



## Department of Commerce, Community, and Economic Development

# Virtual Meeting Code of Conduct

I understand that by participating in any virtual board meeting or event hosted by the Department of Commerce, Community, and Economic Development, **I am agreeing to the following code of conduct:**

### Expected Behavior

- All board members, invited guests, members of the public, and staff will be treated with respect.
- Be considerate, respectful, and collaborative with fellow participants.
- Demonstrate understanding that the boards are following a business agenda and may reasonably change it to ensure meeting efficiency.
- Speak only when recognized by the Chair. When speaking, adhere to the topic and time limits.
- Recognize the Chair has the authority to manage the meeting, and staff may intercede to assist, if needed.
- All participants are subject to State and Federal laws.

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### Unacceptable Behavior

- Harassment, intimidation, stalking, or discrimination in any form is considered unacceptable behavior and is prohibited.
- Physical, verbal or non-verbal abuse, or threat of violence toward any board member, invited guest, member of the public, staff, or any other meeting guest/participant by any meeting participant is prohibited.
- Disruption of any meeting or hosted online session is prohibited. Public participants should mute their microphones and turn off video when not recognized by the chair.
- Examples of unacceptable behavior include:
  - Interrupting the meeting without being recognized by the Chair.
  - Making harassing comments or exhibiting other disruptive unprofessional behavior.
  - Comments related to gender, gender identity or expression, age, sexual orientation, disability, physical appearance, body size, race, religion, national origin, or political affiliation;
  - Sharing screen or presenting video without being recognized by the Chair;
  - Inappropriate use of nudity and/or sexual images in presentations;

- Use of music, noise, or background conversations as a disruption. While this may happen briefly or incidentally, prolonged or repeated incidents are prohibited.
- Shouting, badgering, or continued talking over the speaker who has been recognized by the Chair.

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### **Reporting Unacceptable Behavior**

If you or anyone else in the meeting is in immediate danger or threat of danger at any time, please contact local law enforcement by calling 911. All other reports should be made to a member of the management team.

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### **Consequences**

If the director of the division/agency hosting the meeting determines that a person has violated any part of this code of conduct, staff or board members may take any of the following actions against any individual or group found to be in repeated violation of the code of conduct:

Sanctions may include, but are not limited to:

- Verbal or written warnings;
- Limiting a participant's ability to engage in the meeting, including muting, stopping video, or expelling a participant from the meeting;
- Suspending attendance at a future meeting or event – both virtual and in-person;
- Reporting conduct to an appropriate state entity/organization;
- Reporting conduct to local law enforcement.



## **Board of Barbers & Hairdressers Meeting**

Alaska Division of Corporations, Business and Professional Licensing

August 13, 2025 at 9:00 AM AKDT to August 13, 2025 at 4:30 PM AKDT

**Zoom Details:** <https://us02web.zoom.us/j/88432164673>

**Meeting ID:** 884 3216 4673

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

### **TENTATIVE MEETING AGENDA**

*Working Groups May Occur*

#### **Agenda:**

- 1. 9:00 a.m. August 13, 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. Examination Review – NIC and Prov (Executive Session)**
- 5. 11:15 a.m. Break/Recess**
- 6. 11:25 a.m. Administrative Business**
  - A. Strategic Planning Report (J Pestrikoff)
    - i. Homework Check In
  - B. Medical Spa's Multi-Board Workgroup Report (S Thompson)
    - i. Medical Spa Services Frequently Asked Questions
- 7. 12:00 p.m. Lunch**
- 8. 12:30 p.m. Administrative Business, Cont.**
  - A. Review/Edit/Approve Meeting Minutes
    - i. May 15, 2025 Meeting
    - ii. July 10, 2025 Strategic Planning Meeting
  - B. Military Licensing – SCRA Delegation from Boards to Division
  - C. Schedule Additional Strategic Planning Meetings
- 9. 1:00 p.m. Investigations**
  - A. Investigative Process Training
    - i. Investigative Process
    - ii. Board Member Review – Executive Session
  - B. Investigative Report
  - C. Investigative Probation Report

D. Executive Session

- 10. 2:30 p.m. Administrative Business, Cont.**  
A. Board Member Training (Chambers)
- 11. 3:30 pm. Public Comment**
- 12. 3:40 p.m. Style Starts Here Hair Academy — School Matters (Dawn Fabanich)**
- 13. 3:50 p.m. Administrative Business, Cont.**  
A. Application Review  
i. Sonja Barone, Esthetician by Waiver of Examination  
B. Correspondence  
i. Marie Hensley, Esthetician Training  
ii. Sarah Crosswhite, Medical Director Questions  
iii. Thatiana Marchi, Scope of Practice Inquiry – Use of Non-Invasive Body Contouring Device  
iv. Jessie Hill - Laser Tattoo Removal Questions  
v. Sue Shroy - Regarding the Future of Esthetics  
vi. Mindy Millhouse - Industry Concerns  
vii. Makenzie Melsom - Microneedling Question  
C. Begin Delegation of License Issuance to Staff  
D. Fine Schedule/Matrix Update
- 14. 4:30 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.*

### EXECUTIVE SESSION MOTION

I, \_\_\_\_\_, move that the Alaska State Board of Barbers & Hairdressers enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing \_\_\_\_\_; Board staff to remain during the session.

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- 1. matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;**
- 2. subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- 3. matters which by law, municipal charter, or ordinance are required to be confidential;**
- 4. matters involving consideration of government records that by law are not subject to public disclosure.**

**From:** [Chambers, Sara C. \(CED\)](#)  
**To:** [Derr, Lacey E \(CED\)](#); [Spencer, Cynthia R \(CED\)](#)  
**Subject:** PLEASE READ: Board of Barbers and Hairdressers Next Strategic Planning Meeting and Prep Work  
**Date:** Tuesday, July 22, 2025 4:41:03 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[BAH Strategic Planning Activity List - Board Update 7-10-25.docx](#)  
[BAH Strategic Planning Worksheet 7-10-2025.docx](#)  
[image005.png](#)  
**Importance:** High

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Greetings, board members. Thank you for your great work at the first strategic planning meeting on July 10. I've attached the list of activities that you created ("BAH Strategic Planning Activity List – Board Update 7-10-25") and an updated version of the "BAH Strategic Planning Worksheet 7-10-2025."

Prior to the next strategic planning meeting on August 20, please complete the following prep work and **email to me no later than noon August 18:**

- **Review the *Strategic Planning Activity List* and complete all elements in the yellow columns for the entire document:**
  - Column 1: List any activities that you wish to add. Clarify any activities that need correction or more information.
  - Column 2: Include a reason for the activity, including any background or concerns.
  - Column 3: Add your personal priority ranking for each activity listed. It doesn't need to match anyone else's—just think about the board and its mandate, then assign a level, 1-3.
- **Complete the elements in yellow on the *Strategic Planning Worksheet*:** Having these answers at the meeting will give you a running start on creating these important next sections in your strategic plan.
  - Add your thoughts on the questions relating to mission statement and vision statement.
  - List your answers to the questions in yellow in the Analysis section.

This prep work may take up to two hours to complete, so please plan accordingly. Remember, there are no right or wrong answers—just your thoughtful responses based on review of the board meetings over the last few years and your awareness of industry and regulatory needs and solutions.

**Upcoming Meetings:** It's important that you are at each of these meetings so we can keep making progress. Please join a few minutes ahead of time so we can troubleshoot any connectivity issues and ensure a quorum on time.

- Wed., August 13, 9am-4:30pm: Regular meeting of the board
- Wed., August 20, 10am-12pm: Strategic Planning Meeting #2
- Wed. Sept. 10, 10am-2pm: Strategic Planning Meeting #3

If you have any questions or concerns about this work, please email or call me at your convenience.

Many thanks,  
Sara



Sara Chambers  
Boards and Regulations Advisor  
Office of the Commissioner

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

907-465-2144

[www.commerce.alaska.gov](http://www.commerce.alaska.gov)



## Strategic Planning Worksheet: Board of Barbers and Hairdressers – Yellow Sections Due August 20, 2025

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	Where are we now?	What are our activities?	See “BAH Strategic Planning Activity List – Board Update 7-10-25”	
	How can we do better?	What are the metrics for those activities?		



position and prepare it to establish goals.		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 of Barbers and Hairdressers Mission:

Board of Barbers and Hairdressers Vision:

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

INITIATIVE #2.			
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



## Board of Barbers and Hairdressers Strategic Planning Activities List

Updated July 18, 2025

### Statutory Updates

Citation	Rationale/Notes	Priority Level & Explanation	What strategic goal does this meet?
List all activities you believe the board should work on or which the board has identified as priorities in previous meeting minutes. Include all statutory/regulatory citations, if relevant.	Briefly state the reasons for the change, including any background or concerns. Add detail to what is provided and fill in details for any blank sections.	Identify your priority and provide a brief explanation. <b>1=Immediate:</b> Need to protect public health and safety <b>2=High:</b> Need to improve clarity and legal soundness. <b>3=Normal:</b> Would be a nice improvement but not required.	To be completed at a strategic planning session.
AS 08.13.030: Add regulation to request removal of a board member if they miss a certain number of meetings/unexcused absences	Will help keep board filled with participating members. Without this, the governor's office is unlikely to remove due to nonparticipation.		
AS 08.13.AS 080: Remove ALL license requirements from this section and add regulation reference. Remove (d).	Subsection (d) limits testing for body arts and may block the board from adopting NIC Tattooing and PCC theory written exams.		
AS 08.10.080: Add hair braiding to barbering and non-chemical barbering (practice and teaching)			
AS 08.13.082: Allow for apprenticeship hours and other specifications of apprenticeships to be in regulations rather than statute so they can be regulated more responsive to industry.			
AS 08.13.082: Include apprenticeship for advanced manicuring.			
AS 08.13.AS 082: Remove ALL training requirements from this section and add regulation reference. Including removal of training timeline.	Schools can complete under 3 months, why not apprenticeship? Estheticians in school OR apprenticeship should have same timeline to complete.		



AS 08.13.120: Update this section, cleaning up language that is confusing, outdated, and contradictory for temporary licenses, temporary shop licenses, and the allowance of conventions.			
AS 08.13.130: Add “current Alaska license”			
AS 08.13.130: Recommend the Legislature pass legislation to raise the hour requirement for manicurists from 12 hours to 250 hours of training, plus passage of a written examination, to be eligible for licensure with allowance for grandfathering.	This has a dramatic legislative history that should be discussed. A related item on the “wish list,” below is clarifying that the 12-hour license is for “natural nails,” which appears to likely have been the original legislative intent based on the curriculum requirements. It is possible that could be accomplished in regulation. However, the board has allowed more advanced procedures for so long that this would have a detrimental, cascading impact on businesses and meet with a lot of pushback—especially since there is a lack of evidence that this is a public safety concern.		
AS 08.13.160(d)(2): Update with specific definition of “licensed health care professional.”	Many massage therapists are stating they are “health care professionals” so they should be allowed to provide services regulated by BAH board. Can this be defined in regulation?		
AS 08.13.160: Add “A person licensed by under this chapter to practice barbering or nonchemical barbering is considered to be licensed to practice hair braiding under the same license.”			
AS 08.13.180: Correct “student permit” to reflect Apprentice for beauty services and Trainee for body arts.	These are all referenced in regulation as Student, Apprentice, and Trainee—they should match.		
AS 08.13.183: Remove – no reason to have this.	Regulation needs to be updated 12 AAC 09.1AS 08 and 12 AAC 09.109		
AS 08.13.220(10): Remove (B)(i).	Massage of hands, feet, legs is a major part of mani/pedi services. If not intended to be part of the service, all		

	manicurists in AK should be fined for providing this service, or the board may need to send a mass notification stating NO massage of ANY type may be provided. Board might be able to define this in regulation.		
AS 08.13.220(16): Remove “microneedling” from definition of tattooing	Legislative error		
<b>Regulation Updates</b>			
<b>Citation</b>	<b>Rationale/Notes</b>	<b>Priority Level &amp; Explanation</b>	<b>What strategic goal does this meet?</b>
12 AAC 09.002: Remove.	This is an incredibly cumbersome regulation that just keeps getting larger and larger – currently 3 pages. Why is this needed? Can it be streamlined or even removed since all subsections referenced have separate regulations. This may have been introduced as the mechanism for staff approval of applications in lieu of a board vote.		
12 AAC 09.004: Remove (e) and (f)	Since it was created, no courtesy hairdresser license has been issued.		
12 AAC 09.020: Remove	This was needed when the division/board administered examinations (practical and written). Prov does not have these requirements.		
12 AAC 09.025: Remove	This was needed when the division/board administered examinations (practical and written). Prov does not have these requirements.		
12 AAC 09.106: Need to add Non-Chemical Barber.			
12 AAC 09.112: add subsection which clearly addresses multiple event locations	Multiple event locations currently require separate temporary shop owner licenses (one license will not cover multiple events/event locations)		
12 AAC 09.125 (l) Remove square footage requirements for 12-hour course since it is book-only and doesn’t require physical operations.			

12 AAC 09.127: Revoke.	This was only created by the board 15+ years ago to accommodate UAF – Tanana Valley Campus. This facility was open maybe 12-months then closed due to not having “clients” for students to work on practical operations.		
12 AAC 09.130: remove (c), (e), and (f) OR completely revamp subsections to reflect submission of training docs by student(s) and remove all timeline requirements.	The board does not enforce training documentation submissions. This has been demonstrated numerous times via case referrals to Inv Unit.		
12 AAC 09.162(3) remove “sanex strips”			
12 AAC 09.162(11) Update to reflect changes with the definition of “appliances” NEW reg 12 AAC 09.990(b)(1)			
12 AAC 09.185: Remove (e), (g), (h) OR completely revamp subsections to reflect the submission of training docs by trainee(s) and remove all timeline requirements.	The board does not enforce training documentation submissions. This has been demonstrated numerous times via case referrals to Inv Unit.		
12 AAC 09.190: Remove (i), (j), (k) OR completely revamp subsections to reflect submission of training docs by apprentice(s) and remove timeline requirements.	The board does not enforce training documentation submissions. This has been demonstrated numerous times via case referrals to Inv Unit.		
12 AAC 09.990(7): Edit for clarity.	Could be reworded to better reflect that a nail technician in another state is considered to have training that qualifies them as a manicurist in Alaska. Maybe move this to the licensing requirements section?		
<b>Statutes and regulations wish list to be identified by board</b>			
<b>Citation</b>	<b>Rationale/Notes</b>	<b>Priority Level &amp; Explanation</b>	<b>What strategic goal does this meet?</b>
Board review and issue of licenses	Options for action: <ul style="list-style-type: none"> <li>Begin weekly review and vote</li> </ul>		

	<ul style="list-style-type: none"> <li>Statute change to delegate to staff</li> <li>Statute change to reduce license requirements</li> </ul>		
Change 12-hour manicurist license to a natural nail license	<p>Will not include any light curing, tips, etc.</p> <p>Unsure whether this can be clarified in regulation or statute. The training curriculum only relates to natural nails, but the legislature took this up (from another angle) in adopting, then striking down, the 250-hour change. Would definitely create an uproar.</p>		
Change Mani w/Advanced Endorse license to a "nail technician" license. Would allow natural and fake (light curing) nail services.	Also unsure if this would require a statute or regulation change. Would definitely create an uproar.		
Work with Department of Environmental Conservation to update the inspection standards in 18 AAC 23.240.	Standards are outdated. Since DEC is no longer performing these statutorily-required inspections, the board has considered how to take them on. Submitted in 2020 with no response from DEC.		
Body Art Courtesy License(s) for Alaska Shops			
Create a tiered esthetician license	Based on Medical Spa Services Work Group discussion and recommendation		
Review any additional Medical Spa-related needs/changes	Needs clarification: Based on Board of Barbers and Hairdressers meetings and Medical Spa Services Work Group discussion		
Add details from 2023 minutes re: statute changes	Needs clarification: Mae mentioned during strategic planning meeting		
Update 12-Hour and Manicurist with Advanced Endorsement Licenses			
Identify statutes to move into regulation			
Update tattoo exam (on Aug agenda)			

Require that tattooists are licensed for more than one year before taking on an apprentice, possible instructor license changes			
Examine tattoo school requirements			
Review statutes and regulations requiring documentation to only come from the instructor—allow students to submit			
Review statutes and regs to eliminate other outdated language (i.e. send only by fax)			
Review tattoo training requirements and how they align with existing forms			
How are additional tattoo requirements (400 hours) assessed/divided and reported			
Create permit for hot tools to be used by unlicensed personnel	Former member Tenaya Miramontes drafted legislation to accomplish this.		
<b>Other priorities identified by the board</b>			
<b>Citation</b>	<b>Rationale/Notes</b>	<b>Priority Level &amp; Explanation</b>	<b>What strategic goal does this meet?</b>
Devise method of periodically reviewing stats and regs			
Improve application training (develop videos, other aids)			
Additional town hall meetings to increase public engagement			
Update Fine Schedule/Matrix			



## Medical Spa Services Frequently Asked Questions DRAFT 7-11-25

This document is intended to assist in interpretation of Alaska statutes and regulations regarding various medical spa services. This draft will be reviewed from time to time by the [Medical Spa Services Work Group](#), then circulated to relevant professional licensing boards for final approval prior to publication. This work draft should not be relied upon as a final interpretation or alternative to the law. Certain regulations are included below; always review the entirety of statutes and regulations of the appropriate programs and seek attorney assistance when needed. Last Medical Spa Services Work Group review: June 11, 2025

### MEDICAL DIRECTOR AND CLINIC OVERSIGHT

- **What is a medical spa?**

A “medical spa” is not a term specifically recognized in Alaska law, though the services rendered and personnel performing them may be regulated by one or more professional licensing boards. For the purpose of this FAQ, a “medical spa” is a popular term of art describing a clinic where medical procedures and services may be delivered, albeit in a more casual or consumer-focused setting than a traditional clinic and potentially alongside nonmedical services. Medical spas themselves are not specifically regulated as a unique *entity* by the state, though licensees advertising or performing medical or esthetics services and procedures are. A medical facility regulated by the [Department of Health](#) that offers medical spa services may have additional requirements than those outlined in this FAQ.

The term “medical spa services” is also not specifically defined in Alaska law. For the purpose of this analysis, examples of medical spa services include, but are not limited to, all aspects of oversight, diagnosis, prescription, administration, and follow-up care for elective cosmetic and wellness-related medical activities if performed outside a traditional medical setting. Some of the services reviewed by the [Medical Spa Services Work Group](#) are discussed below.

- **Who may serve as the “medical director”?**

“Medical director” is not a term specifically found in Alaska law. Within this context, a medical director is considered anyone who has the legal authority to supervise or delegate medical or nursing activities: A physician or physician assistant licensed by the [Alaska State Medical Board](#) or an advanced practice registered nurse licensed by the [Alaska Board of Nursing](#) and operating within a population focus with a lifespan scope. An APRN may not practice outside of their designated population focus.

A person serving as the medical director of a spa or clinic providing services requiring professional licensure takes on the responsibility of ensuring delegation is appropriate under state law and within their own scope of practice, including ensuring the appropriateness of any licensing, training, and education of persons to whom they are delegating.

A registered nurse, licensed practical nurse, chiropractor, dentist, physical therapist, massage therapist, EMT, paramedic, or other licensed health care provider may not evaluate, diagnose, determine, or

delegate treatment for a patient in a general medical spa or IV hydration clinic setting. Refer to the individual scopes of practice for these licenses and certifications.

- **What services may a physician or physician assistant delegate, and what are those requirements?**  
12 AAC 40.967(32) prohibits a Medical Board licensee from permitting patient care that includes administering a botulinum toxin or dermal filler, autotransplanting biological materials, or treating with chemical peels below the dermal layer, or hot lasers, by a person who is not an appropriate health care provider trained and licensed under AS 08 to perform the treatment.

Otherwise, if a licensee with the ability to delegate determines the procedure can be delegated and the licensee and the person to whom they are delegating meet the qualifications--both of which as determined within reason by the licensee under statute or regulation--then the delegation is permissible.

What procedures are *permissible and not permissible* to be delegated are spelled out at 12 AAC 40.920(e) and (f):

(e) Routine medical duties that may be delegated to another person under the standards set out in this section means duties that

- (1) occur frequently in the daily care of a patient or group of patients;
- (2) do not require the person to whom the duty is delegated to exercise professional medical knowledge or judgment;
- (3) do not require the exercise of complex medical skills;
- (4) have a standard procedure and predictable results; and
- (5) present minimal potential risk to the patient.

(f) Duties that require the exercise of professional medical knowledge or judgment or complex medical skills may not be delegated. Duties that may not be delegated include

- (1) the assessment of the patient's medical condition, and referral and follow-up;
- (2) formulation of the plan of medical care and evaluation of the patient's response to the care provided;
- (3) counseling of the patient and the patient's family or significant others regarding the patient's health;
- (4) transmitting verbal prescription orders, without written documentation, from the patient's health care provider;
- (5) duties related to pain management and opioid use and addiction;
- (6) the initiation, administration, and monitoring of intravenous therapy, including blood or blood products;
- (7) the initiation administration, and monitoring of procedural sedation;
- (8) assessing sterile wound or decubitus ulcer care;
- (9) managing and monitoring home dialysis therapy;
- (10) oral tracheal suction;
- (11) medication management for unstable medical conditions requiring ongoing assessment and adjustment of dosage or timing of administration;
- (12) placement and administration of nasogastric tubes and fluids;
- (13) initial assessment and management of newly-placed gastrostomy tubes and the patient's nutrition; and
- (14) the administration of injectable medications, unless
  - (A) it is a single intramuscular, intradermal, or subcutaneous injection, not otherwise prohibited under 12 AAC 40.967(33); and
  - (B) all other provisions of this section are met; and
  - (C) the delegating physician, podiatrist, osteopath, or physician assistant is immediately available on site.

The circumstances under which delegable procedures may be delegated, how the unlicensed practice must be supervised, and how a medical director makes those assessments are substantially addressed for medicine at 12 AAC 40.920(a) – (d):

(a) A physician, podiatrist, osteopath, or physician assistant licensed under AS 08.64 may delegate the performance of routine medical duties to an agent of the physician, podiatrist, osteopath, or physician assistant, if the following conditions are met:

- (1) the duty to be delegated must be within the scope of practice of the delegating physician, podiatrist, osteopath, or physician assistant;
- (2) a licensed physician, podiatrist, osteopath, or physician assistant must assess the patient's medical condition and needs to determine if a duty for that patient may be safely delegated;
- (3) the patient's medical condition must be stable and predictable;
- (4) the person to whom the duty is to be delegated has received the training needed to safely perform the delegated duty, and this training has been documented;
- (5) the delegating physician, podiatrist, osteopath, or physician assistant determines that the person to whom a duty is to be delegated is competent to perform the delegated duty correctly and safely and accepts the delegation of the duty and the accountability for carrying out the duty correctly;
- (6) performance of the delegated duty would not require the person to whom it is delegated to exercise professional medical judgment or have knowledge of complex medical skills;
- (7) the delegating physician, podiatrist, osteopath, or physician assistant provides to the person, with a copy maintained on record, written instructions that include
  - (A) a clear description of the procedure to follow to perform each task in the delegated duty;
  - (B) the predicted outcomes of the delegated task;
  - (C) procedures for observing, reporting, and responding to side effects, complications, or unexpected outcomes in the patient; and
  - (D) the procedure to document the performance of the duty in the patient's record.

