license**  
14 **or permit.** The board may, in addition to the actions authorized under AS 08.01.075,  
15 refuse, suspend, or revoke a license, temporary shop license, student permit, or  
16 temporary license under AS 08.01.061 [, OR TEMPORARY PERMIT] for failure to  
17 comply with this chapter, with a regulation adopted under this chapter, with a  
18 regulation adopted by the Department of Environmental Conservation under  
19 AS 44.46.020, or with an order of the board.

20 \* **Sec. 8.** AS 08.13.175 is amended to read:

21 **Sec. 08.13.175. Temporary license.** A person who receives a temporary  
22 license under AS 08.01.061 must work [MEETS THE REQUIREMENTS OF  
23 AS 08.13.080(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO BE TEMPORARILY  
24 LICENSED AFTER APPLYING FOR EXAMINATION UNDER THIS CHAPTER  
25 IF THE APPLICANT WORKS] under the direct supervision, and within the physical  
26 presence, of a person who is licensed under this chapter. [IN THE AREA OF  
27 PRACTICE FOR WHICH THE APPLICANT HAS APPLIED FOR  
28 EXAMINATION. A TEMPORARY LICENSE ISSUED UNDER THIS SECTION IS  
29 VALID FOR 120 DAYS AND IS NONRENEWABLE. A PERSON MAY NOT  
30 RECEIVE MORE THAN ONE TEMPORARY LICENSE FOR EACH AREA OF  
31 PRACTICE LICENSED UNDER THIS CHAPTER. AN APPLICATION FOR A

1 TEMPORARY LICENSE MUST BE SIGNED BY THE SUPERVISING LICENSEE  
 2 AND ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED  
 3 UNDER AS 08.13.185.]

4 \* **Sec. 9.** AS 08.13.185(a) is amended to read:

5 (a) The Department of Commerce, Community, and Economic Development  
 6 shall set fees under AS 08.01.065 for initial licenses and renewals for the following:

- 7 (1) schools;
- 8 (2) school owners;
- 9 (3) instructor;
- 10 (4) shop owner;
- 11 (5) practitioner of barbering;
- 12 (6) practitioner of hairdressing;
- 13 (7) practitioner of manicuring;
- 14 (8) practitioner of esthetics;
- 15 (9) practitioner of tattooing;
- 16 (10) practitioner of body piercing;
- 17 (11) temporary shop license;
- 18 (12) [TEMPORARY PERMIT;
- 19 (13)] temporary license;
- 20 **(13)** [(14)] student permit;
- 21 **(14)** [(15)] endorsement for advanced manicuring;
- 22 **(15)** [(16)] practitioner of hair braiding;
- 23 **(16)** [(17)] practitioner of permanent cosmetic coloring;
- 24 **(17)** [(18)] practitioner of non-chemical barbering.

25 \* **Sec. 10.** AS 08.13.190 is amended to read:

26 **Sec. 08.13.190. Failure to possess a license or permit.** (a) A person who  
 27 practices barbering, hairdressing, hair braiding, esthetics, tattooing, permanent  
 28 cosmetic coloring, or body piercing, or operates a shop, or operates a school of  
 29 barbering, hairdressing, or esthetics, or teaches in a school of barbering, hairdressing,  
 30 or esthetics, without a license, [TEMPORARY PERMIT,] temporary license **under**  
 31 **AS 08.01.061**, or student permit and who is not exempt under AS 08.13.120 or under

AS 08.13.160(d) is guilty of a class B misdemeanor.

(b) A person who practices manicuring, operates a shop for manicuring, operates a school of manicuring, or teaches in a school of manicuring without the appropriate license, [TEMPORARY PERMIT,] temporary license under AS 08.01.061, or student permit and who is not exempt under AS 08.13.120 or 08.13.160(d) is guilty of a violation.

\* **Sec. 11.** AS 08.20.180(a) is amended to read:

(a) An applicant for an examination, reexamination, issuance of a temporary license [PERMIT] under AS 08.01.061 [AS 08.20.160, ISSUANCE OF A LOCUM TENENS PERMIT UNDER AS 08.20.163], issuance of a license by credentials under AS 08.20.141, one-time issuance of a retired status license, or initial issuance or renewal of an active or inactive license shall pay a fee established under AS 08.01.065.

\* **Sec. 12.** AS 08.36.100 is amended to read:

**Sec. 08.36.100. License required.** Except as provided in AS 08.36.238 [AND 08.36.254], a person may not practice, or attempt to practice, dentistry without a license.

\* **Sec. 13.** AS 08.64.279 is amended to read:

**Sec. 08.64.279. Interview for permit or temporary license [PERMITS].** An applicant for an intern permit or a temporary license under AS 08.01.061 [, A RESIDENT PERMIT, OR A TEMPORARY PERMIT FOR LOCUM TENENS PRACTICE] may be interviewed in person by the board, a member of the board, the executive secretary of the board, or a person designated for that purpose by the board.

\* **Sec. 14.** AS 08.64.315 is amended to read:

**Sec. 08.64.315. Fees.** The department shall set fees under AS 08.01.065 for each of the following:

- (1) application;
- (2) license by examination;
- (3) license by endorsement or waiver of examination;
- (4) [TEMPORARY PERMIT;
- (5) LOCUM TENENS PERMIT;

1 (6)] license renewal, active;

2 **(5)** [(7)] license renewal, inactive;

3 **(6) temporary license under AS 08.01.061;**

4 **(7)** [(8)] license by reexamination.

5 \* **Sec. 15.** AS 08.68.220 is amended to read:

6 **Sec. 08.68.220. Fees.** The Department of Commerce, Community, and  
7 Economic Development shall set fees under AS 08.01.065 for each of the following:

8 (1) registered nursing:

9 (A) application;

10 (B) license by examination;

11 (C) license by endorsement;

12 (D) license renewal;

13 (E) temporary **license under AS 08.01.061** [PERMIT];

14 (2) practical nursing:

15 (A) application;

16 (B) license by examination;

17 (C) license by endorsement;

18 (D) license renewal;

19 (E) temporary **license under AS 08.01.061** [PERMIT];

20 (3) advanced practice registered nursing:

21 (A) application;

22 (B) license by certification examination;

23 (C) license by endorsement;

24 (D) license renewal;

25 (E) temporary **license under AS 08.01.061** [PERMIT].

26 \* **Sec. 16.** AS 08.68.230(d) is amended to read:

27 (d) A person who holds a temporary **license under AS 08.01.061** [PERMIT]  
28 to practice as a licensed practical nurse shall use the title "Temporary Licensed  
29 Practical Nurse" and the abbreviation "TLPN."

30 \* **Sec. 17.** AS 08.84.010(b) is amended to read:

31 (b) The board shall control all matters pertaining to the licensing of physical

therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants and the practice of physical therapy and the practice of occupational therapy **under this chapter**. The board shall

- (1) pass upon the qualifications of applicants;
- (2) provide for the examination of applicants;
- (3) issue [TEMPORARY PERMITS AND] licenses to persons qualified under this chapter;
- (4) suspend, revoke, or refuse to issue or renew a license under AS 08.84.120;
- (5) keep a current register listing the name, business address, date, and number of the license of each person who is licensed to practice under this chapter;
- (6) adopt regulations under AS 44.62 (Administrative Procedure Act) necessary to carry out the purposes of this chapter, including regulations establishing qualifications for licensure and renewal of licensure under this chapter.

\* **Sec. 18.** AS 08.84.050 is amended to read:

**Sec. 08.84.050. Fees.** The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for the following:

- (1) application;
- (2) license by examination;
- (3) license by acceptance of credentials;
- (4) renewal;
- (5) temporary **license under AS 08.01.061** [PERMIT;
- (6) LIMITED PERMIT].

\* **Sec. 19.** AS 08.84.150 is amended to read:

**Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person to practice physical therapy without being licensed under this chapter unless the person is

- (1) a student in an accredited physical therapy program;
- (2) a graduate of a foreign school of physical therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of a physical therapist; or

(3) issued a **temporary license** [LIMITED PERMIT] under **AS 08.01.061** [AS 08.84.075].

(b) A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is

(1) a student in an accredited occupational therapy program or in a supervised field work program;

(2) a graduate of a foreign school of occupational therapy fulfilling the internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of an occupational therapist;

(3) an occupational therapist or occupational therapy assistant employed by the United States government while in the discharge of official duties;

(4) granted a **temporary license** [LIMITED PERMIT] under **AS 08.01.061** [AS 08.84.075];

(5) licensed under this title and uses occupational therapy skills in the practice of the profession for which the license is issued; or

(6) employed as a teacher or teacher's aide by an educational institution and is required to use occupational therapy skills during the course of employment, if

(A) the occupational therapy skills are used under a program implemented by the employer and developed by a licensed occupational therapist;

(B) the employer maintains direct supervision of the person's use of occupational therapy skills; and

(C) the person does not represent to

(i) be an occupational therapist or occupational therapy assistant; and

(ii) practice occupational therapy.

\* **Sec. 20.** AS 08.98.120(a) is amended to read:

(a) A person may not practice veterinary medicine, surgery, or dentistry unless the person is licensed as a veterinarian under this chapter or has a temporary **license** [PERMIT ISSUED] under **AS 08.01.061** [AS 08.98.186], except that a person may



perform functions authorized by

(1) regulation of the board if the person is licensed as a veterinary technician; or

(2) a permit issued under AS 08.02.050 if the person is employed by an agency that has a permit issued under AS 08.02.050.

\* **Sec. 21.** AS 08.98.180 is amended to read:

**Sec. 08.98.180. Temporary license.** A person who is granted a temporary license by the department under AS 08.01.061 must work [MEETS THE REQUIREMENTS OF AS 08.98.165(a)(1), (4), AND (5) IS ENTITLED TO BE TEMPORARILY LICENSED AFTER APPLYING FOR EXAMINATION IF THE PERSON WORKS] under the supervision of a [LICENSED] veterinarian licensed under this chapter. [A LICENSE ISSUED UNDER THIS SECTION IS VALID UNTIL THE RESULTS OF THE EXAMINATIONS ARE PUBLISHED. A PERSON MAY NOT RECEIVE MORE THAN ONE TEMPORARY LICENSE. AN APPLICATION FOR A TEMPORARY LICENSE MUST BE SIGNED BY THE SUPERVISING VETERINARIAN AND ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER AS 08.98.190.]

\* **Sec. 22.** AS 08.98.190 is amended to read:

**Sec. 08.98.190. Fees.** The department shall set fees under AS 08.01.065 for the following:

- (1) application;
- (2) examination;
- (3) investigation of credentials;
- (4) license;
- (5) license renewal;
- (6) temporary license under AS 08.01.061 [;
- (7) TEMPORARY PERMIT].

\* **Sec. 23.** AS 08.01.064(b), 08.01.064(c), 08.01.064(d); AS 08.11.020, 08.11.025; AS 08.13.170; AS 08.15.030; AS 08.20.160, 08.20.163; AS 08.26.050; AS 08.36.254; AS 08.45.035(a), 08.45.035(b); AS 08.63.130; AS 08.64.101(b)(2), 08.64.270, 08.64.275; AS 08.68.210; AS 08.70.130; AS 08.80.150, 08.80.155; AS 08.84.065, 08.84.075;

1 AS 08.86.135, 08.86.166; AS 08.95.125; and AS 08.98.186 are repealed.

2 \* **Sec. 24.** 12 AAC 02.956, 12 AAC 02.957, 12 AAC 04.184, 12 AAC 14.135, 12 AAC  
3 16.206, 12 AAC 18.108, 12 AAC 19.116, 12 AAC 28.958, 12 AAC 36.112, 12 AAC 40.046,  
4 12 AAC 44.312, 12 AAC 48.035, 12 AAC 52.105, 12 AAC 54.130, 12 AAC 54.660, 12 AAC  
5 60.032, 12 AAC 62.135, 12 AAC 64.066, 12 AAC 68.043, 12 AAC 70.135, and 12 AAC  
6 79.115 are annulled.

7 \* **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 TRANSITION: REGULATIONS. The Department of Commerce, Community, and  
10 Economic Development may adopt regulations necessary to implement the changes made by  
11 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not  
12 before the effective date of the law implemented by the regulation.

13 \* **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 TRANSITION: SAVINGS CLAUSE. (a) Litigation, hearings, investigations, appeals,  
16 and other proceedings pending under a law amended or repealed by this Act continue in effect  
17 and may be continued and completed notwithstanding a transfer or amendment or repeal  
18 provided for in this Act.

19 (b) Certificates, orders, permits, licenses, and regulations issued or adopted under the  
20 authority of a law amended or repealed by this Act remain in effect for the term issued, or  
21 until revoked, vacated, or otherwise modified under the provisions of this Act.

22 (c) Contracts, rights, liabilities, and obligations created by or under a law amended or  
23 repealed by this Act, and in effect on the effective date of this Act, remain in effect  
24 notwithstanding this Act's taking effect.

25 \* **Sec. 27.** Sections 3, 25, and 26 of this Act take effect immediately under AS 01.10.070(c).

26 \* **Sec. 28.** Except as provided in sec. 27 of this Act, this Act takes effect July 1, 2026.



## **Industrial Hemp and Intoxicating Hemp Products FAQ for Professional Licensees**

### **What is legal industrial hemp?**

To be legal, an industrial hemp product that is intended for human or animal consumption, must be endorsed by the Division of Agriculture. The Division does not endorse any product that contains delta-9-THC or a non-naturally occurring cannabinoid, including a cannabinoid made from an ingredient extracted from industrial hemp and modified beyond its original form. Legal products may only be offered to consumers by retailers that are registered with the Division to participate in the Alaska industrial hemp program.

Products that are not endorsed by the Division include delta-9 THC, delta-8 THC-O, delta-10 THC-O, delta-6 THC-O, THCA, THCV, THCP, HHC, HHCP, or other synthetic or lab-created cannabinoids derived from hemp. These products may not be used or offered to consumers under the industrial hemp program. Products derived from the seeds of the hemp plant may be offered to consumers without an endorsement. These products contain no cannabinoids like CBD or THC and the seeds themselves do not naturally contain tetrahydrocannabinol (THC), the main psychoactive ingredient in cannabis.

### **Why do health care providers and other professional licensees need to know this information?**

Commonly, industrial hemp products like CBD oil are used in professional practices regulated under AS 08, including massage therapy, veterinary medicine, chiropractic, naturopathy, esthetics, human medicine, and nursing. Under 11 AAC 40.900(13), consumption means any method of ingestion of or application to the body. In addition to using these products onsite, they may even currently be sold by licensed professionals. For these transactions to be legal, these products must be endorsed and businesses offering them to consumers must be registered by the Division of Agriculture.

### **What are the risks of not following these laws?**

First, unless these products have been tested and endorsed by the Division of Agriculture, users cannot be certain whether the labeling reflects the actual product inside. Products containing these substances may be labeled using terms like "broad spectrum" or "full spectrum" that do not clearly inform the user or retailer of their contents. Counterfeit, mislabeled, or misleading product information is rampant, and Alaskans have detected intoxicating levels of cannabis in otherwise innocuously labeled products. This poses a significant public health risk to minors, pets, consumers who do not wish to get high, and consumers who do not wish to test positive on drug screens.

Second, using or selling these products illegally poses a significant risk for civil and criminal action, including possible discipline by state licensing boards and boards in other jurisdictions where practitioners may be licensed.

### **Where can I find more information?**

The Division of Agriculture maintains a [web site](#) to share information about Alaska's industrial hemp requirements. The [Alcohol and Marijuana Control Office](#), which partners with the Division of Agriculture in enforcement of industrial hemp laws, is also the regulator of recreational cannabis. Please visit these web sites and carefully follow instructions if you wish to use or sell hemp-derived products in your business.



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

CONDENSED MINUTES OF THE MEETING HELD FEBRUARY 5, 2025

By the authority of AS. 08.01.070(2) and AS08.86.030 and in compliance with the provisions of AS 44.64, Article 6, a scheduled board meeting was held via teleconference/Zoom, February 5, 2025.

**These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the board.**

**February 5, 2025:**

**Attendance**

**Members Present:** Chair Kevin McKinley, Willie Mae Canady, Jessica Pestrikoff, Wendy Palin, Shannon Thompson

**Member(s) Excused:** Vice-Chair, Tenaya Miramontes

**Staff Present:** Cynthia Spencer, Licensing Examiner, Lacey Derr, Program Coordinator, Renee Carabajal, Marine Pilot Coordinator (MPC)/Former Program Coordinator, Chief Investigator Jennifer Summers, Investigator Chace Evans, Melissa Dumas, Administrative Operations Manager, Alison Osborne, Regulation Specialist.

**Special Attendee:** Susanne Schmaling, LME, CLT, Medical Spa Services Work Group

**Public Present via Zoom:** Rachel Lauesen, Jacqueline Polis, Teesha Northcott, Samantha Barnes, Sarah Lawrie, Tyler Eggen

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

The board was called to order at 9:03 a.m. Chair Kevin McKinley informed the board Shannon Thompson would be joining the board shortly.

Chair McKinley announced that the regulation project 12 AAC 09.990, defining esthetics devices had been submitted back to the board with questions from Department of Law and edits suggested by Sara Chambers, Boards and Regulations Advisor; due to this, the board would not be accepting any public testimony on the regulation during this meeting.

Chair McKinley asked if there were any new board members. LE Spencer stated that Ms. Thompson was the most recently added board member and that a new appointment had been made, however, the new member would not begin service until March 1, 2025.

Ms. Palin informed the board that she had not applied for reappointment and would be going back to school for her master's degree in naturopathic medicine.

Chair McKinley stated that is exciting and how much he appreciated Ms. Palin's work with the board and being involved with starting the Medical Spa Services Work Group.

Board members thanked Ms. Palin and congratulated her on working towards her master's degree.

**2. Review Agenda**

Chair Kevin McKinley asked if there were any amendments to the agenda; hearing none the agenda was approved.

**3. Ethics Disclosure**

The board reviewed the provided Ethics packet.

Board members present stated, by roll call, they had no conflicts to disclose.

The board was ahead of schedule and decided to move onto Item 13 E, Application Review.

### 13. Administrative Business, Cont.

#### E. Application Review - Academy of Esthetics - School Application

LE Cynthia Spencer informed the board that school owner, Samantha Barnes, was online if the board had any application questions. The board decided to move into executive session to discuss the application.

**Motion to enter executive session:** 1st Mae Canady – 2nd Wendy Palin.

Alaska State Board of Barbers and Hairdressers enter executive session in accordance with AS 44.62.610(c) and Alaska constitutional right to privacy provisions, for the purpose of discussing matters involving consideration of government records that by law are not subject to public disclosure. Board staff to remain during the session.

**Approved by majority.**

*Board entered executive session at 9:10 a.m. and returned from executive session at 9:27 a.m.  
Quorum of board confirmed by roll call.*

*During executive session, Shannon Thompson joined the meeting at 9:27 a.m. Ms. Thompson did not join the executive session.*

LE Spencer stated that as Shannon Thompson was not involved with this application review in executive session, during the roll call vote process, Ms. Thompson should abstain from voting. Board members and Ms. Thompson agreed.

**Motion:** 1<sup>st</sup> Mae Canady – 2<sup>nd</sup> Wendy Palin

Approve school licensure for Academy of Esthetics pending proof of capes and sanex strips in the school in accordance with Regulation 12 AAC 09.162(b)(3); proof in the format of a purchase receipt and photo of the equipment being stocked at the school, can be emailed directly to [boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov).

Chair McKinley asked if board members had any questions or would like to discuss the motion; hearing none, Chair McKinley requested a roll call vote

**Motion Approved by majority.**

Chair McKinley thanked the board and stated issues such as this, estheticians not using capes and sanex strips as a standard for services, yet the requirement remains in regulation, are caused by the board not updating statutes and regulations. Chair McKinley stated the board would address issues such as this as they begin an overhaul of current regulations.

### 4. Division and Financial Update

Melissa Dumas, Administrative Operations Manager, joined the board and introduced herself.

#### A. FY24 4th Quarter and FY25 1st & 2nd Quarter Reports

Ms. Dumas reviewed the FY24 4<sup>th</sup> Quarter and FY25 2<sup>nd</sup> quarter reports with the board and provided a review of the fee setting process. Ms. Dumas asked the board if there were any questions.

Chair McKinley asked about licensee numbers going from 8,000 to 7,000 and why this might be occurring.

LE Spencer stated that 2019 was a renewal cycle and many licensees do not renew licenses until close to the next biennial renewal date which may cause the number of active licensees to drop; LE Spencer informed the board that this is common.

Ms. Dumas agreed with LE Spencer and informed the board that the discrepancy between the two-year renewal was getting smaller.

Chair McKinley asked is the board is average with their expenses.

Ms. Dumas stated that the board's expenses were consistent and reviewed the breakdown in comparison with other programs within the Division.

Ms. Dumas asked the board if they had any other questions; hearing none, Ms. Dumas moved to the next item.

**B. Fee Analysis**

Ms. Dumas informed the board that at this time the climate for fees changes is not favorable; fee changes at this time are not encouraged by the Governor's Office.

Ms. Dumas informed the board that they should not be worried about having a large fiscal surplus; it may grow a bit before going back down.

Chair McKinley requested confirmation from Ms. Dumas that at this time there would be no fees changes up or down. Ms. Dumas confirmed that no fees changes were being made at this time and went on to inform the board she had concerns if fees were reduced now in four years the board might require a fee increase.

Chair McKinley asked if board members had any other questions; hearing none, Chair McKinley and the board thanked Ms. Dumas for her time and assistance.

The board remained ahead of schedule and decided to move onto Item 13 E, Application Review.

**13. Administrative Business, Cont.**

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

**i. October 10, 2024, Meeting**

Chair McKinley asked if board members had reviewed the meeting minutes and if they had any edits or would like a few minutes to read through them. Hearing no requests, Chair McKinley asked for a motion to approve the minutes.

**Motion: 1st Mae Canady – 2nd Jessica Pestrikoff**

Approve October 10, 2024, meeting minutes as presented.

**Approved by majority roll call vote.**

**D. Correspondence**

**i. Sarah Lawrie – Letter Tattoo Training**

LE Spencer stated the letter was requesting approval of online tattooing training courses to meet the training requirements of regulation 12 AAC 09.169 and subsequent application for licensure by examination.

Chair McKinley informed the board that the course in question, is 100% online training.

Ms. Canady stated she had read the documents, and she understood it's difficult to find training options in rural Alaska, however the board must follow their statutes and regulations.

Shannon Thompson stated she had looked into the program, general consensus is the course is not taken seriously as a single course of education; as a supplemental course would be acceptable, but not as a single course of study as it could not provide needed personal, one-on-one experience.

Wendy Palin stated this really was within the Chair's scope and stated most tattoo artists must go through monitored hands-on training requirement to assist in training for laying ink, physical tattooing on a person to ensure the trainee is appropriately performing services. Ms. Palin continued, the online course seems vague and random with no specific guidelines to be monitored for.

Chair McKinley agreed with board member statements.

Chair McKinley stated he understands more people are looking into obtaining training only through online courses; however, he feels there are some things that just cannot be taught through an online setting only. Chair McKinley asked what percentage of online training is allowed in the curriculum.

LE Spencer informed the board that regulation 12 AAC 09.169(g) reflects up to 25% of the required 270 hour of theory may be done online.

Ms. Pestrikoff stated that if the board waived their statutory or regulatory authority for one person, they must do it for all. Ms. Pestrikoff also stated that she would be hesitant to get a tattoo from someone that did not have hands on practical training.

Ms. Palin agreed with Ms. Pestrikoff.

Chair McKinley asked staff to let Ms. Lawrie know she could do part of her training in an approved apprenticeship program and 25% of required theory training could be done online, however all curriculum requirements must be met. Chair McKinley stated LE Spencer was correct, to waive current requirements would require a statute and regulation change.

Ms. Canady stated that she agreed with Chair McKinley and reiterated she understood the difficulties of finding training options in rural areas.

Ms. Palin expressed concerns with not having the hands-on practical training through an online only course.

Ms. Thompson asked to confirm that only 25% of the total theory hours required may be completed in an online setting. The Board confirmed this was correct.

LE Spencer confirmed that with the board; this request has been denied, however upon successful enrollment, 25% of the required theory hours may be done online. The board concurred.

Ms. Thompson asked if the board also approves online course providers for body arts. LE Spencer stated that most curriculums have generic verbiage which state "A student or apprentice who is enrolled in a school or apprenticeship program may complete up to 25 percent of the required theory instruction hours in (b) of this section through a distance education course online provided by Milady, PivotPoint, or a similar organization approved by the board. Verification of successful completion of this training must be mailed directly to the department from the school or instructor.", LE Spencer stated that the Milady and Pivot Point books do have comprehensive safety/sanitation sections.

LE Spencer informed the board that to have a course approved by the board would require the submission of course details, curriculum, student participation tracking, and whatever else the board may request; once a course provider provided this information it would then be presented to the board for consideration. LE Spencer stated this process would be similar to an online bloodborne pathogen course requesting board approval. Ms. Spencer stated adding a new board approved online training course shouldn't require a regulation change.

ii. Institute for Justice report on manicuring and barbering regulations, Clean Cut

LE Spencer reviewed this correspondence with the board and informed them that this had been recommended by Sara Chambers as it may be a good tool when the board considers regulation and legislative projects.

iii. NIC 69th Annual Conference: A Huge Success

iv. NIC 2025 Communication

LE Spencer reviewed correspondence items from the National Interstate Council of State Boards of Cosmetology (NIC) with the board.

LE Spencer informed the board this item was a follow up to the 69<sup>th</sup> Annual Conference.

The Board and LE Spencer briefly discussed NIC and the NIC Annual and Regional meetings, educational and informational sessions that occur during NIC meetings, and the new National database which allows staff to officially verify licenses within participating member state boards.

LE Spencer informed the board that NIC has legislation resources for boards.

The board briefly discussed the NIC meeting and possible future attendance for board members and staff.

Ms. Canady asked if a board member could attend an NIC meeting and pay their own way. LE Spencer informed the board that as this is a membership-based organization, board and division approval would be needed to attend.

Renee Carbajal, MPC stated she understood Ms. Canady's question; however the issue is NIC is a membership led organization, this board also has membership; to attend an NIC meeting approval by the board and division would be required even if the attending board member paid their own way. MPC Carbajal continued this type of approval is required as the board member would be representing this board; attending an NIC meeting under this may cause avoidable problems.

The board thanked MPC Carbajal and agreed attending NIC meetings would be revisited.

*LE Spencer asked Ms. Palin to turn off her camera as it seemed she was distracted by a telephone call. Ms. Palin apologies and stated she was out of state and a matter had occurred at her shop she was trying to correct.*

Chair McKinley stated the board had completed review of all correspondence items and suggested members take a quick break before Item 6.

*Recess The Board recessed at 10:19 a.m. for a short break; reconvened at 10:30 a.m. Majority of the board confirmed by roll call.*

## **6. Public Comment**

LE Spencer asked attendees if they would like to address the board; Sarah Lawrie, Rachel Lauesen, Jacqueline Polis, and Teesha Northcott asked to address the board.

Chair McKinley stated individuals would have five ( 5 ) minutes to speak, this would allow the board time for any Q and A that may arise during comments.

### **Sarah Lawrie**

Ms. Lawrie thanked the board for their time and stated she had submitted a letter; Ms. Lawrie stated she may possibly make a more compelling case for her request for tattooing training exemption in person.

Ms. Lawrie gave the board a brief background of herself, family, education, and work in Sitka. Ms. Lawrie again requested the board allow her to obtain tattooing training through the online course, Artist Accelerator Program, hosted by Tattooing 101 apprenticeship.

Chair McKinley asked, as a previous Sitka shop owner, whether there were any tattooing shops in Sitka where she could obtain the required training. Ms. Lawrie stated that to her knowledge, there were no tattooing shops in Sitka. Chair McKinley stated he thought there were at least two ( 2 ) tattooing shops in Sitka at this time.

LE Spencer confirmed that at this time, there are at least two ( 2 ) licensed shops in Sitka providing tattooing services.

Chair McKinley asked board members if they had any questions for Ms. Lawrie; hearing none the board moved onto the next speaker.

**Rachel Lauesen, Attorney, Lauesen law Team, representing Skinlife Medspa, and service consumer.**



- As attorney and member of the public, fundamental in democracy that people have notice of meetings and opportunities to be heard.
- Board lacking in proper meeting noticing and allowing public comment.
- Numerous complaints with agendas and meeting packets posted to website, specifically not being specific with spelling out regulation information – 12 AAC 09.990 and agenda and board packet not posted at same time.
- Chair McKinley made notice at start of meeting that there would be no public comment on proposed regulation and this item was moved to 2:40pm; no motion to approve this meeting agenda and LE Spencer specifically stated “, Okay, I'm going to note no changes to the agenda” when in fact there were.
- Why public records are not accurately reflecting what is going on here; it's important for transparency, credibility, and accountability that the public records reflect board actions.
- Why is board not focused on straightening out statutes and regulations towards modernization of industry.
- Complaints on costs of courses offered by new school Academy of Esthetics when estheticians are not allowed to provide eyelash services, yet schools offer lash courses. Application of false eyelashes falls under hairdresser license per statute 08.13.160(f). Estheticians should be allowed to provide this service, but board statutes do not allow and are allowing estheticians to provide this service openly for decades.
- Estheticians have put hundreds of thousands of dollars into their business with equipment and now the board is prohibiting the use of some equipment; services providers are worried about losing their livelihoods.

Chair McKinley informed Ms. Lauesen her time was up. Ms. Lauesen snapped she was almost done. Chair McKinley stated he would allow Ms. Lausen to wrap up.

- LE Spencer rude to publicly admonish and ridicule board member Wendy Palin in front of attendees. LE Spencer is unprofessional, rude, and this action does not build confidence with meeting attendees.

Chair McKinley thanked Ms. Lauesen for her testimony.

#### **Jacqueline Polis, Esthetician**

- Involved with this discussion regarding esthetics from the beginning.
- Everyone should be collaborating on this matter and come to a positive resolution
- Frustration with how long this process is taking
- Concerned with proposed regulation having FDA verbiage; feels this may limit potential opportunities in the field of esthetics.
- Appreciate Susanne Schmaling attending and providing information with modalities.
- Concerned with potential new structure for advanced esthetic license
- Agree with Rachel Lauesen’s statement, estheticians are concerned about harmful impacts to their business.

Chair McKinley informed Ms. Polis her time was up, and she would need to wrap up.

- Feel personal business is threatened and possibly that license will be taken away.
- Process is taking too much time; should be able to present changes and have them put into place. Understand this is not a simple process.

Chair McKinley stated that this is a lengthy process, discussion is needed, and the regulation change project does take quite a bit of time; the board or regulatory specialists, including Dept. of Law may have questions, etc., and it does take some time to get answers.

Chair McKinley stated he appreciates Ms. Polis attending meetings, keeping current with board activities, and providing testimony

Chair McKinley stated the board has had difficulty moving forward in the past; however, moving forward this board is taking a new direction, making improvements and movement on matters such as this one.

**Teesha Northcott, Esthetician with Skinlife Med Spa**

Ms. Northcott introduced herself and acknowledged the board for being present and listening.

- Understand board is working through the system to implement changes
- Very frustrated and disappointed all board members not attending, Wendy Palin is the highest advanced medical esthetician and she's not even online.

Chair McKinley interjected to inform attendees that Ms. Palin is indeed online and participating in this meeting. Ms. Polis stated that Ms. Palin is not online, for the board to point out where she is in the meeting and that she has not attended other meetings.

- What is the pathway for practitioners of advanced aesthetics to be able to continue the work that we have safely been performing under our esthetician's license for over 20 years.
- Previously had the consent of the Medical Board to perform this work under the delegation and supervision of physicians, under guidance of the Medical Board.
- Had at the very least implied consent from this Board to perform the modalities by our open and obvious practice of these modalities, and this board.
- Told by this Board, June of 2023, that if the board was going to petition the legislation to create an advanced aesthetic license, currently licensed esthetician would be allowed to continue the work through "grandfathering" that we've been performing over 20 years. Estheticians feel comforted and assured by these promises, so they stopped attending meetings.
- Board meetings have decreased in many ways, one being attendance and interaction.
- No advances with advanced esthetician license; would like reassurance that this is still on the table.
- Will the board allow "grandfathering" for an advanced license for licensees that have additional training hours

Chair McKinley thanked Ms. Northcott for her testimony and stated they would need to stop the public comment section as the board must move on to the investigative portion of their agenda.

Chair McKinley stated that the board is working on this matter as quickly as possible and would remain transparent in this process.

Program Coordinator Lacey Derr informed the board and attendees that Board Member Palin is present and has been present in this meeting since it began at 9:00 a.m.

**7. Investigations**

Senior Investigator Jennifer Summers and Investigator Chace Evans greeted the board.

**A. Fine Schedule Amendment – Training Documentation Submission Issues**

The board reviewed the fine schedule/disciplinary matrix with investigative staff.

Senior Inv Summers informed the board that this matrix is included in investigative matter review packets provided to reviewing board members; if the board is noticing changes to the current matrix, those changes had to have been made by the board.

Chair McKinley asked if the board does make changes, should the Inv unit be involved in that discussion. Senior Inv Summers stated the Inv unit would be more than happy to provide any information necessary and could provide samples of matrixes from other boards, common violations that the Inv unit sees, and what case precedent has been recommended by the board. Chair McKinley thanked Senior Inv Summers and ask to confirm, any changes to the board's matrix would be done by the board and not the Inv unit. Senior Inv Summers agreed that any changes to the matrix must be done by the board.

Chair McKinley asked staff about the training documentation submission issues. LE Spencer stated that this was tied into the matrix the reviewing board member (RBM) uses and should be following. Chair McKinley stated that any board member who reviews a case should be following the matrix.

The board briefly discussed the questionnaire included with case investigative packets. Chief Inv Summers informed the board that the form had been updated to remove confusing and conflicting information; however, some case packets may contain the outdated version of this form, however, for the most part, all were using the updated version of the questionnaire.

Chair McKinley thanked Senior Inv Summers and informed her that Inv Evans was doing a great job and that he wanted to make sure Inv Evans was recognized for his hard work and making himself available for numerous phone calls from himself and other board members.

Senior Inv Summers thanked the Chair and stated board members could also reach out directly to her with any questions or concerns.

Chair McKinley asked if it was still possible for a RBM to come into the office to physically review cases. Senior Inv Summers stated that this was still available, the RBM would just need to coordinate with Inv Evans.

Ms. Canady stated that this conversation has been very helpful, and she is also thankful for Inv Evan's time and assistance with cases she has been the RBM for.

**B. Communication Issues to staff submitted investigative matters**

Chair McKinley stated this matter had been discussed during the October 2024 meeting and if the Inv unit was notifying staff with case opened/closed information.

Senior Inv Summers stated that this process may have fallen behind, however, this matter has been addressed, and staff would receive case open/close communications for staff submitted matters moving forward.

Chair McKinley thanked Senior Inv Summers and requested the board get to keep Inv Evans and reiterated how helpful Inv Evans is.

Chair McKinley asked MPC Carabajal and LE Spencer if they had any questions. MPC Carabajal and LE Spencer stated they did not have any questions.

**C. Investigative Memo**

Inv Evans reviewed the Investigative Report with the board. Inv Evans reported for the period September 25, 2024 – January 31, 2025, there are 41 open cases and 12 closed cases.

Inv Evans asked if there were any questions about the report.

Chair McKinley asked if Inv Evans felt he was getting caught up with the backlog of cases. Inv Evans stated he was getting caught up with older cases; however, with some of the older cases, he is having difficulties contacting parties involved in matters.

**D. Investigative Probation Report**

Senior Inv Summers informed the board that the unit had just lost the probation monitor, and she would be covering this section.

Senior Inv Summers reviewed the Probation Report with the board. Senior Inv Summers reported for the period October 10, 2024 – January 31, 2025, there are currently eight ( 8 ) licensees on probation and no licensees released from probation.

Senior Inv Summers informed the board that there is one probationer who is not currently in compliance and has had their licenses suspended.

Senior Inv Summers stated that during her review of the report, it had been noted that this probationer had found a way to circumvent the system by applying for and being issued two other licenses. Senior Inv Summers informed the board this workaround was available as the board does not ask Professional Fitness Questions (PFQ) on their applications, specifically, questions addressing current/previous licenses/permits that may have been suspended, revoked, denied or have had any license action against. Senior Inv Summers continued, not having at least this PFQ on applications, would allow this to continue.

Chair McKinley thanked Senior Inv Summers for pointing this matter out.

LE Spencer stated that this board does not have the authority to ask PFQ questions, to do this would need a statutory and regulatory change.

Senior Inv Summers stated she wasn't certain if that was why the board has no PFQ's on applications. LE Spencer stated this used to be discussed by the board, however, no statutory suggestions had been presented; the board had concerns that this type of PFQ may be a barrier to licensure for the students in correctional facility schools and others.

Senior Inv Summers and the board briefly discussed PFQ questions, how these types of applications are processed, and licensure or permit issuance delays due to the review process. Senior Inv Summers stated some boards have the authority to delegate issuance of licenses to staff.

MPC Carabajal informed the board and Inv staff that this board does not have authority to delegate licensing to staff and to add PFQ's to their applications. MPC Carabajal stated the ability to delegate issuance of licenses to staff is being addressed through upper management and once a solution and plan is available, upper management will address this matter with the board.

Chair McKinley thanked MPC Carabajal for this information.

Ms. Palin asked if there was a database staff could use to verify license action or criminal history; other states have this type of database.

Senior Inv Summers stated there is a database, however, it is only available for investigative staff.

Chair McKinley asked to clarify Ms. Palin's question; if the public wanted information on a practitioner, they could look up that person to see if there's been any cations against the practitioner.

Ms. Palin stated that was correct; like an API (??), when someone goes through an application process their information is queried and lets the applicant know where their license stands and lets the person who is processing the application know if there have been suspensions, etc., on a license.

MPC Carabajal informed the board that this can be found through the division's license search that is available to the public; anyone can look up any license within the State of Alaska to find out if there has been any disciplinary information based on the person's name. MPC Carabajal stated that when staff processes applications, a record is created using the social security number, this personal identifier links up to any license an individual has applied for and issued. MPC Carabajal clarified, even with this identifier, this board has no authority to deny a license based on previous or current disciplinary actions and no language prohibiting, for example, a hairdresser with a suspended license to apply for and be issued a new hairdresser license.

The board briefly discussed obtaining a new license, even one of the same type, if the original license was suspended, disciplined, or revoked.

Senior Inv Summers stated that this was not going to be a quick fix as regulations would need to be amended.

Chair McKinley stated this goes back to an earlier discussion that the board really needs to work on statute and regulation projects clean up.

Chair McKinley asked if the board had any further questions and were ready to move into executive session.

LE Spencer informed the board that the Inv unit had no cases to present so there was no need to move into executive session.

Chair McKinley thanked Senior Inv Summers and Inv Evans for taking rapid fire questions and providing much needed information to the board. The board thanked Senior Inv Summers and Inv Evans.

The board remained ahead of schedule and decided to move onto Item 13 A, Courtesy License – Staff Assistance Request

### **13. Administrative Business, Cont.**

#### **A. Courtesy License – 12 AAC 09.002(s)(3)(B), 12 AAC 09.004(b)(3) - (Staff Assistance Request)**

LE Spencer stated she had spoken with Chair McKinley about this matter and thanked him for his assistance. LE Spencer reviewed regulation 12 AAC 09.002 and 12 AAC 09.004(b)(3) with the board; explaining staff confusion with the option to submit at least one copy per month of a client release form for at least 12 of the 24 consecutive months immediately preceding the date of application. LE Spencer stated the date immediately preceding the date of the application was considered to be the date the application was submitted or received in the office; staff have been requiring one client release form from that date back 12 months and was having comprehension issues with the 24 month/ two ( 2 ) year allowance.

Chair McKinley thanked LE Spencer for this question and informed the board he had been involved with the courtesy licenses at inception; the 24 months was provided as many artists only work convention circuits, work part time or seasonally, the board felt allowing the 24-month opportunity for client release forms still provided required work experience but took into consideration applicants not working “full time”. Chair McKinley clarified that 12 client release forms for one month or multiple client release forms that reflect the same month are not acceptable, one ( 1 ) client release form per a month is acceptable.

LE Spencer thanked Chair McKinley for this clarification.

The board remained ahead of schedule and decided to move onto Item 11.

### **11. Old Business**

Chair McKinley confirmed with staff that Sara Chambers, Boards and Regulations Advisor would not be able to join the board for this section due to other board meeting commitments.

#### **A. Medical Spa's Multi-Board Workgroup Update/Report (McKinley, Thompson)**

Chair McKinley stated he would begin this report, and Ms. Thompson would add information he may miss.

Chair McKinley informed the board that this workgroup is moving forward with matters identifying devices and services that are acceptable for current licensees, additional education, and adequate supervision, having the assistance of Susanne Schmalings has been invaluable, not only for the work group but this board as well.

Chair McKinley stated that one matter at this meeting is the proposed regulation project, the Department of Law had submitted very technical questions that board members didn't have the

knowledge to answer, Sara Chambers with Ms. Schmaling had been able to answer these questions and provide suggestions for the proposed regulation project which the board will be reviewing later today.

Chair McKinley continued the Work Group has assisted the board to reach this phase where they're starting to get traction with regulations. Chair McKinley stated the Work Group is not just for this board, the group is working with several other medical boards, so all the attention of the group is not just focused on this board which may slow some processes however, the division of time must be equitable for all involved programs.

Chair McKinley stated that what this board is trying to ensure that any regulatory changes for esthetics are in line with other programs statutes and regulations and verify what this board can and cannot do; this may slow the process however ensures all parties are on the same page and no laws are being violated.

Chair McKinley and Ms. Thompson informed the board that the next Work Group meeting has been scheduled for February 19 and that due to scheduling conflicts at the least, Ms. Thompson would be in attendance. Chair McKinley stated that one of the reasons there would be no public comment on the proposed regulation project was due to questions the Dept of Law has posed and possibly working with Work Group to respond to those questions; due to this, the project had not been public noticed. Chair McKinley assured attendees that this project was moving forward, not as fast as some would like, however, this is part of the regulatory process.

Ms. Canady asked if Chair McKinley or Ms. Thompson could provide an update on the last Work Group meeting.

Chair McKinley stated that the last meeting that was scheduled for December 5, 2024, was cancelled due to not having a quorum, however, despite Ms. Thompson attending, was a bad weather day in Anchorage which caused several other Work Group members to miss the meeting. Chair McKinley reviewed worksheets and other information that was provided to the Board during its October 4, 2024, meeting.

Chair McKinley urged board members and members of the public to attend Work Group meetings. LE Spencer provided the Medical Spa Work Group's web page information and documentation from the October 4, 2024, board meeting.

Ms. Thompson stated that the goal is to keep people working, not to shut people out, but to ensure that there will be proper education available for safely operating and administering services with devices and modalities.

Chair McKinley agreed with Ms. Thompson and also stated that the Work Group is also discussing medical directors, what a medical director may be, what their oversight may be, if medical director is the appropriate title, possible legislation changes for this, and what that means service providers.

Chair McKinley informed the board that this is taking a lot of work and praised Ms. Palin for her time, efforts, and work with the Work Group.

Ms. Palin thanked Chair McKinley and thanked board members for jumping in when she was not able to. Ms. Palin stated that she had read the questions from Dept. of Law concerning the regulation project and that it was very difficult to find clear cut answers and asked when the next Work Group meeting was scheduled for.

Ms. Thompson informed the board that the next Work Group meeting was scheduled for February 19, from 4:00 p.m. – 6:00 p.m. Chair McKinley urged Ms. Palin and Ms. Canady to attend.

Chair McKinley asked Ms. Thompson if he missed anything or if she had anything to add. Ms. Thompson stated that the only additional point she'd like to make is the excitement of doing this good work is prevalent with the Work Group members.

Chair McKinley thanked LE Spencer for sharing her screen with the Work Group's webpage so everyone could see what the group has been working on, meeting dates, and more. The Work Group's meetings

are open to the public and are public noticed, people may find meeting dates, agendas and more on the Work Group website.

The board reviewed the Medical Spa Work Group's website. LE Spencer stated that board members and the public could email Ms. Chambers with questions or concerns regarding the Work Group.

*Recess The Board recessed at 11:55 a.m. for a lunch break; reconvened at 1:02 p.m. Majority of the board confirmed by roll call.*

## **9. Administrative Business**

### **A. FY25 Annual Report**

LE Spencer reviewed the FY24 and FY25 Annual Report with the board. LE Spencer informed the board that the FY25 Annual Report has a June 30, 2025, submission deadline.

Chair McKinley stated he would get started on the board required submissions.

Ms. Palin asked if board members could email suggestions to Chair McKinley. Chair McKinley stated he would appreciate board members emailing him suggestions, etc.

LE Spencer informed the board that they typically reviewed and approved their report during May meetings. LE Spencer stated if a draft report was received prior to the May 2025 meeting she would load it to OnBoard for review and possible voting for approval.

The board briefly discussed regulation change suggestions for the report.

## **10. New Business**

LE Spencer informed the Board that Ms. Chambers was tied up in another board meeting and would be unable to join the board.