(b) A physician, podiatrist, osteopath, or physician assistant who has delegated a routine duty to another person shall provide appropriate direction and supervision of the person, including the evaluation of patient outcomes. Another physician, podiatrist, osteopath, or physician assistant may assume delegating responsibilities from the delegating physician, podiatrist, osteopath, or physician assistant if the substitute physician, podiatrist, osteopath, or physician assistant has assessed the patient, the skills of the person to whom the delegation was made, and the plan of care. Either the original or substitute delegating physician, podiatrist, osteopath, or physician assistant shall remain readily available for consultation by the person to whom the duty is delegated, either in person or by telecommunication.

(c) The delegation of a routine duty to another person under this section is specific to that person and for that patient, and does not authorize any other person to perform the delegated duty.

(d) The physician, podiatrist, osteopath, or physician assistant who delegated the routine duty to another person remains responsible for the quality of the medical care provided to the patient.

In every consideration of delegation, the delegating physician or physician assistant must decide what constitutes appropriate professional judgment as it pertains to their interpretation of these cited regulations. The AMA Code of Ethics adopted by reference by the Medical Board at 12 AAC 40.955 provides useful guidance as to what appropriate professional judgment looks like in a medical director who is licensed under AS 08.64.

- **What services may an advanced practice registered nurse delegate, and what are those requirements?**

If a licensee with the ability to delegate determines the procedure can be delegated and the licensee and the person to whom they are delegating meet the qualifications--both of which as determined within reason by the licensee under statute or regulation--then the delegation is permissible.

The board has formally adopted a regulation regarding scope of practice that generally refers to activities allowable by an APRN, in addition to other requirements pertaining to licensure in the APRN's population focus, prescriptive authority, etc.:



**12 AAC 44.430. SCOPE OF PRACTICE.** The board recognizes advanced and specialized acts of nursing practice as those described in the scope of practice statements published by national professional nursing associations recognized by the board for advanced practice registered nurses certified by the national certification bodies recognized by the board.

The procedures that are *permissible* to be delegated to unlicensed persons are fairly well spelled out in 12 AAC 44.955, .960, .965, .966, .970, .975.

The circumstances under which delegable procedures may be delegated, how the unlicensed practice must be supervised, and how an APRN makes those assessments are substantially addressed for nursing at 12 AAC 44.950 and .975.

**12 AAC 44.950. Standards for delegation of nursing duties to other persons**

(a) A nurse licensed under AS 08.68 may delegate the performance of nursing duties to other persons, including unlicensed assistive personnel, if the following conditions are met:

- (1) the nursing duty to be delegated must be within the scope of practice of the delegating nurse;
- (2) a registered nurse must assess the patient's medical condition and needs to determine if a nursing duty for that patient may be safely delegated to another person;
- (3) the patient's medical condition must be stable and predictable;
- (4) the person to whom the nursing duty is to be delegated has received the training needed to safely perform the delegated duty, and this training has been documented;
- (5) the nurse determines that the person to whom a nursing duty is to be delegated is competent to perform the delegated duty correctly and safely and accepts the delegation of the duty and the accountability for carrying out the duty correctly;
- (6) performance of the delegated nursing duty would not require the person to whom it was delegated to exercise professional nursing judgment or knowledge or complex nursing skills;
- (7) the nurse provides to the person, with a copy maintained on record, written instructions that include

- (A) a clear description of the procedure to follow to perform each task in the delegated duty;
- (B) the predicted outcomes of the delegated nursing task;
- (C) how the person is to observe and report side effects, complications, or unexpected outcomes in the patient, and the actions appropriate to respond to any of these; and
- (D) the procedure to document the performance of the nursing duty in the patient's record.

(b) A nurse who has delegated a nursing duty to another person shall provide appropriate direction and supervision of the person, including the evaluation of patient outcomes. Another nurse may assume delegating responsibilities from the delegating nurse if the substitute nurse has assessed the patient, the skills of the person to whom the delegation was made, and the plan of care. Either the original delegating nurse or the substitute nurse shall remain readily available for consultation by the person, either in person or by telecommunication.

(c) The delegation of a nursing duty to another person under this section is specific to that person and for that patient, and does not authorize any other person to perform the delegated duty.

(d) The nurse who delegated the nursing duty to another person remains responsible for the quality of the nursing care provided to the patient.

**12 AAC 44.955 Delegation of routine nursing duties**

(a) Routine nursing duties may be delegated to another person under the standards set out in 12 AAC 44.950. Routine nursing duties are those that

- (1) occur frequently in the daily care of a patient or group of patients;
- (2) do not require the person to whom the duty is delegated to exercise professional nursing knowledge or judgment;
- (3) do not require the exercise of complex nursing skills;
- (4) have a standard procedure and predictable results; and

- (5) present minimal potential risk to the patient.
- (b) Routine nursing duties that may be delegated include
  - (1) monitoring bodily functions;
  - (2) taking and recording vital signs;
  - (3) transporting patients;
  - (4) non-invasive collection and testing of physical specimens;
  - (5) measuring and recording fluid and food intake and output; and
  - (6) personal care tasks such as bathing, oral hygiene, dressing, toileting, assisting with eating, hydrating, and skin care.

#### **12 AAC 44.960 Delegation of specialized nursing duties**

(a) Specialized nursing duties are those duties that do not require professional nursing education to correctly perform, but require more training and skill than routine nursing duties. Specialized nursing duties may be delegated to another person under the standards set out in 12 AAC 44.950.

- (b) Specialized nursing tasks that may be delegated include
- (1) changing simple, nonsterile dressings using aseptic technique when no wound debridement or packing is involved;
  - (2) assisting patients with self-medication;
  - (3) obtaining blood glucose levels;
  - (4) suctioning of the oral pharynx;
  - (5) providing tracheostomy care in established, stable patients;
  - (6) removal of internal or external urinary catheters;
  - (7) adding fluid to established gastrostomy tube feedings and changing established tube feeding bags; and
  - (8) placing electrodes and leads for electrocardiogram, cardiac monitoring, and telemetry.
- (c) A nurse who delegates a nursing duty to another person under this section shall develop a nursing delegation plan that describes the frequency and methods of evaluation of the performance of the delegated duty by the other person. The delegating nurse shall evaluate a continuing delegation as appropriate, but must perform an evaluation on-site at least once every 90 days after the delegation was made. The delegating nurse shall keep a record of the evaluations conducted.

#### **12 AAC 44.970. Nursing duties that may not be delegated.**

Nursing duties that require the exercise of professional nursing knowledge or judgment or complex nursing skills may not be delegated. Nursing duties that may not be delegated include

- (1) the comprehensive assessment of the patient by a registered nurse, and referral and follow-up;
- (2) the focused assessment of the patient by a licensed practical nurse;
- (3) formulation of the plan of nursing care and evaluation of the patient's response to the care provided;
- (4) health education and health counseling of the patient and the patient's family or significant others in promoting the patient's health;
- (5) receiving or transmitting verbal, telephone, or written orders from the patient's health care provider;
- (6) the initiation, administration, and monitoring of intravenous therapy, including blood or blood products;
- (7) providing and assessing sterile wound or decubitus ulcer care;
- (8) managing and monitoring home dialysis therapy;
- (9) oral tracheal suction;
- (10) medication management for unstable medical conditions requiring ongoing assessment and adjustment of dosage or timing of administration;
- (11) placement and administration of nasogastric tubes and fluids;
- (12) initial assessment and management of newly-placed gastrostomy tubes and the patient's nutrition;
- (13) except as provided in 12 AAC 44.966, the administration of injectable medications.

#### **12 AAC 44.975. Exclusions**

The provisions of 12 AAC 44.950 – 12 AAC 44.970 apply only to the delegation of nursing duties by a nurse licensed under AS 08.68; they do not apply when nursing duties have not been delegated, including when a person is acting

- (1) within the scope of the person’s own license;
- (2) under other legal authority; or
- (3) under the supervision of another licensed health care provider.

In every consideration of delegation, the delegating physician or physician assistant must decide what constitutes appropriate professional judgment as it pertains to their interpretation of these cited regulations. In addition to the statutes and regulations of the board, we can usually turn to the code of ethics adopted by the board in regulation as an additional standard. The Board of Nursing has not officially adopted a code of ethics in regulation; however, nurses informally lean on codes published by national nursing associations that generally echo the same principles.

Note that 12 AAC 44.770 spells out unprofessional conduct, including a list of examples. Nursing conduct that could adversely affect the health and welfare of the public constitutes unprofessional conduct under AS 08.68.270(7).

- **Does the medical director need to be onsite? When is telemedicine allowed?**

The medical director must remain readily available for consultation by the person to whom the duty is delegated, either in person or by telecommunication. An initial consultation with a patient may happen via telecommunication. During medical procedures, a person with the appropriate level of licensure to perform the procedure and manage emergencies according to established facility protocols should always be onsite. Medical director should be immediately available (by phone or text) in case of complications.

- **Who can perform patient evaluations, diagnose conditions requiring treatment, and make treatment recommendations?**

A physician, physician assistant, or advanced practice registered nurse may evaluate patients, perform diagnoses, and make recommendations for treatment. Registered nurses, licensed practical nurses, medical assistants, and other persons with appropriate training may be delegated certain functions relating to patient intake, such as performing an interview regarding symptoms and medical history and taking vital signs. This information helps inform the physician, physician assistant, or advanced practice registered nurse in performing their patient evaluation.

Although medical spas may offer services that are not medically necessary, or they may consider themselves “wellness”—rather than medical—institutions, the medical cosmetic procedures and hydration services they provide fall under the delivery of medical or nursing services and are regulated by the State Medical Board and Board of Nursing.

- **Who can obtain, prescribe, administer, or dispense prescription medicines and products?**

A licensee with prescriptive authority and who is practicing within their scope, such as a physician, physician assistant, or advanced practice registered nurse. Delegation requirements are spelled out in the statutes and regulations of each board. A dentist may do so within the practice of dentistry, which does not include most esthetics procedures.

Standing orders are unique to each patient. They may not be generally given for a class or group of patients. Any changes to an individual’s standing orders must include evaluation and written changes by the medical director or other provider in the practice who is an Alaska-licensed physician, physician assistant, or advanced practice registered nurse.

- **What are the requirements for medical recordkeeping, HIPAA, etc.?**

Medical spas and hydration clinics must adhere to all recordkeeping standards relevant to the practitioner's license, state and federal laws, and other standards that may apply to their individual situations, such as insurance requirements. Each facility should have a written protocol for recordkeeping.

- **What is the legal risk for a medical director?**

The risk is the same as it would be for any practitioner within any other medical practice. If a licensee delegates authority to another person, they also assume the risk associated with actions by that individual. If the medical director is also the owner of the facility, additional liabilities regarding the workplace or public access may apply.

Any facility where medical services are provided should have written emergency protocols, both to address general crises and those specific to the potential risks of the procedures performed. Providers should be trained on monitoring patients for adverse outcomes and how to respond in case of an emergency. The medical director should always be available onsite or by telecommunication.

## EMTs AND PARAMEDICS

The State EMS Medical Director and State EMS Medical Direction Committee are solely responsible for the scope of practice and medical direction for EMS and Paramedics in the state. The scope of practice for these individuals is limited to procedures authorized in regulation or by the EMS Medical Director.

The activities of these personnel are contemplated within the context of basic or advanced life support (ALS) and only under the supervision of a sponsoring physician. There is currently no authorization for certified EMS personnel or Paramedics to practice advanced procedures outside of ALS activities, such as performing procedures authorized within their certification while employed at a medical spa. Doing so can constitute a breach of the EMS regulations, placing an ALS EMS clinician at professional risk.

## ESTHETICS

1. **What services may an Alaska-licensed esthetician provide under their own license?**

A person providing esthetics services must be licensed as an esthetician by the [Alaska Board of Barbers and Hairdressers](#) or be licensed in Alaska as a health care professional. Certain limited exceptions may apply; please refer to AS 08.13.160(d). Holding a "license" or "certification" by the manufacturer of an esthetics device does not in itself authorize the individual to legally use that device on another person. With limited exception, estheticians must practice in a shop licensed by the board.

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

12 AAC 09.990(b) clarifies the definition of "appliances":

(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) operates within the manufacturer's guidelines;
- (B) does not directly ablate or destroy live tissue;
- (C) does not involve an incision into skin beyond the epidermis; and
- (D) is not defined as a Class III or Class IV laser device under 21 C.F.R. 1040.10, revised as of April 2, 2018, and adopted by reference;

2. **What esthetics services may an Alaska-licensed hairdresser provide under their own license?**

A person licensed by the [Alaska Board of Barbers and Hairdressers](#) to practice hairdressing is considered to be licensed to practice manicuring, hair braiding, and limited esthetics under the same license. Per AS 08.13.220, "limited esthetics" means to perform for a fee for cosmetic purposes temporary removal of superfluous hair on the face or neck, including eyebrow arching by use of wax; or application of makeup or false eyelashes. With limited exception, hairdressers must practice in a shop licensed by the board.

### 3. What are “advanced esthetics services” and who may provide them?

The term “advanced esthetics services” is not defined under Alaska law. For the purposes of the Medical Spa Services Work Group and related boards, the term refers to any procedure or service that falls outside of the scope of an Alaska-licensed esthetician, above.

Licenses or certifications in other jurisdictions, by private companies, or by manufacturers of beauty or health care products do not qualify individuals to practice esthetics, nursing, or medicine in Alaska. Persons who do not hold an Alaska license and persons who are licensed and considering performing services outside of their scope should review whether the services or procedures—or the promotion of such services or procedures—qualifies as the practice of medicine under AS 08.64.380 or nursing under AS 08.68.850.

As noted above, the Medical Board has specifically opined that the treatment with chemical peels below the dermal layer or use of hot (ablative) lasers is the practice of medicine and can only be delegated by a physician to a health care provider appropriately trained and licensed to perform the procedure.

AS 08.64.380 (6) "practice of medicine" or "practice of osteopathy" means:

- (A) for a fee, donation or other consideration, to diagnose, treat, operate on, prescribe for, or administer to, any human ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition; or to attempt to perform or represent that a person is authorized to perform any of the acts set out in this subparagraph;
- (B) to use or publicly display a title in connection with a person's name including "doctor of medicine," "physician," "M.D.," or "doctor of osteopathic medicine" or "D.O." or a specialist designation including "surgeon," "dermatologist," or a similar title in such a manner as to show that the person is willing or qualified to diagnose or treat the sick or injured;

AS 08.68.850 (9) "practice of advanced practice registered nursing" includes, in addition to the practice of registered nursing, the performance of acts of medical diagnosis and the prescription and dispensing of medical, therapeutic, or corrective measures under regulations adopted by the board;

AS 08.68.850 (10) "practice of practical nursing" means the performance for compensation or personal profit of nursing functions that do not require the substantial specialized skill, judgment, and knowledge of a registered nurse;

AS 08.68.850 (11) "practice of registered nursing" means the performance for compensation or personal profit of acts of professional service that requires substantial specialized knowledge, judgment, and skill based on the principles of biological, physiological, behavioral, and sociological sciences in assessing and responding to the health needs of individuals, families, or communities through services that include

- (A) assessment of problems, counseling, and teaching
  - (i) clients to maintain health or prevent illness; and
  - (ii) in the care of the ill, injured, or infirm;
- (B) administration, supervision, delegation, and evaluation of nursing practice;
- (C) teaching others the skills of nursing;
- (D) execution of a medical regimen as prescribed by a person authorized by the state to practice medicine;
- (E) performance of other acts that require education and training that are recognized by the nursing profession as properly performed by registered nurses;
- (F) performance of acts of medical diagnosis and the prescription of medical therapeutic or corrective measures under regulations adopted by the board;

## IV HYDRATION

### 1. What are the general practice requirements for an IV hydration clinic?

An IV hydration clinic in any form and in any location is considered a medical clinic and must follow all state and federal standards applicable to any other general health care facility.

**2. Who may evaluate, diagnose, and determine treatment for a patient?**

As noted above, a physician, physician assistant, or advanced practice registered nurse may evaluate patients, perform diagnoses, and make recommendations for treatment. A chiropractor, dentist, physical therapist, EMT, paramedic, or other licensed health care provider may not evaluate, diagnose, and determine treatment for a patient in a general medical spa setting. Refer to the individual scopes of practice for these licenses and certifications.

Registered nurses, licensed practical nurses, medical assistants, and other unlicensed persons with appropriate training may be delegated certain functions relating to patient intake, such as performing an interview regarding symptoms and medical history and taking vital signs. This information helps inform the physician, physician assistant, or advanced practice registered nurse who will personally assess the patient's condition and determine a treatment plan. This assessment may be performed in person or through telecommunication but may not be delegated.

Although medical spas may offer services that are not medically necessary or consider themselves “wellness”—rather than medical—institutions, the medical cosmetic procedures and hydration services they provide fall under the delivery of medical or nursing services and are regulated by the State Medical Board and Board of Nursing.

**3. Who may order, and administer substances delivered intravenously?**

Substances administered intravenously, including but not limited to saline and vitamins, require a prescription under federal law. A physician, physician assistant, or advanced practice registered nurse may order prescription medications if authorized under their Alaska license. A dentist may only order and administer prescription substances for use within the practice of dentistry. A chiropractor, physical therapist, massage therapist, or other licensed or certified health care provider without prescriptive authority may not order or administer prescription medication. Refer to the statutes and regulations for each license type for details about each scope of practice.

12 AAC 40.920(f) and (g) prevents a physician or physician assistant from delegating the initiation, administration, and monitoring of intravenous therapy, including blood or blood products. A person with the authority to perform these procedures under the scope of their own license is not restricted from doing so as long as these duties have not been delegated.

A medical director may delegate placing and starting an IV to a registered nurse or licensed practical nurse with an appropriate course of training on administering intravenous medication.

**4. What are the compounding requirements for IV hydration clinics?**

[USP <797>](#) governs sterile compounding within the United States. Conditions for sterile compounding are outlined in this federal guidance, including standards for sterile “immediate use” (mixing and using within four hours) and use of a clean room if prepared outside of the immediate use window.

A registered nurse may add an appropriate substance to an IV bag per the medical director order for a specific patient, following USP standards.

**BOTOX, FILLERS, and OTHER COSMETIC INJECTABLES**

**1. Who may evaluate, diagnose, and determine treatment for a patient?**

As noted above, a physician, physician assistant, or advanced practice registered nurse may evaluate patients, perform diagnoses, and make recommendations for treatment. A chiropractor, dentist, physical therapist, EMT, paramedic, or other licensed health care provider may not evaluate, diagnose, and determine treatment for a patient in a general medical spa setting. Refer to the individual scopes of practice for these licenses and certifications.

Registered nurses, licensed practical nurses, medical assistants, and other unlicensed persons with appropriate training may be delegated certain functions relating to patient intake, such as performing an interview regarding symptoms and medical history and taking vital signs. This information helps inform the physician, physician assistant, or advanced practice registered nurse who will personally assess the patient's condition and determine a treatment plan. This assessment may be performed in person or through telecommunication but may not be delegated.

## **2. Who may order and administer cosmetic injectables?**

A physician, physician assistant, or advanced practice registered nurse may order prescription medications if authorized under their Alaska license. A dentist may order and administer Botox within the scope of practice of dentistry, such as to treat symptoms of TMJ. A dental hygienist is not allowed to administer Botox, fillers, or other cosmetic injectables.

12 AAC 40.967(32) prohibits a Medical Board licensee from permitting patient care that includes administering a botulinum toxin or dermal filler by a person who is not an appropriate health care provider trained and licensed under AS 08 to perform the treatment.

The Board of Nursing has issued an advisory opinion on cosmetic injectables;

[https://www.commerce.alaska.gov/web/Portals/5/pub/NUR\\_AO\\_Medical\\_Aesthetic\\_2024.pdf](https://www.commerce.alaska.gov/web/Portals/5/pub/NUR_AO_Medical_Aesthetic_2024.pdf)

An esthetician, chiropractor, physical therapist, massage therapist, or other licensed or certified health care provider without prescriptive authority may not order prescription medication. They may not administer prescription medication without proper delegation. Refer to the statutes and regulations for each license type for details about each scope of practice.



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

CONDENSED MINUTES OF THE MEETING HELD MAY 15, 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, May 15, 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.**

**May 15, 2025:**

**Attendance**

**Members Present:** Chair Kevin McKinley, Willie Mae Canady, Jessica Pestrikoff, Jenn Lombardo, Shannon Thompson

**Staff Present:** Cynthia Spencer and Barbara Denney, Licensing Examiner, Lacey Derr, Program Coordinator, Investigator Joy Hartlieb, Deputy Director Glenn Savier, Sara Chambers, Boards and Regulations Advisor, Melissa Dumas, Administrative Operations Manager

**Public Present via Zoom:** Jacqueline Polis, Lindsey

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

The board was called to order at 9:01 a.m.

**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, by roll call, they had no conflicts to disclose.

**4. New Business**

**A. Strategic Planning and Prioritization Processes (Jessica Pestrikoff)**

Chair McKinley provided a brief history of this project and stated statutes and regulations need to be reviewed, and changes made. Chair McKinley informed the board that strategic planning had originally been scheduled for April 17, 2025, however due to other matters, the board's first strategic planning had to be added to this meeting. Chair McKinley stated Jessica Pestrikoff is the lead board member assigned to this project; Jessica will be ensuring assigned tasks are completed and the board continues to move forward.

Chair McKinley asked Ms. Pestrikoff if she had any information or comments. Ms. Pestrikoff stated she was still working with Sara Chambers and would be able to provide additional information at a later date.

Chair McKinley informed the board that this project would include reviewing current statutes and regulations to address areas that need editing or correction. Chair McKinley briefly reviewed statute 08.13.160(d)(2) as an example of where additional language providing clarity is needed by adding scope of practice language. Chair McKinley asked board members to review statutes and regulations to make notes of changes they thought may be needed.



Mae Canady stated that the school inspection requirement for sanex strips for schools teaching esthetics is outdated and should be updated.

The board briefly discussed this matter and the additional costs to the school and the delays it caused approving the school owner license. Board members agreed this

Shannon Thompson agreed with Ms. Canady's statement; the requirement for sanex strips for esthetics schools is outdated.

Chair McKinley asked Jenn Lombardo if she knew of any statutes or regulations that needed updating.