### **A. Local Shop Courtesy License (body arts) Discussion – 12 AAC 09.004**

Chair McKinley stated he had been thinking about a commend MPC Carabajal had made about this license type being abused or tied into the license that conventions are using, and asked MPC Carabajal if she could participate in this conversation.

Chair McKinley stated that he would like to tie this suggested new "guest artist" license linked to a licensed brick and mortar Alaska shop; understand conventions are required to obtain a shop owner license as well. Chair McKinley stated that the shop licenses issued to conventions aren't the same as brick-and-mortar shop licenses in Alaska. Chair McKinley suggested defining physical/brick and mortar shop licenses.

MPC Carabajal reviewed shop owner licenses currently in statute/regulation.

LE Spencer stated that conventions and other special events are issued temporary shop owner licenses which are only valid for 30 days and a specific location.

Chair McKinley stated that the intent for this proposed license would be to tie it directly tied to a brick-and-mortar shop. Chair McKinley asked if there was a way to do this with the existing regulations.

MPC Carabajal informed the board she thought a statute change would be needed as this would create two different types of courtesy licenses unless the intent would be to completely do away with special events/conventions. MPC Carabajal stated that the current courtesy license is the only avenue for out of state artists to attend events and/or work at shops.

Chair McKinley suggested a checkbox on the current application which would ask for a physical location for a shop. MPC Carabajal stated that she wasn't sure if current statutes and regulations are clear enough for this type of question.

**Action Item:** *Verify with regulation specialist if current statutes/regulations could support “physical location” for courtesy license.*

Chair McKinley stated this license type was created before large events were coming to Alaska and was originally intended for local shops to bring artists into shops to teach techniques they specialize in and to allow shops to bring in artists as substitutes for local artists when ill or on vacation.

MPC Carabajal stated she understood Chair McKinley however, the original intent for the courtesy license wasn't clearly defined in statute or regulation; with board member turnover and changes to the regulation, the original intent was lost. MPC Carabajal clarified that any changes to the current regulation were from the board and not the Division as the board is the only one authority to make changes or to request changes to their regulations.

LE Spencer clarified that since she began with the board the only changes to this regulation was the addition of the hairdresser courtesy license and the application submission deadline requirements. LE Spencer continued the existing courtesy license allowed for event artists and artists who want to work in shops.

The board briefly discussed the application submission deadline and agreed the current 90-day deadline is fine for events. Chair McKinley asked if it would be possible to add a 30-day deadline for artists who want to work in brick-and-mortar shops.

MPC Carabajal informed the board that this would require at minimum, a regulation change as the regulation currently reads “...License authorizes practice for a guest practitioner in a shop license by the board.”; MPC Carabajal continued, as a shop owner and temporary shop owner licenses are both considered shops, the board would need to clearly define the difference between the two courtesy licenses; courtesy license as a guest in a shop for a special event or a courtesy license as a guest in a shop for an immediate and emergent purpose.

Chair McKinley thanked MPC Carabajal and agreed with her statement of defining the two courtesy license types.

MPC Carabajal cautioned the board that they would also need to define “immediate emergent” and decide what the board would require to determine this from an applicant to waive the 90-day requirement. MPC Carabajal also cautioned the board to ensure that they don't create a loophole for event artists to circumvent deadlines.

The board briefly discussed possible loopholes and possible requirements.

LE Spencer stated that she thought the cleanest way to avoid this would be to create a second courtesy license type and not tack this onto the existing courtesy license.

Chair McKinley stated he agreed with LE Spencer and asked how the new license type would be specific for a brick-and-mortar shop.

LE Spencer informed the board that a courtesy license is tied to specific location(s) and Alaska licensed sponsor. LE Spencer stated, for example, Ink Masters, has three locations which results in three sponsorship forms for each temporary shop license, this information is added to the public note printed on the courtesy license. LE Spencer suggested the board could specifically state the new courtesy license must be for a fully licensed shop, not a temporary shop or mobile shop; the application would ask for the name, license number, and physical location of the shop. LE Spencer stated this information would allow a courtesy license to be issued to a specific shop/physical location.

Chair McKinley thanked LE Spencer and stated that he would consider this information to use as a starting point and would reach out if he had additional questions.

MPC Carabajal stated that due to this board already having a statute addressing the courtesy



license, that adding a second courtesy license might just require a regulation amendment under 12 AAC.09.004; however, this would need to be verified with the regulation specialists and department of law

**Action Item:** *Verify with regulation specialist and Dept of Law; possible to add new courtesy license type to existing regulation 12 AAC 09.004.*

Chair McKinley asked with all the events now occurring in Alaska, an artist could only be issued two courtesy licenses in a calendar year. LE Spencer stated that is correct, two 30-day courtesy licenses could be issued to an individual during a calendar year.

**Action Item:** *Add this topic - local shop courtesy license to next meeting agenda.*

**B. Apprentice/Student/Trainee Documentation Submission Discussion**

LE Spencer gave a brief background on this matter and reported this is an investigative matter as well; since the October 2024, meeting at least six ( 6 ) more instructors across the training programs had been submitted to the investigative unit for training documentation matters. LE Spencer continued, as there have been no cases presented to the board/license action, staff continues to enroll apprentices, students, and trainees to instructors/schools with continued training documentation submission issues. LE Spencer encouraged the board when considering updating their fine schedule/matrix to consider possible changes addressing this matter.

MPC Carabajal clarified that the submitted cases are still going through the investigative process so at this time, no wrongdoings were confirmed so the division has no choice but to continue issuing apprentice, student, and trainee permits.

Chair McKinley suggested the board consider a three-strike system; after three times of training documentation violations, a person could not train anyone else for six months. LE Spencer agreed with Chair McKinley.

Chair McKinley asked if this would require a regulation change. LE Spencer stated she didn't believe a regulation change would be necessary, just an update to the fine schedule/matrix would be needed.

Chair McKinley asked LE Spencer to bring up the current matrix and also asked if the board has the authority to revoke a license.

LE Spencer stated that through the investigative process, the board could revoke a license.

Ms. Canady asked if there has been no license action and this is a rampant issue, the board can't take any action unless someone is reported to investigations, or can the board take action if the matter hasn't reached investigations and the person providing training continues to have training documentation submission issues.

LE Spencer stated this is not proactive but a reactive matter, staff does not have time to track each individual apprentice, student, and trainee file to verify what has been and hasn't been submitted; issues with training documentation submissions are only noticed when a training document or application for licensure is received and the apprentice, student, trainee file is then reviewed. LE Spencer continued when a training document matter is noted during this process, then a submission to the investigative unit is done; this begins the investigative process, which may take some time before a case, if any is presented to the board for consideration.

Ms. Canady thanked LE Spencer and asked if the board could still move forward with updating their matrix. LE Spencer informed the board that they could update their matrix at any time they deemed it necessary.

The Board briefly discussed 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> violation options.

Ms. Canady stated that at some point, the board needed to stop allowing repeat violators to continue training apprentices, students, or trainees. Ms. Canady suggested a year-long period of no new apprentices or students as a third violation option.

MPC Carabajal informed the board no regulation change would be necessary; the board would just need to update their matrix with information that investigators could determine if there's authority or not. MPC Carabajal cautioned the board that language must be very clear.

LE Spencer informed the board that this is an ongoing issue across all training programs and included schools. LE Spencer informed the board that schools with reporting problems were also tied into the Alaska Commission on Postsecondary Education (ACPE) school requirements as well; one requirement for a school to remain in good standing with ACPE is the submission of student enrollment applications and training documentation.

Chair McKinley stated he liked the non-disciplinary advisement letter (NDAL); however, he felt this was too broad and should possibly include tighter/firmer wording. Chair McKinley gave the board an example, case where several training document submission issues were submitted to the investigative unit, however, due to the process, additional investigative unit submissions were made on the same matter, so at the conclusion of the investigative process, the multiple violations were lumped into a first violation. Chair McKinley stated that this was not something he agreed with, however, the board must follow their matrix.

LE Spencer stated that this board is moving forward however, over the last four years, RVB's hadn't thought this type of issues needed any disciplinary action despite numerous submissions to the investigative unit. LE Spencer encouraged board members to read their statutes/regulations and matrix when reviewing cases.

Chair McKinley concurred with LE Spencer's statement and encouraged all board members to use the matrix with reviewing cases. Chair McKinley stated that sometime the NDAL worked but in most cases it did not.

Ms. Canady stated that this is an issue that really bothers her; a person is paying for an education but not getting their hours, this is unacceptable, and the board must address this matter.

Chair McKinley agreed with Ms. Canady and stated with his trainees and staff that have trainees, he recommends the trainees keep detailed records and copies of all of their paperwork just in case.

LE Spencer reminded the board that all regulations addressing apprentice, student, and trainee training documentation submissions reflect this documentation must be submitted by the person providing the training. LE Spencer informed the board that staff are following regulatory requirements and are not accepting any training documentation submitted by an apprentice, student, or trainee; if the board wants staff to accept training documentation from the person receiving the training a regulation change would be needed.

LE Spencer also informed the board that there are many new instructors and licensees authorized to provide training that have no idea what their responsibilities are, how to complete paperwork, time clock requirements, etc.

Chair McKinley agreed with LE Spencer and stated he has quite a few people call his shop to ask for help filling out paperwork. Chair McKinley stated that he thought most needed help with the quarterly report forms, and he would continue to assist people who reach out.

LE Spencer thanked Chair McKinley for providing paperwork assistance and stated that this is a growing issue with instructors for other training programs as well which leads her to think there is an instructor training component issue.

The board briefly discussed who can complete and submit training documentation and asked LE Spencer if the person receiving training can complete training documentation and who could mail/submit the paperwork.

LE Spencer stated that the person obtaining the training could complete training documents as there is no way to verify who completed the forms, however the documents must be mailed/submitted by the person providing training.

Ms. Canady asked if there was a way staff could track when a quarterly report was due and reach out to the school or person providing training to remind them the report must be submitted. Ms. Canady stated that the person providing training agreed to take on this responsibility and should be held accountable.

LE Spencer stated even with two staff members, staff did not have the time to track each individual apprentice, student, or trainee file and contact the people providing training to remind them each time a training document is due. LE Spencer stated she had no suggestions on how to fix the issue.

Chair McKinley informed the board that they were back to one staff person, LE Spencer, for the entire program.

Chair McKinley briefly discussed having paperwork tutorial videos or something similar posted to the web which may assist with paperwork completion.

LE Spencer stated that she was unsure if this was doable and would check, if possible, this could be added to the FAQ page. LE Spencer informed the board that the quarterly reports, completion, and termination forms across all training programs are very similar so only minor changes would be needed for each or one for all.

**Action Item:** *Verify if board can create and post how to complete paperwork video/tutorial and post to web – FAQ?*

The board briefly reviewed the current fine schedule/matrix and regulations 12 AAC 09.130, 09.185, and 09.190, and a possible three or four strike option with a 6-month suspension for body arts and 12-month suspension for all other aspects for taking on new apprentices, students, and trainees.

Ms. Canady stated she agreed with the 6-month and 12-month suspension for taking on new people to train.

The board briefly discussed the amount of time a person would be unable to enroll new people to train.

*Susanne Schmaling, LME, CLT, Medical Spa Services Work Group, joined the board.*

The Board greeted Ms. Schmaling and thanked her for rearranging her schedule to meet with them for Item 12. The board agreed to pause discussing training document submission issues and move onto Item 12.

Chair McKinley asked LE Spencer to reach out to Regulation Specialist Alison Osborne to see if she could join early for Item 12. While waiting, Chair McKinley asked Ms. Schmaling for a broad overview of the Medical Spa Work Groups meetings and progress.

Ms. Schmaling greeted and thanked the board. Ms. Schmaling stated at this point the Work Group is going through modality by modality, looking at where it fits, whether it's within a basic esthetic, and if additional training that may be needed. Ms. Schmaling stated she thinks Sara Chambers is working through a lot of these deep details to coordinate with, the Medical Board and all other participating boards. Ms. Schmaling informed the board all documents are public and should be available on the Work Groups website. She continued, all modalities work she's been involved with has been submitted and is now in the question/answer phase with Ms. Chambers. Ms. Schmaling informed the board that some questions had been raised on the legal side; a lot to deal with the Food and Drug Administration (FDA) equipment registration requirements.

Ms. Schmaling informed the board that during the February 19, 2025, meeting, the Work Group will be going deeper on modalities, and she thinks esthetics are the primary target of that meeting; also, to be disused is intravenous (IV) infusions.

Ms. Schmaling stated from her understanding, she believes this Work Group discussion is almost done but she's not sure what the time period for any needed statutory or regulatory changes; however, the Work Group is laying the foundation for statute and regulatory changes which will assist boards considering a second-tier license.

Chair McKinley asked how many other states are going through similar processes.

Ms. Schmaling stated many boards are also going through similar processes and that she had just done a presentation for a new Executive Directors group that included 10 or 11 states, including California. Ms. Schmaling stated executive directors across the national with cosmetology boards are looking at the same issues and so are medical boards. Ms. Schmaling stated in many states their Medical Boards stepped in and picked up many services; due to many boards going through their legislative sunset processes, statutory and regulatory changes, some of which are for public protection, are having to be paused. Ms. Schmaling stated that what this board is going through is not unique and with the assistance of the Work Group, fair and equitable decision-making is occurring.

Chair McKinley asked Ms. Schmaling, in reviewing the Work Groups matrix of medical spa services, if a person held an esthetician, advanced esthetician, or master esthetician license, what procedures would they be able to perform, devices they could use or would need to get.

Ms. Schmaling reviewed the matrix with the board and stated all would depend on the base regulation and how it would be interpreted. She continued, there are few things nationally that are considered, hour required to basic licensure with a 600-hour standard and within that training, look at the curriculum, what does it include, if a state would recognize this as basic training or continuing education (CE). Ms. Schmaling stated that what the board would accept in a curriculum is called legally defensible curriculum material; from there, states need to recognize trending services, such as microneedling, and within a published and legally defensible 1,200-hour program are these topics taught and if not, what other accredited program could an esthetician complete post licensure to be able to safely provide this type of service. Ms. Schmaling stated this would lay the foundation for good legislation if needed. Ms. Schmaling cautioned the board that having statutes and regulations working together is very, if you don't have good legislation, that means you don't have a scope of practice that you can work under; the bottom line is, is independent practice of the esthetician and their practice versus medical supervision. Ms. Schmaling stated the goal is to determine what services an esthetician can provide on their own and what services/devices would require a medical director. Ms. Schmaling continued, determining what services do require a medical director is why it is so important to work with medical boards, this is also why she suggested in the proposed regulation project of 12 AAC 09.990, to list out class 3 radiological services as these types of devices are high powered that can harm, ablate tissue and cause scarring.

Ms. Schmaling stated she understands that this can be confusing, however with boards working together towards and end goal is doable.

Chair McKinley thanked Ms. Schmaling and stated he felt the end goal is to ensure that licensee have an avenue to practice.

Ms. Schmaling agreed that licensees should have independent practice with clear information on when a medical director is required. Ms. Schmaling stated what would be good and is up to the board and Alaska estheticians, is to have separation from the basic esthetician license and an advanced level licensure as this may broaden the scope of practice and clearly provide what services could be provided independently.

The board briefly discussed an advanced esthetician license with Ms. Schmaling.

Chair McKinley asked Ms. Schmaling what she would say to the estheticians out there, some of whom are really worried about losing their livelihoods, as he's sure Ms. Schmaling may have seen this concern in other states.

Ms. Schmaling stated she wished she had reassurances; however, licensees should be a little scared and they all should be or get involved with their board and not be apathetic towards changes, attend meetings, speak during public comment, and comment on regulatory changes. Ms. Schmaling also stated that licensees also need to understand there are also threats outside of the industry pushing to have esthetics reclassified to fall under medical procedures and therefore medical boards. Ms. Schmaling cautioned that these organizations are well funded and organized and urged individuals to join the Aesthetics Council and to continue working together with their board. Ms. Schmaling stated that working with Alaska, she has been pleasantly surprised at the work that is

being done and accomplished and fees that they have a very good chance of protecting licensees.

Chair McKinley thanked Ms. Schmaling for all her time and assistance and asked if any other board members had questions.

Ms. Palin stated she didn't have any questions but wanted to express her thanks for Ms. Schmaling's involvement, diligence, and assistance with this process. Ms. Schmaling thanked Ms. Palin.

Ms. Thompson stated that she was excited to hear information provided by Ms. Schmaling and stated she was glad to be involved with the Work Group as she was learning so much. Ms. Schmaling thanked Ms. Thompson and stated Ms. Thompson has been a great addition to the Work Group.

Ms. Canady thanked Ms. Schmaling for all the information and stated she felt the wheels were moving in the right direction but felt a lot of licensee nervousness about this was related to some not having enough training for certain modalities or machines and feeling like their livelihoods were being threatened. Ms. Canady went on to state that she hoped licensees would be more comfortable after obtaining this information and Work Group information.

Ms. Schmaling stated Ms. Canady made a very good point, if licensees are doing modalities now and have been for a while, the board can't require additional training that doesn't exist; there is manufacture training which may or may not be as in-depth as the board felt may be needed. Ms. Schmaling continued that during the early 1990's, some of her device training was done on the job; with fair grandfathering clauses and possible CE requirements, this would assist the board in moving forward with legislation and the creation of a master esthetician license.

Ms. Canady stated this made sense and with proper grandfathering and educational requirement language, it seems doable to create a new license type.

Ms. Schmaling agreed education is key, there are many educational options, some of which is not good, however there are plenty of good accessible training including some national certifications that provide excellent education. Ms. Schmaling continued she understood that some education may be prohibitive due to travel costs and urged the board to ensure that educational requirements address this and possibly allow online courses. Ms. Schmaling informed the board she had seen success with grandfathering requiring licensees to obtain certifications in other states. Ms. Schmaling informed the board that when Washington state moved forward with a master esthetician license the transition went smoothly and fairly; she suggested the board review Washington state's process as a model and the board should also be sure to focus on client safety.

Ms. Palin stated the board had spoken about educational aspects, and in Alaska, we're not fit or capable at this time to offer the advanced techniques and modalities; will the Work Group going to try to incorporate online for the ongoing education, so that everybody is trained consistently on the same level with the same information

Ms. Schmaling agreed, education is a big topic, the Work Group has not discussed this yet; as she is not certain if education is within the purview of the Work Group and is uncertain if this would be a Dept. of Education discussion or if once a defensible curriculum is created, the Work Group and/or this board would set educational requirements. Ms. Schmaling stated that education could be offered through an Alaska licensed school, if they were willing to add this to their catalogs; the board should also consider accepting out of state training, and online training, and what practical/hand-on training components would be needed and accepted.

Ms. Palin thanked Ms. Schmaling.

Chair McKinley asked Jessica Pestrikoff if she had any questions. Chair McKinley also announced that Ms. Pestrikoff had been assigned to be the board's strategic planner and would be in charge of keeping the board on task and moving forward with projects, etc.

Ms. Pestrikoff stated she had no questions; all of this was very good information.

Chair McKinley asked LE Spencer if she'd been able to reach Ms. Osborne. LE Spencer stated that she had not heard back, and MPC Carabajal had also reached out. LE Spencer assured Chair McKinley she would let him know as soon as Ms. Osborne responded.

*Recess The Board recessed at 2:17 p.m. for a short break; reconvened at 2:24 p.m. Majority of the board confirmed by roll call.*

**10. New Business Cont.**

**B. Apprentice/Student/Trainee Documentation Submission Discussion, Cont.**

The board briefly discussed a three-strike option with suspensions of obtaining any new apprentice, student, or trainee for 6 and 12 months.

Ms. Canady stated she liked a three-strike option as at three strikes, the instructor would have been given opportunities to submit training documents. Ms. Canady also agreed with a 6-month suspension of enrolling new body art trainees.

The board briefly discussed the length of curriculums and permits. LE Spencer informed the board that body art trainees and estheticians were a yearlong permit/curriculum, and all other aspects were a two-year permit/curriculum.

Chair McKinley suggested a first offence is an NDL, second offence would result in fines up to \$1,000, and the third offence would result in loss of training privileges for a year and a \$2,000 fine.

Ms. Canady stated she felt a \$1,000 fine was sufficient as the person would also lose the ability to enroll a new apprentice, student, or trainee for a year.

MPC Carabajal informed the board she had heard back from Ms. Osborne; Ms. Osborne is currently attending another board meeting and will join this board as soon as possible.

The board briefly discussed fine amounts and the possibility of raising fines by \$250 - \$500. Chair McKinley stated that this is all discussion looking for options and solutions; the board wouldn't make any changes to the matrix today.

Ms. Thompson stated she agreed with raising fine amounts and a three-strike system. Ms. Thomson also stated she liked the suggested 6-month suspension for body arts and 12-month suspension for other training programs.

Chair McKinley asked if the person that gets fined could appeal to the board. LE Spencer stated that as this would be an official license action, the person would be given hearing/appeal rights. LE Spencer also stated that it was not common to have an appeal requested by their licensees.

Chair McKinley clarified that he was asking if the person would have a consent agreement that included not being allowed to provide training for x amount of time. LE Spencer concurred, not having been allowed to enroll a person for training for x amount of time would be included in a consent agreement.

Ms. Canady stated she liked this idea, and if the board follows through with 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> offences, the person providing training would have been given multiple opportunities to request a hearing or come to the board.

MPC Carabajal informed the board that fines would be part of the disciplinary action and consent agreement (CA); the board would have to approve the CA when presented by investigators after the RBM had provided their opinion on the case. MPC Carabajal continued, by the time a case is presented to the board for consideration the licensee would have had multiple opportunities to argue the situation, would be aware that continued issues would result in continued discipline, and would be able to discuss their situation with the board at the time the consent agreement is presented for consideration. MPC Carabajal reminded the board that they are not required to approve a CA as presented, the board could request changes, etc.

The board briefly discussed paperwork deadlines and if any grace was given for missing deadlines by a day or week.

LE Spencer reminded the board as staff is not proactive, they would not know what if any training documentation was missing until something was submitted for the person obtaining training.

LE Spencer continued that when processing documents, typically missing a deadline by a few days or a week was accepted but when deadlines are missed by a month or more, that the matter is usually raised to the investigative unit. LE Spencer stated the board could add language to the fine schedule/matrix to clearly state or define missing a deadline by a day, week, or whatever the board thought was a fair grace period.

Chair McKinley suggested a 30-day grace period. Board members agreed with allowing for a 30-day grace period.

Chair McKinley asked LE Spencer if she was noting paperwork violations on a large scale with more than 30 – 90 days or even up to a year late filing document. LE Spencer stated this is indeed a problem, unfortunately not an uncommon one with multiple instructors/trainers continually not submitting training documents. LE Spencer briefly reviewed two recent instances where a reenrollment with no training documentation for over a year was causing the person to have to restart training and another where an application for a license was received, however, no training documentation had been submitted since the person began training over a year ago. LE Spencer continued; staff have exhausted every avenue to obtain this training documentation to no avail.

LE Spencer announced Alison Osborne, Regulation Specialist, had joined the meeting.

The board briefly discussed options and agreed to wait until the next meeting so they could review examples, additional information from the Inv Unit, and review their proposed changes with the Inv Unit.

**Action Item:** Add fine schedule amendment discussion to the next meeting agenda and request additional information and examples from Senior Inv Summers.

## **12. Regulation 12 AAC 09.990 Review – Dept. of Law Edits and Questions**

The board greeted Alison Osborne, Regulation Specialist. Ms. Osborne greeted the board and introduced herself.

Ms. Osborne reviewed correspondence and questions from the Dept. of Law (DOL); also, responses from Sara Chambers and Ms. Schmaling with the board.

Ms. Osborne informed the board that an issue noted by DOL, with the proposed language, were the FDA classifications; FDA classification information was not easy to access, locate, and define on the FDA website. Ms. Osborne stated a link to this information on the FDA website had been provided by Ms. Schmaling or Ms. Chambers, which provided a breakdown of how the FDA defines certain devices; the information was extensive and very difficult for herself, DOL, and possibly others, looking for specific legal definitions, to interpret and understand.

Ms. Osborne stated the proposed regulation language reflected it was a designation under a definition; this means individuals need to be able to easily access the definitions through board and FDA resources.

Ms. Osborne reviewed suggestions from Ms. Chambers which would adopt by reference a definition she had identified which is easier to access:

**(1) "appliances" in the field of esthetics means only those devices used to stimulate natural physiological processes intended to improve the health and appearance of a person's skin; a device**  
**(A) must operate within the manufacturer's guidelines;**  
**(B) may not directly ablate or destroy live tissue; and**  
**(C) may not involve an incision into skin beyond the epidermis; may not be defined as a Class III or Class IV laser device in accordance with 21 C.F.R. 1040.10**

Ms. Osborne informed the board another problem encountered with the original language was withing the proposed definitions whether the device had a registration requirement under the FDA; they were unable to find anything easily identifiable under FDA regulations which provided device registration.

Ms. Osborne stated that the attempt to simplify and clarify in the original language made it a bit

confusing as the information is not easily accessible.

Ms. Osborne and Ms. Schmaling continued to review email correspondence between Ms. Chambers and Ms. Schmaling with the board. Both Ms. Osborne and Ms. Schmaling agreed that references in regulations should be easily accessible and understandable to licensees and the general public.

Ms. Schmaling and the board briefly discussed device classifications and possible harmful side effects.

Ms. Osborne stated that the proposed changes from DOL, Ms. Chambers and Ms. Schmaling, addressed DOL questions and made information easily accessible.

Ms. Osborne and Ms. Schmaling briefly discussed the proposed changes, classifications, and enforceability with the board.

Chair McKinley asked Ms. Schmaling if she thought the proposed changes were acceptable. Ms. Schmaling stated she felt the changes simplified the regulation, would provide easily accessible information, and would be enforceable.

The board and Ms. Schmaling briefly discussed legislation changes for a second-tier esthetics license.

Ms. Osborne briefly reviewed the legislative process with the board and recommended if the board moves forward with legislation for a new license type, they also draft regulations as they move through the process; this would enable a quicker turnaround for the accompanying regulations to move through their processes.

The board, Ms. Osborne, and Ms. Schmaling continued to briefly discuss a second-tier esthetician license.

Ms. Osborne reviewed the process of their proposed regulation and requested the board be sure to include, if they chose, oral testimony information when they make their motion. Ms. Osborne informed the board that the public comment deadline 30-days after public noticing.

LE Spencer stated the board had requested oral and written testimony during the October 10, 2024, meeting. LE Spencer informed the board that as this is a very contentious subject and the board had briefly discussed having a special meeting for oral testimony, they will need to schedule that before this meeting adjourned.

LE Spencer stated that current statute, 08.13.220(16), tie microblading and microneedling directly to the tattooing license; would this new regulation allow esthetician to use these types of devices and provide these services.

The board, Ms. Osborne, and Ms. Schmaling briefly discussed and agreed that the regulation would allow estheticians to provide and use devices for microblading and microneedling. LE Spencer thanked the board for clarifying; this information will allow her to accurately respond to these questions.

The board and Ms. Osborne briefly discussed public comment time for this project.

Ms. Palin stated that she felt the Work Group should receive this public notice as well as interested parties. Ms. Osborne recommended when the board makes it motion, to include sending the notice to the Work Group.

The board briefly discussed public noticing options. LE Spencer drafted a motion for this project and the board reviewed.

**Motion: 1st Mae Canady – 2nd Wendy Palin**

Approve proposed regulation 12 AAC 09.990(b) defining “appliances” as provided in statute 08.13.220(5) with changes made by the Dept of Law and Sara Chambers Boards and regulations advisor, allowing for oral testimony, to be published for public comment



Chair McKinley asked the board if they would like additional discussion.

Ms. Palin stated she is thrilled the board has reached this point; this has been a long time coming and provides answers to this specific matter. Ms. Palin thanked Ms. Osborne and Ms. Schmaling for all their time and assistance.

Ms. Canady stated she is excited the board has reached this point and is very happy the board is moving forward.

Ms. Thompson stated she is also pleased with where this project is heading and agreed with Ms. Palin's comments.

Ms. Pestrikoff stated that it is nice to see some forward movement.

Chair McKinley thanked board members for their comments and stated that he also likes the direction this is going and is pleased the board is making headway. Chair McKinley thanked Ms. Chambers, Ms. Osborne, and Ms. Schmaling for all their hard work and time. Chair McKinley asked Ms. Schmaling if the board could reach out if they had questions with public comments that were in the technical vein.

Ms. Schmaling thanked Chair McKinley and stated if the board had technical questions, they needed assistance with to please reach out.

Chair McKinley asked if the board would like any further discussion; hearing none, Chair McKinley asked for a roll call vote.

#### **Roll Call Vote**

<b>NAME</b>	<b>YES</b>	<b>NO</b>	<b>Recuse</b>
<b>Jessica Pestrikoff</b>	<b>X</b>		
<b>Wendy Palin</b>	<b>X</b>		
<b>Shannon Thompson</b>	<b>X</b>		
<b>W. Mae Canady</b>	<b>X</b>		
<b>Kevin McKinley</b>	<b>X</b>		

#### **THE MOTION PASSED BY A MAJORITY VOTE.**

Ms. Osborne thanked the board and stated she would review the FAQ and if needed work with LE Spencer to update any information; and complete the public notice process. Ms. Osborne stated that the public notice would be published February 11, 2025, and the public comment period would end March 20, 2025.

Ms. Osborne and the board briefly discussed oral testimony, and the upcoming February 19, 2025, Work Group meeting. Ms. Osborne reminded the board that board members could not discuss this project during the public comment period with anyone, including themselves and the Work Group; board members attending the Work Group would need to leave the meeting if the project was discussed.

The board briefly discussed scheduling a meeting for oral testimony. MPC Carabajal informed the board that to accept both written and oral testimony, they must meet March 20, 2025.

The board briefly discussed participation in the February 19, 2025, Work Group meeting and expressed concerns that the Work Group might lose quorum if they discussed this project. MPC Carabajal stated she would contact Ms. Chambers with this information and provide that board members were advised not to attend the Work Group meeting.

The board continued to discuss participation in the February 19, 2025, Work Group meeting.

LE Spencer informed the board that board members could absolutely attend the Work Group meeting, however, if this project was brought up and/or discussed, board members must recuse themselves from the conversation.

The board continued to discuss setting a time for March 20, 2025, and asked LE Spencer if they could set a start time for this meeting later in the week. LE Spencer reminded the board that previous attempts at scheduling meetings outside of a board meeting failed. LE Spencer stated that if the board misses the public comment deadline, the project would be back at square one and would require restarting the public notice and comment period, which will lead to additional delays in completing the project.

Ms. Osborne stated during the March 20, 2025, meeting the board would also review written testimony.

Ms. Palin stated she was concerned that as she had not reupped with the board and was unsure what her last day with the board is; would they have a quorum to move forward with finalizing the project; she offered to attend as a board member if needed.

MPC Carabajal stated Ms. Palin's last day with the board is March 1, 2025, however, she is more than welcome to attend the meeting and provide testimony as a member of the public.

LE Spencer informed the board that a new board member to fill Ms. Palin's seat had been selected and would begin serving on the board March 1, 2025.

The board briefly discussed setting a start time of 9:00 a.m. or 10:00 a.m. LE Spencer asked MPC Carabajal for suggestions on the time this meeting should run for as it had been a very long time since the board accepted oral testimony. MPC Carabajal suggested that Ms. Osborne answer this questions. Ms. Osborne stated that generally, oral testimony usually runs 1 hour to 1.5 hours, depending on the topic; as this is such a controversial topic, the board consider a longer time for oral testimony.

MPC Carabajal agreed with Ms. Osborne's statement and recommended no less than 1.5 hours for oral testimony, allow for enough time to review written testimony, and time for board discussion/consideration if they felt any changes were needed to the language based on testimony.

The board agreed to set a meeting for written and oral testimony on March 20, 2025, from 9:00 a.m. – Noon.

Chair McKinley polled the board, hearing no disagreements, he requested a roll call vote.

Board members present agreed, by roll call, to schedule a meeting for oral and written testimony, Thursday, March 20, 2025, from 9:00 a.m. – Noon.

Ms. Osborne thanked the board and stated that if they have any questions, to contact her.

The board thanked Ms. Osborne for her time and assistance.

Ms. Schmaling thanked the board for including her in this discussion and asked if there was anything else she could assist with today.

The board thanked Ms. Schmaling for her dedication to the industry, her time and great assistance.

### **13. Administrative Business**

#### **B. Schedule Strategic Planning Meeting**

Chair McKinley briefly reviewed strategic planning with the board and informed members that Ms. Pestrikoff had been assigned to be the board's lead on this project.

Chair McKinley stated he felt this was incredibly important and would assist the board keeping on track and task.

Ms. Pestrikoff stated that Ms. Chambers was going to provide the board with an overview of strategic planning; however, with Ms. Chambers not being able to attend, she stated this process would assist in tracking board tasks and projects and also assist the board to stay on track.

Chair McKinley thanked Ms. Pestrikoff and informed the board that the division does review meeting minutes so for example, he had made a comment that he wants the board to review current statutes/regulations, mark up any corrections, edits., etc. Chair McKinley continues, the division may ask about this project mentioned at xyz meeting and why the board has made no movement; having strategic planning will assist the board to continue moving forward and staying on task with projects.

Chair McKinley informed the board that they would all be assigned statutes and regulations pertaining to their license types and would be expected to provide edits, etc., which would be complied into a large regulation clean-up project and possible legislative change proposals.

The board briefly discussed scheduling a strategic planning meeting. The board agreed to schedule this meeting on Thursday, April 17, 2025, from 10:00 a.m. – Noon. Chair McKinley requested a roll call vote.

Board members present agreed, by roll call, to schedule a strategic planning meeting on Thursday, April 17, 2025, from 10:00 a.m. – Noon.

Chair McKinley thanked everyone for attending, completing tasks, and addressing new issues. Chair McKinley asked if board members would like any final comments before ending the meeting.

Ms. Thompson stated that her questions had been answered and there is quite a bit of information to consider, and she is really looking forward to the next meeting.

Ms. Canady stated that she felt the board accomplished a lot in this meeting and ended on a good note.

Ms. Palin stated she felt this was an exceptional meeting and board members are wonderful.

Chair McKinley thanked Ms. Palin and asked even though this was her last board meeting would she still attend Work Group Meetings. Ms. Palin stated that she would be attending the February 19, 2025, Work Group meeting.

Chair McKinley thanked Ms. Palin for all her hard work and stated being on the board is not an easy job and he greatly appreciated her dedication, time, and hard work.

The board and staff thanked Ms. Palin for her service. Ms. Palin thanked the board and wished them all good luck.

#### **14. Adjourn**

The chair declared the board off the record at 4:04 p.m.

Respectfully submitted:

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Cynthia Spencer, Licensing Examiner III

Approved:

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Kevin McKinley, Chairperson  
Board of Barbers and Hairdressers

Date: \_\_\_\_\_



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

CONDENSED MINUTES OF THE MEETING HELD APRIL 17, 2025

By the authority of AS. 08.01.070(2) and AS08.86.030 and in compliance with the provisions of AS 44.64, Article 6, a scheduled board meeting was held via teleconference/Zoom, April 17, 2025.

**These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the board.**

**April 17, 2025:**

**Attendance**

**Members Present:** Chair Kevin McKinley, Willie Mae Canady, Jessica Pestrikoff, Jennifer (Jenn) Lombardo, Shannon Thompson, Vice-Chair, Tenaya Miramontes

**Staff Present:** Cynthia Spencer, Licensing Examiner, Lacey Derr, Program Coordinator, Alison Osborne, Regulation Specialist, Division Director Sylvan Robb

**Public Present via Zoom:** Courtney Coon, Malissa Lindberg, Rachel Lauesen, Jacqueline Polis, Chrissie Engler

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

The board was called to order at 10:06 a.m. by Chair Kevin McKinley.

Chair McKinley announced that a new board member Jennifer (Jenn) Lombardo was joining the board for her first meeting; Chair McKinley also stated that Ms. Lombardo was a previous board member and board chair.

Jenn greeted the board and introduced herself.

**2. Review Agenda**

Chair Kevin McKinley asked if there were any amendments to the agenda; hearing none a motion to approve was made requested.

**Motion: 1<sup>st</sup> Mae Canady – 2<sup>nd</sup> Jenn Lombardo**

Approve April 17, 2025, meeting agenda as written.

**Motion Approved by majority**

**3. Ethics Disclosure**

The board reviewed the Ethics packet provided.

Board members present stated they had no conflicts to disclose.

The board was ahead of schedule; Chair McKinley asked LE Spencer to confirm with public attendees who would like to address the board for regulation project comments.

LE Spencer asked the following attendees if they would like to address the board:

- Courtney Coon – No response to question
- Malissa Lindberg – Possibly address board
- Rachel Lauesen - Yes
- Jacqueline Polis - Yes
- Chrissie Engler - No

LE Spencer reminded attendees that this public comment section is only to address the proposed regulation project for 12 AAC 09.990.

Before public comment was opened, Attorney Rachel Lauesen addressed the board directly. She questioned why no board meeting packet had been posted. LE Spencer stated that at this time only one written comment had been received and due to the comment period ending at Noon, today, Thursday, April 17, 2025; additional written comments would be provided at Noon and added to the meeting packet. LE Spencer continued, that the packet would be posted directly after the meeting with all submitted written comments.

Chair McKinley asked if any additional individuals joined the meeting before Noon, would the board be able to allow them time for oral testimony. LE Spencer stated the board could allow them to speak as the comment period doesn't close until Noon.

Chair McKinley asked board members if they'd all read the submitted written comment that is included in the meeting packet.

Regulation specialist Alison Osborne joined the board and introduced herself.

The board was still ahead of schedule; Chair McKinley addressed the board regarding strategic planning; Chair McKinley stated that due to issues sending out this regulation project public notice, the boards originally scheduled a strategic planning meeting which had been scheduled for April 17, 2025, had to be moved to the May 15, 2025, meeting. Chair McKinley stated that the May meeting only allowed a short time to review and begin strategic planning; Chair McKinley apologized for this and stated if the May meeting allowed for additional time this topic would continue to be discussed/reviewed, and the board may need to schedule another meeting to deal only with strategic planning.

Chair McKinley informed staff that he would allow each person who wanted to comment on the regulation project three ( 3 ) minutes to speak.

*Recess The Board recessed at 10:18 a.m. for a break; reconvened at 10:26 p.m. Majority of the board confirmed by roll call.*

Chair McKinley asked PC Derr to speak to public comments prior to opening the floor.

PC Derr thanked Chair McKinley and stated, as attendees are prepared to provide public testimony, we kindly ask that all remarks be presented in a respectful and constructive manner. This is an opportunity to share your perspective on the regulations at hand, and your voice is a valuable part of this process, we encourage you to focus your comments on the topic rather than on the individuals. Please refrain from personal attacks or disparaging remarks directed at staff board members or others involved. PC Derr continued, our goal is to foster a respectful environment where all participants feel heard and valued. We appreciate your commitment to a productive, professional, and respectful dialogue.

Chair McKinley thanked PC Derr and asked if Regulation Specialist Alison Osborne would like to address the board.

RS Osborne thanked the board and stated she was here to assist the board through this regulation process and would be available to answer questions if needed. RS Osborne reiterated PC Derr's comment statement and continued the comments must be focused on this regulation project that had been public noticed and not any of the previous drafts. RS Osborne also reminded the board that the public comment period closes at Noon and if any testimonies are allowed after Noon cannot be considered as part of this comment period.

Chair McKinley thanked RS Osborne and requested PC Derr begin calling individuals to speak.

#### **4. Oral Public Comment for Regulation 12 AAC 09.990(b) Defining Devices for the Purposes of AS 08.13.220(5)**

**Rachel Lauesen, Attorney, Lauesen law Team, representing Skinlife Medspa, and service consumer.**

Client Teesha Northcott, submitted a written comment which follows:

"It says my name is Teesha Northcott, and I'm a licensed esthetician in the State of Alaska, and owner of The Skinlife. Medspa, LLC. This email is intended to be a comment on the proposed 12, AAC 09.990(b). On June 15, 2023. The Board of Barbers and Hairdressers expressed an intention and intent to petition the legislature to create a tiered license to distinguish between practitioners of esthetics and practitioners of

advanced esthetics. This has not occurred. I strongly urge this board to petition. The legislature to create an advanced esthetics license and update the curriculum and training for regular esthetics to align with modern practice. I support the proposed definition of appliance, and I just want to clarify that under."

And I'm stepping away. I'm not Teesha anymore. But the agenda says that this is defining devices for the purposes of as 08.13.285, and it's actually appliances that's being defined.

Rachel Lauesen continued to read Ms. Northcott's statement; "I support this proposed definition of appliance. The proposed definition of appliance does not directly forbid any of the modalities that I and other estheticians perform at my Med Spa. We do not use class 3 or class 4 laser devices. We use cold, non-ablative lasers that do not destroy live tissue. The non-ablative lasers that Skinlife Medspa uses on its clients do not require a medical license to purchase them. However, part C of the definition does not involve an incision. However, part C of the definition quote does not involve an incision beyond the epidermis end quote is unclear and imprecise for all estheticians not just advanced esthetics, practitioners, I do think part C should be clarified to make clear that an incision is distinguishable from a puncture. For example, imagine a client has a whitehead as a result of acne. The proper method to address the whitehead would be to use a sterile lancet to puncture the whitehead; the alternative would be squeezing the whitehead, which could cause scarring pain, spread infection and increase healing time. This is an example of a puncture that could go below the epidermis. Additionally, microneedling is another modality frequently performed by advanced esthetics. Practitioners, microneedling, does not involve "an incision into the skin beyond the epidermis".

Ms. Lauesen stated she was told that there was only one letter submitted and was unsure if it was from her client. Ms. Lauesen stated she is finishing up and that we have an hour and a half; this was rescheduled, and this meeting was supposed to happen on March 30, 2025.

Ms. Lauesen stated microneedling does involve a puncture that could extend beyond the epidermis for the purpose of stimulating natural physiological processes intended to improve the health and appearance of a person's skin. The difference between a puncture and an incision would be the delineation of the practice of medicine. A highly trained, licensed esthetician is not practicing medicine by puncturing the skin with a tiny needle. Tattoo artists are also not practicing medicine by puncturing skin with a tiny needle. The act of microneedling punctures the skin similarly to a tattoo artist, and no one would state that a tattoo artist is practicing medicine similarly to laser devices. The microneedling machines that are used.

Chair McKinley informed Ms. Lauesen that the board would be reviewing the letter from her client later in this meeting.

**Malissa Lindberg, Esthetician in Alaska for over 25 years.**

- Attending this meeting too listen and understand more of what you are speaking about on the agenda.
- Thank you for the time to speak.
- Clarify from last year – board spoke about grandfathering estheticians in specific years or is this we want to address that, too or is that not something the board will address during today's meeting.

Chair McKinley stated that grandfathering is not part of this regulation project so would not be a topic discussed today, however, this is a topic the board could discuss later. Chair McKinley asked RS Osborne if she could speak about this topic.

RS Osborne stated this is entirely up to the board as to how they want to define this particular section of the statute and asked if we can just get a little bit of clarity on what we're doing here during this meeting is a definition which you have in statute at the moment where the word appliances is addressed for devices, or appliances used in the methods of esthetics. So, we want to be able to define what that appliance is. The definition of those appliances is restricted, due to the difficulties between medical use, etc., and microneedling that we've covered previously, and that is not being addressed at this meeting. RS Osborne continued, if the comments that are received are such that the Board feel they want to revisit the entire definition itself, and have some time to think about it; make any changes reflecting on any comments received, then we can certainly do that at discussion, point the purpose right now is just to collate all of those comments, and then the Board can take a decision later on as to how they want to use

those. RS Osborne stated grandfathering is not the discussion point grandfathering is more of a send in your comments for review at another meeting or address the board with these concerns at another meeting. RS Osborne informed the board that they could consider and discuss these concerns during another meeting and start addressing areas that are outside of the realms of this definition that is included here that would incorporate an additional change to those regulations as they've been approved by the Board and approved by department of law, which would instigate a new project, or at least a significant revision of the project.

Malissa Lindberg thanked RS Osborne for this information and continued her testimony.

- So as far as an esthetician license, under the scope of a medical director, my hope is that these devices will be guaranteed and grandfathered in the way that we've been holding our licenses.
- In agreement with the representative for Skinlife Medspa, and what she brought to the menu for her comment is exactly where I'm coming from, because, as a trained esthetician for over 25 years in the State I've always worked under a medical provider, and puncturing versus putting pressure and allowing to rupture on its own is far more dangerous than extracting with a lancet, a sterile lancet. And so, things like that. We've always been taught that we are only allowed to go to Epidermis and the Dermis Junction, but with lasers, because it's light. You have the device that travels further than that, and you're covered under the medical providers and the medical director's scope of practice. But yeah, I want to say I challenge anything. And that you are that you're doing as far as changing statutes, and I need to know more, but that's all I have to say.

Malissa Lindberg thanked the board.

**Jacqueline Polis, Esthetician in Wasilla**

Jacqueline Polis stated her thoughts on it like I'm reading through the appliances, and where we are now, I do feel like that. We're definitely in a much better place as far as the wording and the way things are going.