Ms. Lombardo stated that during her previous time with the board temporary shop owner licenses were an issue as the statute and regulation addressing this license were contradictory; the board at that time was working on correcting this. Ms. Lombardo stated that it is very important to ensure statutes and regulations are clear and do not contradict each other. Ms. Lombardo also stated she feels statutes and regulations could be written in a more user-friendly fashion as they are difficult to read and understand with the use of legalese.

Chair McKinley thanked Ms. Lombardo and stated she had very good points. Chair McKinley asked Ms. Lombardo if she thought the Aftercare instructions in 12 AAC 09.940 also needed updating.

Ms. Thomson stated she agreed, Aftercare information needed to be updated.

Ms. Lombardo stated she also agreed Aftercare information is very outdated and needs updating; health and safety is the board's number one concern; after a client leaves a shop after a tattoo or piercing service, they're more likely to have some issue after they leave the shop than they may while in the shop. Ms. Lombardo continued, Aftercare is unique to each shop, body art type, and placement; keeping in mind individuals heal differently, so what may work for one person may not work for another.

Chair McKinley thanked Ms. Lombardo and asked if board members had anything else they would like to see addressed in strategic planning. Chair McKinley informed the board that he had included holding town hall meetings and in person meetings to the annual report, however, Governor Dunleavy's Administrative Order (AO) 358 put a ban on travel, hiring, and reflected meetings would only be allowed through Zoom. Chair McKinley continued, even with AO 358 in place, the board should continue to move forward and create statute and regulation updates so the board could submit these changes once the AO was lifted.

PC Lacey Derr reminded the board that statutory changes require legislative support which will require the board to find a "champion" (legislator) who would be able to assist the board in drafting and championing statutory changes. PC Derr reminded the board that if a regulation change was tied to a statute, the statute/legislative change must occur before changes to regulation could be made. PC Derr urged the board to consider pulling language out of statutes that currently limit the boards' ability to make changes through regulations.

PC Derr informed the board that their next legislative/sunset audit was due in 2027 which means legislative auditors would begin auditing the board sometime during 2026; having drafted statutory/legislative and regulatory changes would be beneficial to have for auditors to review.

Chair McKinley concurred with PC Derr and stated strategic planning will assist the board in getting drafts written.

LE Spencer agreed with PC Derr's statement and encouraged the board to remove language from statutes that prohibited the board from making updates, etc., in regulations. LE Spencer provided an example with statute 08.13.080; this statute does not allow the board to update or modify hair braiding and manicuring educational requirements and limits the board's ability to administer a more current examination for tattooing and permanent cosmetic coloring.

Ms. Thompson informed the board that they had received a unanimous recommendation from the Work Group's February 2025 meeting to support the board in seeking to create an advanced and/or tiered esthetician license as well as continuing education requirements for these license types.

LE Spencer asked if the board would consider scheduling a meeting specifically for strategic planning.

The board briefly reviewed dates, the availability of Sarah Chambers, and agreed to schedule a strategic planning meeting Thursday, July 10, 2025, from 10:00 a.m. to Noon.

Chair McKinley requested a roll call vote to confirm July 10, 2025, from 10:00 a.m. to Noon.

**Board members present agreed, by roll call, to hold a strategic planning meeting Thursday, July 10, 2025, from 10:00 a.m. to Noon.**

LE Spencer stated she would submit the Public Notice, request the meeting be added to the website, and would work with Chair McKinley to draft the agenda.

Chair McKinley stated strategic planning did not just have to be for statutes and regulations, board members should bring concerns, items or topics they would like addressed to the strategic planning meeting.

LE Spencer informed the board that she had received the Esthetics Procedures Continuum from Ms. Thompson. Chair McKinley asked if the board could review this as new business or add to the Work Group agenda item. Ms. Spencer stated the board could review the document under either agenda item and asked the board if they had completed their strategic planning discussion.

Chair McKinley asked if board members would like any further discussion on strategic planning. Hearing none, Chair McKinley asked board members to review statutes and regulations and to be prepared to discuss during the strategic planning meeting.

The board was ahead of schedule and decided to move onto Item 13 B, Medical Spa's Multi-Board Work Group.

### **13. Old Business**

While waiting for the updated meeting packet to load, Chair McKinley introduced new Licensing Examiner, Barbara Denney. LE Denney greeted the board and stated she has been with the division since December working for the Construction Contractor licensing program and had been with this board for 4 days.

Board members greeted LE Denney.

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

Ms. Thompson stated the Work Group is making progress, some discussions have been outside the scope of this board and have also been discussing medical directors, who can be a medical director, and what the scope of practice would be. Ms. Thompson continued, the medical director discussions tie into a tiered or advanced esthetician license.

Chair McKinley asked if a medical director would need to be on site, physically with and supervising the esthetician, or would the medical director just sign off on procedures performed by an esthetician.

Ms. Thomson stated that those questions are what is currently being discussed by the Work Group, once a consensus is reached the Work Group will write the definition for the medical director.

Ms. Thompson reported the tiered licensure matrix is something that's unanimously supported by the Work Group; Ms. Thompson continued it has been recommended for the board to approve the "Esthetics Procedures Continuum FINAL – February 2025" and Sara Chambers is asking the board to include how they would like to proceed.

Ms. Thompson informed the board the Aesthetics Council has provided model legislation the board can use as a tool with their legislation

The board briefly discussed esthetician changes that are needed including a tiered esthetician license and reviewed the “Esthetics Procedures Continuum FINAL – February 2025” created by the Medical Spa Services Work Group.

Ms. Thompson stated she felt this process is moving forward with the assistance of the Work Group and Suzanne Schmalling. Ms. Thompson stated she understands some people are afraid of not being able to continue some services, however, Ms. Thompson feels that the Work Group has been keeping this matter at the forefront of discussions. Ms. Thompson continued, as they are working on this matter, they will keep in mind licenses that have proper education and certifications for these services are not discounted but will find an avenue to ensure education is current and applicable.

Chair McKinley clarified that the Work Group and Procedures Continuum are laying out a path for estheticians and if an esthetician wants to provide more advanced services, they will also have a clear pathway.

Ms. Thompson agreed with Chair McKinley and stated the Work Group understands there are many parties involved and affected by these changes and the Work Group wants to ensure proper education and a clear path is available.

Chair McKinley asked how this Continuum and Work Group compare to other states.

Ms. Thompson stated that she’s been conversing with service providers across many states; the general census is Alaska is very behind standards and practices, but these proposed changes will bring Alaska a bit closer to current industry standards. Ms. Thompson continued she’s been researching many different States scope of practice and stated she feels the board and Work Group are moving in the right direction without being restrictive and feels changes may allow for more services.

The board continued to briefly discuss the needs for updating the esthetics scope of practice and services.

The board briefly discussed Work Group meetings where and how members of the public could attend, provide public comments, and where to access additional Work Group information from the Work Groups website,  
[www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/MedicalSpaServicesWorkGroup](http://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/MedicalSpaServicesWorkGroup)

LE Spencer asked if staff could use the information provided on the Continuum titled “Can currently be performed under the existing 350-hour Alaska esthetician license”, as a tool when responding to licensee questions regarding services they can perform under the current esthetician license.

Ms. Thompson stated that as the board is using this as a reference staff should be able to use it as well.

Ms. Canady stated she’s attended the last three meetings and feels the Work Group is doing great and making progress on this matter. Ms. Canady continued she believes working with the Work Group is very beneficial and the pathway for an advanced and/or tiered esthetician license is coming along. Ms. Canaday also stated Ms. Chambers has also been providing great assistance, and she also reports what the Work Group is working on and suggestions they’ve made. Ms. Canady cautioned; the board must keep focus on this and keep moving forward with Work Group recommendations and creating a new license type.

The board briefly discussed Work Group recommendations and moving forward with creating a new license type, updating existing statutes and regulations.

Ms. Thompson requested the board consider Sara Chambers request to have the board decide if they would like to move forward with a tiered esthetician license; this would allow time for draft legislation and accompanying regulations to be completed by early Fall. Ms. Thompson informed the board that Ms. Chambers would also be willing to work with the board drafting legislation.

Chair McKinley asked LE Spencer to add this to the strategic planning meeting agenda. LE Spencer stated this would be added, however if the board is comfortable with this discussion at this point, they could also make a motion to move forward with a tiered license.

**Action Item:** *Add tiered esthetician license to strategic planning meeting, July 10.*

Chair McKinley asked if the board would like to make a motion with the boards intent to create a tiered esthetician license.

Ms. Canady asked for clarification, this motion is to begin the process of creating a tiered license not adopting a tiered license. Chair McKinley concurred; this motion would clearly state the board's intent to move forward with the process of creating a tiered esthetician license.

**Motion: 1<sup>st</sup> Shannon Thompson – 2<sup>nd</sup> Jenn Lombardo**

Approve tiered licensure for estheticians and begin legislative and regulatory processes.

Chair McKinley asked if board members had any questions or would like to discuss the motion.

Ms. Thompson stated she felt Alaska was behind the curve with esthetician licenses for several years and stated she felt these discussions and this motion begins movement in the right direction bringing the esthetician license more in line with other States. Ms. Thomson continued, she felt this would set forward services that are accessible to clients and able to be safely provided by estheticians. Ms. Thomspson also stated this would provide a pathway to higher education for estheticians. Ms. Thomspson informed the board that through the course of conversations with individuals that hold tiered esthetician licenses in other states she had learned that these individuals feel Alaska's esthetician license/services are unsafe due to the lack of training.

Ms. Lombardo stated agreed with Ms. Thompsons statement and didn't have anything to add. Ms. Lombardo asked if the board used the National Interstate Council of State Boards of Cosmetology (NIC) esthetics examination.

Board members concurred; the NIC Esthetics theory written examination was currently administered.

LE Spencer informed the board the NIC also has an Advanced Esthetics theory written examination and electrologist theory written exam.

Ms. Lombardo stated she is reviewing the NIC website and stated that when she was previously on the board, the board had pushed to stay in line with NIC requirements for exams for most of this industry through curriculums. Ms. Lombardo asked if staff found Alaska estheticians prepared for the exam or do candidates have issues; also, would the exams be something to consider when creating or amending curriculums for the current esthetician and proposed tiered license.

LE Spencer reported the pass/fail rate for estheticians is close to 50/50; LE Spencer continued the board should take into account the current esthetician curriculum is outdated whereas the NIC theory written exams are much more current with industry standards and practices; this leads to a bit more studying candidates need. LE Spencer continued, additional studying is needed for most candidates as current curriculums are outdated.

Ms. Lombardo asked if a 50/50 pass/fail rate is standard across all industries or is the 50/50 a higher percentage for esthetics as she agrees with LE Spencer's statement and stated she feels it would be good to keep in line with NIC.

LE Spencer provided a brief history of the NIC examinations administered by this board and the cosmetology license split which led to no longer administering the NIC Cosmetology theory

written examination and the board's adoption of the NIC Hair Design theory written examination as the Hair Design exam was more in line with the current hairdresser curriculum written by this board. LE Spencer concluded the pass/fail rates for the theory written examinations can be tied into the current curriculums and training candidates received in schools or apprenticeship programs. LE Spencer also informed the board that not many states allow apprenticeship programs as Alaska does.

LE Spencer informed the board that NIC also offers a theory written practical examination for most license types.

Ms. Lombardo asked if body art training was allowed through apprenticeship in other states or if this training had to be done through a school. LE Spencer stated this was not the case for body arts and most states didn't license body arts as this board does.

Ms. Lombardo asked LE Spencer if there was a way the board could review the NIC theory written examinations for esthetics and advanced esthetics as this may assist the board when creating training requirements and updating the current esthetician curriculum.

LE Spencer informed the board that the last time they had requested to review an NIC examination NIC did not allow it due to security and copyright issues, however, she would reach out to NIC and would report back to the board. Ms. Lombardo thanked LE Spencer and requested she also request review of the theory practical examination.

**Action Item:** Add contact NIC to request review of Esthetics and Advanced Esthetics theory written and practical examinations.

Chair McKinley asked if the board had any additional comments or questions; hearing none, Chair McKinley requested a roll call vote.

LE Spencer read the motion previously made.

**Motion: 1<sup>st</sup> Shannon Thompson – 2<sup>nd</sup> Jenn Lombardo**

Approve tiered licensure for estheticians and begin legislative and regulatory processes

**Motion Approved by roll call vote.**

**6. Investigations**

Investigator Joy Hartlieb greeted the board and introduced herself. Inv. Hartlieb informed the board that Senior Investigator Jenni Summers would not be joining the board as she was currently attending the Board of Nursing meeting.

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

The board reviewed Disciplinary Sanctions/Fine Schedules (May 2020) provided in the meeting packet.

Chair McKinley gave a brief synopsis of the board's previous discussion addressing the fine schedule/disciplinary matrix. Chair McKinley continued the matrix is a good tool because it provides continuity with case determinations.

Chair McKinley stated if a person doesn't renew their shop owner license for 5 years, this would be considered a first offence; does the board just issue a non-disciplinary letter of advisement (NDLA). Chair McKinley continued, so the license is lapsed for 5 years, the shop is still open, etc., and if we follow the matrix, just an NDLA is issued; he continued, this doesn't seem reasonable for five 5 years with no shop owner license.

Chair McKinley informed the board that he feels this matrix needs refining due to similar matters that have and are occurring. Chair McKinley suggested changing the first offence to include language stating "1<sup>st</sup> offence, less than 90-days" is an NDLA and after 90-days a consent

agreement with an imposition of civil fine goes into effect. Chair McKinley continued, he's concerned a 1<sup>st</sup> offence would include multiple years of violations as currently written.

Ms. Canady stated she was in complete agreement with Chair McKinley and stated she feels the current 1<sup>st</sup> offense, which does include multiple offenses, is not acceptable and only results in an NDLA.

Chair McKinley suggested making the 1<sup>st</sup> offence less than 90 days and expressed his concern that the current matrix includes multiple violations within the 1<sup>st</sup> offence. Chair McKinley continued to champion apprentices and trainees who are in a situation where the instructor/trainer is not or has not submitted any training documentation is negatively impacting those apprentices/trainees and there are many instances where this happens repeatedly with the same instructor/trainer. Chair McKinley stated he's heard suggestions for multiple violations of this to include a 3-strike system and the instructor/trainer couldn't take on any apprentices for 90 days, 6 months, or a year.

Ms. Lombardo recalled during her previous tenure with the board, the board had decided on a previous matrix which did include time range information, less than 90 days, 90 days to 1 year, 1 to 2 years, etc. Ms. Lombardo continued; looking through notes from her previous tenure, she can't remember why the board changed to this matrix and will continue to review notes for a reason. Ms. Lombardo stated that as she is listening to this discussion, she agrees changes are needed but will continue to dig through notes to find good counter points, but otherwise she agrees with Chair McKinley and Ms. Canady's statements.

Chair McKinley thanked Ms. Lombardo and stated he felt there are some things on the matrix that work very well; the board will need more discussion to fine-tune before making official changes.

Board members agreed with Chair McKinley and continued to briefly discuss changes.

Chair McKinley asked Inv Hartlieb if she had any input. Inv Hartlieb stated her first impression was this might be tied into COVID and the limits the pandemic put on licensees' and investigative staff working and conducting inspections.

Ms. Lombardo stated she doesn't remember changes being tied into COVID as discussions on revamping the matrix began during the November 2019 meeting. Ms. Lombardo reiterated Chair McKinley's statement that the board wanted to give people the opportunity to come into compliance with a 1<sup>st</sup> offense NDLA. Ms. Lombardo agreed with having different parameters for a 1<sup>st</sup>, 2<sup>nd</sup>, etc., offences.

Chair McKinley agreed with Ms. Lombardo and stated he doesn't feel the entire matrix needs revamping as there are good parts in the current matrix. Chair McKinley continued he feels the matrix is a tool and the goal is to get people into compliance.

Ms. Lombardo and Chair McKinley asked LE Spencer for her thoughts.

LE Spencer stated she was very glad Ms. Lombardo still had notes from her previous tenure with the board as they may prove to be helpful and provide some insight. LE Spencer informed the board that she was unable to locate the previous matrix for comparison and agreed with adding a timeframe back to 1<sup>st</sup>, 2<sup>nd</sup>, etc., offences; for example create a \$500.00 fine per incident with no fine for 1<sup>st</sup> offence, a 2<sup>nd</sup> offence would reflect the \$500.00 per incident with a portion of the fine suspended, and a 3<sup>rd</sup> offence would have no portion of the fine suspended. LE Spencer stated she supported a 3-strike system for schools, instructors, and trainers not being able to enroll students, apprentices, or trainees for x amount of time. LE Spencer informed the board a 3-strike and any other action the board would want to take rested on the investigative side as the board could not take action on anyone without the investigative unit completing their part and presenting cases to the board for consideration.

Chair McKinley asked for clarification on what LE Spencer meant by the investigative unit would need to complete their part. LE Spencer stated to provide the board with defensible reasoning for not allowing a person to teach, would require license action which requires the investigative unit to begin and complete their processes resulting in cases being presented to the board for consideration.

Chair McKinley stated this would be a good question to ask the Department of Law (DOL) to review; however, with AO 358 in place, the board could not request DOL for their advice.

PC Derr stated per AO 358, boards couldn't send anything to DOL for a determination unless the matter is of health or safety concerns. PC Derr continued if the board has an immediate matter of health or safety concerns the division would push forward as best they could.

Chair McKinley thanked PC Derr for the information and Ms. Lombardo asked if there was a time frame on when the AO might be rescinded.

PC Derr informed the board that AO 358 did not mention when it might be rescinded, and the board should be prepared as the AO is not expected to be lifted anytime soon.

LE Spencer asked PC Derr for her thoughts on the board taking license action by prohibiting a person from teaching for x amount of time without having investigative cases presented to them for consideration.

PC Derr concurred with LE Spencer, for the board to take defensible license action, the investigative unit must complete their processes and present cases to the board. PC Derr continued, suggested not allowing a licensee to teach is not something that can be determined by staff.

Chair McKinley asked Inv Hartlieb if not allowing someone to teach may possibly get into property rights as the ability to teach is tied into a license/license type. Inv Hartlieb stated it may get into property rights, and this would be another good question to get DOL to weigh in on.

The board briefly discussed changes to the matrix, property rights, and investigative movement on cases.

Chair McKinley asked Inv Hartlieb how her case load for this program is going. Inv Hartlieb informed the board that the case load is manageable, however as she is recently assigned to the program she's still catching up, completing cases priorly assigned to her, and some cases are still with the former investigator. Inv Hartlieb also informed the board that she had been given instructions to conduct a minimum of 5 onsite inspections a month; at this time due to her case load, she'd only been able to complete the minimum inspections and reported for each inspection, several cases have been opened.

Board members thanked Inv Hartlieb and applauded her for having the ability to conduct inspections.

The board briefly discussed raising fines for training matters on the matrix and agreed to add this discussion, updating the matrix, and curriculum(s) to the July 10 strategic planning meeting.

**Action Item:** Add updating fine schedule/matrix to strategic planning meeting, July 10.

LE Spencer displayed the original April 17, 2025, strategic planning meeting agenda for the board to review. LE Spencer added to Item 5, statute and regulation updating, fine matrix review/update.

Chair McKinley asked Inv Hartlieb if board members were completing case reviews in a timely fashion and if any issues had arisen during the review process. Chair McKinley also thanked Inv Hartlieb for answering his calls and spending time on the phone with him answering his case review questions.

Inv Hartlieb stated board members were completing reviews and reaching out to her with questions as needed.

**B. Investigative Memo**

Inv Hartlieb reviewed the Investigative Report with the board. Inv Hartlieb reported for the period February 1, 2025 – April 14, 2025, there are 37 open cases and 19 closed cases.

Chair McKinley asked what “incomplete case” means for case 2024-000130.

Inv Hartlieb informed the board if a complainant files a complete, they receive a “complaint packet”; if the packet is not completed and submitted back to the investigative unit within 30-days, the case is automatically closed in accordance with standard operating procedures. Inv Hartlieb continued, a case is unable to move forward without additional information/details provided by a complainant in the packet.

Ms. Lombardo asked if there was a way to follow up in matters like this.

Inv Hartlieb informed the board that if there were public documents such as social media postings or court documentation the investigative unit could pursue the matter through the public document avenue, however, if there is no public documentation of the matter, the matter would be considered an allegation, and the investigator could not move forward with no supporting documentation.

Chair McKinley asked if an incident occurred and was live streamed on Facebook, could that be used for a case.

Inv Hartlieb stated that a video could be used if it provided identifying facial recognition. Inv Hartlieb continued, if a video only showed hands tattooing, a person could deny it was their hands, etc.

Ms. Lombardo and Chair McKinley thanked Inv Hartlieb.

**C. Investigative Probation Report**

Inv Hartlieb reviewed the Probation Report with the board. Inv Hartlieb reported for the period February 1, 2025 – May 9, 2025, there are currently 7 licensees on probation and 1 licensee released from probation.

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

The board and Inv Hartlieb briefly discussed what suspended probation means. Inv Hartlieb stated investigations may not have been able to contact the individual; the individuals file was flagged so if they contacted the division and/or submitted a renewal, investigations would be notified; if the license was renewed the probation period would continue from the date the license was renewed and would be in effect for the full amount of time.

Chair McKinley asked when a complaint is submitted what is the investigative process.

Inv Hartlieb informed the board that once a complaint was received, the complainant was sent a complaint packet to complete and submit back. Inv Hartlieb continued, the packet includes a summary of their statement which doesn’t require notary services but provides an attestation/affirmation that the information provided is true and correct; the complainant is also asked to include supporting documents which may be but not limited to photos, police reports, text messages, recording, etc. Inv Hartlieb stated if a packet is submitted without supporting documents it would be considered an incomplete complaint.



The board and Inv Hartlieb briefly reviewed the investigative process and onsite inspections. Inv Hartlieb stated she is limited with onsite inspections due to distance, any location to be inspected must be within a day round trip drive from Anchorage, AK.

**Motion to enter executive session:** 1st Jenn Lombardo - 2<sup>nd</sup> Mae Canady.

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 10:47 a.m. and returned from executive session at 11:28 a.m.  
Quorum of board confirmed by roll call.*

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

Adopt Consent Agreement for Case 2023-000219, Danielle Tremblay d/b/a Trend Setters AK LLC, as presented.

Chair McKinley asked if the board had any additional comments or questions; hearing none, Chair McKinley requested a roll call vote.

**Motion Approved by roll call vote**

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

Adopt Consent Agreement for Case 2023-000271, Anna Lemus, as presented.

Chair McKinley asked if the board had any additional comments or questions; hearing none, Chair McKinley requested a roll call vote.

**Motion Approved by roll call vote**

The board thanked Inv Hartlieb for her time and assistance.

Deputy Director Glenn Saviers joined the board.

**8. Division and Financial Update**

Deputy Director Glenn Saviers and Melissa Dumas, Administrative Operations Manager, joined the board and introduced themselves.

Due to time constraints, Deputy Director Saviers presented Items B and C prior to the quarterly report reviews.