Jacqueline Polis stated she also questions it because of like, even though, I'm not in the medical field, I'm wondering how this definition change will apply to the ones that are currently doing services under that medical supervision that's allowable. Will this change their scope of practice, and which makes me just wonder, even though I'm looking at this and thinking we're moving in a positive direction. I'm wondering if we're kind of putting the cart before the horse where the talk about the advanced master esthetician program and just the structure of everything. As far as Alaska goes, our structure and everything obviously needs to be Redone and worked on. But I wonder if we should start at the beginning of that before we changing the law side of it like, get it all kind of organized and structured. Get things in place. Who's going to be? Where? Who can do what and then start making the legal side of it line up with it so that we're not recreating something or creating issues that we have to re-address later.

Jacqueline Polis asked the board what their thoughts are.

Chair McKinley asked Ms. Polis if she had attended other meetings. Ms. Polis stated she had attended previous meetings.

Chair McKinley stated Ms. Polis has some very good points and he will broad stroke address her comment. Chair McKinley stated Ms. Polis is correct, all of this needs to be packaged and put in order of how the board will move forward. Also as mentioned the master class, by the way, or master esthetician; there was a couple other grades in there between master and an esthetician license.

Chair McKinley asked if Ms. Polis was attending the Medical Spa Services Work Group meetings. Ms. Polis stated she attended some but not all of those meetings but has been involved so that she is aware of the moving working pieces that are going on right now, and things that the board is working on. Ms. Polis stated this is why she feels compared to over a year ago when this all started, we're working through stuff, and that's good. I'm excited about that, however, she still has concerns with everyone's thought processes.

Chair McKinley stated it was good to have concerns and attending meetings and addressing the board were the avenues to take. Chair McKinley continued that this process finds/defines what certain things are., so the board must complete this before moving on; for example, talking about creating a master esthetician license or other processes and procedures. Chair McKinley suggested Ms. Polis contact Sara Chambers, Boards and Regulations Advisor, as she has been leading the Medical Spa Services Work Group meetings and assisting boards with these processes. Chair McKinley continued that the Work Group is the start of beginning changes addressing esthetic matters which would include but not be limited to, master esthetician license, training requirements, continuing education, etc.

Chair McKinley asked PC Derr to provide attendees contact information for Ms. Chambers. PC Derr stated this information would be provided.

PC Derr asked Courtney Coon if they would like to address the board with comments regarding the proposed regulation.

Malissa Lindberg informed the board that Courtney Coon's microphone was not working so they would not be providing public testimony.

Chair McKinley asked if the board could move on and if Courtney Coon was able to connect with the board would they be able to allow for the testimony. PC Derr informed the board that they could move on and if anyone else joined the meeting and would like to speak before the Noon cutoff, they would be allowed to provide testimony. PC Derr also stated there is a telephonic call in number on the agenda which offers another option to attend the meeting and may allow easier access for attendees to speak with the board.

PC Derr asked Chrissie Engler if she would like to address the board about the regulation project. Chrissie Engler stated that she had no comments at this time.

Chair McKinley asked if there was anyone else that would like to address the board and asked if Ms. Lauesen would like to continue her testimony.

Ms. Lauesen thanked the board and continued her testimony.

**Rachel Lauesen, Attorney, Lauesen law Team, representing Skinlife Medspa, and service consumer.**

Ms. Lauesen continued, additionally, you know, we question, and we want to point out that there's no demonstrated danger to the public or harm which justifies limiting the current modalities used in med spas. Ms. Northcott, along with Ms. Lindbergh and others, are highly trained licensed professionals that regard safety as paramount and the performance of their duties. If licensed estheticians are unable to perform modalities, they are trained to perform safely then they will effectively be eliminated from the market because they are not expensive enough procedures for physicians or other trained medical personnel to perform. Furthermore, we think that there's an implicit bias against advanced esthetics because it is a field primarily dominated by women and performed on women; there is a sexist perception that the modalities that are performed in the field of advanced esthetics are frivolous and promote vanity.

Ms. Lauesen continued, the modalities are the appliances being performed on the clients; it's the application these modalities, through the use of these appliances are not less valuable because they are consumed by women, and the women who perform and utilize these appliances have made extensive investments in obtaining education and credentialing on their own because this board has not been able to keep up with modern practice, and has only required the minimum hours for an aesthetic license. The esthetics industry should not be dumbed down and estheticians relegated to lotion rubbers because the board has not been able to keep up; this board should create a second tier license, if it wants to officially distinguish between advanced esthetics and regular esthetics, and not leave licensed estheticians, who are already deeply invested and trained in their field to fend for themselves as unlicensed agents of a physician. Licensed practitioners with advanced esthetics should not lose their professional independence and the judgment which they have demonstrated through past performance is good, safe judgment. Additionally, the board should also ensure that any kind of definitions are, you know, crystal clear with regards to what scope of practice is, and not because that can also have insurance implications with regards to these practitioners as to whether they're operating outside of the scope.



Ms. Lauesen continued, you know we support the proposed definition of appliance so long as it doesn't change the scope of practice for existing practitioners who operate safely, professionally, and have been operating so under their existing license that they've been paid for and operating under openly and as long as this board recognizes the difference between an incision and a puncture and does not rely on this definition to avoid modernizing the esthetics curriculum and establishing a second tier license for advanced esthetics , so we just want to ensure that this isn't changing this.

Chair McKinley asked Ms. Lauesen to repeat her previous comment as he had missed it.

Ms. Lauesen stated we do not want this board to rely on this definition to avoid modernizing the aesthetics curriculum and establishing a second-tier license for advanced esthetics. We're unclear as to you know what this definition of appliance means with regards to practitioners and whether it's a limitation on the scope of practice or recognition on the scope of practice for advanced aesthetics. That's what's unclear if it's a recognition like formalizing what this open, obvious practice that has been, in effect, for 20 years to the knowledge of the board, then we do support it.

Ms. Lauesen thanked Chair McKinley and stated she was almost done. Ms. Lauesen continued if this is a limitation on the scope of practice, then you know that's a concern and the fact that we're not really sure, you know as to whether or not this is a going to be interpreted; you know the fact that it's unclear how to interpret the interpretation of the Board, I think, is concerning. So that that's, you know, essentially, our comment here is concerns about why this is happening, how we interpret this interpretation and what it means as applied to existing practitioners of advanced aesthetics, regular aesthetics concerns about the delineation between a puncture and an incision and the ability of these practitioners to be able to understand really what is prohibited and what is not. I mean, I did look up the 21 C.F.R. 1040.10, and it you know it is I don't know if you guys have looked at it, but it is very complicated. It has a lot of math and equations of you know.

Chair McKinley stated It looks like calculus equations and math that he's never even seen. Chair McKinley agreed with Ms. Lauesen that it can be difficult looking at that. Chair McKinley stated he is looking at the letter Ms. Lauesen has been reading and thinks it is a very good letter and has several items that the Work Group is currently working on/addressing. Chair McKinley continued that the Work Group is more than just ethicians, there's a lot of different groups that are that make up the Work Group and one of the things they're doing is looking at is this in scope of practice and education; do we look at continuing education, do we look at creating a master esthetician, do we try to keep up with national standards.

Chair McKinley urged attendees to reach out to Ms. Chambers and participate in the Medical Spa Services Work Group meetings.

Chair McKinley thanked Ms. Lauesen for speaking.

**Courtney Coon, Esthetician**

Guess my concern is I came from Utah, where there is basic and master esthetician, and am just confused on if we start limiting the devices that we use before there is a license to use these, who is doing the micro needling, who is doing these laser devices. Before that there's a license: open for us to do these procedures.

Chair McKinley stated at this time we're talking about the proposed regulation project defining appliances and asked Ms. Coon if she has any comments towards the regulation project.

Ms. Coon stated she had no comments about the regulation project. Chair McKinley thanked Ms. Coon.

PC Derr informed the board that as they allowed Ms. Lauesen a lot more time than was allotted, the board would need to allow any other members of the public additional time to speak and asked for attendees to raise their hands if they would like additional time to address the board and they would be given an additional five ( 5 ) minutes. PC Derr reported that no attendees raised their hands for additional time.

Chair McKinley asked for the time. PC Derr stated the time is 11:00 a.m. which allows another hour for oral testimony.

Chair McKinley asked LE Spencer as all attendees spoke and there was still time remaining, could she please reach out to Director Sylvan Robb or Deputy Director Glenn Saviers to see if they could join the board to review House Bill (HB) 158.

PC Derr informed the board they were welcome to start discussion of the regulation project now, there is nothing that prevents discussion however the board must leave public testimony open and allow anyone who joins the opportunity to speak.

Chair McKinley noted Malissa Lindberg has her hand raised and asked if she would like to address the board.

**Malissa Lindberg, Esthetician**

Speaking to devices and circling back on Jacqueline's comment; I'm totally in favor of that. I think that this is such a delicate situation that we should all have respect for, because, like somebody that is an esthetician that's already been practicing under a medical provider, a medical director, and they have not only have they done their due diligence, and have done the time for getting their aesthetic license, they have they have done the countless certifications and hours that the practitioner requires them to actually use the device in their office under their license. It's not something to scoff at, it's quite a big deal like the hoops and the education that we have to go through before we're allowed to even touch these devices. I know that not everybody does that, and that's why you're doing that. So, my hopes in changing this statute on the devices is that it would be something that could benefit the public, the people, so that, you know, they're walking into a place where they know that they're being addressed by somebody that's qualified. So, I can see both sides; but then you have the person that's already qualified has been practicing, and they have advanced training. That goes back to my question on grandfathering in, say, for instance, somebody that's been practicing like myself or Jacqueline, or Skinlife Medspa estheticians; they have been practicing for some time, and do they have to go, therefore, and do accredited hours on top of already doing the certifications that the medical providers are requiring them to have in order to practice under their license. That's something to consider. I think it's also something to consider when you had in the wording the last time when we had to make a stop on all devices, microneedling and dermal light, just the basic red-light therapy that people can buy on Amazon and Instagram that they're marketing. I know there's different quality of red light therapy and derma lights, but those fall into the same category as derma light therapy like IPL Salam and again, an esthetician can buy hydro facial machine that they have dermal lights added into them and practice without being under a medical director. So, I think these types of things are great to address, so that there can be more clarity on the regulations and when you're dealing with medical devices, I think the Medical Board is obviously involved with that, and they do their due diligence as well as holding us accountable. And so I'm just confused on what we can and can't do as a standalone esthetician and what we can and can what we can't and can do under a medical director. So those are things to consider if you haven't already considered, I'm sure you have but I just want to state that and lay that out there and medical or microneedling devices can actually do, Nano needling where you aren't even truly, you're not even hardly pricking the epidermis, it's like 0.25 and again, that falls into the same category as lanceting versus creating a lesion to the skin. So, such a different skill set and different requirements. So yeah, I hope that stirs up some information so that we can be more, have more clarification as an esthetician, and as the public, so that they know go on.

Malissa Lindberg thanked the board. Chair McKinley thanked Ms. Lindberg for her testimony.

Chair McKinley asked if there was anyone else that would like to speak and asked LE Spencer if there were any additional written comments.

LE Spencer stated that the only written comment she was aware of was in the meeting packet and was from Mechille South and Melanie Walker of You MedSpa & Salon. LE Spencer continued additional written comments may have been received by RS Osborne, but they have not been provided for addition to the meeting packet

RS Osborne informed the board no additional written comments had been received. Ms. Lauesen stated that her client did submit a written comment, and asked if she could resend it for addition to the meeting. RS Osborne assisted Ms. Lauesen with submitting the written comment by email. RS Osborne confirmed receipt and emailed the written comment to LE Spencer and PC Derr for addition to the meeting packet.

Chair McKinley stated that there were still 45 minutes left for oral testimony and if there were any other agenda items the board could move onto.

PC Derr informed the board that Jacqueline Polis had raised her hand. Chair McKinley acknowledged Ms. Polis and invited her to speak.

**Jacqueline Polis, Esthetician**

Ms. Polis stated that she's just thinking and wondering about the proposed regulation change of appliances, currently not having the advanced or master esthetician structure in place; would that affect current estheticians working under medical locations, you know supervision. Would that affect them to not be allowed to do services that they're currently allowed to do.

PC Derr cautioned Chair McKinley not to move into the realms of interpretation as this is outside the scope of this meeting and regulation project.

Chair McKinley thanked PC Derr and encouraged Ms. Polis to contact Ms. Chambers and the Work Group.

Ms. Polis continued her testimony and stated she has Ms. Chambers' contact information and that she's been involved with this for a long time now and so has been through the ups and downs with it and as I've said I'm feeling positive and hopeful with the direction we're going and the way things are being considered and adjusted as we go along. But with the concerns, you know, still potential concerns of how it will look when things are in place, and so, and that. I guess my question so the reason why I have that question and my thought process on. It is if potentially, that will affect current estheticians that are working right now doing services of different modalities, that they are not being restricted to do at this current time under and then, if this appliance definition is changed and adopted and implemented, then at that time they are not able to continue doing what they're doing until the advanced esthetician structure is created, and then those things are more in place, and then and then they have that advanced licensing underneath them and allowable services. It seems to me that it would be better to do it like what my comment was before; get that in place first so that those estheticians are covered and protected to keep moving forward and doing life and their careers until all that stuff is in place to separate and isolate the differences and so, and I guess for you to not like for her, and I'm sorry I apologize, I don't know her name, but that just cautions you to answer that it makes me even more concerned because it should be and I know things are not easy, but I'm going to use the word easy. It should be an easy answer. It should be something where yes or no esthetician out there you will or won't be able to keep working, doing what you're doing and I think that's where, as a public we have such concern and fear of the direction on how these things are being handled, because ultimately, as an Alaskan and a person of our community altogether, I would think that we would try to move forward and make changes that help each other and make things better, and not make a change that that limits the livelihood of someone and I know safety is first, and I know that that's the direction and the focus and absolutely, I think that's what we should be doing. But I'm just wondering if the approach on how we are creating this amazing change what steps should be taken 1st in order to ensure that people are still able to do what they do until we get everything else changed, and in place.

Ms. Polis stated so again my question. You know it's I'm wondering with this appliance change, will it make estheticians that work under, you know the medical which I am not that like I'm not a medical spa, but I still have compassion and concern for all fellow estheticians, and even just medical providers like, I want to see the best-case scenario for everybody. But I think it's important. We think about how these changes are going to impact people's lives.

Chair McKinley thanked Ms. Polis for her comments.

Chair McKinley asked if there was anyone else that would like to speak. Hearing none, Chair McKinley asked LE Spencer if the board could begin discussing the regulation project or if that discussion must wait until public comment closes.

LE Spencer stated that the board would need to remain open for oral comments until Noon but could review written comments and if Director Robb and/or Deputy Director Saviers were able, they would join the board to briefly discuss HB158. LE Spencer suggested the board may want to briefly discuss strategic planning and schedule a secondary meeting only for strategic planning as this was originally the meeting that the board would have begun this process.

PC Derr concurred with LE Spencer and informed the board that their meeting packet had been refreshed with the second written comment letter addressing the regulation project so the board could review written comments now.

Chair McKinley agreed to review written comments and reiterated if any additional individuals wanted to speak before the Noon cut off for the comment period, the board would pause to hear comments.

## **6. Review Submitted Written Testimony**

Chair McKinley asked PC Derr if the board would be reviewing the new written comment or would they begin with the first submitted written comment. PC Derr stated the board would begin with the first written comment from Mechille South and Melanie Walker of You Aesthetics and then review the comment from Teesha Northcott, The Skinlife Medspa.

Chair McKinley asked if the board needed to read the written comments into the record. PC Derr stated that the written comments do not need to be read into the record and informed the board that as they had already read the comments from Ms. South and Ms. Walker, they could move onto the written comment from Ms. Northcott.

The board read the written comments submitted by Ms. Northcott. Board members stated they had read both submitted written comments.

*Chair McKinley requested a brief at ease for a few moments and requested board members remain online with the meeting.*

Malissa Lindberg requested additional time to address the board. Chair McKinley agreed.

### **Malissa Lindberg, Esthetician**

Earlier, when you were speaking to Jacqueline, there was mention of Med Spa meetings that were keeping up to date on the proposals. All my clinic has received is a letter from board and barbers. That's it so I didn't know if maybe you could share that with the rest of the estheticians.

Chair McKinley asked LE Spencer or Lacey to provide Work Group information to Ms. Lindberg. LE Spencer stated that people could navigate to the Boards website, there they would see a blue box with Medial Spa Services Work Group information, link to the Work Group page which provided additional contact information, meeting dates, agendas, and meeting minutes.

Ms. Lindberg thanked the board.

Chair McKinley stated PC Derr was sharing her screen which reflected the Work Group information and thanked PC Derr for doing that. Chair McKinley continued navigating to the board's website for Work Group information was the quickest was to get to the Work Group page and again urged attendees to contact Ms. Chambers with questions and to attend the Work Group meetings.

PC Derr announced that no additional individuals expressed an interest in addressing the board and no new written comments had been submitted.

Chair McKinley thanked PC Derr and asked Ms. Pestrikoff if she had any updates regarding strategic planning.

Ms. Pestrikoff stated that she had no updates and would be getting in touch with Ms. Chambers shortly.

PC Derr informed the board that Director Robb may be able to attend the meeting shortly, however, that we are still in public testimony and if anybody does join, we will have to cut off Director Robb to go back into public testimony.

Chair McKinley thanked PC Derr for the update and reminder. Chair McKinley stated if any attendees were wondering why this public comment period is so long, as this has been such a hot topic, when building the agenda he wanted to make sure that everybody had time to speak without being cutoff and not knowing how many people would be here to speak, he made an educated guess with the time frame. Chair McKinley continued that

he really did want the oral comment period to allow everybody the chance to speak, and that's why we ran through the list once, then went back to see if anybody else had anything to say.

RS Osborne stated that she noticed a question that had been brought up during oral comments that had to do with medical or the use of devices or appliances under collaborative agreements with medical license professionals. RS Osborne stated that this is something that's been addressed under the frequently asked questions (FAQ's) document; so, if the board wanted, they could reference that document.

LE Spencer informed the board Director Robb had joined the meeting. PC Derr requested the board make a motion to discuss HB158 as the topic had not been included in the agenda.

**Motion: 1<sup>st</sup> Jenn Lombardo – 2<sup>nd</sup> Mae Canady**

Add discussion of House Bill (HB) 158 to the April 17, 2025. meeting agenda.

**Motion Approved by roll call.**

Director Sylvan Robb greeted the board and gave the Board an update on House Bill 158; Director Robb informed the board of a companion Senate Bill (SB) was introduced in the Senate titled SB145. Director Robb stated this bill is the Governor's universal temporary licensure bill and does two things; one of which is to create a universal temporary license, however the Marine Pilot and Big Game Commercial Services Boards as exempt from this bill due to specific Alaska knowledge requirements.

Director Robb continued for all other programs this bill will allow applicants to obtain a temporary license on the way to permanent licensure and the bill will slim down the number of temporary licenses the Division has. Director Robb stated the bill retains the option for boards to create courtesy licenses for special events, etc. Director Robb continued the bill also aligns Alaska statutes with new Federal statutes that were passed January 2023 which are the Service Members Civil Relief Act (SCRA); SCRA addresses portability of professional licensure for service members, their family members, and spouses. Director Robb stated that SCRA laws state if the person is coming to Alaska on military orders, they need a small number of qualifications, primarily, that they have a license in good standing from another US Jurisdiction then they are entitled to that license in Alaska. Director Robb stated that qualifications also include the license from another US Jurisdiction has substantially equivalent requirements for the Alaska license being applied for, the license needs to be in good standing, and they can't have done anything in the past 10-years that would be a cause for them not be able to obtain a license in Alaska.

Director Robb asked the board if they had any questions.

Chair McKinley asked board members if they had any questions; hearing none Chair McKinley asked if the bill changes are strictly for service members, or does it include all people that use the temporary permitting process.

Director Robb stated the primary impact of the bill is to create this universal temporary licensure; this allows the Governor's intent and Division intent to make it easier for people to get to work quickly in Alaska. Director Robb stressed the reason that applicants will be able to do this is because they have been licensed in another State in good standing, and that State has substantially equivalent requirements. Director Robb also stated that if a program requires education and examination to qualify for a license that is what will be considered when reviewing applications; some applicants may need additional education and/or examination. Director Robb continued if applicants do meet program requirements, they will be eligible for the temporary license while working on completing their application.

Chair McKinley thanked Director Robb and asked for clarification; this bill will replace sections of the Board's statutes and regulations that already address temporary permits and temporary licenses.

Director Robb stated he was correct; barbers and hairdressers appear frequently in the bill as this program has more statutory language addressing temporary licenses and permits. Director Robb stated HB158 does repeal the existing temporary licenses and replaces them with the new universal temporary license. Director Robb informed the board that they do have a number of temporary licensure options, however not all programs have these types of avenues; this bill would instate temporary licensure options to programs that don't have those options in place. Director Robb reiterated HB158 would not be applied to the Marine Pilot or Big Game Commercial Services programs.

Chair McKinley asked if the fees and that structure would stay the same as currently reflected in their statutes and regulations.

Director Robb informed the board that fees for the temporary licenses would be repealed by the passage of this bill, as the current temporary license would no longer exist. Director Robb stated the Division would realign the fees with the new structure that's being created by the bill.

Chair McKinley thanked Director Robb for this information and asked if any other board members had questions.

Jenn Lombardo stated she was curious about two matters which Chair McKinley and Director Robb touched on so she needed to confirm that the board's current statutes and regulations would be repealed and how would this universal temporary license work specifically to our industries as to credentials that would be reviewed and how these licenses would be issued.

Director Robb stated to obtain the new temporary license it may be helpful to know that this is a process that exists already for nurses and physicians; both programs have numerous license types, right now they can obtain a temporary license on their way to permanent licensure. Director Robb stated for nurses, if we're looking for 12 items to get them to permanent licensure, however once we've received 7 items that allow us to feel the applicant is safe to practice and are knowledgeable in their field, yet the application is still missing the remaining 5 items such as a third party verifications, and/or transcripts, a temporary license would be issued to the applicant. Director Robb continued once all required items were received, a full license would be issued. Director Robb assured the board that an application, fees, and required documentation would need to be submitted.

Director Robb informed the board that the Division would ascertain that the applicants license is in good standing, and that other State has substantially similar requirements to Alaska; for example, if we're requiring education and an exam, and the other state only requires education, that doesn't qualify as being substantially similar, and so the applicant wouldn't qualify for the temporary license, or they would need to just go through the standard licensing process set by programs.

Ms. Lombardo thanked Director Robb and stated most of her questions were answered. Ms. Lombardo asked if this new universal temporary license is a national license, who decides what requirements will be needed for each of this board's industries as they are all so different.

Director Robb stated that the Division will be looking at the state requirements that applicants were coming in from; the division would be verifying if that incoming state had substantially equivalent licensure requirements.