**B. HB158 - An Act relating to professional licensing; relating to temporary licenses for certain professions; and providing for an effective date**

Deputy Director Saviers greeted the board and stated she was following up on this item which the board and Director Sylvan Robb reviewed during their April 17, 2025, meeting.

DD Saviers provided a brief overview of the Governors' two bills the Division is supporting this year; the first is House Bill (HB) 158 and second is Senate Bill (SB) 134.

DD Saviers stated her understanding from the April meeting is the board has concerns on how these bills may impact student permits, student temporary licenses, and temporary permits. DD Saviers informed the board she had completed an analysis of possible impacts and reported the bills will replace temporary permits under statute Sec 08.13.170 with a temporary "license" that is currently referenced in Centralized Statutes 08.01.063 and 08.01.064 the new temporary license the bill would create requires an application, a fee, verification of all licenses and other states they've been licensed in to verify the applicant is in good standing, the temporary license would be valid for 6 months. DD Saviers continued, the new temporary license will not change the way

current temporary licenses work, the bills will be adding the Federal Servicemember Civil Relief Act (SCRA) licensing options into centralized statute, this will allow the division and other programs to create temporary licensing options that this board currently has.

DD Saviers informed the board the bills and subsequent new temporary license will not affect temporary shop owner licenses, student permits and the student temporary licenses issued to individuals who would be working under direct supervision of another licensed individual, while the individual was completing their examination process. DD Saviers continued, virtually the bills will not change anything the board currently has in place but will make differences for other programs that do not have a temporary license option as this board currently has.

DD Saviers stated that one change will be the retitling of this board's temporary permit; the renamed permit will still be used as an avenue to full licensure and will still allow individuals to work while they are completing their application. DD Saviers also stated that if the new temporary license was not issued, those temporary license fees would be refundable as this board currently does with the temporary permit.

DD Saviers stated these changes align with the Governor's initiative to ensure qualified professionals coming to Alaska from other States can begin working quicker. DD Saviers informed the board that professionals coming to Alaska are hit with higher costs of living and with possible application processing delays due to 3<sup>rd</sup> party required documents, etc., the new temporary license will be a pathway for these individuals to start earning an income while working to complete their application for full licensure. DD Saviers stated not having a temporary permit available doesn't align with other States which makes Alaska not a competitive state, which really hurts us in the long run.

Ms. Lombardo stated most of her questions had been answered during the April 17 meeting, however her main concerns are, will the board still collect fees for SCRA issued temporary licenses and will the new temporary license follow the same requirements this board currently has in place

DD Saviers informed the board, any fees collected through SCRA licensing would continue to go directly to the program. DD Saviers continued, the only different requirements for the temporary license would be to verify out of state licenses the applicant holds are all in good standing prior to issuing a temporary license.

Ms. Lombardo thanked DD Saviers and asked if the new temporary license would be for mostly out-of-state applicants or will this also include examination applicants.

DD Saviers stated the temporary license would only be for out of state applicants, as the requirements would reflect to qualify a current out of state license is required and any out of state license the applicant held or holds must be in good standing to qualify for the temporary license.

The board and DD Saviers continued to briefly discuss the bills. The board thanked DD Saviers for her time and reporting.

DD Saviers also informed the board about the current Nursing Licensing Compact meeting; this does not affect this board however if approved the compact will allow current licensing staff to assist other programs as needed and as time allows with the nursing program.

The board and DD Saviers briefly discussed this program's staffing needs, AO 358 hiring freeze, and the ability to use other program staff to assist this program during heavy filling seasons and filling in during staff shortages.

*The board was behind schedule; Chair McKinley announced that any attendees waiting on public comment to remain online and apologized for the delay.*

#### **C. Industrial Hemp – Notice to Boards and Licensees**

DD Saviers stated there is not much to relay on this matter, except to say on the record that we are providing this information to our boards and have posted this information on our website; this is out of our division's purview, is under the division of agriculture's purview; but to acknowledge our

understanding that there are restrictions related to selling and using industrial hemp products which are not marijuana products per se, but are regulated in Alaska.

Chair McKinley asked is more of a compliance notice for the board and licensees. DD Saviers responded that he is correct, this is a compliance notice where the division of Agriculture are the subject matter experts.

The board thanked DD Saviers for her time and explanation.

**A. FY25 2<sup>nd</sup> or 3<sup>rd</sup> Quarter Reports**

Ms. Dumas reviewed the FY25 3<sup>rd</sup> Quarter report with the board.

The board had no questions for Ms. Dumas and thanked her for her time.

**6. Public Comment**

LE Spencer asked attendees if they would like to address the board. Jacqueline Polis and another individual identified as Lindsey were online. Jacqueline Polis stated she would like to address the board and Lindsey's connection dropped. Chair McKinley stated they would keep an eye on out for Lindsey rejoining the meeting.

Chair McKinley thanked everyone for their patience and individuals would have 3 minutes to speak.

**Jacqueline Polis, Esthetician**

- Board packet contains October 2024 matrix for advanced esthetics, where can the February 2025 matrix be found.
- Concerned how new matrix reflecting services will impact my business and others in the industry with moving forward with the tiered aesthetic license.
- October 2024 matrix reflects some services that are of concern for the advanced one only because obtaining that license may require going back to school.
- What are the plans for a tiered license; will this require current estheticians having to go back to school to be able to perform those services, or will licensees be given the opportunity, possibly, to just pass the NIC exam.

Chair McKinley asked Ms. Polis to confirm she is looking for the February 2025 Esthetics Procedures Continuum.

Ms. Polis concurred and continued with her comment; how will a tiered advanced aesthetic license break down services; specifically, and how that will apply to her business, as the October 2024 matrix reflects Hydrotherapy (# 20, page 7); the provided description reflects body hydro, but more like hydro bathtub. Ms. Polis continued, in general, hydrotherapy, for an esthetician applies to a hydrofacial machine; as it is reflected on the matrix this would be an advanced esthetician requirement with an additional 900 – 1,200 hours of training; this requirement would eliminate her ability to provide one her main esthetic services she can provide under the current esthetician license.

Chair McKinley stated he would check with Ms. Chambers to see if the February 2025 matrix is available.

Ms. Polis thanked Chair McKinley and also requested he get clarification on Hydrotherapy (# 20, page 7) if it is still referenced on the new matrix, does this reference hydrotherapy facial machines like the hydrofacial or any hydrofacial machine.

Chair McKinley stated he would reach out to Ms. Chambers for answers to Ms. Polis' question and asked LE Spencer if she had gotten this written down.

LE Spencer stated the February 2025 matrix was just literally given to her during this meeting and had been added to the meeting packet via OnBoard. LE Spencer informed attendees and board members, the

February 2025 matrix and additional Medical Spa Services Work Group meeting dates, meeting minutes, matrices, and additional information can be found on the Work Group's website.

PC Derr confirmed the February 2025 matrix is posted to the Work Group's website.

LE Spencer walked board members and attendees through accessing the Work Group's website through the Boards website.

Chair McKinley asked if Ms. Polis had any closing comments.

Ms. Polis thanked the board for providing where to find Work Group information and moving forward, how advanced esthetician licensing would impact currently licensed estheticians.

Chair McKinley stated that these were matters this board and the Work Group are working on and addressing. Chair McKinley continued, Ms. Chambers may have additional information as she has been chairing the Work Group.

LE Spencer stated the board will begin discussing tiered/advanced esthetician licensing, however, as this would be the creation of a new license type, the board must submit and get passed a legislative packet which would include regulatory projects as well. LE Spencer continued, both legislation and regulatory projects would take time, however with AO 358 in place, the board couldn't present anything until the AO was lifted.

Ms. Polis thanked the board and stated she understands this is a big project, wants to ensure her concerns are heard, and feels the board is moving in a good direction.

Chair McKinley thanked Ms. Polis and stated he appreciates her being involved and participating during public comment.

Chair McKinley asked LE Spencer if there were any other attendees that wanted to speak. LE Spencer stated there was no one else for public comment.

The board briefly reviewed their remaining agenda and agreed to a 30-minute lunch.

*Recess The Board recessed at 12:03 p.m. for a lunch break; reconvened at 12:33 p.m. Majority of the board confirmed by roll call.*

## **11. Administrative Business**

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

- i. February 5, 2025, Meeting
- ii. April 17, 2025, 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 Jenn Lombardo**

Approve February 5, 2025, and April 17, 2025, meeting minutes as presented.

**Approved by majority roll call vote.**

LE Spencer stated she would have meeting minutes and investigative documents loaded to DocuSign shortly after the meeting.

### **B. FY25 Annual Report Submission**

LE Spencer apologized for formatting issues and assured the board that the Publication Team would complete formatting needs once a final report was approved by the board and submitted.

The board reviewed "accomplishments" and briefly discussed adding information about AO 358. LE Spencer suggested the AO be addressed in the "needs" section; board members agreed.

The board continued to discuss “accomplishments” and made the following edits:

- 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.
- Started long range strategic planning with assigned board member, Jessica Pestrikoff. Also working with the division to ensure that this project is a success.
- This board and the division's morale is up and excited to get work done in a productive manner.

The board reviewed “activities”; LE Spencer stated this section reflected meetings the board held from June 30, 2024 – June 30, 2025.

The board reviewed “needs” and agreed to add information regarding AO 358 and the ability to use other program staff to assist this program through the Nurse Compact to this section.

Ms. Lombardo stated she has reviewed previous years annual reports and asked if the “needs” section is reflecting immediate needs or needs over the course of time. Chair McKinley stated this section was a bit of both.

Ms. Lombardo reviewed the FY22 annual report and pointed out several items that had been listed in the report, but no movement or actions had been completed since the report had been written. Ms. Lombardo suggested adding a few items from the FY22 annual report to the FY25 report as the items are still relevant and still need addressing.

The board briefly discussed adding items from the FY22 report. Chair McKinley asked which items Ms. Lombardo thought should be added to the FY25 report.

Ms. Lombardo stated she felt including representation on a national level and continuing to be attentive to school/instructor responsibilities would be beneficial.

The board briefly discussed the 70<sup>th</sup> Annual NIC meeting and a main topic of discussion scheduled for the meeting is addressing tiered and advanced esthetician licenses. LE Spencer informed the board that she and PC Derr had been communicating with NIC Executive Director Susan Colard about this meeting; unfortunately, remote attendance was not occurring, however Ms. Colard would provide notes, and any information provided during this discussion.

LE Spencer shared the FY22 annual report so the board could review the FY2023 Goals and Objectives section (page 19 - 20).

The board briefly discussed the FY23 goals and objectives. LE Spencer suggested the board consider the FY25 “needs” section as their goals and objectives.

Ms. Lombardo strongly urged the board to consider adding “Increase the length of time licensed as a tattooist or permanent cosmetic colorist from one year to a minimum of three years before taking on apprentices” from the FY22 report to the FY25 report. Ms. Lombardo stated that she is appalled that this hadn't been addressed since the FY22 report.

Chair McKinley and Ms. Lombardo briefly discussed this matter.

LE Spencer suggested this could be a topic added to the strategic planning meeting for the board to address.

Ms. Lombardo and Chair McKinley continued to debate this matter; Ms. Lombardo for adding and Chair McKinley for not adding.

LE Spencer informed the board that during a Legislative Audit, auditors review annual reports and note topics that frequently repeat but never are concluded.

The board continued to discuss FY22 report items that could be included in the FY25 report.

Ms. Lombardo suggested the board add updating the fine matrix to the “needs” section and asked if board members thought adding having another investigative staff member assigned to the program.

The board continued to discuss “needs” and asked LE Spencer if they would be approving this report today or would they have the opportunity to review the report with edits. LE Spencer informed the board that they could approve the report today or she could load the report to OnBoard for a board member review/edit.

Chair McKinley and Ms. Lombardo continued to discuss including changes to the length of time a body art licensee should be licensed before taking on trainees.

Chair McKinley firmly stated he was against this as it would impede business, would make it extremely difficult to find artists, and put barriers towards full licensure. Chair McKinley stated that if this had been in effect during COVID he would be out of business.

LE Spencer suggested a compromise by possibly adding a requirement for body art licensees before they can begin taking on trainees, which might include verification of work experience, paperwork training, and possibly adopting the NIC Tattooing theory written examination as the exam is much more current than the State Board theory written examination as it addresses current practices, design application, and more service orientated questions. LE Spencer also stated study materials for the State Board theory written examination were very difficult to locate and expensive to obtain hard copy materials. LE Spencer also suggested changes to the current tattooing curriculum, not the required hours, but to the required practical and theoretical requirements.

Ms. Lombardo stated she feels the requirements for tattooing are vague; current requirements allow the mentor to guide and teach their students in the way that best suits whatever practice they're going into, since there are many different ways to tattoo, pierce, and provide cosmetic coloring services.

Chair McKinley agreed the test was old. Ms. Lombardo asked Chair McKinley his thoughts on the curriculum and thoughts on editing the curriculum to be more in line with the NIC Tattooing theory exam.

LE Spencer informed the board that more issues with instructors have been occurring since COVID; staff were receiving more questions from instructors regarding how to enroll and complete enrollment applications, how to complete training documents, and how people moved forward with a license when training had been completed. LE Spencer continued staff couldn't put their finger on what had happened as these issues began prior to the board changing the State Board Practical examination to be a proficiency exam and eliminating the Instructor Practical exam. LE Spencer continued, instructors are not at the level they used to be.

Ms. Lombardo asked if this issue was across all industries. LE Spencer confirmed, this was across all industries, schools, instructors, and trainers.

The board briefly discussed the current workforce culture.

LE Spencer asked if this would be an acceptable compromise instead of adding “Increase the length of time licensed as a tattooist or permanent cosmetic colorist from one year to a minimum of three years before taking on apprentices” to the FY25 annual report, add a statement addressing changes to body art requirements prior to taking on trainees.

Ms. Lombardo agreed.

Chair McKinley did not agree and stated he does not want either topic to be included in the annual report.

Ms. Canady suggested the information be included and the board would keep discussing at another meeting or meetings.

Ms. Lombardo stated she felt the 1<sup>st</sup> statement in the report is good.

LE Spencer reminded the board that this version of the annual report is just a draft and urged board members to think a little more during their break.

*Recess The Board recessed at 1:34 p.m. for a short break; reconvened at 1: 55 p.m. Majority of the board confirmed by roll call*

Chair McKinley stated he did not want to include increasing the length of time a licensee had to be licensed before taking on trainees and was unsure how to proceed.

LE Spencer stated she understood this is a contentious topic and asked for board member input.

Ms. Canady had technical difficulties and asked the board to come back to her.

Jessica Pestrikoff stated she didn't have any input but stated this may be due to her not understanding enough of the issue and asked Chair McKinley what would be negative about requiring more experience before taking on trainees.

Chair McKinley gave a personal example of times he would lose employees and would suddenly have to find somebody that has one year experience to be able to take on trainees. Chair McKinley stated if more experience requirements were in effect during the past year or two, he would have had to close down shops. Chair McKinley stated he also feels requiring more experience would increase barriers to licensure for tattooists, which this change would do.

Ms. Pestrikoff thanked Chair McKinley and stated, isn't the objective of the board to provide and ensure the safety of the public.

Chair McKinley stated he doesn't feel a 3-year requirement would increase health and safety.

Ms. Thompson stated she agreed with Chair McKinley and continued, extra years of experience doesn't necessarily mean people will be more prepared or safe. Ms. Thompson stated there are people who put in the education time within the first year and continue to obtain additional education after they're licensed. Ms. Thompson stated that she agrees more experience is better especially when teaching someone, however, she doesn't see how 1 or 3 years of experience would make a licensee safer. Ms. Thompson continued, there are techniques that with more experience, improve the quality of work, however if a person can't be working safely within a year, maybe they shouldn't be practicing.

Ms. Pestrikoff asked, “wouldn't you want someone to have that technique and experience before teaching.

Ms. Thompson asked if they were still discussing health and safety or the quality of the service; both are closely related however the health and safety aspect should be mastered within the first year

Ms. Canady stated that she has been an instructor for many years, to qualify she had to provide work experience and pass examinations. Ms. Canady stated that there is no additional training or examination for a tattooist to be qualified to teach. Ms. Canaday stated she understood what Chair McKinley is saying and he may be doing the right thing, which is like current esthetic issues, there are many people doing the right thing, but there are also many people not doing the right thing. Ms. Canady continued, she understands a change may affect his business and asked how the board could close the gap without changing experience requirements and affecting those who are teaching well.

Ms. Thompson agreed with Ms. Canady.

Ms. Canady stated her heart goes out to business owners that are doing the right thing; however, you can't get people to completely follow rules, however it is the responsibility of the board to find a balance when making requirements. Ms. Canady continued, there must be a way to meet halfway on this matter, 3 years of experience may be too long. Ms. Canady asked what other states require for tattooists to begin training people.

LE Spencer informed the board that Alaska is one of very few states that license body arts; most states issue permits based on requirements set by individual counties. LE Spencer continued that most states/counties only require passing a bloodborne pathogen course to be issued a body art permit. LE Spencer stated that she's not sure which state, but a state is looking into creating body art licensure due to multiple counties having different requirements which is causing artists problems obtaining a license or permit in another state.

Ms. Canady thanked LE Spencer.

Chair McKinley stated unless there are paperwork issues, he doesn't see how requiring additional experience would be beneficial. Chair McKinley continued he feels this is an issue that is only applicable to a few tattoo artists who have paperwork problems. Chair McKinley stated additional experience wouldn't fix paperwork problems as paperwork problems are another matter.

Ms. Canady stated Chair McKinly may be correct, however, if she hadn't received instructor training, she didn't feel she'd be the successful instructor she is. Ms. Canady continued time/work experience does not mean you'll be good at paperwork, but it gives you tools. Ms. Canady stated just because you may have paperwork issues, it doesn't mean you're not a good teacher.

Sara Chambers joined the board meeting.

The board greeted Ms. Chambers and continued to discuss experience for body art trainers.

LE Spencer stated that it definitely seems the board needs more discussion on this topic and would they consider not including increasing the experience for tattooists in the FY25 annual report and add it to the strategic planning meeting or another board meeting.

Chair McKinley agreed with not including this in the annual report or to strategic planning as he feels much more discussion is needed which would best be done during another meeting.

Ms. Lombardo stated that she is championing adding experience requirements, however, there are many other more important items the board needs to address and as there haven't been any health and safety issues with current tattooist experience requirements she doesn't mind putting a pin on this discussion for another meeting. Ms. Lombardo stated that she wholeheartedly believes this is a topic the board should not lose sight of.

The board briefly discussed their review of applications and asked LE Spencer for a refresher on this topic.

LE Spencer informed the board that during Governor Dunleavy's Executive Order (EO) 128, a review of the board statutes and regulations had been done, with the finding that the board had no authority to delegate the approval of applications to staff. LE Spencer continued, DD Saviers is aware of this and had asked this topic be added to the boards previous meeting agendas, however,



DD Saviers was not ready to discuss this with the board due to the number of applicants this board has, DD Saviers wants to have a plan in place for the board to consider applications before speaking with the board and beginning to have them review applications.

The board asked Ms. Chambers if she had any input on this matter and should the board include this in their annual report.

Ms. Chambers greeted the board and welcomed Ms. Lombardo back. Ms. Chambers stated she was not familiar with this matter and was reaching out to DD Saviers for additional information and hoped to have more information shortly. Ms. Chambers stated it has been the position of the Department of Law if a board adopted a checklist and regulations that reflected if an applicant meets items on the checklist the applicant shall be issued a license.

Ms. Chambers reviewed the criteria for the annual report and suggested the board pick topics that the board has been successful with and add other topics to their strategic planning meetings.

The board and Ms. Chambers continued to briefly discuss the FY25 annual report and made the following edits to the “needs” section.

- 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.
- Continue to have an operating budget so the board can more efficiently accomplish goals. This includes having a member of the division present during board meetings and conducting meetings face to face.
- Support the hiring of a third full time licensing examiner for the program and accept assistance from other program staff. The second licensing examiner position was filled May 12, 2025.
- The board continues to maintain representation at a national level. The board would like, once again, to begin sending appointed board and staff members to National Interstate Council of State (NIC) Boards meetings. NIC meetings are highly valuable to regulating our professions. Current national topics include discussions and multi state board conversations addressing multi-tiered esthetician licenses.
- Update service and practices of estheticians to meet current industry standards and practices. The board continues to make this issue a priority. The board in conjunction with the Division has created the Medial Spa Services Workgroup Board, have defined “appliances” as referenced in statute 08.13.220(5) through a regulation project. This board and the Medial Workgroup have created an Esthetics Procedures Continuum (Final – February 2025) which defines services the current 350-hour estheticians may provide, and services that require medical oversight/supervision.
- Update Statutes and regulations through the strategic planning process including but not limited to creating a tiered esthetician license. The board will create a legislative change packet which would give the board regulatory authority to create and amend licensing and training requirements for all professions regulated by this board. Despite Administrative Order 358, the board will continue to create legislative and regulatory packets for submission when AO 358 is rescinded.

LE Spencer thanked the board and stated she would have the drafted annual report loaded to OnBoard for their review and consideration shortly.

Chair McKinley asked the board if they were ready to move onto agenda item 13 A. LE Spencer informed the board that Ms. Chambers had joined the board for the Work Group update and stated Ms. Chambers may have additional information for the board.

Chair McKinley stated the board had been ahead of schedule and Ms. Thompson had provided an update earlier in the day. Chair McKinley asked Ms. Chambers if she would like to speak to the Work Group.

Ms. Chambers stated that she didn't have anything to add but if the board had any questions or needed additional support, she would be happy to assist.

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

### **13. Old Business**

#### **A. Local Shop Courtesy License (body arts) Follow Up Report**

Chair McKinley asked LE Spencer to provide an update on this matter.

LE Spencer informed the board that she had done additional research into the responses from DD Saviers and Regulation Specialist Stefanie Davis which reflected legislation may be needed to create a new courtesy license type, however, it appears that the current regulation, 12 AAC 09.004 may allow for the addition of another courtesy license type. LE Spencer stated she and PC Derr would be doing additional research and would report back to the board.

### **14. Administrative Business, Cont.**

#### **A. Staff esthetician service assistance request – Threading**

LE Spencer informed the board that staff is receiving this question from licensees; can a licensed esthetician provide eyebrow threading services.

The board reviewed eyebrow threading procedures and services. The board determined that as the skin is not pierced or punctured during this service, which consists of using a thin thread to remove hair from the brow area, the technician twists the thread, which then removes hair as it's moved along the skin.

LE Spencer also asked the board to confirm a license hairdresser could provide this service under limited esthetics per statute Sec 08.13.160(f).

The board stated estheticians and hairdressers may provide threading services.

LE Spencer thanked the board.