Chair McKinley stated that's what the board does now for temporary permits which are valid for 180 days and allows applicants to work while completing their application for full licensure. Chair McKinley stated this new temporary license does the same thing but would be valid for longer and asked why the Division doesn't just add a new temporary permitting process for service members instead of adding this to existing processes that already exist and are successful.

Director Robb stated Chair McKinley is correct, this new license is quite similar, and the temporary license would be valid for 180 days, so it does align with what the board is currently doing. Director Robb stated part of the issue is the new license would be universal, and the sort of universality of it is within the division and among the 125 professions that we license now, not all of them have a temporary licensure option, for boarded and non-boarded programs that just doesn't exist, so HB158 creates that option for all programs.

Kevin McKinley: What happens to the people in the middle of the permitting process when this change goes into effect.

Director Robb assured the board that HB158 contains transitional language for applicants who are currently going through this process with very little disruption.

Ms. Lombardo asked for clarification as there is not necessarily a universal guideline for an esthetician temporary license or tattooing temporary license; it sounds like information being discussed leads to the Division making decisions for our industries in Alaska based on the guidelines of this universal temporary licensing; is this correct.

Director Robb stated the Division would be ensuring that the jurisdiction the individual applicant was coming from had substantially equivalent requirements that the Legislature and Board have determined are appropriate. Director Robb continued that the Division and Board would be the authority to say if a person qualifies for a temporary or full license as requirements were specified in statute and regulations.

Ms. Lombardo thanked Director Robb. Ms. Lombardo stated the Division will be removing from our statutes and regulations, current temporary licensing language and the Division will be using those removed statutes and regulations as guidelines or will the Division be consulting with the board for each application. Ms. Lombardo continued she understands that the Division says there won't be much of a change, however right now, current statutes and regulations are clear cut and the HB158 changes don't provide clear direction.

Director Robb stated the universal temporary license will take the boards existing temporary license and streamline them into one single temporary license. Director Robb continued the Division will be ascertaining whether the applicant is coming from a state that has substantially equivalent requirements; these substantially equivalent requirements are those set by the Legislature and the Board. Director Robb stated the Division won't allow licensure if Alaska requires an exam and the applicant hasn't taken/passed that exam; the Division will communicate to the applicant the Board's requirements and the applicant will need to complete that requirement to obtain full licensure.

Ms. Lombardo thanked Director Robb and stated that this information mostly sums up and she appreciates the clarification. Ms. Lombardo stated this bill makes her uneasy with the removal of statutes that are proven to work and are clear with something that sounds like it will be "pretty" equivalent and not equivalent.

Director Robb stated the bill is a twofold benefit for applicants and programs by streamlining temporary licenses as there are many temporary licenses not just for this program but others, for example there are five different types of temporary licenses, a temporary license, temporary permit, and a locum tenants. Director Robb continued with so many temporary license options it's difficult for applicants to figure out which they may qualify for. Director Robb stated a universal temporary license makes it easier for applicants to get their foot in the door and be able to being working in State quickly. Director Robb continued the universal temporary license will not affect courtesy licenses. Director Robb also stated she believes this will also be easier for staff as they will only need to learn one temporary license process.

Vice Chair Tenaya Miramontes thanked Director Robb for speaking with the board on this and stated she is worried about applicants who may not meet Alaska requirements and may need additional education and examination. Vice Chair Miramontes asked if applicants do need additional training do they need to enroll for the training, or would the Division make that decision/determination or would the board be the decider on additional education and possible examination.

Director Robb stated that if an applicant is coming in from a State that doesn't have substantially equivalent required requirements, for example education and exam is required and the applicant was only required to complete education, then the applicant doesn't qualify for the temporary license. Director Robb continued if the applicant is interested in obtaining an Alaska license, they would be required to go through the normal process of applying for obtaining that permanent license.

Vice Chair Miramontes thanked Director Robb for the clarification.

Chair McKinley stated the board has a temporary permit for by waiver of exam applicants which is valid for 6 months and a temporary license for students going through the examination process. Chair McKinley asked how the universal temporary license will affect those students or will this change affect all their temporary licenses.

Director Robb stated HB158 was for applicants licensed in another state. Director Robb stated that this board has so many temporary licenses that will be impacted by HB158, she would need to research how it would impact all of this boards temporary licenses. Director Robb stated the Divisions intent is that students would not be impacted by this bill. Director Robb informed the board that she would be happy to look into this and provide LE Spencer additional information to be shared with the board.

Chair McKinley thanked Director Robb and asked what about the universal temporary license is better than the current temporary license processes, is this a better system than what is current in place and why.

Director Robb stated the Division would argue that HB158 takes numerous choices for temporary licensure to one option which would allow people to get into a number of professions that are currently unavailable. Director Robb continued, this would be less of a change for this board as there are already temporary license options. Director Robb stated that the Division thinks this is an improvement for applicants, because we think it'll make it easier for them to ascertain what they want to apply for if they're interested in getting to work quickly in Alaska. Director Robb continued this will also be easier for the division to go from having numerous temporary licenses across different programs, as it will be easier to train staff, create forms, and will be a streamlined process. I

Chair McKinley stated that he was still confused as there are two temporary licenses this would affect, those who are coming into Alaska and those who have obtained education in Alaska and are applying for their examination. Chair McKinley stated that he was sure the board would be speaking with Director Robb about this bill and process during the upcoming May 15, 2025, meeting.

Director Robb stated that if the board would like further discussion, that would be great.

Chair McKinley stated he was officially inviting Director Robb to the May 15 meeting to continue discussions of HB158.

Ms. Lombardo asked what the fee for a temporary license is. Chair McKinley asked LE Spencer to answer this question.

LE Spencer reported that the board offers a student temporary license which is only available for individuals going through the examination process and need to work and a temporary permit which is available for applicants applying for a license by waiver of exam/reciprocity. LE Spencer stated that the temporary permit and license fee is \$100.00, however, for the student temporary license, only the \$150.00 application fee and \$100.00 temporary license fee is required to move forward; for the temporary permit, all fees are required to be submitted to move forward with a temporary permit, this is the \$150.00 application fee, \$100.00 permit fee, and \$180.00 license fee.

LE Spencer stated that the staff would issue a temporary permit to applicants upon receipt of a complete application, \$430.00, and a copy of a current out of state license.

Ms. Lombardo thanked LE Spencer for this information. Ms. Lombardo stated that she is under the impression that these fees are being collected by the board, however, once HB158 goes through, will the board still be collecting these fees or will the fees be going somewhere else?

Director Robb thanked Ms. Lombardo for this question and stated that those fees will be reflected on the board's revenue line, this means anyone applying for a universal temporary license for this program, those fees will be to support this program.

Ms. Lombardo thanked Director Robb.

PC Derr informed the board that the time was past Noon and public comment needed to be closed.

Chair McKinley thanked PC Derr and asked to confirm no other attendees requested time to speak. PC Derr concurred, no additional requests for public comment had been made and no additional written comments had been submitted.

Chair McKinley announced that the public comment period was now closed.

**The board closed the public comment period at 12:05 p.m.**

Chair McKinley asked board members if they had any last questions for Director Robb. Chair McKinley thanked Director Robb for joining the board to discuss HB158 and stated he was sure the board would have additional questions once they had more time to review the bill and this discussion. Chair McKinley asked LE Spencer to ensure time to discuss this was included on the May 15 meeting agenda.

Director Robb thanked the board for this discussion and stated that either she or Deputy Director Saviers would join the board at their May 15 meeting.



Chair McKinley asked for one last clarification from Director Robb; the universal temporary permit is only an option for military people but why not also for firemen and police officers and their family.

Director Robb stated that the portion of the bill relates to the Service Member civil Relief Act that deals specifically with licensing for military members and military spouses.

Chair McKinley thanked Director Robb for joining the board to have this discussion.

Director Robb stated she always appreciates the chance to see the board and appreciates all of your service; understand much work it is to be on a board, with the way the system is structured, we rely on you, this doesn't work if we don't have members of the professions who are willing to donate their time and service to provide expertise; so thank you all a great deal, we really do appreciate it.

Board members thanked Director Robb.

The board agreed to take a 15-minute break and would review any additional written comments if submitted before the Noon cutoff.

*Recess The Board recessed at 12:10 p.m. for a short break; reconvened at 12:26 p.m. Majority of the board confirmed by roll call.*

PC Derr informed the board that RS Osborne had not received any additional written comments.

## **7. Board Consider Adopting Regulation 12 AAC 09.990(b)**

Chair McKinley asked board members if they had any questions regarding the submitted written comments that had been reviewed earlier or any additional comments.

Ms. Canady stated that there were concerns about certain verbiage in modalities; however, the current definition was so minimal this new definition is fine tuning, so she doesn't feel it changes very much but feels those questions/concerns are very valid.

Ms. Thompson concurred with Ms. Canady's statement. Ms. Thompson stated there was a point made during public comment that relates to a topic that hasn't been actively discussed in this group though it has been introduced during the Medical Spa Services Work Group meetings; the definition between a medical treatment versus non-medical treatment, and tattoo lightening versus tattoo removal, which is a tattoo artist and permanent cosmetic coloring tool. Ms. Thompson continued that the tool used is a tattoo machine or microneedling stylus and has been practiced by tattoo artists. Ms. Thompson continued it uses a neutral product that is used in the healing process for the lightening of the tattoo through the body's natural osmosis. Ms. Thompson stated she was curious if defining those would relate to this proposed definition of the use of those modalities and would it relate across the board to the tattoo and permanent cosmetics side. Ms. Thompson continued, if artists don't have access to this, she didn't think doctors bringing tattooing machines into their offices to provide this service and would eliminate the procedure from tattooists and permanent cosmetic colorists.

Chair McKinley thanked Ms. Thompson for her comment and stated that this was a bit of a stretch to what the board is addressing at this moment, the proposed definition for 12 AAC 09.990.

Ms. Thompson agreed and stated that she thought she might get some clarification and if not plant a seed for thought.

Chair McKinley agreed and reiterated that this meeting is about the regulation projects and this topic would need to be included in a future meeting. Chair McKinley stated this regulation was the first step in a longer process and the proposed regulation would allow the board to move forward with addressing additional changes that are needed including but not limited to "grandfathering".

Ms. Lombardo stated she thought both letters were great and very glad those folks took their time to write to the board. Ms. Lombardo stated she thinks it is very helpful and beneficial reading the comments and hearing the testimony today, which all had many valid points. Ms. Lombardo continued as a new board

member she was curious about a couple of things like where the definition of appliances came from; was it something that the board created during meetings or was the definition pulled from somewhere.

Chair McKinley reviewed the process of creating the definition with the assistance of the Work Group and Susanne Schmaling, esthetics advisor through her organization, the Aesthetics Council and her work with the Medical Spa Services Work Group. Chair McKinley stated the first draft of the definition was very cumbersome and difficult to understand and locate FDA references; the version being considered now was the rewrite and included easier accessible FDA references. Chair McKinley stated he felt this version would keep estheticians and physicians working in their fields with clearer guidelines.

Chair McKinley asked LE Spencer to expand on this process. LE Spencer stated that in conjunction with Ms. Schmaling and the Work Group, services that require and don't require medical oversight were being discussed and defined. LE Spencer continued with the assistance of Ms. Schmaling and the Work Group, the board has a starting point to move forward with updating esthetics standards and practices bringing Alaska more current National standards.

Chair McKinley agreed with LE Spencer and added that there are different levels of estheticians, for example, Alaska's 350-hour license all the way up to a master esthetician license; the different license types require different training, etc., which the Work Group has been working on with this board's participation.

Chair McKinley requested Shannon Thompson speak to this as she is the assigned board member to the Work Group.

Ms. Thompson stated as a new board member she is still catching up with this board and the Work Group. Ms. Thompson continued to state she's been able to assist during Work Group meetings and a large amount of work and information has been provided by Ms. Schmaling; information provided by Ms. Schmaling has brought the National standards for esthetics to the forefront of discussions. Ms. Thompson also stated that having representation from different boarded programs in the Work Group has also been of great assistance.

Chair McKinley thanked Ms. Thompson for speaking and stated Ms. Schmaling has been a great asset in assisting with draft language that is not as restrictive as the first draft was.

Ms. Thompson agreed with Chair McKinley and stated that one priority of the Work Group and this board was not to shut down estheticians and their business but to make esthetic services clear and to be able to move forward with needed changes.

Ms. Lombardo stated she appreciated this information, but she had a concern with keeping people in the workforce who have been safely practicing services which this regulation may limit. Ms. Lombardo stated that the possibility of estheticians no longer being able to provide some services is very concerning.

Chair McKinley acknowledged Ms. Lombardo's concerns and stated he also was concerned with the possibility of limiting services and people losing their jobs, however during this process he learned that estheticians have been doing a lot of these services for a long time, but come to find out there were some estheticians that have been operating quite out of their scope of practice as they were providing services that require equipment that has been designated a medical device. Chair McKinley continued that the goal is to keep people working but provide adequate oversight if a procedure is in fact a medical procedure.

Ms. Lombardo stated that it does make sense, however she feels there is a fine line between getting people to work and keeping people working. Ms. Lombardo stated obviously health, and safety is our number one priority as the board, however she feels caution on both sides as it is a fine line and stands by her opinion.

Ms. Canady stated attending prior meetings even before being appointed to this board, she now has a clear understanding of the definition that had to be changed before the board could move forward with other changes/updates.

Ms. Canady stated that she thinks the public always wants to know if any changes will affect them and their livelihood. Ms. Canady also stated that the current definition is very minimal and doesn't address what can and couldn't be done; the proposed regulation provides additional clarification will assist estheticians. Ms. Canady also stated that the assistance Ms. Schmaling provided was valuable and knowledgeable; and provided much needed information on the medical and non-medical sides of esthetic services.

Chair McKinley reminded the board that they were currently discussing the submitted written and oral testimonies and did any other board members have comments on those. Hearing no further comments, Chair McKinley requested a motion to be made to adopt this regulation.

**Motion: 1st Jenn Lombardo – 2nd Mae Canady**

Adopt 12 AAC 09.990(b) definitions to add a definition in regulation for the term "Appliances" used by estheticians and adopt by reference FDA regulation (21 C.F.R. 1040.10) used to define and classify laser products.

Chair McKinley asked the board if they would like additional discussion.

Ms. Canady stated that she had been hearing hairdressers are not allowed to provide esthetic services and asked if this was correct and would this regulation prohibit hairdressers from providing esthetic services.

RS Osborne stated that this proposed definition would have no bearing on hairdressers being able to provide limited esthetics, this proposed regulation just defines appliances esthetician's use.

Ms. Canady thanked RS Osborne for clarifying and stated that this may be a common question for licenses.

Hearing no further questions or comments, Chair McKinley requested a roll call vote.

Roll Call Vote			
NAME	YES	NO	Recuse
Tenaya Miramontes	X		
Kevin McKinley	X		
W. Mae Canady	X		
Jenn Lombardo		X	
Jessica Pestrikoff	X		
Shannon Thompson	X		

**THE MOTION PASSED BY A QUORUM VOTE.**

Chair McKinley thanked everyone for their time and working through this matter with very good discussions. Chair McKinley asked for the record, what was the motion vote count. PC Derr stated the motion had passed five ( 5 ) to one ( 1 ).

LE Spencer informed the board that statute 08.13.160(f) reads "a person licensed under this chapter to practice hairdressing is considered to be licensed to practice manicuring hair braiding and limited esthetics under the same license".

Ms. Canady thanked LE Spencer and stated she would review that statute.

Chair McKinley asked if there were any questions before adjournment and thanked Ms. Lombardo for agreeing to be on the board.

Chair McKinley thanked Ms. Thompson for being on the Medical Services Spa Work Group board and assisting this board with that information.

Chair McKinley thanked Vice Chair Miramontes for attending and participating even with a sick child.

**8. Adjourn**

The chair declared the board off the record at 12:50 p.m.

Respectfully submitted:

\_\_\_\_\_  
Cynthia Spencer, Licensing Examiner III

Approved:

\_\_\_\_\_  
Kevin McKinley, Chairperson  
Board of Barbers and Hairdressers

Date: \_\_\_\_\_

DRAFT

Department of Commerce, Community  
and Economic Development

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Division of Corporations, Business  
and Professional Licensing

**Board of Barbers and Hairdressers**

**Annual Report**

Fiscal Year 2025



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

P.O. Box 110806  
Juneau, Alaska 99811-0806  
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*This report is required under Alaska Statute 08.01.070(10).*

**Board of Barbers and Hairdressers  
FY 2025 Annual Report**

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**Board of Barbers and Hairdressers  
FY 2025 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		3/1/2028
Tenaya Miramontes Hairdresser	8/22/2023	Juneau	3/1/2024	3/1/2026
Jessica Pestrikoff Public Member	3/22/2023	North Pole	3/1/2025	3/1/2029
Wendy Palin Industry Licensee	6/22/2023	Palmer		3/1/2025
Willie Mae Canady Hairdresser/Esthetician	6/20/2024	Anchorage		3/1/2028
Shannon Thompson Nail Technician	10/25/2024	Anchorage		3/1/2028
Jennifer Lombardo Industry Licensee	2/4/2025	Anchorage		3/1/2029

**Board of Barbers and Hairdressers  
FY 2025 Annual Report**

**Accomplishments**

Regulation project, 12 AAC 09.990(b), defining appliances as reflected in statute 08.13.220(5) was adopted by the board during the April 17, 2025, meeting.

Board has been reorganized and has members being involved, participating, and making quorums for its meetings

Participating in the Medical Spa Services Work Group and active board members, Wendy Palin and Shannon Thompson have been attending and participating in meetings.

Board members are reviewing cases from the investigative unit and are working on the backlog of cases as well as current ones.

Starting long range strategic planning with assigned board member, Jessica Pestrikoff in charge and also working with the division on to ensure making this project is successful a success.

This board and the division's morale is up and excited to get work done in a productive manner.



**Board of Barbers and Hairdressers  
FY 2025 Annual Report**

**Activities**

**August 8, 2024 – Meeting**

**October 10, 2024 – Meeting**

**February 5, 2025 – Meeting**

**April 17, 2025 – Meeting for oral & written testimony and regulation adoption  
consideration**

**May 15, 2025 - Meeting**

**Board of Barbers and Hairdressers  
FY 2025 Annual Report**

**Needs**

At least one in person meeting a year, possibly in Juneau. Meeting in Juneau will allow additional opportunities for board members to meet with legislators to advance needed legislative (statutory) changes.

Continue holding a minimum of three ( 3 ) meetings a year and schedule additional meetings as needed; meetings will be held via Zoom.

Support the hiring of a second full time licensing examiner for the program. The second licensing examiner retired January 2025, as of this report, the vacancy has not been filled leading to additional delays in processing applications, responding to phone calls, and emails.

Update Statutes and regulations.

Create a process for the board required application review for licenses and permits.

## Esthetics Procedures List – October 2024

*This document reflects recommendations by the Esthetics Council and does not reflect any deliberation or decisionmaking by an Alaska professional licensing work group or board. This document is a working draft and does not define current Alaska requirements.*

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This chart may be used in whole or in part to assist the Alaska Medical Spa Services Work Group and related Alaska professional licensing boards understand the procedures in question, as well as assist in clarifying current and future scope of practice of:

- **Currently licensed estheticians** under the Board of Barbers and Hairdressers
- Future **advanced esthetician** licensees (requires statute change)
- Persons performing these procedures under **medical supervision**: In the context of this document, “medical supervision” means on-site supervision by a physician, physician assistant, or APRN operating within the supervisor’s scope of practice and all statutes and regulations pertaining to the supervisor’s license. May be currently allowable or require statute or regulation change to clarify necessary training and education.

**Green:** List of procedures and modalities used in esthetics practices

**Purple:** Examples of brand names, web site links, and other terms and descriptions to help identify and define what is meant by the procedure. This list is not exhaustive.

**Orange:** Description of FDA classification and federal regulatory oversight.

**Blue:** Esthetics Council recommendation whether to allow these procedures under an existing Alaska esthetician license (350 hours of training and independent practice) or whether additional training and education (i.e. statute or regulation change) or medical supervision is needed.

\* NOTE: The Esthetics Council recommends the current esthetician license requirements be increased to 600 hours to ensure training on a wide range of basic modalities for which they are licensed.