#### **B. Correspondence**

##### **i. Jamie Norris – 12-hour manicuring exam language question**

LE Spencer stated the email from Jamie Norris was asking if the 12-hour manicuring courtesy and the safety/sanitation examination administered at the conclusion of the 12-hour manicurist course could be taught/administered in Spanish, Vietnamese, and possibly other languages.

LE Spencer informed the board that this question is only pertaining to the 12-hour manicurist license not the advanced endorsement license which requires passing the NIC Nail Technology theory written examination. LE Spencer continued a review of the board's statutes and regulations reflects this question is not addressed, however the NIC Nail Tech theory and all other NIC Theory exams this board uses are offered in all languages NIC provides.

The board reviewed statute Sec 08.13.080(e), and the manicuring curriculum of 12 AAC 09.143. The board briefly discussed textbook options and the availability to obtain the textbooks in other languages.

The board, by roll call, agreed the 12-hour manicuring course and exam could be taught and administered in whatever language is compatible with the customer base or the student base.

### **C. Application Review**

LE Spencer reported there were no applications for the board to review.

Chair McKinley asked if board members would like any final comments before ending the meeting.

Ms. Lombardo stated she had concerns with the newly adopted regulation change defining appliances; with AO 358 in place, which may not be lifted anytime soon, how will the definition affect people's livelihood over the next potentially few years before legislation and regulation projects could be put forth.

Chair McKinley asked if Ms. Chambers was still online. LE Spencer informed the board Ms. Chambers had left the meeting; however PC Derr may be able to provide a response while LE Spencer attempted to contact Ms. Chambers.

Ms. Lombardo also asked if the board was still seeking to remove microneedling from the tattooing definition in statutes or is this something the board has accepted as is.

Chair McKinley stated that matter is one that is being looked into. Ms. Canady stated that adding microneedling to tattooing was a mistake and shouldn't be included in the tattooing definition.

LE Spencer asked Ms. Lombardo to repeat her question for PC Derr.

Ms. Lombardo asked how the regulation project freeze of AO 358, which could last several years, potentially affect licensed practitioners with the new definition of appliances in place and the board not having the ability to move forward with submitting legislative and regulatory changes.

PC Derr stated that the appliance definition regulation was approved, signed the Lt Governor, will go into effect early June 2025. PC Derr informed the board that unfortunately there is no good timeline on when or if AO 358 would be lifted, but the AO may possibly be lifted January 2026, and she will check on this date.

PC Derr stated that the new definition of appliances can be used and will apply to current statutes and regulations, so safety measures have been put in place. PC Derr informed the board that at this point the best they could do as a board is start drafting legislative and regulatory changes that could be submitted as soon as the AO is lifted. PC Derr also informed the board that if a health or safety concern arose, the division could put something forward to the Governor's office for approval.

Ms. Lombardo thanked PC Derr and repeated her question to Ms. Chambers; now that the appliance definition had been approved, she is concerned that it may limit and negatively affect people who would be qualified to provide advanced esthetics but may not be able to as the board cannot move forward with legislation or regulations to create a new tiered/advanced esthetician license.

Ms. Chambers stated that it seems the board may be concerned about the ability to adopt regulations and move forward with creating new license types.

Ms. Lombardo agreed and stated she's concerned with the interim between the definition being adopted and an advanced aesthetics license being created; will these delays limit practices licensed and properly trained estheticians have been providing.

Ms. Chambers stated her understanding through several meetings this board held while creating and adopting the definition, to her knowledge there wasn't a lot of concern from people who felt that they could legally be providing services outside of this definition that they weren't going to be able to do anymore. Ms. Chambers continued the new definition shouldn't affect anyone who's been practicing legally and continues to practice legally. Ms. Chambers informed the board the Med Spa Group is working on areas of services that need clarification from this board, the Medical Board, and/or the Board of Nursing, where there may be advanced esthetic services that require a medical director.

Ms. Chambers informed the board that the Work Group and associated boards would continue to work on esthetics matters and urged the board to write legislation and regulations, so they are prepared to move forward with these processes once the AO is lifted. Ms. Chambers also reiterated PC Derr's statement regarding health and safety concerns; if any health and safety concerns are found, the division will push forward through the Governor's Office, with requests for changes needed to address the health and safety concerns.

Ms. Lombardo stated to further clarify, it sounds like you're saying, through your experience, and possibly in your opinion, our licensees shouldn't be negatively affected by this definition change, and it shouldn't necessarily limit their scope of practice during the time the board can move forward with changes.

Ms. Chambers stated that this would not be the outcome she would expect, based on the Board's conversations, the historical understanding of what an esthetician has been able to do, the Board wanting to codify that, and with the public comment that was received; it didn't feel like this final version was going to limit anyone from what was reasonably considered to be the practice of aesthetics.

Ms. Chambers stated she wanted to recognize Ms. Polis and that she's been an advocate for clarity in this space which Ms. Chambers feels is fantastic and appreciates the public engagement. Ms. Chambers continued, the practice of these advanced procedures that go below the dermis and somewhat constitute the practice of medicine, as far as Alaska laws are concerned, are not what this definition was trying to accomplish; the definition is trying to clarify what an esthetician is under the current statute. Ms. Chambers concluded the board and Work Group have more work that needs to be done, which they are all working on.

Ms. Lombardo thanked Ms. Chambers.

Chair McKinley asked if board members had any further comments or questions; hearing none Chair McKinley thanked board members and staff. Chair McKinley reminded board members they would be meeting July 10 and August 13.

**15. Adjourn**

The chair declared the board off the record at 3:23 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 JULY 10, 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, July 10, 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.**

**July 10, 2025:**

**Attendance**

**Members Present:** Chair Kevin McKinley, Willie Mae Canady, Jessica Pestrikoff, Jennifer (Jenn) Lombardo, Shannon Thompson, Danielle Desarae Hager

**Staff Present:** Cynthia Spencer, Barbara Denney, Damen Bennett Licensing Examiners, Lacey Derr, Program Coordinator, Division Director Sylvan Robb, Sara Chambers, Boards and Regulations Advisor

**Public Present via Zoom:** There were 4 members of the public present

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

The board was called to order at 10:05 a.m. by Chair Kevin McKinley.

Chair McKinley informed the board Jessica Pestrikoff would join the board by 10:30 a.m.

**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> Jenn Lombardo– 2<sup>nd</sup> Mae Canady**  
Approve July 1, 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.

Chair McKinley introduced new board member Danielle Desare Hager. Desarae Hager greeted the board and stated she is an instructor at Galena Interior Learning Academy and is excited to be on the board.

Chair McKinley introduced new licensing examiner Damen Bennett.

Chair McKinley stated he had forgot to disclose that board member Shannon Thompson works out of his Anchorage 5<sup>th</sup> Avenue shop as a "booth renter"; Chair McKinley clearly stated Ms. Thompson is not an employee.

**4. Strategic Planning and Prioritization Processes. Topics will include but not be limited to the following:**

- Body Art Courtesy License(s) for Alaska Shops
- Tiered Esthetician License
- Update Fine Schedule/Matrix
- Update 12-Hour and Manicurist with Advanced Endorsement Licenses
- Update Current Statutes and Regulations

Chair McKinly briefly reviewed body art courtesy licenses and stated due to issues with all shop licensing, including temporary shop licenses all technically being "brick and mortar" facilities, additional assistance from Dept. of Law is needed before starting a project. Chair McKinley stated this had been a topic of

discussion during his previous tenure with the board but had not been resolved. Chair McKinley that he felt this matter was not as important as other issues at this time and would be fine with shelving this conversation until a later date.

Chair McKinley asked Jenn Lombardo for her input regarding body art training, 12 AAC 09.169(c), practical operations, when conducting practical operations that may take 8 hours how do you give credit, would an 8-hour operation be considered 1 practical operation in either of the required 50 practical operation section; how do you calculate this time.

Chair McKinley stated that quarterly reports have been an issue for many years specifically submitting these reports as required by regulations. Chair McKinley stated this has been a matter with the investigative unit and the matter had also been discussed at meetings during 2017 or 2019. Chair McKinley stated he had thoughts to either do away with the quarterly report requirements or adjust submitting these reports to allow their submission with completion or termination forms. Chair McKinley stated he felt this matter should be addressed as it is causing difficulties for the Division with licensing and investigative staff. Chair McKinley continued if training document changes occurred the changes should be applied to all training programs.

Chair McKinley stated the other topic he would like to address is the fine matrix/schedule; if time allowed the board could discuss this later.

Chair McKinley and Ms. Lombardo briefly discussed training tracking for body arts and how to give credit for practical operations. Ms. Lombardo stated she counts hours, for example a trainee observes 30 minutes of a tattoo, they will get credit for 30 minutes; however, if a tattoo takes longer, she will track the time the trainee observes.

Chair McKinley asked board members for their input on quarterly reports.

Mae Canady stated for hairdressing, if someone is having problems submitting reports every 3-months, she doesn't feel an extension for submitting the reports wouldn't fix the submitting timely problems. Ms. Canady also stated that changing the quarterly report submission to the end of training would create more problems.

Desare Hager stated that as an instructor in a high school setting sometimes the 3-month quarterly submission dates coincide with school breaks so some reports may not be submitted until well after the 3-month quarterly report submission dates. Ms. Hager stated school starts in August, then break for Christmas, and then school ends in May; school is out June – July which results in submission delays. Ms. Hager also stated that she won't know which students need to be terminated until school starts in August. Ms. Hager urged the board to keep this in mind for other schools.

Ms. Lombardo stated she really didn't have an opinion regarding changes as she does not have a lot of apprentices, submitting reports timely has not been an issue; however she can imagine for a school or someone with multiple apprentices, there may be problems submitting reports on time. Ms. Lombardo stated she would like Ms. Spencer's opinion on this matter.

Shannon Thompspon stated that she's in a similar situation and opinion as Ms. Lombardo. Ms. Thompson stated that having fewer apprentices, she's able to keep up with paperwork. Ms. Thompson also asked for Ms. Spencer's opinion.

OLE Cynthia Spencer stated that staff is seeing many cases of quarterly reports, completion of training, and termination of training forms not being submitted in accordance with regulations (12 AAC 09.180, 09.185, 09.190); staff has been submitting referrals to the investigative unit, including very recent referrals, however when cases have been presented to board members for review, board members except for every once in a while, find no violations of regulations which reflects board members are not enforcing their own statutes and regulations. OLE Spencer continued, staff are required to follow set statutes/regulations, however, if board members aren't enforcing their statutes/regulations the board needs to address this issue and possibly change statutes/regulations by removing or changing training documentation submission requirements.

Chair McKinley asked OLE Spencer how a matter would be escalated to the Investigative Unit; for example, you receive a report with issues which result in escalation to the Investigative Unit. OLE Spencer stated this was correct; staff follows statutes/regulations and would submit up the chain of command if timely submission matters were reflected.

Chair McKinley asked OLE Spencer what commonly triggers an escalation to the Investigative Unit; late submissions or a student checking on their training?

OLE Spencer informed the board that as this program is not proactive, an escalation would occur if, but not limited to, training documents received past regulatory requirements, not having training documents if student contacts staff, the inability to obtain corrected training documents, or the receipt of an examination application and file review reflects no training documents or missing training documents outside of regulatory submission requirements, or receiving a training enrollment application and during processing it is noted the person providing training has associated apprentice/trainee files that are missing training documentation.

Chair McKinley asked if self-reporting would trigger an escalation; for example, a person notifies you that a student moved on and the person forgot to submit the training documents.

OLE Spencer stated that this typically wouldn't trigger an escalation; staff would work with the person to obtain all outstanding training documents. OLE Spencer informed the board that this would trigger an internal time frame of typically a week which all outstanding training documents should be received by, if that date passes staff would make an additional attempt to obtain the documents or obtain corrected training documents; if after 2-weeks from first contact with the person training documents or corrected training documents are not received, the matter would be escalated.

Chair McKinley stated, reading back through the minutes, one thing that had been discussed was notifying someone that training documents were overdue, then a 30-day clock would start for them to submit outstanding training documents; is this being done, was it ever done.

OLE Spencer stated that staff doesn't have enough time or resources to constantly monitor student, apprentice, and trainee files for training documentation submissions.

Sara Chambers, Boards and Regulations Advisor, interjected and informed the board that they had set aside 2-hours today to go over strategic planning, and the board is in the weeds on a particular topic which is maybe a few meetings from now the scope of strategic planning. Ms. Chambers asked if the Board's intention is to go through the bullet list reflected on the agenda and work on those items or would they actually like to work through the strategic planning process. M. Chambers stated that there would not be enough time today to finish a strategic planning process but the goal would be to take a very high, level strategic view of all the priorities not just a few, and put them into a framework where the board can then put them on a future agenda, and work through them in a in a future board meeting agenda rather than working through them today. Ms. Chambers continued what she's observing is the meeting is unfolding in a way that was different than what we had planned for, which is fine, if that's the Board's wish, but she wants to check to make sure the board meets the expectations and goals for today.

Chair McKinley thanked Ms. Chambers and stated he had one last question before moving forward. Chair McKinley asked if investigative training for board members would be helpful and pointed out that investigative training was on a meeting agenda.

OLE Spencer informed the board that they would be receiving investigative training during the August 13, 2025, board meeting.

Chair McKinley asked Ms. Chambers how she would like to proceed with this meeting; continue reviewing the bullet points on the agenda.

Ms. Chambers stated they could go through the bullet points and work on those items, however, this will not be strategic planning, if the board would like to switch to actually working on a strategic plan, folding those items into the plan she'd be happy to lead and assist the board with this process.

Chair McKinley asked Ms. Chambers to continue on with strategic planning.

Ms. Chambers introduced herself and thanked the board for their time and began reviewing strategic planning and strategic planning documents.

Ms. Chambers informed the board that the plan for today is to walk through a strategic planning process and the goal of a strategic plan. Ms. Chambers continued, the concept of a strategic plan is to Align the board with its mission and vision; help the board prioritize tasks and objectives, ensure the board remains aware of its goals and the steps needed to achieve them, and keep the strategic plan at the forefront during meetings and decision-making processes. Ms. Chambers stated that the strategic plan should guide the board's work and decisions, board members should refer to the strategic plan when planning meetings, reviewing agendas, and considering public comments.

Ms. Chambers acknowledged the continuous and sometimes fluid nature of the board's work and that this board consisted of several previous board members and several new board members. She welcomed new board members and recognized the ongoing efforts of current members. Ms. Chambers highlighted the board's struggle to stay organized and prioritize topics, emphasized the importance of taking action on prioritized items, such as proposing legislation, working on regulation changes, and clarifying expectations for licensees and applicants. She encouraged board members to give themselves grace while also stressing their responsibility to stay on top of priorities and noted that not all requests for changes are of equal priority and that even quieter voices may bring up important issues. She reinforced that a strategic plan helps in determining and maintaining priorities.

Ms. Chambers informed the board that the strategic planning process involves writing down goals and may take several days to complete; during this meeting she will be writing down items identified by the board. She reminded the board that they operate within the statutes established by the State legislature, which serve as their playbook. Ms. Chambers reminded the board that their responsibilities include interpreting statutes, working with the division, and ensuring clarity and relevance of regulations. She stated that the board may need to propose changes to outdated requirements to the legislature.

Ms. Chambers outlined three ways for the board to proceed:

1. Actively work on priorities, set plans, assign roles, and follow through with actions.
2. Risk holding back progress by not addressing priorities, leading to industry problems.
3. Face potential outcomes like being reduced to an advisory role if the board neglects its duties.

Ms. Chambers stressed the importance of maintaining public trust through diligent work and decision-making. She acknowledged past struggles but encouraged moving forward with honesty and dedication and thanked board members for their service and commitment despite challenges. Ms. Chambers emphasized the importance of being proactive and responsible as State public officials and encouraged board members to embrace the challenge and improve outcomes through intentional and thoughtful decision-making. Ms. Chambers compared the process with other challenging tasks in life, highlighting the need for consistent, active steps to achieve progress.

Ms. Chambers introduced the process of examining the board's mission, vision, and management of past issues. Ms. Chambers informed the board that the first step involves developing a mission statement (who the board is and what it does) and a vision statement (the board's future role and purpose). She asked board members to review past meeting minutes and identify important items and public concerns; the goal is to prioritize these items, determine their relevance, and decide on necessary actions. Ms. Chambers stated examples include addressing outdated regulations and considering recent concerns from licensees and the board will create an activity list to manage priorities and allocate resources effectively.

Ms. Chambers discussed the importance of assessing activities and using metrics to evaluate success and consideration of stakeholders' perceptions and available resources is crucial. She stated conducting a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) helps prioritize important issues, identifying illegal or unsafe industry practices and outdated requirements is part of the process. She stated the board will categorize activities into areas such as licensing, examination, enforcement, and regulations, setting specific, measurable goals is essential for achieving initiatives and determining success.

Ms. Chambers highlighted a recent success with the aesthetics appliances device definition, which clarified standards for estheticians. She emphasized the importance of setting specific goals and breaking them down into actionable steps. Ms. Chambers briefly discussed the need for assigning roles, conducting research, and collaborating with stakeholders. She stressed the importance of evaluating



outcomes through key performance indicators (KPIs) to ensure goals are met and encouraged continuous assessment and adjustment to maintain successful outcomes and address any issues.

Ms. Chambers asked the board if they had any questions before moving on. Hearing none, Ms. Chambers continued. Ms. Chambers emphasized the importance of having clear mission and vision statements to guide the board's work. She noted that some board members may not fully understand their roles, leading to mission creep and wasted resources and suggested involving stakeholders in the strategic planning process and seeking public input on the plan. She highlighted the importance of considering public interest, including licensees and consumers of services.

Ms. Chambers stressed the importance of being aware of personal biases during strategic planning and explained that biases are natural and everyone has them, but they can affect decision-making. She encouraged board members to check their biases and consider different perspectives and shared an example of a board chair making a decision based on gut feeling rather than regulations and collective experience. Ms. Chambers emphasized the need for decisions to be based on statutes, regulations, and collective professional experience. She also emphasized the importance of using data and stated outcomes to measure success. She encouraged looking at other boards and professions, for examples of defined outcomes and metrics and highlighted the need for measurable outcomes rather than gut feelings. Ms. Chambers suggested setting dates for evaluating the effectiveness of regulations and making necessary adjustments. She stressed the importance of continuous evaluation to ensure successful outcomes and address any issues.

Ms. Chambers suggested starting with listing activities and getting them on a page. She emphasized the importance of capturing all activities found in research and mentioned that the document could be long and would be reformatted and shared later. Ms. Chambers asked board members who completed their homework to share their list of activities.

Ms. Lombard asked when referring to "activities," does Ms. Chambers mean the specific tasks or actions that the board needs to undertake to achieve its goals. Ms. Chambers responded that she was referring to reading meeting minutes that had been assigned to board members and creating a list of items that have been identified as things that need to be worked on. Ms. Lombardo thanked Ms. Chambers and stated she had started a list.

Ms. Hager stated she had reviewed her meeting minutes and wasn't certain if she had pulled correct items to address.

Ms. Chambers informed the board that one item she would like to add to strategic planning will be presented by Director Sylvan Robb.

The board paused strategic planning to move onto Item 5.

## **5. Delegation of License Issuance (Robb/Saviers)**

Director Robb greeted the board, stated she was having technical difficulties, and thanked the board for their patience.

Director Robb informed the board that the Department of Law has indicated that the board does not have the authority to delegate the issuance of licenses to the division. She stated currently, staff issue licenses once applicants meet qualifications and complete the checklist. Director Robb stated in fiscal year 2024, the board issued 1,050 new licenses, averaging about 20 new licenses per week; if the board were to take on this workload, it would be a significant increase in responsibilities, more than any other board currently handles.

Director Robb informed the board that they could seek a change in the statute to give the board the authority to delegate license issuance to the division, allowing the current process to continue with clear legal backing; or the board could consider other ways to manage the workload, such as changes in statutes that could reduce the number of new licenses requiring board review.

Director Robb asked if the board had any questions; hearing none she continued. Director Robb informed the board that they are set to sunset on June 30, 2027; the division of legislative audit will start auditing

the program in January of the coming year to ensure compliance before the sunset date. She informed the board that the audit is expected to highlight the issue of license issuance not being fully compliant with the statute due to the division handling this work. Director Robb suggested that the board can either take on the workload of issuing licenses or seek a statutory change to allow the division to continue this work. She cautioned that the workload may vary, with some weeks exceeding 20 licenses and others being less.

Ms. Hager asked would the board have to verify all information/documentation for an application, or will that be done by the division? She continued, will the division say all forms were submitted properly and the board just approves an application.

Director Robb thanked Ms. Hager for her question and stated, board members would not be handling items as they arrive in the office, staff would review all information and ensure applicants meet licensure requirements; complete application packets would be put into the OnBoard system, giving board members about two weeks to review and vote on whether to grant a license based on statutory requirements.

Ms. Hager asked if a board approval requires a consensus vote or a single board member's approval.

Director Robb stated that a majority/quorum vote by all board members is required to approval an application. Ms. Hager thanked Director Robb for clarifying.

Ms. Chambers confirmed a majority vote from the board would be required to approve each license; if any board member identifies an issue or has questions, the application can be tabled for a future meeting and would be presented to the board for consideration.

Chair McKinley asked Director Robb and Ms. Chambers to clarify if the board can continue with the current process of having the division issue licenses while pursuing the statutory change? He stated this would help ensure there's no disruption in the licensing process during the transition period.

Director Robb informed the board that the Department of Law's interpretation indicates the current process does not meet statutory requirements; however, the board can continue with the status quo if it shows awareness of the issue and takes steps to remedy it. She continued, this includes seeking a statutory change to authorize delegation, ensuring the industry continues to function smoothly without halting license issuance. Director Robb suggested the board needs to make a motion to seek a statutory change, specifying the change to authorize the board to delegate license issuance to the division and to consider whether to address this and other potential statute changes as one comprehensive motion or as individual motions as issues arise during strategic planning.

Chair McKinley asked Director Robb to provide some insight into the potential risks of combining multiple statute changes into one comprehensive bill versus addressing them individually? Specifically, how might this impact the speed and likelihood of the bill passing through the legislature?

Director Robb stated simpler bills are easier to pass, as they present fewer opportunities for discussion, confusion, or amendments; the legislature meets in two-year cycles, with the next session starting in January 2026 being the second year of the current cycle. Director Robb stated bills introduced in the second year must pass within that session or start over in the next cycle. She continued, introducing a bill in January 2027 would allow two full years for it to pass, providing more time for consideration and approval.

Director Robb emphasized the importance of ensuring compliance with the statute and noted staff issuing licenses has been a long-standing practice. Director Robb informed the board that their next audit will start in January 2026; the audit is part of the regular process when a board sunsets. She informed the board that every board has a sunset date, and this is not unique to this board; the maximum extension during the sunset process is 8 years; extensions can range from 2 to 8 years, but never just one year due to the time needed for the audit. She stated the legislative audit provides information to the legislature for decision-making on board extensions. Ms. Robb stated the audit is expected to highlight the issue of license issuance not being fully compliant with the statute due to the division handling this work.

Chair McKinley raised concerns about the board's performance affecting audit timing and mentioned a previous instance where the board's audit was moved up by 2 years due to performance issues. Chair McKinley emphasized the need to address these issues quickly and inquired about the possibility of getting travel approval for board members to go to Juneau for legislative projects.

Director Robb explained that travel approval is generally granted for board members to testify at hearings or meet with legislators to seek a sponsor for bills; however, with current restrictions due to the Governor's Administrative Order 358, which limits travel, in-state travel is not entirely prohibited, but it must meet specific requirements and receive permission. Director Robb noted that the situation could change before the legislative session starts in January.

Ms. Lombardo suggested bundling three important statute changes with the proposed statute change to allow the division to continue issuing licenses:

- Removing microneedling from the tattoo definition.
- Adding the term "current state of Alaska license" to statute 08.13.130.
- Adding the ability for barbers and non-chemical barbers to practice and teach hair braiding.

Ms. Canady agreed with Ms. Lombardo's list and added the importance of the two-tier aesthetics license, which has also been on the list for a while.

Director Robb mentioned that as the board works through its strategic plan, the list of statute changes will be finalized, confirmed, and potentially expanded. She emphasized the importance of considering the board's priorities and the best ways to serve the industry.

Ms. Hager asked if it would be beneficial to have a motion ready to address the delegation of licensing before the audit, as this is a significant issue and inquired about the strategy of passing simpler bills first, such as the delegation and hair braiding statutes, and then introducing additional changes later.

Director Robb responded that having a solution in place would look better for the legislative audit and suggested having a motion ready by mid-fall to start seeking a sponsor and be prepared for the legislative session in January. Director Robb noted the importance of taking advantage of the full legislative session due to the high number of competing priorities and to have a completed strategic plan in place.

Ms. Chambers recommended scheduling additional short meetings to work through the major sections of the strategic plan and identify the highest priorities. She suggested follow-up meetings this summer to categorize and make actionable steps and emphasized the importance of not cluttering a bill but addressing all necessary changes. Ms. Chambers advised having a vote and plan by fall to be prepared for the legislative session and mentioned the availability of resources and templates to help with the process. She also suggested having a proposal ready by October to shop around for potential sponsors.

Chair McKinley thanked Ms. Chambers and asked Director Robb if she had anything else to share.

Director Robb thanked the board for their time and effort in developing a strategic plan and highlighted the importance of having a strategic plan to support legislative changes and improve industry regulation. Director Robb encouraged the board to continue their efforts and use the strategic plan as a helpful tool.

The board thanked Director Robb for her time and turned the meeting over to Ms. Chambers.

Ms. Chambers thanked the board and asked Ms. Lombardo to rephrase and provide additional details for the three statute changes Ms. Lombardo had previously mentioned.

Ms. Lombardo reiterated her suggestions of bundling three important statute changes with the proposed statute change to allow the division to continue issuing licenses:

- Removing microneedling from the tattoo definition.
- Adding the term "current state of Alaska license" to statute 08.13.130.
- Adding the ability for barbers and non-chemical barbers to practice and teach hair braiding.

Ms. Lombardo provided additional details and stated that removing hair braiding from the barber and non-chemical barber licenses was done in error during the board's last statutory change; she provided statutes 08.13.080 and 08.13.160.

Ms. Chambers invited Ms. Lombardo and other board members to suggest any additional statute changes for discussion and emphasized the goal of compiling a comprehensive list of potential changes within the next 20 minutes.

Ms. Lombardo mentioned a summary of a current legislation project from the meeting minutes of 11/8/23 on page 5 and inquired if the project went to legislation and what happened to it. She also noted that the updated statutes for items 2, 3, and 4 have already been drafted and can be found in multiple sections of meeting minutes and hoped that having the drafts ready would make the process easier.

Ms. Chambers acknowledged the existing drafts and mentioned the plan to put them together and add the information to the list and suggested setting a date for working on the legislative project to discuss the history and future steps. Ms. Chambers stated that she had added the bullet points from the agenda to the board's strategic planning document.

Ms. Chambers asked the board if they had any brief details, statutory citations, or regulatory citations to add to the list and invited board members to provide any additional information that would help create a breadcrumb trail on the topics. She asked if the board was satisfied with the current list or if they wanted to add more details before moving forward.

Chair McKinley asked Ms. Chambers if she also included information that was included in the list of suggested statute and regulation changes, she had emailed board members. Ms. Chambers responded she had the information under # 10. Ms. Chambers proposed adopting the discussion points and working on formatting the information after the meeting. She informed the board that she planned to get the formatted information back to the board in a manageable format. Ms. Chambers mentioned incorporating the running list of statutes and regulations that OLE Spencer has been keeping and suggested discussing the next steps at a follow-up strategic planning meeting.

Ms. Chambers invited other board members to suggest any additional changes or topics based on their research, meeting minutes, and knowledge, and emphasized the importance of capturing all relevant items for discussion. She encouraged board members to add anything important, whether it is a statute, regulation, or any other topic discussed by the board.

Ms. Canady asked if the board had discussed taking responsibility for making changes without going through the legislature and inquired if this topic had been discussed previously.

Ms. Chambers asked if Ms. Canady was referring to moving certain statutes into regulation so the board could make changes through the regulatory process. Ms. Canaday responded that Ms. Chambers was correct. Ms. Chambers mentioned that this topic had been discussed previously, with the board identifying areas more appropriate for board management rather than the state legislature and she would be adding this to their strategic planning list.

Ms. Chambers asked board members if there was anything else they would like to add.

Ms. Lombardo mentioned the need to update the tattoo exam, as some questions are outdated and the board had previously selected new questions to be added, but to the best of her knowledge the exam had not been updated with the new questions. Ms. Lombardo stated the board had spent a lot of time drafting proposed changes to the Department of Environmental Conservation (DEC) regulations, which have not been updated since 2002, to reflect changes in the industry and suggested revisiting this matter. Ms. Lombardo proposed requiring tattooers to be licensed for more than one year before taking on an apprentice, aligning with other industries and reflecting public consensus and expressed a personal preference for having in-person meetings at least once a year, as they are effective and help board members get to know each other better.

Ms. Chambers thanked Ms. Lombardo for her suggestions and asked board members to make additional suggestions.

Chair McKinley raised the issue of accepting out-of-state training for tattoo applicants while not allowing tattoo schools in Alaska, suggesting this needs to be examined.

OLE Spencer informed the board that the National Exams for tattooing, permanent cosmetic coloring, and esthetician theory exams will be reviewed during the August meeting. OLE Spencer noted that one major issue with the state board exam is the unavailability of study materials.

Ms. Chambers thanked OLE Spencer and added examination review to the strategic planning worksheet. Ms. Chambers stated that there were 9 minutes left for this meeting and asked if board members had any additions for strategic planning.

Ms. Hager stated she had reviewed 2004 and 2025 meeting minutes and noted unresolved issues with the Medical Spa Services Work Group, including tiered esthetician licenses and training requirements. She suggested creating videos to streamline paperwork processes, as previously discussed but not completed. Ms. Hager also noted that tattoo instructor requirements do not align with other licensed instructor requirements and mentioned the idea of having Town Hall meetings to gather more public testimonies.

PC Lacey Derr suggested updating outdated statutes and regulations that require training documentation to come directly from instructors or schools and asked the board to consider updating statutes/regulations to allow students, apprentices, and trainees to be able to submit training documentation directly to this office or through the online licensing system to streamline the process and remove unnecessary restrictions.

Ms. Lombardo stated she had some follow-up to her and Chair McKinley's previous conversation regarding body art training documents. Ms. Lombardo stated there's confusion about where to record the number of hours for practical operations; the current form only has space for the number of practical operations, not the hours. Ms. Lombardo suggested adding a section to the form to include both the number of operations and the hours spent on them. She continued, the regulation requires 270 hours of theory and 150 hours of practical training but doesn't specify how the remaining hours should be allocated. Ms. Lombardo proposed that the language in the regulations be clarified to specify how the remaining hours should be divided, or that the forms be updated to include a section for these extra hours without needing to categorize them as theory or practical.

Ms. Chambers thanked Ms. Lombardo for her insights and efforts in identifying outdated, confusing, or necessary changes in the regulations. Ms. Chambers highlighted a suggestion from the chair about board members periodically reviewing regulations and statutes relevant to their license type to identify needs proactively and this process could be added to the strategic plan.

Ms. Chambers proposed incorporating a method for periodically assessing relevance and identifying needs into the strategic plan; this would involve setting expectations for board members and staff regarding their roles in managing this process. She suggested organizing two additional 2-hour meetings to develop a basic strategic plan. She encouraged board members to set dates for these meetings to avoid scheduling conflicts.

M. Chambers mentioned a comprehensive list of current regulations needing updates, compiled by OLE Spencer and she referenced a tiered esthetician license, which would require a statute change and be a significant project.

Chair McKinley asked Ms. Chambers to clarify what she meant by 2 additional meetings.

Ms. Chambers suggested organizing two additional 2-hour meetings to develop a basic strategic plan and encouraged board members to set dates for these meetings to avoid scheduling conflicts. She proposed scheduling one 2-hour meeting in the next couple of weeks and another in a few more weeks, either before or after next month's meeting.

The board briefly discussed the upcoming August 13, 2025, meeting and scheduling additional meetings for strategic planning.

Ms. Chambers proposed scheduling one 2-hour meeting before the August meeting to put more structure around the plan. Ms. Chambers stated the August meeting could then include time for discussing statutory changes with Director Robb and narrowing down additional statutory changes.

The board and Ms. Chambers continued to briefly discuss strategic meeting dates.

Board members present agreed, by roll call, to schedule a strategic planning meeting on Wednesday, August 20, 2025, from 10:00 a.m. – Noon.

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

Chair McKinley reminded board members of their November 5, 2025, meeting and asked Ms. Chambers if the board should also set additional strategic planning meetings prior to the next legislative session January 2026.

Ms. Chambers emphasized the importance of getting legislative documentation prepared and all necessary steps completed by the November meeting. She suggested that the November meeting should be adequate for finalizing these tasks, and an additional December meeting might not be necessary if the work is completed on time.

Chair McKinley thanked Ms. Chambers and asked board members if they had anything else to discuss before adjourning this meeting.

Ms. requested a detailed list of tasks to complete before upcoming meetings, similar to the previous meeting's preparation. This would help ensure board members are well-prepared, especially for discussions related to the strategic plan.

Ms. Chambers pledged to attend all meetings and assist in formatting and organizing the work done at each meeting and will provide board members with the next steps and preparation tasks ("homework") to maximize productivity. Ms. Chambers also stated she will also coordinate with the chair, OLE Spencer, and PC Derr to ensure the August meeting and subsequent meetings are well-paced and aligned with the strategic plan and legislative work.

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

#### **6. Adjourn**

The chair declared the board off the record at 12:19 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: \_\_\_\_\_

## Spencer, Cynthia R (CED)

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**From:** Saviers, Glenn A (CED)  
**Sent:** Friday, June 27, 2025 12:42 PM  
**To:**

**Subject:** [Action Required] SCRA Delegation from Boards to Division  
**Importance:** High  
**Categories:** Red Category

Hi all,

If you're receiving this email, you're an LE3 for a boarded program (or the LE3's supervisor). As we continue to process SCRA applications, we've realized that boards can likely delegate authority specifically (and only) for licenses issued under SCRA to the division – since the license qualifications and requirement to issue the license are under federal law, and not AS 08, which is where the board's jurisdictions and responsibilities lie.

As a result, we're asking that each of you talk with your board chair to see if they'd be supportive of this idea. We anticipate most, if not all, of your boards will be supportive, since most boards are not all that comfortable approving applications that do not meet Alaska's requirements but must be approved per federal law. If the board chair is not supportive, please let us know. If they are supportive, here is the motion they would need to make and approve on the record at the next board meeting to allow for this:

***I motion that licenses applied for under the Federal Servicemembers Civil Relief Act's (or "SCRA") licensure portability laws be reviewed, approved, and issued by the division, rather than by the board, in order to comply with federal law requiring expediency and due to the fact that the board's authority and requirement to approve and issue licenses is under Alaska Statute Title 8, rather than federal law. Once licensed is issued pursuant to the SCRA, these licensees will be subject to the requirements of Title 8 of Alaska Statutes and subject to the board's authority, same as all other Alaska professional licensees under the board's jurisdiction.***

As a reminder, once a license is issued under SCRA, it becomes a standard/permanent license and will fully be under the board's jurisdiction like any other license of its type – including needing to comply with requirements related to continuing competency, renewal, PDMP, collaborative agreements, etc.

Additionally, for any boards that need a refresher or haven't seen an SCRA application yet, here is some brief information on the federal SCRA licensure portability laws:

The federal Servicemembers Civil Relief Act (SCRA) licensure portability laws require states to issue comparable licenses to any military servicemember or spouse with orders to Alaska if that licensee has held that license in at least one other U.S. jurisdiction and is in good standing in all U.S. jurisdictions where they hold and have ever held a license. To qualify for a license under SCRA, the military member or spouse must submit the following items. Each U.S. jurisdiction has a legal requirement to comply with the federal law and issue the license once these requirements are met. (Please note, these are the updated requirements which took effect March 23, 2025):

1. **An application and the required fees associated** – we have an SCRA specific application at the advise of Department of Law, available through our [Military Licensing webpage](#).
2. **A copy of the current military orders to Alaska.**
3. For a servicemember spouse, **a copy of the marriage license.**
4. **Notarized Affidavit for Permanent Professional License under SCRA form (#08-4969)**
5. **Primary source licensure verifications from all U.S. jurisdictions where the applicant holds or have ever held a license**
6. If relevant for the license type (DEN, OPT, PHA, MED, NUR), we also need **confirmation of DEA registration and if so, confirmation of intent to comply with Alaska's PDMP requirements.**

If these requirements are met, the federal law says the servicemember or spouse **shall** receive an Alaska license in the discipline applied for per federal law.

If you need Sylvan or I to attend this part of the board meeting to discuss this with the board, please work with Karmen to set up a time and date for us to do that.

Thank you!



**Glenn Saviers**

Deputy Director

Division of Corporations, Business, and Professional Licensing

[Glenn.saviers@alaska.gov](mailto:Glenn.saviers@alaska.gov)

Office: 907-465-2550

<https://www.commerce.alaska.gov/web/cbpl>



# State of Alaska

## 2025 HOLIDAY

## CALENDAR

### State Holidays

Date	Holiday
01/01/2025	New Year's Day
01/20/2025	MLK Jr.'s Birthday
02/17/2025	Presidents' Day
03/31/2025	Seward's Day
05/26/2025	Memorial Day
06/19/2025	Juneteenth Day
07/04/2025	Independence Day
09/01/2025	Labor Day
10/18/2025	Alaska Day (observed 10/17/2025)
11/11/2025	Veterans' Day
11/27/2025	Thanksgiving Day
12/25/2025	Christmas Day

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



### JANUARY

S	M	T	W	T	F	S
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### JULY

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### FEBRUARY

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### AUGUST

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### MARCH

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### SEPTEMBER

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### APRIL

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### OCTOBER

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### NOVEMBER

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### JUNE

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29	30					

### DECEMBER

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28	29	30	31			



# Investigative Process Overview

PRESENTED BY THE INVESTIGATIONS SECTION

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

# Who Are We?

State of Alaska



Department of Commerce, Community, and Economic Development



Division of Corporations, Business and Professional Licensing



Investigations





# What Do We Do?

The mission of the Division of Corporations, Business and Professional Licensing is to ensure that **competent**, **professional** and **regulated** commercial services are available to Alaska consumers.



# Three License Types

01

## **Professional License:**

Individual specialty such as a Nurse, Doctor, Dentist, Massage Therapist, etc...

02

## **Business License:**

(AS 43.70.020) If providing any service for the exchange of money, a business license is required in the state of Alaska.

03

## **Corporate Entity**

(Corporation): A group of persons who are deemed in law to be a single legal **entity**. The **corporate entity** is legally distinct from its members; it has legal personality and can hold property, sue and be sued in its own name as if it were a natural person.

# Who Needs a Professional License Through the State of Alaska?

- ▶ Acupuncturists
- ▶ Architects, Engineers, and Land Surveyors
- ▶ Athletic Trainers
- ▶ Audiologists & Speech-Language Pathologists
- ▶ Barbers & Hairdressers
- ▶ Behavior Analysts
- ▶ Big Game Commercial Services Board
- ▶ Chiropractic Examiners
- ▶ Collection Agencies
- ▶ Concert Promoters
- ▶ Construction Contractors
- ▶ Dental Examiners
- ▶ Dietitians & Nutritionists
- ▶ Dispensing Opticians
- ▶ Electrical Administrators
- ▶ Euthanize Domestic Animals
- ▶ Geologists
- ▶ Guardians & Conservators
- ▶ Hearing Aid Dealers
- ▶ Home Inspectors
- ▶ Marine Pilots
- ▶ Marital & Family Therapy
- ▶ Massage Therapists
- ▶ Mechanical Administrators
- ▶ Medical Board
- ▶ Midwives
- ▶ Morticians
- ▶ Naturopathy
- ▶ Nursing
- ▶ Nurse Aide Registry
- ▶ Nursing Home Administrators
- ▶ Optometry
- ▶ Pawnbrokers
- ▶ Pharmacy
- ▶ Physical Therapy & Occupational Therapy
- ▶ Prescription Drug Monitoring Program
- ▶ Professional Counselors
- ▶ Psychologist and Psychological Associate
- ▶ Public Accountancy
- ▶ Real Estate Appraisers
- ▶ Real Estate Commission
- ▶ Social Work Examiners
- ▶ Telemedicine Business Registry
- ▶ Underground Storage Tank Worker
- ▶ Veterinary Examiners



What Do We Investigate?

# Statutes & Regulations

- ▶ **AS = Alaska Statutes:** Are passed by either the US Congress or State Legislatures: The legislatures create bills that, when passed by a vote, become statutory law.
- ▶ **AAC = Alaska Administrative Code // Regulation:** Regulations, on the other hand, are standards and rules adopted by administrative agencies (Boards) that govern how laws will be enforced.

## **Difference between Statutes and Regulations:**

Although many people use the terms "statute" and "regulation" interchangeably, they aren't the same. Governing bodies, such as the United States Congress or a state legislature, enact statutes. On a local level, the statutes enacted by municipalities are known as ordinances. Regulations put those statutes to work, fleshing out the details.



# Different Roles



## EXAMPLE:

- ▶ AK Legislature creates Statutes.
- ▶ Boards create Regulations.
- ▶ Investigations investigate ***alleged violations*** of Statutes and/or Regulations.
- ▶ Board Members **verify whether or not a violation occurred** when reviewing a case from investigations.

Investigators gather information. Licensed board members determine if a violation of statute or regulation has occurred.



# How Does Someone File a Complaint?

# Public Website

<https://www.commerce.alaska.gov/web/cbpl/Investigations.aspx>



## THE STATE of ALASKA

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

ADM

FOR DIVISION USE ONLY

### Investigations Section

550 West 7<sup>th</sup> Avenue, Suite 1500, Anchorage, AK 99501

Phone: (907) 269-8174 • Fax: (907) 269-8195

Website: [CBPLinvestigations.alaska.gov](http://CBPLinvestigations.alaska.gov)

Email: [Investigations@Alaska.Gov](mailto:Investigations@Alaska.Gov)

## Investigations — Request for Contact

The division investigates matters pertaining to business licenses, the sale of tobacco products, and licensed professionals. Not all issues will fall within our jurisdiction. You may have to contact other agencies for assistance. We encourage you to call to ensure that we are able to assist you.

This is only a request for contact. You may submit this form via US Mail, fax, or email, to the contact information listed above. Once the division has reviewed this information you will be contacted and may be asked to fill out a complaint package.

### PART I Your Contact Information

Complete Name:	First Name:	Middle Name:	Last Name:
Mailing Address:	Address:	City:	State: Zip Code:
Contact Phone:	(    )    -		
Email Address:			

### PART II Description of Incident


Type of Business or Profession Involved:	
Name(s) of Person or Business Involved:	
Date(s) Which Incident Occurred:	
Brief Description of Incident:	

## Contact Us Directly

### Contact Us

State of Alaska/DCCED  
Division of Corporations, Business and  
Professional Licensing  
Investigations Section  
550 West 7th Avenue, Suite 1500  
Anchorage, AK 99501-3567  
Phone: (907) 269-8124  
Fax: (907) 269-8195

Email: [Investigations@Alaska.gov](mailto:Investigations@Alaska.gov)



# Next Step: Is the Complaint Jurisdictional?

- Review informal guidelines established by the Board or Commission, and the statutes and regulations of that specific practice area.
- If the complaint does not appear to allege a violation that is within the Board's jurisdiction, the Division may close the complaint.



# Next Step: Is the Complaint Jurisdictional?

Complaints that are typically not jurisdictional are:

- Criminal complaints (Law Enforcement)
- Money or civil matters (Alaska Court System)
- “Bedside Manner”
- Quality of work complaints (Contractors)
- Unfair or deceptive business practices (Alaska Consumer Protection)
- Landlord Tenant Laws

# The Complaint is Jurisdictional. What Happens Next?

The complainant is asked to complete a complaint packet.

The packet provides the complainant to:

- Provide a summary of the incident
- Include supporting documentation
- Sign a release of information
- Sign an Affidavit

The Division does not generally accept anonymous complaints, except in unusual instances.

We require consumers to be accountable for their allegations; thereby avoiding manipulation of our process by unscrupulous parties seeking to eliminate competition or pursue personal or professional vendettas.

# Complaint Packet



STATE OF ALASKA  
DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing – Investigations

550 West 7th Avenue, Suite 1500, Anchorage, AK 99501-3567

Telephone: (907) 269-8437 Fax: (907) 269-8195 Website: [www.commerce.state.ak.us/oc](http://www.commerce.state.ak.us/oc)

**COMPLAINT FILED BY:**

NAME (Last, First Middle Initial)

ADDRESS

CITY

STATE

ZIP

WORK PHONE

HOME PHONE

**COMPLAINT FILED AGAINST:**

NAME and TITLE

ADDRESS

CITY

STATE

ZIP

WORK PHONE

HOME PHONE

**SUMMARY OF COMPLAINT**

Please describe your complaint in detail. If necessary, please use an additional sheet of paper. Please provide any additional supporting documents.