Procedure	Examples of Common Brand Names, links to web sites	Description of Procedure	FDA Designation (Class 1 or 2: Should not fall within Class III, 3A, 3B, or IV Radiation Emitting Devices designation)	FDA Regulation Device required to be registered under 201(h) of the FD&C Act? Product regulated as a cosmetic by FDA?	Safe to allow under existing esthetician license? <ul style="list-style-type: none"><li>• 350 hours training</li><li>• Curriculum in <a href="#">12 AAC 09.163</a></li><li>• NIC esthetician test</li></ul>	If not generally safe under existing esthetician requirements, what is minimum recommended amount and type of training? Should this require supervision by a medical director?
	<i>This is a very limited list that can be expanded. Most modalities are tied to a product line as well.</i>					

1. Ultrasonic devices  Epidermis Impact-Superficial	<a href="http://www.universalcompanies.com">www.universalcompanies.com</a> <a href="http://www.biotherapeutic.com">www.biotherapeutic.com</a>	Ultrasonic spatula emits high-frequency sound waves, typically at a rate of 20,000 to 30,000 vibrations per second (Hz). Intended outcome: cleansing and exfoliation.	Class I	Yes	Yes	N/A
2. Oxygen Concentrator devices  Epidermis Impact-Superficial		Deliver atmospheric concentrated oxygen to the skin to boost circulation, promote healing, and enhance the glow. Intended outcome: Brighter, revitalized skin with improved oxygenation.	Class I  Does not include hyperbaric chamber		Yes	N/A
3. Electrotherapy devices (galvanic current, High Frequency)  Epidermis Impact-Superficial	<a href="http://www.universalcompanies.com">www.universalcompanies.com</a> <a href="http://www.silhouettone.com">www.silhouettone.com</a> <a href="http://www.equipro.com">www.equipro.com</a> <a href="http://www.massagewarehouse.com">www.massagewarehouse.com</a>	Low-voltage direct current or alternating current (High Frequency) to enhance product penetration, stimulate skin, disinfect, and improve tone. Intended outcome: Improved skin hydration, enhanced product absorption.	Class 1	Yes	Yes	N/A
4. Mechanical brush devices  Epidermis Impact-Superficial	<a href="http://www.universalcompanies.com">www.universalcompanies.com</a> <a href="http://www.massagewarehouse.com">www.massagewarehouse.com</a> <a href="http://www.zemits.com">www.zemits.com</a>	Rotary or oscillating brushes for deep cleansing and exfoliation. Intended outcome: Deeply cleansed skin, reduced clogged pores.	Class I- generally unregistered		Yes	N/A
5. Vacuum spray devices	<a href="http://www.universalcompanies.com">www.universalcompanies.com</a> <a href="http://www.massagewarehouse.com">www.massagewarehouse.com</a> <a href="http://www.zemits.com">www.zemits.com</a>	Uses suction to clean pores and remove impurities, often	Class I- generally unregistered		Yes	N/A

Epidermis Impact-Superficial		combined with a spray mist to hydrate. Intended outcome: Cleansed, refreshed skin.				
6. Steamers  Epidermis Impact-Superficial	Varies <a href="http://www.universalcompanies.com">www.universalcompanies.com</a> <a href="http://www.massagewarehouse.com">www.massagewarehouse.com</a> <a href="http://www.zemits.com">www.zemits.com</a>	Generates steam to open pores and hydrate the skin. Intended outcome: Loosening of debris in pores, enhanced product absorption.	Class 1- generally unregistered		Yes	N/A
7. LED (light emitting diode) devices.  Epidermis Impact-Superficial/Light	<a href="http://www.lightstim.com">www.lightstim.com</a> <a href="http://www.omnilux.com">www.omnilux.com</a> <a href="http://www.celluma.com">www.celluma.com</a>	Emits specific wavelengths of light to target acne, reduce inflammation, and stimulate collagen. Intended outcome: Acne reduction, anti-aging, and skin rejuvenation.	Class 2	Yes	Yes	N/A
8. Microcurrent devices  Epidermis Impact-Superficial	<a href="http://www.biotherapeutic.com">www.biotherapeutic.com</a> <a href="http://www.neurotris.com">www.neurotris.com</a> <a href="http://www.silhouettone.com">www.silhouettone.com</a>	Low-level electrical currents stimulate facial skin, improve circulation and firmness. No direct muscle stimulation (visible contractions) Intended outcome: Lifted, more toned facial appearance.	Class 1 or Class 2 based on intended use- direct muscle stimulation Class 2.	Yes	Yes	N/A
9. Microdermabrasion devices, including hydradermabrasion devices.  Epidermis Impact-Superficial	<a href="http://www.diamondglow.com">www.diamondglow.com</a> <a href="http://www.hydrafacial.com">www.hydrafacial.com</a> <a href="http://www.silhouettone.com">www.silhouettone.com</a> <a href="http://www.equipro.com">www.equipro.com</a>	Mechanically exfoliates the skin using crystals or diamond tips, often with suction. Intended outcome: Smoother skin texture, improved clarity, and reduced fine lines.	Class 1	Yes	Yes	N/A

10. Skin analysis equipment  Epidermis Impact-None	Wood's lamp Magnifying Lamp	Uses UV light to examine skin conditions like pigmentation, hydration, and bacteria. Mag Lamp uses different levels of magnification with a light source. Intended outcome: Accurate skin assessment for customized treatments.	Class 1		Yes	N/A
11. Thalassotherapy  Epidermis Impact-Superficial	<a href="http://www.thalgo.com">www.thalgo.com</a> <a href="http://www.elemis.com">www.elemis.com</a> <a href="http://www.massagewarehouse.com">www.massagewarehouse.com</a> <a href="http://www.universalcompanies.com">www.universalcompanies.com</a>	Uses seawater and marine products for detoxification and rejuvenation in body treatments or facials. Intended outcome: Hydration, skin nourishment, and relaxation.	No Classification  MOCRA registration		Yes	N/A
12. Thermotherapy (application of heat), manually applied or with the use of devices.  Epidermis Impact-Superficial		Heat application to improve blood circulation and relax muscles. Intended outcome: Improved skin tone, relaxation, enhanced healing.	Class 1	Yes	Yes	N/A
13. Vitamin-based acids  Epidermis Impact-Superficial at lower concentrations	Same as above	Vitamins like vitamin C and retinoic acid are applied for antioxidant benefits and skin rejuvenation. Intended outcome: Brightened skin tone, reduced wrinkles, and sun damage.	MOCRA Registration Required		Yes for light/superficial peels but should require manufacturer training	N/A
14. Superficial and light chemical exfoliation including	Varies-common vendors. <a href="http://www.circadia.com">www.circadia.com</a> <a href="http://www.dermastart.com">www.dermastart.com</a> <a href="http://www.linderhealth.com">www.linderhealth.com</a>	Chemical agents applied to exfoliate the outer skin layers.	MOCRA registration		Yes for light/superficial peels but	Recommend performance of

<p>but not limited to; alpha hydroxy acids, beta hydroxy acids, modified Jessner solutions, and trichloroacetic acid less than 20%</p> <p>Epidermis Impact-Superficial at lower concentrations</p>	<a href="https://www.dannemking.com">https://www.dannemking.com</a> <a href="http://www.osmosis.com">www.osmosis.com</a> <a href="http://www.skincarescript.com">www.skincarescript.com</a> <a href="http://www.haleandhush.com">www.haleandhush.com</a> <a href="http://www.pcaskin.com">www.pcaskin.com</a>	<p>Chemical peels available to estheticians are light &amp; superficial light depth. Intended outcome: Smoother, more radiant skin, treatment of acne or hyperpigmentation</p>	<p>required for products</p>		<p>should require manufacturer training</p>	<p>Modified Jessners and TCA only by an Advanced/Master Esthetician (900-1200hr)</p>
<p>15. Low-Level Ultrasound devices (Sonophoresis)</p> <p>Epidermis Impact-Superficial</p>	<a href="http://www.environ.com">www.environ.com</a> <a href="http://www.zemits.com">www.zemits.com</a> <a href="http://www.massagewarehouse.com">www.massagewarehouse.com</a>	<p>Uses low-intensity ultrasonic waves typically below 3 MHz, which target more superficial layers of the skin. Intended outcome: Skin texture improvement, product penetration, and superficial treatments like cellulite appearance reduction.</p>	<p>Class I or II based on intended use</p>	<p>Yes</p>	<p>No</p>	<p>Recommend performance only by an Advanced/Master Esthetician (900-1200hr)</p>
<p>16. HIFU (High Intensity Focused Ultrasound)</p> <p>Epidermis Impact-Superficial-Medium Dermis Impact Deep</p>		<p>Utilizes high-intensity ultrasound waves, delivering focused energy to precise depths. Intended outcome: skin tightening, non-surgical facelifts.</p> <p>1.5 mm: This shallow depth targets</p> <p>3.0 mm: This depth targets the deeper dermal layer.</p> <p>4.5 mm: This depth reaches the SMAS layer (Superficial Muscular Aponeurotic System)</p>	<p>Class II</p>	<p>Yes</p>	<p>No</p>	<p>Recommend performance only by an Advanced/Master Esthetician (900-1200hr)</p>

17. Low-Level Radio Frequency devices  Epidermis Impact-Superficial	<a href="http://www.nuface.com">www.nuface.com</a> <a href="http://www.zemits.com">www.zemits.com</a>	Operates at lower power and frequency compared to traditional RF devices. The energy delivered is less intense, so it targets the upper skin layers. Intended outcome: Used for superficial skin treatments like mild skin tightening, improving circulation, and stimulating collagen production without deep tissue penetration.	Class II (includes OTC)	Yes	No	Recommend performance only by an Advanced/Master Esthetician (900-1200hr)
18. Radio Frequency devices  Epidermis Impact-Medium Dermis Impact-Deep	<a href="http://www.candelamedical.com">www.candelamedical.com</a> <a href="http://www.morpheous8.com">www.morpheous8.com</a>	Operates at higher power and frequency, delivering more energy to the skin. RF devices typically heat tissues more deeply, stimulating collagen in the deeper dermis and subcutaneous layers. Intended Outcome: Designed for deeper skin tightening, lifting, and more intensive collagen remodeling.	Class 2 or Class 3 based on intended use	Yes	No	Recommend performance at Class 2 only by an Advanced/Master Esthetician (900-1200hr)  Performance at Class 3 only by a trained physician, physician assistant, or APRN.
19. Cryotherapy (application of cold), manually applied or with the use of devices.  Epidermis Impact-Superficial	Same as above <a href="http://www.artemis.com">www.artemis.com</a> <a href="http://www.zemits.com">www.zemits.com</a> <a href="http://www.universalcompanies.com">www.universalcompanies.com</a> <a href="http://www.thalgo.com">www.thalgo.com</a>  Superficial body treatments included.	Does not employ nitrogen spray; is not cryolipolysis or cryosurgery. Cold application to reduce redness, improve circulation, and tighten skin.	Class 1  MOCRA registration for products	Yes	Yes, but only manual application or cold tools	Recommend performance using a device only by an Advanced/Master Esthetician (900-1200hr)



Not Lipolysis (Coolsculpting)		Intended outcome: Reduced redness, firmer skin.				
20. Hydrotherapy  Epidermis Impact-Superficial	<a href="http://www.thalgo.com">www.thalgo.com</a> <a href="http://www.massagewarehouse.com">www.massagewarehouse.com</a>	Water-based treatments for relaxation, detoxification, and skin hydration including Vichy shower, Scotch hose & hydrotub. Intended outcome: Relaxation, improved circulation, and hydrated skin.	Class 1 (hydrotherapy tubs, showers) No classification for products.	Yes	Yes, not including Vichy shower or scotch hose.	Recommend performance of Vichy shower and Scotch hose only by an Advanced/Master Esthetician (900-1200hr)
21. Cellulite appearance and contouring treatments  Epidermis Impact-Superficial Dermis Impact-SMAS or Deeper depending on device	Same as above <a href="http://www.artemis.com">www.artemis.com</a> <a href="http://www.zemits.com">www.zemits.com</a> Body treatments including wraps.	Non-invasive treatments targeting cellulite with mechanical stimulation, manual body treatments or energy-based devices. Intended outcome: Smoother skin texture, reduced appearance of cellulite.	Class 1 or Class 2 depending on modality used.  MOCRA registration for body treatment products.	Yes	Yes, only superficial	Recommend performance affecting below the epidermis only by an Advanced/Master Esthetician (900-1200hr)
22. Dermaplaning devices  Epidermis Impact-Superficial	<a href="http://www.dermaplane.pro">www.dermaplane.pro</a>	Manual or mechanical exfoliation that removes the top layer of dead skin and fine hair. Intended outcome: Smooth skin texture and enhanced product absorption.	Class 1	Yes	No	Recommend performance only by an Advanced/Master Esthetician (900-1200hr)
23. Mechanical body stimulation  Epidermis Impact-Superficial/Medium	G8, Endermologie <a href="http://www.universalcompanies.com">www.universalcompanies.com</a> <a href="http://www.massagewarehouse.com">www.massagewarehouse.com</a>	Devices that use rolling, kneading, or suction to stimulate circulation and reduce cellulite. Intended outcome: Smoother skin	Class 1	Yes	No	Recommend performance only by an Advanced/Master Esthetician (900-1200hr)

		appearance, reduced cellulite.				
24. Collagen induction device (microneedling) *Includes microchanneling or nanostamp not OTC devices  Epidermis Impact at or below 1mm- Superficial Dermis Impact- 1.5mm-2.5mm	<a href="http://www.dermapen.com">www.dermapen.com</a> <a href="https://360aestheticdevices.com">https://360aestheticdevices.com</a> <a href="http://www.candelamedical.com">www.candelamedical.com</a>	Uses tiny needles to create micro-injuries, stimulating collagen production. Ranges .25-2.0 mm. Intended outcome: Improved skin texture, reduced wrinkles, acne scars.	Class 2	Yes	No	Recommend performance of up to .1mm only by an Advanced/Master Esthetician (900-1200hr)  Deeper penetration should require medical supervision

#### Resources:

[https://www.commerce.alaska.gov/web/Portals/5/pub/MED\\_Guide\\_Dermatologicalpdf](https://www.commerce.alaska.gov/web/Portals/5/pub/MED_Guide_Dermatologicalpdf)

[https://www.commerce.alaska.gov/web/Portals/5/pub/MED\\_Guide\\_Lasers\\_Laser\\_Surgerypdf](https://www.commerce.alaska.gov/web/Portals/5/pub/MED_Guide_Lasers_Laser_Surgerypdf)

[https://www.commerce.alaska.gov/web/Portals/5/pub/MED\\_Guide\\_Delegating\\_to\\_Unlicensed\\_Assistantspdf](https://www.commerce.alaska.gov/web/Portals/5/pub/MED_Guide_Delegating_to_Unlicensed_Assistantspdf)

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofNursing/AdvisoryOpinions.aspx>

<https://www.commerce.alaska.gov/web/Portals/5/pub/MedicalStatutespdf>

<https://www.commerce.alaska.gov/web/Portals/5/pub/NursingStatutespdf>

[https://www.commerce.alaska.gov/web/Portals/5/pub/BAH\\_Stats\\_Regspdf](https://www.commerce.alaska.gov/web/Portals/5/pub/BAH_Stats_Regspdf)

### **Draft language suggested for Board of Barbers and Hairdressers regulation definition of “appliances” available for use as a licensed esthetician without medical supervision with only 350 hours of training as described above:**

The use of esthetic devices, or combinations of devices that stimulate natural physiological processes intended to improve skin appearance and health, devices should meet the following criteria: Do not directly ablate or destroy live tissue, or involve incision into skin beyond the epidermis. Devices must operate within manufacturer guidelines, and FDA registration if required by 21 U.S. Code § 321 of the Federal Food, Drug, and Cosmetic (FD&C) Act. These devices should not fall within Class III, 3A, 3B, or IV Radiation Emitting Devices designation.

### **FDA Classification**

**FDA Device Classification Database:** <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfRL/rl.cfm>

Devices used in cosmetic and therapeutic treatments must undergo appropriate FDA review based on their **classification** under the FD&C Act. Devices are classified into three categories based on their risk level:

- **Class I Devices** (Low-Risk): These devices are considered to have the lowest risk to users. Examples include simple cosmetic tools like mechanical exfoliation brushes or handheld LED devices. **Class I devices are generally exempt from premarket notification (510(k))**, although manufacturers are still required to register their facility and list their devices with the FDA.
- **Class II Devices** (Moderate-Risk): Devices that pose moderate risk and require special controls to ensure safety and effectiveness. Examples include; radiofrequency (RF) devices for skin rejuvenation, ultrasonic disinfectant devices, certain paraffin dips, microneedling, and LED devices. **Class II devices must undergo the 510(k) premarket clearance process**, where manufacturers must demonstrate that the device is substantially equivalent to a legally marketed device.
- **Class III Devices** (High-Risk): These devices present the highest risk to patients and typically require **premarket approval (PMA)** from the FDA. Devices in this category are often those intended for critical functions, such as lasers for surgical use or invasive treatments. High-Intensity Focused Ultrasound (HIFU) for deep skin tightening may fall under this classification.

### Labeling

- The FDA distinguishes between **Over the Counter (OTC)** and **Prescriptive (Prescription)** devices based on their intended use, safety, and the necessity of professional supervision. This designation pertains to **LABELING** requirements only. **The FDA does not designate who is qualified to use such devices, this is a STATE regulatory issue.**

### Key Points about Cosmetic Devices:

- **Cosmetic Claims:** Devices used for purely cosmetic purposes can **make cosmetic claims**, but they cannot make **medical claims** (such as treating wrinkles, acne, or skin diseases) without being regulated as medical devices. Examples of cosmetic claims would be "improves skin appearance" or "hydrates the skin" without implying treatment of any medical condition.
- **No "Cosmetic Device" Category:** The FDA does not have a special category for "cosmetic devices." If a device interacts with the skin and claims to change its structure, function, or treat a condition (such as wrinkles or acne), it is classified as a **medical device**, even if the primary purpose seems cosmetic.
- **Pre-Amendment Devices:** example: Galvanic Current Devices & Tesla High Frequency (Electrotherapy Category)
  - Devices that were legally marketed in the U.S. before **May 28, 1976**, are known as **pre-amendment devices**.
  - These devices were **grandfathered** under the Medical Device Amendments of 1976, meaning that they could continue to be marketed without going through the new premarket approval process that was introduced after the amendments.
  - Pre-amendment devices still need to comply with certain FDA requirements, including **registration** with the FDA and compliance with applicable regulations such as **labeling** and **Good Manufacturing Practices (GMPs)**.

### MOCRA (Modernization of Cosmetics Regulation Act)

MoCRA Registration info: <https://www.fda.gov/cosmetics/registration-listing-cosmetic-product-facilities-and-products>

While **MOCRA** directly pertains to **cosmetic products** (like creams, lotions, and makeup), it does not apply to **devices**. However, it is essential for device manufacturers who also create cosmetic products to understand the new requirements under MOCRA:

- **Mandatory Facility Registration:** Cosmetic product manufacturers must now register their facilities with the FDA. Device manufacturers should ensure that any cosmetic products used with their devices (e.g., serums for micro-needling or topical treatments for ultrasonic devices) comply with this requirement.
- **Adverse Event Reporting:** MOCRA requires reporting of serious adverse events related to cosmetic products, which extends to cosmetic treatments used in conjunction with FDA-registered devices.
- **Good Manufacturing Practices (GMPs):** While devices are already subject to GMPs, MOCRA introduces specific GMP requirements for cosmetic products, which may influence manufacturers of dual-use products. GMP cosmetic manufacturing guidelines are scheduled for 2025.
- **Product Registration:** Brands and manufacturers that sell directly to the public must register their products with the FDA, this includes labeling requirements that include “professional use” designation on products. Fragrance allergens are included, and guidance is further scheduled in the FDA rulemaking process through 2025.

# Interdisciplinary Matrix of Medical Spa Services Under Alaska Law

**DRAFT**— Medical Spa Services Work Group Member Input – October 2024

This document is a draft based on individual work group member input. It has NOT been reviewed by the Department of Law or reviewed or endorsed by any board. It should not be read as a definitive description of allowable practices under any license type or situation.

Purple notes indicate comments made by a representative of a different board.

	Medical Board Physician Osteopath Podiatrist Physician Assistant	Board of Nursing APRN RN LPN CNA	Board of Dental Examiners Dentist Dental Hygienist	Board of Pharmacy Pharmacist Pharmacy Technician	Board of Chiropractic Examiners Chiropractor	Board of Barbers & Hairdressers Esthetician Hairdresser Tattooist Permanent Cosmetic Colorist
<b>IV Hydration:</b> Voluntary intravenous administration of liquids containing one or more prescription or nonprescription substances intended to improve hydration and/or nutrition outside of an acute clinical setting						
1. Can I evaluate a patient?	All licensees may	APRN may per AS 08.68.850(1) and (9)	Dentist may, only if within the practice of dentistry under AS 08.36.360.	No	Yes	No
2. Can I diagnose a patient?	All licensees may	APRN may per AS 08.68.850(1) and (9)	Dentist may, only if within the practice of dentistry under AS 08.36.360.	No	Yes	No
3. Can I order a prescription?	All licensees may	APRN may per AS 08.68.850(1) and (9)	Dentist may, only if within the practice of dentistry under AS 08.36.360.	Could order under a collaborative agreement	No	No
4. Can I compound substances for IV administration?	Yes; immediate use requirements under USP <797> must be met. Example ORs and Ambulatory Surgery Centers.	Yes; immediate use requirements under USP <797> must be met. Example ORs and Ambulatory Surgery Centers.	Yes, if within the practice of dentistry under AS 08.36.360	Yes	No	No
5. Can I administer an IV?	All licensees may	APRN may per AS 08.68.850(1) and (9)	Dentist may, only if within the practice	No	Yes AS 08.20.100 AS 08.20.900(1)	No

		RN's & LPN's may if have the training and they follow provider orders.	of dentistry under AS 08.36.360.		AS 01.10.040	
6. Can I monitor a patient during and after administration?	All licensees may	Monitoring vital signs and bodily functions may be delegated under 12 AAC 44.955	Dentist may, only if within the practice of dentistry under AS 08.36.360.	No	Yes	No, unless delegated as unlicensed personnel by a primary care provider authorized to delegate.
7. Can I supervise personnel who administer? If so, who and what?	Licensees must supervise personnel if they delegate duties to an "agent" who is unlicensed or not able to independently perform the duties under the scope of their own license.	APRN can	The Dental board moved away from "supervising advanced practice nurses about 8-9 years ago and moved to collaborative agreements.  Duties within the scope of an LPN may be delegated to practical nurse per AS 08.68.265	No	Uncertain	No
8. Can I delegate to personnel? If so, who and what?	Licensees may not delegate the initiation, administration, and monitoring of intravenous therapy. 12 AAC 40.920 (f)(6) except to registered and practical nurses under AS 08.68.265.	A nurse may not delegate patient evaluation, diagnosis, prescription, and IV administration to a non-nurse per 12 AAC 44.970(1) and (6)	Dentists may delegate to practical nurses under AS 08.68.265.  Dentists may delegate dental related tasks, however a dentist may not delegate to a dental assistant a dental	No	Only within scope of practice. Not typically.	No

			operation or service that requires the professional skill of a licensed dentist AS 08.36.346.			
9. Am I liable if something goes wrong?	Yes. All Licensees may be liable if something goes wrong.	See 12 AAC 44.770.	Yes	Yes, if practicing outside of the scope of practice	Yes	Possibly, but should also be covered under primary care provider's malpractice insurance
	<b>Medical Board</b> Physician Osteopath Podiatrist Physician Assistant	<b>Board of Nursing</b> APRN RN LPN CNA	<b>Board of Dental Examiners</b> Dentist Dental Hygienist	<b>Board of Pharmacy</b> Pharmacist Pharmacy Technician	<b>Board of Chiropractic Examiners</b> Chiropractor	<b>Board of Barbers &amp; Hairdressers</b> Esthetician Hairdresser Tattooist Permanent Cosmetic Colorist
<b>Advanced Esthetics:</b> Medical devices and procedures intended to treat skin texture, pigmentation, and other cosmetic complaints, such as microneedling, microchanneling, nanoneedling, skin stamping, and dermaroller services, or similar services that puncture the skin; ablative treatments; radiofrequency devices; chemical peels below the dermal layer; autotransplantation of biological materials, etc.)						
10. Can I evaluate a patient?	Yes	APRN may per AS 08.68.850(1) and (9)	No	No	Yes	No
11. Can I diagnose a patient?	Yes	APRN may per AS 08.68.850(1) and (9)	No	No	Yes	No
12. Can I order a prescription?	Yes	APRN may per AS 08.68.850(1) and (9)	No	No	No	No
13. Can I administer laser treatments?	Yes, this falls under general definition of the practice of medicine under AS 08.64.380 (6) (no specialized training requirements are specified in	12 AAC 44.430- APRN Scope of Practice IF they have the specialized training	No	No	Yes--not typically done w/ respect to esthetics AS 08.20.100 AS 08.20.900(1) AS 08.20.900(12)	Not within scope of license and cannot be delegated by physicians or APRNs. (MED position)

	regulation or statute)					
14. Can I administer chemical treatments or lasers that penetrate below the dermal layer?	Yes, this falls under general definition of the practice of medicine (no specialized training requirements are specified in regulation or statute)	12 AAC 44.430- APRN Scope of Practice IF they have the specialized training	No	No		Not within scope of license and cannot be delegated by physicians or APRNs. (MED position)
15. Can I administer treatments using an invasive device such as a needle or radiofrequency device?	Yes, this falls under general definition of the practice of medicine (no specialized training requirements are specified in regulation or statute)	12 AAC 44.430- APRN Scope of Practice IF they have the specialized training	No	No		Not within scope of license and cannot be delegated by physicians or APRNs. (MED position)
16. Can I monitor a patient during and after administration?	Yes	Monitoring vital signs and bodily functions may be delegated under 12 AAC 44.955	No	No		Monitoring vital signs and bodily functions may be delegated under 12 AAC 44.955
17. Can I supervise personnel? If so, who and what?	Licensees must supervise personnel if they delegate duties to an "agent" who is unlicensed or not able to independently perform the duties under the	APRN can supervise RN, LPN, CNA <a href="#">See advisory opinion</a>	No	No		No



	scope of their own license. Licensees may delegate routine medical duties within the scope of their practice in accordance with 12 AAC.40.920					
18. Can I delegate to personnel? If so, who and what?	<p>A physician may not delegate activities that are the practice of medicine and may delegate only within the scope of the Alaska license of the person to whom delegation is given. A physician may delegate routine, nonmedical duties to unlicensed personnel. (<a href="#">MED position statement</a>)</p> <p>12 AAC 40.920 specifies what may or may not be delegated. A licensee may delegate “routine medical duties” to an “agent” of</p>	A nurse may not delegate patient evaluation, diagnosis, prescription, and IV administration to a non-nurse per 12 AAC 44.970(1) and (6)	No	No		No

	the licensee under certain conditions outlined under 12 AAC 40.920 (e), which includes duties that 1) occur frequently in the daily care of a patient or group of patients; 2) do not require the person to exercise professional medical knowledge or judgement; 3) do not require complex medical skills; 4) have a standard procedure and predictable results, and 5) present minimal potential risk to the patient					
19. Am I liable if something goes wrong?	Yes	Yes. See 12 AAC 44.770.	N/A	N/A		Possibly, but should also be covered under primary care provider's malpractice insurance
	<b>Medical Board</b> Physician Osteopath Podiatrist	<b>Board of Nursing</b> APRN RN LPN	<b>Board of Dental Examiners</b> Dentist Dental Hygienist	<b>Board of Pharmacy</b> Pharmacist	<b>Board of Chiropractic Examiners</b> Chiropractor	<b>Board of Barbers &amp; Hairdressers</b> Esthetician Hairdresser

	Physician Assistant	CNA		Pharmacy Technician		Tattooist Permanent Cosmetic Colorist
<b>Cosmetic injectables:</b> Prescription drugs intended to treat wrinkles, lines, and other cosmetic complaints, such as botulinum toxin (Botox) and other neuro-modulators, hyaluronic acid gel (Juvederm), calcium hydroxylapatite (Radiesse), polylactic acid (Sculptra)						
20. Can I evaluate a patient?	Yes	APRN may per AS 08.68.850(1) and (9)	Botox Only: Dentist may, only if within the practice of dentistry under AS 08.36.360. Hygienists cannot. This is not limited to botox only, general provisions indication this would be limited to oral cavity, maxilla, mandible, or adjacent tissues.	No	Yes	No
21. Can I diagnose a patient?	Yes	APRN may per AS 08.68.850(1) and (9)	Botox Only: Dentist may, only if within the practice of dentistry under AS 08.36.360. Hygienists cannot. This is not limited to botox only, general provisions indication this would be limited to oral cavity, maxilla, mandible, or adjacent tissues.	No	Yes	No
22. Can I order a prescription?	Yes	APRN may per AS 08.68.850(1) and (9)	Botox Only: Dentist may, only if within the practice of dentistry under AS 08.36.360. Hygienists cannot. This is not limited	Yes, under collaborative practice agreement. 12 AAC 52.240.	No	No

			to botox only, general provisions indication this would be limited to oral cavity, maxilla, mandible, or adjacent tissues.			
23. Can I administer injections?	Yes	Yes, if trained. APRN, RN, LPN (RN & LPN-need an order )	Botox Only: Dentist may, only if within the practice of dentistry under AS 08.36.360. Dentist can delegate monitoring after the fact to a dental hygienist under Sec. 08.32.110 This is not limited to botox only, general provisions indication this would be limited to oral cavity, maxilla, mandible, or adjacent tissues.	Yes, under collaborative practice agreement. 12 AAC 52.240.	Non-Prescription Substances, w/ appropriate training AS 08.20.100(b)(1) AS 08.20.900(1) 12 AAC 16.990(b)(1)	No
24. Can I monitor a patient during and after administration?	Yes	Monitoring vital signs and bodily functions may be delegated under 12 AAC 44.955	Botox Only: Dentist may, only if within the practice of dentistry under AS 08.36.360 This is not limited to botox only, general provisions indication this would be limited to oral cavity, maxilla, mandible, or adjacent tissues.	No	Must be for procedure within scope--no prescriptive authority	Monitoring vital signs and bodily functions may be delegated under 12 AAC 44.955

25. Can I supervise personnel? If so, who and what?	Licensees must supervise personnel if they delegate duties to an “agent” who is unlicensed or not able to independently perform the duties under the scope of their own license.	APRN can supervise RN and LPN.  <a href="#">See advisory opinion</a>	Botox Only: Dentist may, only if within the practice of dentistry under AS 08.36.360 This is not limited to botox only, general provisions indication this would be limited to oral cavity, maxilla, mandible, or adjacent tissues.	No	No--Must be within scope of practice	No
26. Can I delegate to personnel? If so, who and what?	Prescriptive authority is not a duty that can be delegated.  See #18 above, for list of routine duties that may be delegated under 12 AAC 40.920 (e)  A licensee may delegate to an “agent” of the licensee, the administration of an injectable medication if it is a single intramuscular, intradermal, or subcutaneous injection, not otherwise	This task does not appear in the regulations to be delegated. Only listed in the advisory opinion on botox that APRN/MD/PA may delegate to appropriately trained RN/LPN under certain circumstances and delegating supervisor must be on site. This should probably be placed in regulation with initial visit having supervisor present and subsequent visits for the same procedures being able to be carried out with supervisor being able to be contacted via	Botox Only: Dentist may, only if within the practice of dentistry under AS 08.36.360  No other clarification about who can be delegated to was provided by staff.  Delegations in regulation is limited to RDH and Dental assistant.  Dentists may delegate dental related tasks, however a dentist may not delegate to a dental assistant a dental operation or	No	No	No

	prohibited under 12 AAC 40.967 (33); in accordance with 12 AAC 40.920 (f) (14) (A)(B)(C)	phone/electronically for low risk procedures.	service that requires the professional skill of a licensed dentist 08.36.346			
27. Am I liable if something goes wrong?	Yes. All licensees may be liable if something goes wrong.	See 12 AAC 44.770.	Yes	Yes, if working under collaborative practice agreement.	Yes--must remain within scope of practice	Possibly, but should also be covered under primary care provider's malpractice insurance
	<b>Medical Board</b> Physician Osteopath Podiatrist Physician Assistant	<b>Board of Nursing</b> APRN RN LPN CNA	<b>Board of Dental Examiners</b> Dentist Dental Hygienist	<b>Board of Pharmacy</b> Pharmacist Pharmacy Technician	<b>Board of Chiropractic Examiners</b> Chiropractor	<b>Board of Barbers &amp; Hairdressers</b> Esthetician Hairdresser Tattooist Permanent Cosmetic Colorist
<b>Nonsurgical fat reduction:</b> Techniques to remove fat by revision, destruction, incision or other structural alteration of human tissue such as cryolipolysis (CoolSculpting), injection lipolysis (Kybella), radiofrequency lipolysis (Vanquish) and laser lipolysis (SculpSure)						
28. Can I evaluate a patient?	Yes	Uncertain Not in regulation, but should be in scope of adult/lifespan APRN with appropriate training	N/A for dentists or hygienists.	No	Yes May not perform procedures as covered in AS 08.20.900(3),(6) OR 12AAC16.990(b)(2)	No
29. Can I diagnose a patient?	Yes	Uncertain Not in regulation, but should be in scope of adult/lifespan APRN with appropriate training	N/A for dentists or hygienists.	No	Yes May not perform procedures as covered in AS 08.20.900(3),(6) OR 12AAC16.990(b)(2)	No

30. Can I order a prescription?	Yes	Uncertain Not in regulation, but should be in scope of adult/lifespan APRN with appropriate training	N/A for dentists or hygienists.	No	No	No
31. Can I administer injections?	Yes	Uncertain Not in regulation, but should be in scope of adult/lifespan APRN with appropriate training	N/A for dentists or hygienists.	No	No	No
32. Can I dispense prescription medications?	Yes	Uncertain Not in regulation, but should be in scope of adult/lifespan APRN with appropriate training	N/A for dentists or hygienists.	Yes	No	No
33. Can I monitor a patient during and after administration?	Yes	Uncertain Not in regulation, but should be in scope of adult/lifespan APRN with appropriate training	N/A for dentists or hygienists.	No		Monitoring vital signs and bodily functions may be delegated under 12 AAC 44.955
34. Can I supervise personnel? If so, who and what?	See #17	Uncertain Not in regulation, but should be in scope of adult/lifespan APRN with appropriate training RN able to perform supervised procedures based on competency and proper training.	N/A for dentists or hygienists.	No		No
35. Can I delegate to personnel? If so, who and what?	See #18	Uncertain Not in regulation, but should be in scope of adult/lifespan APRN	N/A for dentists or hygienists.	No		No

		with appropriate training APRN delegate to properly trained RN				
36. Am I liable if something goes wrong?	Yes. All licensees may be liable if something goes wrong.	See 12 AAC 44.770.	N/A for dentists or hygienists.	Yes, only regarding dispensing.		Possibly, but should also be covered under primary care provider's malpractice insurance
	<b>Medical Board</b> Physician Osteopath Podiatrist Physician Assistant	<b>Board of Nursing</b> APRN RN LPN CNA	<b>Board of Dental Examiners</b> Dentist Dental Hygienist	<b>Board of Pharmacy</b> Pharmacist Pharmacy Technician	<b>Board of Chiropractic Examiners</b> Chiropractor	<b>Board of Barbers &amp; Hairdressers</b> Esthetician Hairdresser Tattooist Permanent Cosmetic Colorist
<b>Lifestyle Drugs:</b> Prescription drugs like semaglutides (Ozempic) or sildenafil (Viagra), including in a telemedicine setting						
37. Can I evaluate a patient?	Yes	APRN may per AS 08.68.850(1) and (9)	Dentist may, only if within the practice of dentistry under AS 08.36.360. It is unlikely that these drugs have a use within the practice of dentistry.	No	Yes AS 08.20.100(b)(1) AS 08.20.900(3),(6) 12AAC16.990(b)(1)	No
38. Can I diagnose a patient?	Yes	APRN may per AS 08.68.850(1) and (9)	Dentist may, only if within the practice of dentistry under AS 08.36.360. It is unlikely that these drugs have a use within the practice of dentistry.	No	Yes	No
39. Can I order a prescription?	Yes	APRN may per AS 08.68.850(1) and (9)	Dentist may, only if within the practice of dentistry under AS 08.36.360. It is unlikely that these	Yes, under collaborative practice agreement. 12 AAC 52.240.	See above statutes	No



			drugs have a use within the practice of dentistry.			
40. Can I administer injections?	Yes	APRN may per AS 08.68.850(1) and (9)	Dentist may, only if within the practice of dentistry under AS 08.36.360. It is unlikely that these drugs have a use within the practice of dentistry.	Yes, under collaborative practice agreement. 12 AAC 52.240.		No
41. Can I dispense prescription medications?	Yes	No	Dentist may, only if within the practice of dentistry under AS 08.36.360. It is unlikely that these drugs have a use within the practice of dentistry.	Yes	No	No
42. Can I monitor a patient during and after administration?	Yes	Yes	Dentist may, only if within the practice of dentistry under AS 08.36.360. It is unlikely that these drugs have a use within the practice of dentistry.	No	Only within scope	Monitoring vital signs and bodily functions may be delegated under 12 AAC 44.955
43. Can I supervise personnel? If so, who and what?	No	APRN can supervise RN and LPN.	No	No		No
44. Can I delegate to personnel? If so, who and what?	No	APRN can delegate to CMA 12 AAC 44.950 if in a private or public ambulatory setting	No	No		No
45. Am I liable if something goes wrong?	Yes. All Licensees may be liable if something goes wrong.	Ordering provider and administrator of medication should be responsible. See 12 AAC 44.770.	Yes	Yes, only regarding dispensing.		Possibly, but should also be covered under primary care provider's

						malpractice insurance
	<b>Medical Board</b> Physician Osteopath Podiatrist Physician Assistant	<b>Board of Nursing</b> APRN RN LPN CNA	<b>Board of Dental Examiners</b> Dentist Dental Hygienist	<b>Board of Pharmacy</b> Pharmacist Pharmacy Technician	<b>Board of Chiropractic Examiners</b> Chiropractor	<b>Board of Barbers &amp; Hairdressers</b> Esthetician Hairdresser Tattooist Permanent Cosmetic Colorist
<b>Hyperbaric Therapy:</b> Breathing pure oxygen in a pressurized environment						
46. Can I evaluate a patient?	Yes	APRN with appropriate education and training	Hyperbaric treatment is an acceptable treatment for osteonecrosis. I complication, usually associated with bone fracture in a patient who has taken IV Bisphosphonates. So yes, a dentist may evaluate a patient for hyperbaric oxygen treatment as long as it is in accordance with AS 08.36.360	No	Yes	No
47. Can I diagnose a patient?	Yes	APRN with appropriate education and training	As long as it is in accordance with AS 08.36.360	No	Yes	No
48. Can I order hyperbaric therapy?	Yes	APRN with appropriate education and training	As long as it is in accordance with AS 08.36.360	No	Yes	No
49. Can I administer hyperbaric therapy?	Yes	APRN with appropriate education and training	As long as it is in accordance with AS 08.36.360  I don't believe a dentist would	No	Yes	No

			maintain a hyperbaric chamber in their dental office in the office chance there is a rare complication associated with oral bone fracture.			
50. Can I monitor a patient during and after administration?	Yes	APRN with appropriate education and training RN with training could monitor under supervision	As long as it is in accordance with AS 08.36.360	No	Yes	Monitoring vital signs and bodily functions may be delegated under 12 AAC 44.955
51. Can I supervise personnel? If so, who and what?	Yes. Licensees may supervise / delegate licensed and unlicensed personnel to perform routine medical duties within the scope of their practice in accordance with 12 AAC 40.920.	APRN can supervise	N/A for dentists or hygienists.	No	Only within scope of practice	No
52. Can I delegate to personnel? If so, who and what?	A licensee may delegate "routine medical duties to an "agent" of the licensee in accordance with 12 AAC 40.920. See #18, above.	Yes 12 AAC 44.950	Dentist may, only if within the practice of dentistry under AS 08.36.360  Delegations in regulation is limited to RDH and Dental assistant.  Dentists may delegate dental	No	Only appropriately trained and within scope	No

			related tasks, however a dentist may not delegate to a dental assistant a dental operation or service that requires the professional skill of a licensed dentist 08.36.346			
53. Am I liable if something goes wrong?	Yes. All licensees may be liable if something goes wrong.	Yes	N/A for dentists or hygienists.	N/A	Yes	Possibly, but should also be covered under primary care provider's malpractice insurance
	<b>Medical Board</b> Physician Osteopath Podiatrist Physician Assistant	<b>Board of Nursing</b> APRN RN LPN CNA	<b>Board of Dental Examiners</b> Dentist Dental Hygienist	<b>Board of Pharmacy</b> Pharmacist Pharmacy Technician	<b>Board of Chiropractic Examiners</b> Chiropractor	<b>Board of Barbers &amp; Hairdressers</b> Esthetician Hairdresser Tattooist Permanent Cosmetic Colorist
<b>Locations:</b> Clinics, retail locations, and mobile locations						
54. Can I own a clinic that offers medical procedures like any listed above?	Yes	APRN can if within their population foci or if employs appropriately trained people	Under Sec. 08.36.365 A dentist licensed in this state may practice under the name of "dental center" or other descriptive term that does not deceive the public about the nature of the services provided; and under Sec. 08.36.367 For the	Yes	Yes--A chiropractic clinic may only be owned by a chiropractic physician and perform services with the scope of chiropractic practice; A specialty clinic may be owned by anyone, but the services provided must be within	Medical clinics are not regulated by the board of Barbers and Hairdressers. Medical service may be offered at a shop licensed under AS 08.13.120; however, the shop license is irrelevant: Requires licensed

			<p>purpose of owning or operating a dental practice, office, or clinic, an entity described in (a) of this section shall (1) name a licensed dentist as its dental director, who shall be subject to the provisions of AS 08.36.315 and 08.36.317 in the capacity of dental director; the dental director, or an actively licensed dentist designated by the director, shall have responsibility for the entity's practice of dentistry.</p> <p>As a passive investor, yes but not as a practicing licensed dental practitioner as that would be deceiving to the public. See 08.36.365</p>		the scope of practice of whomever is performing or supervising the specific service.	primary care provider to be present and all relevant laws under health care professions to be followed.
55. Can I supervise at a clinic that offers medical procedures like any listed above?	Yes	Supervision is according to nursing statutes and regulations	Dentist may, only if within the practice of dentistry under AS 08.36.360.	No	Within scope	No
56. Must the clinic be stationery/have a fixed address?	No statutes/ regulation address this	Not addressed in regulation	Not specified in dental statutes or regulations. The	Uncertain	No	Not according to BAH regulation:

	under the Medical Board.		majority of board members agree that mobile practices are legal. However one member states that he believes it is required that any change in location must be submitted to the board within 30 days. He will follow up further and report to the board at the next meeting. I am unable to find any language or precedent precluding this. In the past the dental board has given licenses to boat slip location knowing the intention was to provide dentistry to Alaska islands from the location of a mobile boat.			
57. Must the clinic itself hold an Alaska license? If so, by who and what?	No statutes/ regulation address this under the Medical Board.	Maybe a business license currently- no facility regulations	Not specified in dental statutes or regulations. Practices themselves are not regulated. Although this is commonly done in other states.	Depends on therapy provided.	No	12 AAC 09.110 (Shop owner license) and 12 AAC 09.111 (Mobile shops)
58. Must a medical professional be onsite	Yes. If medical services are	Yes	A dentist must be present for services	Uncertain	If	Medical clinics are not regulated by

while these procedures are offered?	being offered, the patient must be assessed to determine the patient's medical condition before services are administered.		that require either direct or indirect supervision; services that require general supervision may be performed by hygienists without a dentist present.		required/performed under specific license/scope of practice	the board of Barbers and Hairdressers. Medical service may be offered at a shop licensed under AS 08.13.120; however, the shop license is irrelevant: Requires licensed primary care provider to be present and all relevant laws under health care professions to be followed.
59. Must a medical professional be onsite while these procedures are administered?	Yes. However, the level of professional that must be onsite when the procedures are delivered depends on the procedure and license type of that individual.	Yes	A dentist must be present for services that require either direct or indirect supervision; services that require general supervision may be performed by hygienists without a dentist present.	Uncertain	As required by license/scope under which procedure is performed	Yes
60. Am I liable if something goes wrong?	Yes	See 12 AAC 44.770.	Yes.	Yes, as an owner or if practicing outside of the scope of practice	Yes--according to license/scope	Yes, as business owner

#### Links and Resources:

USP <797> Sterile Compounding: <https://www.usp.org/compounding/general-chapter-797>

**MoCRA Registration info:** <https://www.fda.gov/cosmetics/registration-listing-cosmetic-product-facilities-and-products>

**FDA Device Classification Database:** <https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfRL/rl.cfm>

**State Medical Board Opinions:**

[https://www.commerce.alaska.gov/web/Portals/5/pub/MED\\_Guide\\_Dermatological.pdf](https://www.commerce.alaska.gov/web/Portals/5/pub/MED_Guide_Dermatological.pdf)

[https://www.commerce.alaska.gov/web/Portals/5/pub/MED\\_Guide\\_Lasers\\_Laser\\_Surgery.pdf](https://www.commerce.alaska.gov/web/Portals/5/pub/MED_Guide_Lasers_Laser_Surgery.pdf)

[https://www.commerce.alaska.gov/web/Portals/5/pub/MED\\_Guide\\_Delegating\\_to\\_Unlicensed\\_Assistants.pdf](https://www.commerce.alaska.gov/web/Portals/5/pub/MED_Guide_Delegating_to_Unlicensed_Assistants.pdf)

**Board of Nursing Opinions:**

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofNursing/AdvisoryOpinions.aspx>

**Alaska Professional Licensing Board Statutes and Regulations**

<https://www.commerce.alaska.gov/web/Portals/5/pub/MedicalStatutes.pdf>

<https://www.commerce.alaska.gov/web/Portals/5/pub/NursingStatutes.pdf>

[https://www.commerce.alaska.gov/web/Portals/5/pub/BAH\\_Stats\\_Regs.pdf](https://www.commerce.alaska.gov/web/Portals/5/pub/BAH_Stats_Regs.pdf)

<https://www.commerce.alaska.gov/web/Portals/5/pub/PharmacyStatutes.pdf>

<https://www.commerce.alaska.gov/web/Portals/5/pub/DentalStatutes.pdf>

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofChiropracticExaminers.aspx>

**Additional Narrative:**

**Erickson (Nursing):** I believe our current regulations project will allow APRNs to supervise unlicensed personnel including medical assistants and estheticians, current regulations only allow for supervision of nursing related fields, but we know there's overlap.

The way I see many of these new procedures is that with the appropriate population foci, and proper education and training all of these are in the scope of the appropriate APRN. It's impossible to list all the new products and procedures that will come in the future so making regulation with that in mind is important.



**Spencer, Cynthia R (CED)**

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**From:** Jaime Norris <jaimenorris@yahoo.com>  
**Sent:** Monday, February 24, 2025 10:49 AM  
**To:** Board of Barbers Hairdressers (CED sponsored)  
**Subject:** Manicure test

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've received permission to teach the 12 hour manicure class at Trend Setters School of Beauty.

I have a Spanish woman who was asking if she could take the test in Spanish. I can get the Spanish manual and test. Is that acceptable to the state. I'm assuming I will run into ladies that would like to take the test in Vietnamese as well. Can you advise?

Thank you so much,

Jaime Norris

Sent from my iPhone