**AFFIDAVIT**

State of \_\_\_\_\_ City/Borough of \_\_\_\_\_

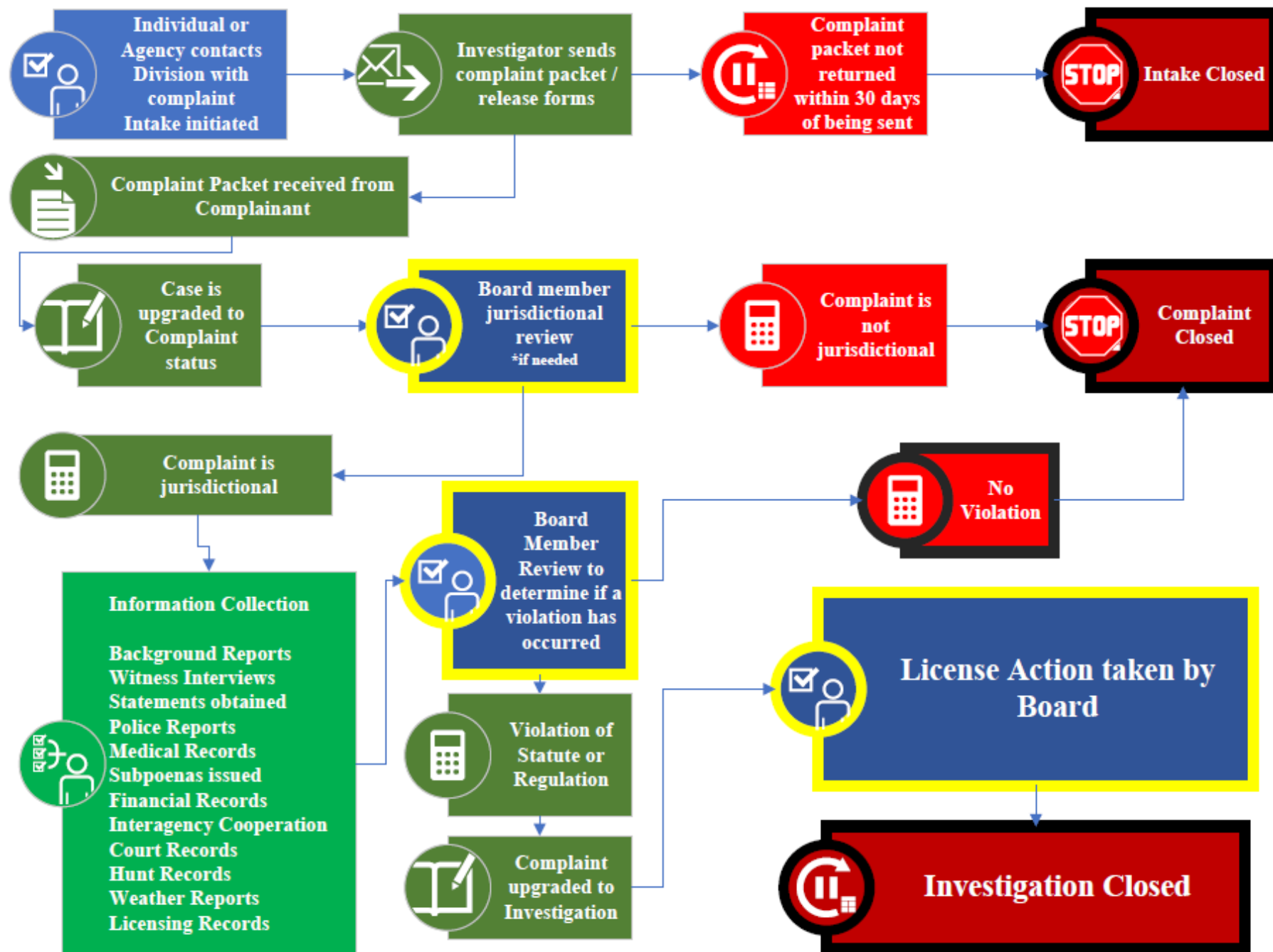
I, \_\_\_\_\_ hereby state under penalty of unsworn falsification: That I am the complainant in the named above and to the best of my knowledge and belief, this statement is true and correct.

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

AS 11.56.210(a)(2) of the Alaska Statutes makes it a class A misdemeanor of offense for a person to intentionally issue a false written or recorded statement, which is punishable by imprisonment for not more than one (1) year, a \$5,000 fine, or both.



# INVESTIGATIVE PROCESS



# Three Stages of “Investigation”

## INTAKE:

### Preliminary information stage

- Typically generated upon receipt of a Request for Contact form or a Referral Email.

## COMPLAINT:

### Fact-gathering stage

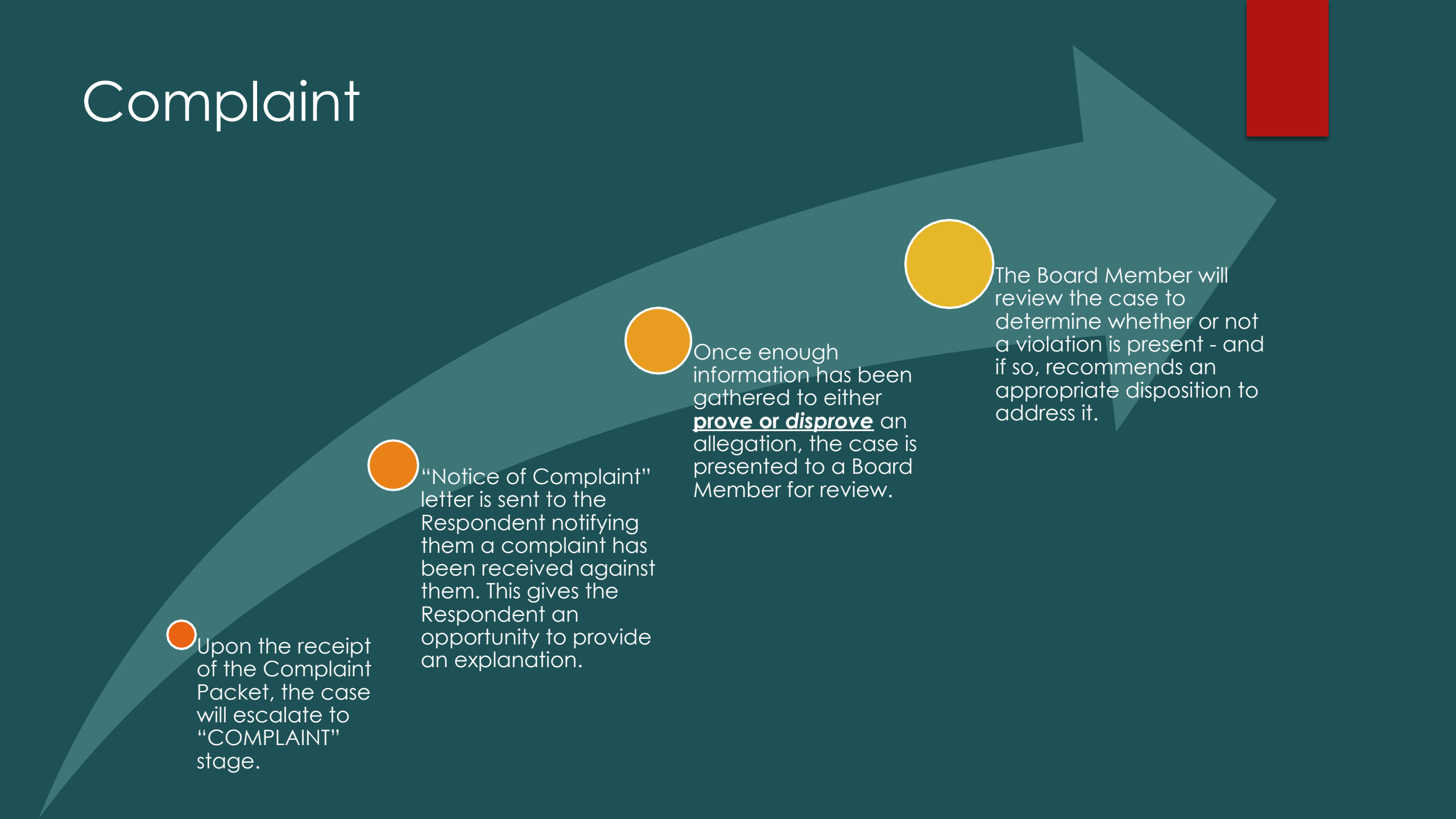
- Escalates when a Complaint Packet is received.

## INVESTIGATION:

### Violation verified stage

- Following a Board Member review, case escalates when a Board Member confirms a violation is present.

# Complaint



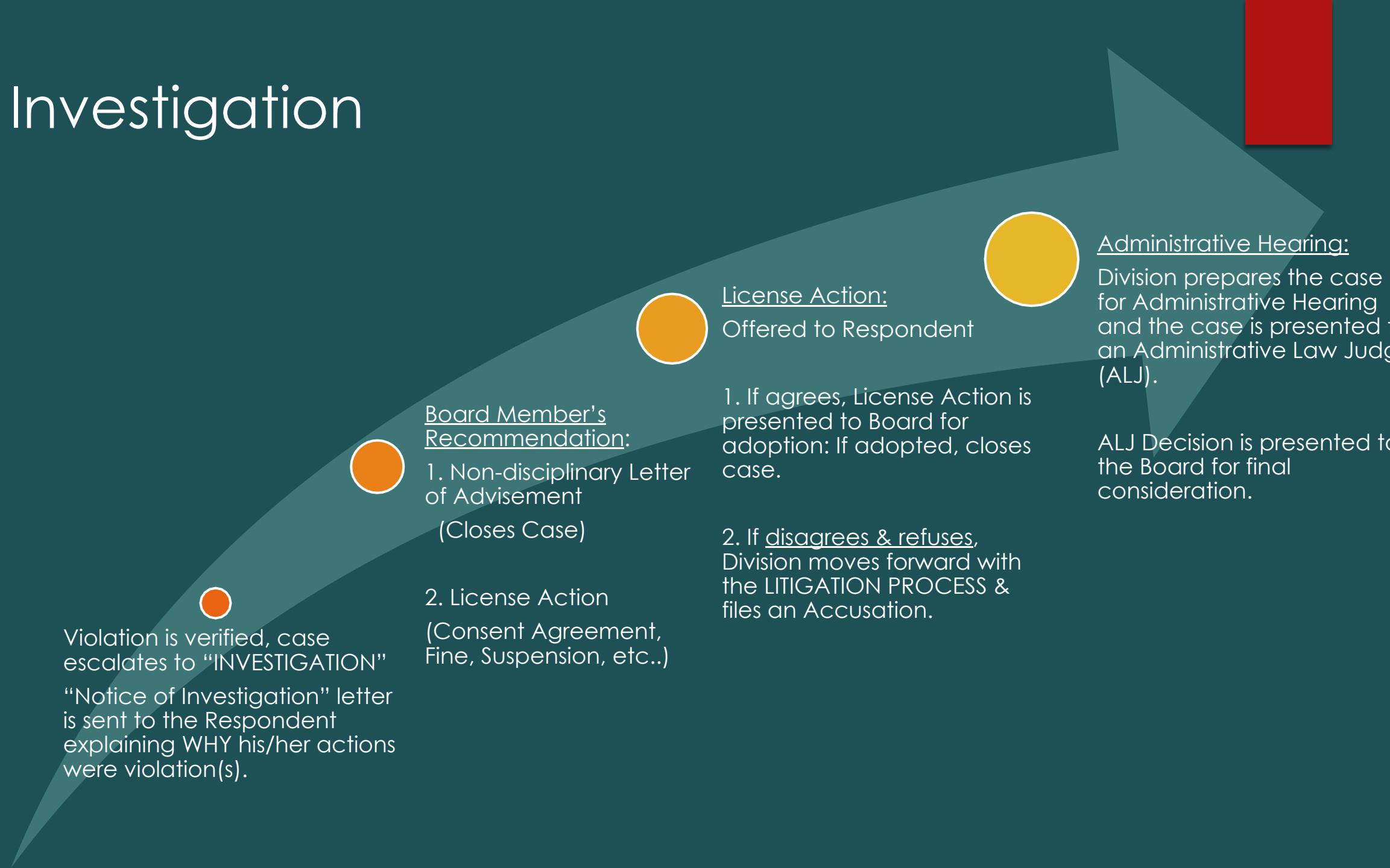
Upon the receipt of the Complaint Packet, the case will escalate to "COMPLAINT" stage.

"Notice of Complaint" letter is sent to the Respondent notifying them a complaint has been received against them. This gives the Respondent an opportunity to provide an explanation.

Once enough information has been gathered to either **prove or disprove** an allegation, the case is presented to a Board Member for review.

The Board Member will review the case to determine whether or not a violation is present - and if so, recommends an appropriate disposition to address it.

# Investigation



Violation is verified, case escalates to "INVESTIGATION"  
"Notice of Investigation" letter is sent to the Respondent explaining WHY his/her actions were violation(s).



## Board Member's Recommendation:

1. Non-disciplinary Letter of Advisement  
(Closes Case)

2. License Action  
(Consent Agreement, Fine, Suspension, etc..)



## License Action:

Offered to Respondent

1. If agrees, License Action is presented to Board for adoption: If adopted, closes case.

2. If disagrees & refuses, Division moves forward with the LITIGATION PROCESS & files an Accusation.



## Administrative Hearing:

Division prepares the case for Administrative Hearing and the case is presented to an Administrative Law Judge (ALJ).

ALJ Decision is presented to the Board for final consideration.

# Investigation



**After a licensed Board Member Reviewer determines a violation of statute or regulation is present:**

- ▶ Case escalates to “INVESTIGATION”
- ▶ A Notice of Investigation (NOI) is sent to the Respondent, notifying them a violation was verified.
- ▶ RBM recommends the appropriate action (Disciplinary or Non-Disciplinary) to address the violation:

**Disciplinary Action:**

- ▶ Consent Agreement
  - Probation
  - Civil Fine
  - Continuing Education
- ▶ Imposition of Civil Fine
- ▶ Suspension
- ▶ Revocation
- ▶ Etc..

**Non-Disciplinary Action:**

Non-Disciplinary Letter of Advisement

# Three Investigation Case Types

- ▶ **Application Matters:** Inquires initiated by Licensing to review applications for truthfulness & accuracy.
- ▶ **Consumer Complaints:** Inquiries initiated upon the receipt of a Complaint Packet (or written complaint).
- ▶ **Inspections:** Onsite inspections to ensure operations are in accordance to AS 43.70 & 12 AAC 12



# Confidentiality

- Investigations are required by statute to be kept confidential.
- This often prevents the complainant, licensee, and the Board from obtaining progress reports or information that may disclose the current status of an open investigation.
- This also protects the reputation of licensees who may be accused of wrongdoing but the allegations against them are unproven.
- Cases often involve other agencies, businesses, and practices; disclosing information during an on-going case can compromise the investigation, create conflicts for reviewing Board members, or result in unnecessary hardship to the licensee.



# Questions / Discussion

INVESTIGATIVE OVERVIEW







THE STATE  
of **ALASKA**

Department of Commerce, Community,  
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND  
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500  
Anchorage, AK 99501-3567  
Main: 907.269.8160  
Fax: 907.269.8156

**MEMORANDUM**

DATE: July 31, 2025  
TO: Board of Barbers & Hairdressers  
THRU: Erika Priksat, Chief Investigator <sup>DS</sup>  
FROM: Joy Hartlieb, Investigator <sup>Initial</sup>  
RE: Investigative Report for the August 13, 2025 Meeting

The following information was compiled as an investigative report to the Board for the period of April 15, 2025 thru July 31, 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 - 31**

<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>			
2025-000587	Unlicensed practice or activity	Intake	06/26/2025
2023-000882	Unlicensed practice or activity	Complaint	08/15/2023
2025-000182	Unlicensed practice or activity	Complaint	03/07/2025
<b>ESTHETICIAN</b>			
2025-000589	Unlicensed practice or activity	Intake	06/26/2025
2024-000350	Unlicensed practice or activity	Investigation	07/28/2025
<b>HAIRDRESSER</b>			
2024-001165	Unlicensed practice or activity	Investigation	07/15/2025

**INSTRUCTOR**

2024-000161	Violation of Profession Statute or Regulation	Complaint	02/14/2024
2025-000687	Unlicensed practice or activity	Complaint	07/28/2025
2024-001114	Violation of License Regulation	Investigation	03/18/2025

**MANICURIST**

2025-000614	Unlicensed practice or activity	Complaint	07/22/2025
2025-000689	Unlicensed practice or activity	Complaint	07/25/2025

**SCHOOL**

2025-000468	Violation of License Regulation	Complaint	05/30/2025
2024-001063	Violation of License Regulation	Investigation	05/23/2025
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**

2025-000654	Compliance Inspection	Intake	07/16/2025
2025-000668	Compliance Inspection	Intake	07/21/2025
2025-000669	Compliance Inspection	Intake	07/21/2025
2024-000468	Unlicensed practice or activity	Complaint	05/28/2024
2025-000336	Unlicensed practice or activity	Complaint	04/25/2025
2025-000436	Unlicensed practice or activity	Complaint	05/21/2025
2022-000808	Unlicensed practice or activity	Investigation	05/16/2023
2024-000478	Unlicensed practice or activity	Investigation	05/13/2025
2024-000751	Compliance	Investigation	06/05/2025

**TATTOOING AND PERMANENT  
COSMETIC COLORING**

2025-000341	Unlicensed practice or activity	Complaint	04/28/2025
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**TATTOOIST**

2024-000619	Probation	Complaint	07/03/2024
2022-000291	Unlicensed practice or activity	Investigation	03/13/2023
2024-000476	Unlicensed practice or activity	Investigation	05/13/2025

**Closed - 40**

<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>
----------------------	------------------------------	---------------------------	----------------------	-----------------------

**BARBER**

2025-000201	Unlicensed practice or activity	Closed-Investigation	06/30/2025	Advisement Letter
2025-000202	Violation of License Regulation	Closed-Investigation	07/02/2025	Advisement Letter

**ESTHETICIAN**

2024-000760	Unlicensed practice or activity	Closed-Complaint	07/02/2025	No Action - No Violation
2022-000154	Unlicensed practice or activity	Closed-Investigation	07/01/2025	Other (See Abstract)
2023-001123	Unlicensed practice or activity	Closed-Investigation	04/25/2025	Advisement Letter

**HAIRDRESSER**

2025-000445	Unlicensed practice or activity	Closed-Intake	07/22/2025	Incomplete Complaint
2025-000586	Unlicensed practice or activity	Closed-Intake	07/25/2025	Incomplete Complaint
2023-000271	Unlicensed practice or activity	Closed-Investigation	05/23/2025	License Action

**INSTRUCTOR**

2025-000338	Violation of License Regulation	Closed-Complaint	07/01/2025	No Action - No Violation
2024-001173	Violation of License Regulation	Closed-Investigation	04/25/2025	Advisement Letter

**MANICURIST**

2025-000181	Unlicensed practice or activity	Closed-Investigation	05/15/2025	Advisement Letter
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**SCHOOL**

2023-000219	Violation of licensing regulation	Closed-Investigation	05/23/2025	License Action
<b>SHOP OWNER</b>				
2025-000353	Compliance	Closed-Intake	04/30/2025	Compliance
2025-000354	Compliance	Closed-Intake	04/30/2025	Compliance
2025-000478	Unlicensed practice or activity	Closed-Intake	07/25/2025	Incomplete Complaint
2024-000554	Unlicensed practice or activity	Closed-Complaint	06/11/2025	No Action - No Violation
2025-000205	Unlicensed practice or activity	Closed-Complaint	05/16/2025	No Action - No Violation
2025-000281	Unlicensed practice or activity	Closed-Complaint	07/01/2025	No Action - No Violation
2023-000109	Violation of licensing regulation	Closed-Investigation	07/02/2025	Advisement Letter
2023-000383	Unlicensed practice or activity	Closed-Investigation	07/16/2025	Advisement Letter
2025-000200	Unlicensed practice or activity	Closed-Investigation	07/25/2025	Advisement Letter
2025-000275	Compliance	Closed-Division Inspection	04/15/2025	Compliance
2025-000276	Compliance	Closed-Division Inspection	04/15/2025	Compliance
2025-000277	Compliance	Closed-Division Inspection	04/15/2025	Compliance
2025-000382	Compliance Inspection	Closed-Division Inspection	05/27/2025	Compliance
2025-000391	Compliance Inspection	Closed-Division Inspection	05/29/2025	Compliance
2025-000455	Compliance Inspection	Closed-Division Inspection	06/09/2025	Compliance
2025-000456	Compliance Inspection	Closed-Division Inspection	05/29/2025	Compliance
2025-000457	Compliance Inspection	Closed-Division Inspection	06/05/2025	Compliance
2025-000504	Compliance Inspection	Closed-Division Inspection	06/10/2025	Compliance
2025-000576	Compliance Inspection	Closed-Division Inspection	07/02/2025	Compliance
2025-000577	Compliance Inspection	Closed-Division Inspection	06/27/2025	Compliance
2025-000580	Compliance Inspection	Closed-Division Inspection	06/27/2025	Compliance
2025-000625	Compliance Inspection	Closed-Division Inspection	07/14/2025	Compliance

2025-000626	Compliance Inspection	Closed-Division Inspection	07/14/2025	Compliance
2025-000627	Compliance Inspection	Closed-Division Inspection	07/14/2025	Compliance
2025-000652	Compliance Inspection	Closed-Division Inspection	07/24/2025	Compliance

**TATTOOING AND PERMANENT COSMETIC COLORING**

2025-000344	Supervision	Closed-Intake	05/28/2025	Incomplete Complaint
2025-000260	Unlicensed practice or activity	Closed-Investigation	07/22/2025	Advisement Letter

**TATTOOIST**

2024-000552	Unlicensed practice or activity	Closed-Complaint	06/11/2025	No Action - Insufficient Evidence
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***END OF REPORT***



THE STATE  
of ALASKA

GOVERNOR Mike Dunleavy

Department of Commerce, Community,  
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND  
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500  
Anchorage, AK 99501-3567  
Main: 907.269.8160  
Toll free fax: 907.269.8195

**PROBATION REPORT**

**DATE:** July 29, 2025  
**TO:** BAH - Board of Barbers and Hairdressers  
**THROUGH:** Jennifer Summers, Senior Investigator  
**FROM:** Dannie Kerfeld, Investigator  
**SUBJECT:** Probation Report for the August 13, 2025 Meeting.

The following information was compiled as a Probation report to the Board for the period of May 10, 2025 thru July 29, 2025; This report includes probationers who are in compliance with their agreements; non compliant probationers and probationer requests to the Board.

There are currently **Six (6)** licensee's on probation as of the date of this report. Since the last probation report, **Zero (0)** licensee's were released from probation.

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

Name	Case Number	Start of Probation	End of Probation
Eden Chase	2023-000467-Prb	03/05/2024	03/05/2026
VANITY LASH LOUNGE	2023-000467-Prb	03/05/2024	03/05/2026
Lui Talo	2022-000736-PRB	08/09/2024	08/09/2026

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

Name	Case Number	Start of Probation	End of Probation	Disposition Date
Sara GROCOTT	2022-000249-Prb	10/03/2023	10/03/2025	
CEDAR LLC	2022-000249-Prb	10/03/2023	10/03/2025	
Francisco VALLADOLID	2024-000619-Prb	10/03/2023	10/03/2025	

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

Name	Case Number	Start of Probation	End of Probation	Disposition Date
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The following is a complete list of individuals on Non-Disciplinary Consent Agreements (Monitoring Status) for this Board. All individuals are in compliance with their agreements.

Name	Case Number	Start of Probation	End of Probation	Disposition Date
------	-------------	--------------------	------------------	------------------

The following were released after probation completion.

**Name**

**Case Number**

**Start of Probation**

**End of Probation**

---

**Board Requests:**

**END OF REPORT**

In Process

## Certificate Of Completion

Envelope Id: CC549F00-2380-4CB0-85B8-B537AEE33FF4  
 Subject: Complete with Docusign: BAH Probation Report 7.29.25.pdf  
 Source Envelope:  
 Document Pages: 2  
 Certificate Pages: 4  
 AutoNav: Enabled  
 Envelopeld Stamping: Disabled  
 Time Zone: (UTC-09:00) Alaska

Status: Delivered

Envelope Originator:  
 Jenni Summers  
 PO Box 110206  
 Juneau, AK 99811  
 jennifer.summers@alaska.gov  
 IP Address: 136.226.55.33

## Record Tracking

Status: Original  
 7/31/2025 1:40:55 PM  
 Security Appliance Status: Connected  
 Storage Appliance Status: Connected

Holder: Jenni Summers  
 jennifer.summers@alaska.gov  
 Pool: StateLocal  
 Pool: State of Alaska

Location: DocuSign  
 Location: Docusign

## Signer Events

Jenni Summers  
 jennifer.summers@alaska.gov  
 Senior Investigator III  
 State of Alaska  
 Security Level: Email, Account Authentication  
 (None)

## Signature



Signature Adoption: Uploaded Signature Image  
 Using IP Address: 136.226.55.33

## Timestamp

Sent: 7/31/2025 1:41:56 PM  
 Viewed: 7/31/2025 1:42:11 PM  
 Signed: 7/31/2025 1:42:18 PM

## Electronic Record and Signature Disclosure:

Accepted: 3/15/2022 4:38:57 PM  
 ID: d53a2622-7df2-439f-8105-e9c1b6cda536  
 Company Name: State of Alaska

Dannie Kerfeld  
 dannie.kerfeld@alaska.gov  
 Security Level: Email, Account Authentication  
 (None)

Sent: 7/31/2025 1:42:19 PM  
 Viewed: 7/31/2025 3:59:02 PM

## Electronic Record and Signature Disclosure:

Accepted: 7/3/2025 8:34:55 AM  
 ID: 75c4ef69-88f9-47bb-9223-01777f688649  
 Company Name: State of Alaska

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	7/31/2025 1:41:56 PM



Envelope Summary Events	Status	Timestamps
Certified Delivered	Security Checked	7/31/2025 3:59:02 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

In Process

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

Please read this Electronic Records and Signature Disclosure (ERSD). It concerns your rights regarding electronically undertaking, and the conditions under which you and the State of Alaska agree to electronically undertake, the transaction to which it relates (the “TRANSACTION”).

### **Consent to Electronically Undertake the TRANSACTION**

You can electronically undertake the TRANSACTION only if you confirm that you meet the following requirements by selecting the box next to “I agree to use electronic records and signature” (the “AGREE BOX”):

1. you can fully access and have read this ERSD;
2. you can fully access all of the information in the other TRANSACTION records;
3. you can retain all of the TRANSACTION records in a form that you will be able to fully access for later reference;
4. you consent to undertake the TRANSACTION electronically; and
5. you are authorized to undertake the TRANSACTION. (Please note that falsely undertaking the TRANSACTION may subject you to civil liabilities and penalties and/or to criminal penalties.)

If you cannot or are not willing to confirm each of these five things, do not select the AGREE BOX.

### **Withdrawing Consent**

If you select the AGREE BOX, you can withdraw your consent to electronically undertake the TRANSACTION at any time before you complete the TRANSACTION: simply do not finalize it. The only consequence of withdrawing your consent is that you will not finalize the TRANSACTION.

If you select the AGREE BOX, your consent will apply only to this TRANSACTION. You must separately consent to electronically undertake any other transaction with the State of Alaska.

### **Paper Option for Undertaking the TRANSACTION**

You may undertake the TRANSACTION with the State of Alaska using paper records. (State of Alaska employees who want to undertake the TRANSACTION in paper should contact the agency responsible for the TRANSACTION.) Print the paper records on the website of the State of Alaska agency responsible for the TRANSACTION, or request them from the agency. The State of Alaska homepage is at <http://alaska.gov/>.

### **Copies of TRANSACTION Records**

After completing the TRANSACTION but before closing your web browser, you should download the TRANSACTION records. Or you can download the records within 30 days after

completing the TRANSACTION using the link in the DocuSign email sent to the email address you used to complete the TRANSACTION. The State of Alaska will not provide a paper copy of the TRANSACTION records as part of the TRANSACTION. Under the Alaska Public Records Act (APRA), AS 40.25.100–.295, you can request a copy from the agency responsible for the TRANSACTION, but if too much time has passed, the agency may no longer have the records when you make your request. If required under the APRA, the agency will charge a fee.

### **Required Hardware and Software**

For the minimum system requirements to electronically undertake the TRANSACTION, including accessing and thereby retaining the TRANSACTION records, visit <https://support.docusign.com/guides/signer-guide-signing-system-requirements>. These requirements may change. In addition, you need access to an email account.

### **How to Contact the State of Alaska**

To ask a question on this ERSD or the DocuSign document generated after you complete the TRANSACTION or on using DocuSign to electronically undertake the TRANSACTION, contact the Alaska Department of Administration at either of the following addresses:

State of Alaska  
Department of Administration  
550 West 7th Avenue  
Suite 1970  
Anchorage, AK 99501  
Reference: DocuSign

[doa.commissioner@alaska.gov](mailto:doa.commissioner@alaska.gov)  
Subject: DocuSign

To ask any other question on the TRANSACTION records or to update the information for contacting you electronically, contact the State of Alaska agency responsible for the TRANSACTION using the contact information in the TRANSACTION records or, if those records contain no contact information, using the contact information on the agency's website. Again, the State of Alaska homepage is at <http://alaska.gov/>.

### **EXECUTIVE SESSION MOTION**

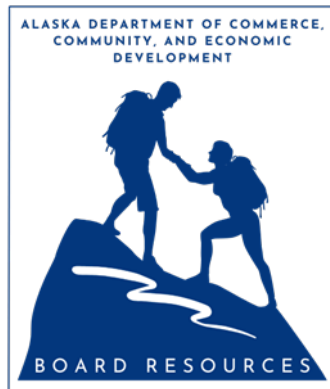
I, \_\_\_\_\_, move that the Alaska State Board of Barbers & Hairdressers enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing \_\_\_\_\_; Board staff to remain during the session.

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.**

# GUIDE TO EXCELLENCE IN REGULATION *for* PROFESSIONAL LICENSING BOARDS & COMMISSIONS



**UPDATED SEPTEMBER 2023**

**DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT**

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**DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING**

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It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in applicable law. Changes to this guide may be made at any time, so ensure you are referencing the most current edition. This guidance may not reflect every situation or circumstance, so please reach out for assistance.

We hope this document assists you in understanding, embracing, and flourishing in the role of regulatory board member.

---



## I. Introduction

Welcome to service as a member of a State of Alaska licensing board or commission. The mission of the Division of Corporations, Business and Professional Licensing (CBPL) is to ensure that competent, professional and regulated commercial services are available to Alaska consumers. This means that members of boards and commissions, as well as division staff, are charged with providing access to services and employment opportunities while maintaining high standards of public protection. It is the Department of Commerce, Community, and Economic Development's goal to support and equip the division and its boards to succeed in this mission.

You are embarking on an important role as a regulator of Alaska professions. There is prestige in being a board or commission member. However, the position of a board or commission member is like a second job, involving many hours of work with little public recognition. It is a labor of love and commitment, and the reward is reflected in an improved quality of life for residents of the State of Alaska.

Board and commission members bring valuable experience and perspective to this responsibility. However, stretching your existing knowledge and skill levels to learn about new ideas and situations is a mandatory step outside of your comfort zone. You are expected to be problem-solvers, to be responsive, to be fair, to work hard, and to be knowledgeable about the activities of your board or commission. You are also expected to know and follow state law and regulation, acting in the best interests of the people of the State of Alaska.

The purpose of this orientation is to provide newly-appointed board and commission members with information that makes the transition from state resident to state board or commission member a rewarding experience. Please ask questions and let me or division staff know when you require assistance. We are partners in accomplishing this mission, and we look forward to working together.



Sara Chambers, Boards and Regulations Advisor  
Alaska Department of Commerce Community, and Economic Development

## II. Roles and Responsibilities

Serving as a government regulator is unlike any other board position you may have held or heard about. This section describes the authority of regulatory boards and commissions, as well as the purpose and duties of board and commission members. It also discusses the board and commission members' roles in the State of Alaska system and in upholding public interest under the guidelines of state statutes.

### Purpose and Authority of Regulatory Boards and Commissions

The chief purpose of boards and commissions is to protect the public's health and safety and assure the competency of those providing the services regulated. This purpose is upheld across various statutes pertaining to professional licensing, as well as in Alaska case law. We refer to this as *serving in the public interest*.

The authority of state boards and commissions is tied to the powers afforded by the legislature. All professional licensing boards and commissions have authority from the state as found in Title 8 of Alaska Statute. The authority of the different boards and commissions is limited and spelled out in two primary locations: Chapter 1 of Title 8 (referred to as AS 08.01 or Centralized Licensing) and in each chapter within Title 8 that pertains to the profession(s) regulated by a particular board. Boards and commissions are granted certain powers, which may differ according to statute. While statutes authorize certain powers, they also limit the activity of the board to what is allowed by law.

Based on the foundation of these statutes, professional licensing boards and commissions have the authority to perform a few key duties which they all have in common:

- **Adopt regulations to clarify statute and further define the requirements of the licensing program and its licensees.** Regulations have the effect of law; however, they clarify, define, and implement statutes to which they are subordinate. Boards and commissions are required to follow the public process and carefully consider all draft regulations before adoption.
- **Evaluate applications and issue licenses to qualified individuals.**
- **Take action on licenses issued by the board, up to and including revocation.**
- **Interpret scope of practice within the boundaries of state statute.**

Boards can adopt specific procedures in partnership with the division, which may also establish processes as the legal administrator of these programs. Boards and the division, with the assistance of attorneys assigned by the Department of Law, may evaluate all processes, regulations, and statutes to determine whether they best serve the public interest.

### Duties of the Boards and Commissions

State statute spells out the duties for which each board and commission is responsible. Below is a list of all licensing programs managed by the division and links to their individual statutory authority (AS 08.01.010)

Board of Public Accountancy ([AS 08.04.010](#));  
regulation of acupuncturists under [AS 08.06](#);  
State Board of Registration for Architects, Engineers, and Land Surveyors ([AS 08.48.011](#));  
Athletic Commission ([AS 05.05](#) and [AS 05.10](#));  
regulation of athletic trainers under [AS 08.07](#);  
regulation of audiologists and speech-language pathologists under [AS 08.11](#);  
Board of Barbers and Hairdressers ([AS 08.13.010](#));

regulation of behavior analysts under [AS 08.15](#);  
Big Game Commercial Services Board ([AS 08.54.591](#));  
regulation of business licenses under [AS 43.70](#);  
Board of Chiropractic Examiners ([AS 08.20.010](#));  
regulation of collection agencies under [AS 08.24](#);  
regulation of concert promoters under [AS 08.92](#);  
regulation of construction contractors and home inspectors under [AS 08.18](#);  
Board of Dental Examiners ([AS 08.36.010](#));  
regulation of dietitians and nutritionists under [AS 08.38](#);  
Board of Certified Direct-Entry Midwives ([AS 08.65.010](#));  
regulation of dispensing opticians under [AS 08.71](#);  
regulation of electrical and mechanical administrators under [AS 08.40](#);  
regulation of agencies that perform euthanasia services under [AS 08.02.050](#);  
regulation of professional geologists under [AS 08.02.011](#);  
regulation of private professional guardians and private professional conservators ([AS 08.26](#));  
regulation of hearing aid dealers under [AS 08.55](#);  
Board of Marine Pilots ([AS 08.62.010](#));  
Board of Marital and Family Therapy ([AS 08.63.010](#));  
Board of Massage Therapists ([AS 08.61.010](#));  
State Medical Board ([AS 08.64.010](#));  
regulation of morticians under [AS 08.42](#);  
regulation of the practice of naturopathy under [AS 08.45](#);  
Board of Nursing ([AS 08.68.010](#));  
regulation of nursing home administrators under [AS 08.70](#);  
Board of Examiners in Optometry ([AS 08.72.010](#));  
regulation of pawnbrokers ([AS 08.76.100](#) - 08.76.590);  
Board of Pharmacy ([AS 08.80.010](#));  
State Physical Therapy and Occupational Therapy Board ([AS 08.84.010](#));  
Board of Professional Counselors ([AS 08.29.010](#));  
Board of Psychologist and Psychological Associate Examiners ([AS 08.86.010](#));  
Real Estate Commission ([AS 08.88.011](#));  
Board of Certified Real Estate Appraisers ([AS 08.87.010](#));  
Board of Social Work Examiners ([AS 08.95.010](#));  
Board of Veterinary Examiners ([AS 08.98.010](#)).

### **Administrative Duties of Boards**

All professional licensing boards and commissions have specific responsibilities to administer their programs in partnership with the division. In addition to the duties required by its chapter, Centralized Statutes apply to each board. Under this set of laws located in [AS 08.01](#), each board must provide for the following activities:

- (1) take minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade board examinations;
- (6) set minimum qualifications for applicants for examination and license and may establish a waiver of continuing education requirements for renewal of a license for the period in which a licensee is engaged in active duty military service as described under AS 08.01.100 (f);
- (7) forward a draft of the minutes of proceedings to the department within 20 days after the proceedings;
- (8) forward results of board examinations to the department within 20 days after the examination is given;

- (9) notify the department of meeting dates and agenda items at least 15 days before meetings and other proceedings are held;
- (10) submit before the end of the fiscal year an annual performance report to the department stating the board's accomplishments, activities, and needs. (AS 08.01.070)

### **Disciplinary Powers of Boards**

Boards have specific disciplinary powers under Centralized Statutes and their own chapters, which are executed in partnership with the division's Investigative Unit. This common authority may be superseded by additional authority found in each program's own chapter of Title 8. For example, AS 08.01.075(a)(8) allows each board the ability to issue a fine up to \$5,000. Some boards, however, have specific authority to issue fines that are well above this amount.

(a) A board may take the following disciplinary actions, singly or in combination:

- (1) permanently revoke a license;
- (2) suspend a license for a specified period;
- (3) censure or reprimand a licensee;
- (4) impose limitations or conditions on the professional practice of a licensee;
- (5) require a licensee to submit to peer review;
- (6) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;
- (7) impose probation requiring a licensee to report regularly to the board on matters related to the grounds for probation;
- (8) impose a civil fine not to exceed \$5,000.

(b) A board may withdraw probationary status if the deficiencies that required the sanction are remedied.

(c) A board may summarily suspend a licensee from the practice of the profession before a final hearing is held or during an appeal if the board finds that the licensee poses a clear and immediate danger to the public health and safety. A person is entitled to a hearing conducted by the office of administrative hearings (AS 44.64.010) to appeal the summary suspension within seven days after the order of suspension is issued. A person may appeal an adverse decision of the board on an appeal of a summary suspension to a court of competent jurisdiction.

(d) A board may reinstate a suspended or revoked license if, after a hearing, the board finds that the applicant is able to practice the profession with skill and safety.

(e) A board may accept the voluntary surrender of a license. A license may not be returned unless the board determines that the licensee is competent to resume practice and the licensee pays the appropriate renewal fee.

(f) A board shall seek consistency in the application of disciplinary sanctions. A board shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction. (AS 08.01.075)

In addition to those listed in the statutes, a board or commission may:

- Establish meeting procedures and determine board or commission members' leadership roles.
- Maintain awareness of licensing program revenues and expenditures.
- Hear and evaluate public testimony.

One of the primary responsibilities of a board or commission is adopting and adhering to regulations pertaining to the scope of authority granted to that body in statute. Centralized Regulations in 12 AAC 02 pertain to all professions governed by Title 8, and each board has its own regulatory authority within Title 12 of the Alaska Administrative Code. Boards and Commissions are also bound to laws pertaining to all state entities, including the U.S. and Alaska Constitutions, and the Administrative Procedure Act (AS 44.62).

### Responsibilities of Board and Commission Members

Boards and commissions are bodies whose members are appointed by the Governor of Alaska through the Office of Boards and Commissions and approved by the Alaska State Legislature through a confirmation process. Doing Alaska's boards and commissions' business (in effect, the public's business) is a group activity that requires patience, vision, cooperation, and compromise. While you may be a member of your board's profession, you are not serving to promote your profession. Rather, as a member of a regulatory board, you have responsibilities to several groups:

- **To the general public.** Consumers expect that licensees will be qualified to perform properly and safely. They expect oversight to ensure qualifications for licensure and practice meet acceptable standards. They expect licensees to be accountable to the law. The public has a right to know what's going on within the board.
- **To potential licensees.** A person who wishes to earn a living in a regulated profession should be able to demonstrate competency through a reasonable and transparent process. Every applicant should have easy access to information about entering the profession, including testing and transferring a license to between states.
- **To other board members.** Board and commission members should listen to their fellow board members and consider one another's views and contributions. All board members are responsible for developing good policy and procedures and contributing to the effective and efficient operation of the board.
- **To licensees.** A licensed professional has an expectation that regulators will determine matters fairly and impartially and to be responsive to questions and concerns raised by licensees.

**The primary objectives of regulatory boards are to ensure professional competency and the health and safety of the public.** Boards often have positions dedicated to members from specific backgrounds; this is intended to bring a broad range of perspective to the boards, including the perspective of consumers, people who have no affiliation with the regulated profession, and people who practice within the regulated profession. Together, the members of a regulatory board serve the public's interest.

### What Does It Take to Successfully Serve on a Regulatory Board?

1. **A demonstrated interest in public service.** Participating on a regulatory board is about the public, not self-interest or special interests.

2. **Common sense and a willingness to ask questions.** Do the policies, procedures, and decisions of the board seem sensible? Are they regularly reviewed and updated? Do you have the information needed to make sound decisions? Are you clear on your roles and the roles of your partners in regulating the profession? If not, say so and ask for clarification. You are responsible for what goes on with the board. If you are not sure about something and you do not ask, the board may miss an opportunity to avoid or correct a problem.
3. **A commitment to participate.** Consistent attendance at meetings, responsiveness to correspondence, and engagement with voting is essential to keeping informed about what is going on and to providing direction and support. An individual who accepts an appointment to a board and does not take seriously the duty to participate regularly and actively does a disservice to the board and to the public they are supposed to represent.
4. **Healthy assertiveness.** Respect your own rights and needs as well as those of others by maintaining boundaries and seeking information in a healthy, professional manner.
5. **Understanding of the board structure and resources.** Find out how the Department of Commerce, Community, and Economic Development, the Division of Corporations, Business and Professional Licensing, the Department of Law, and the Office of Administrative Hearings operate in relation to your board.

Effective board members have these characteristics in common:

1. Able to work with a group to make decisions
2. Understand and follow democratic processes
3. Willing to devote time and effort to the work of the board
4. Work to find alternative solutions to problems whenever necessary
5. Use good communication skills
6. Recognize that the goal of the board is the service and protection of the public
7. Aware that authority is granted by the law to the board as a whole, not to any member individually, and can only be used in open meeting or executive session by vote of the majority of board members
8. Avoid becoming involved in the daily functions of staff
9. Delay judgement until adequate evidence is in and has been fully discussed
10. Separate personal feelings toward others from the decisionmaking process

When appointed to a regulatory board, the member agrees to follow a high code of conduct that is grounded in state law. This means giving up some freedoms in order to protect other rights and processes.

- All inquiries regarding matters within the board's jurisdiction should be directed to the board office so that they can be brought to the attention of the board at a duly-constituted meeting. Board members may not take action on behalf of the board outside this venue.
- Certain information is protected by law as “confidential and deliberative.” These details of board activity should not be released by a board member unless and until they become part of the public record. Any disclosure of such information should be made only after consultation with legal counsel.
- Board members are prohibited from conducting private meetings pertaining to board business outside of full, publicly noticed board meetings.
- Special care should be taken when considering disciplinary matters, as important privacy rights may be implicated, in addition to the board’s statute, regulations, and policies.
- Board members should remember that the public may see them as representatives of the board

even when they are outside of a board meeting setting. When board members appear at industry or professional gatherings, they should make it clear that they are acting as private citizens and not speaking for the board, unless specifically authorized by the board.

- Board members should follow established policy and protocol within their board structure, including communicating through their chair and board staff.

### **What is the Purpose of Appointing Public Members to Licensing Boards?**

The public members on a licensing board are important to ensure the public good is being served. The public member has a special role to express and be watchful of the public interest—not the interest of the profession or occupation. Nearly every jurisdiction's law mandating public members on boards states that a public member shall have no association or relationship with the profession or with a member of the regulated profession. Public members are not expected to be, indeed are not supposed to be, technically expert or experienced in the licensed occupation.

The importance of public members on regulatory boards was expanded by the United States Supreme Court's 2015 decision in [North Carolina Board of Dental Examiners v. Federal Trade Commission](#). The unique and important role of the public member mitigates the potential anticompetitive effects of a board's actions, which may happen where the board is dominated by "active market participants"—those whom the board itself is regulating.

Well-informed and engaged public members bring several advantages to regulation:

1. Reduce the potential for board decisions which favor the industry over the public
2. Reduce the potential for decisions which illegitimately favor one faction of an industry over another
3. Encourage public participation in government decisionmaking
4. Augment public confidence and trust in government by facilitating communication of consumer issues to the board
5. Expand the range of skills, talent, training, and perspectives available for higher quality and more creative board action
6. Raise the level of board discussion to scrutinize assumptions in any industry
7. Strengthen the board's credibility in its decisionmaking and advocacy

Public members must take care to avoid common pitfalls and may, in fact, have to work harder than the board's industry members to overcome these disadvantages:

1. Public members may be intimidated by industry members' experience in the field.
2. Public members may impede board activity if they do not demonstrate a reasonable working knowledge of technical issues facing the board.

### **Participate in All Issues**

When candidates are appointed to specific boards or commissions, they must become knowledgeable and participate or they are certain to become frustrated and ineffective. Preparation ahead of meetings, completing assigned tasks, and engaging in discussion are crucial to effective leadership. Board and commission members must both respond to issues, as well as initiate topics for board action or evaluation.

### **Focus on Policy, Not Politics**

Policymaking is an important board activity. Policies help guide the board's approach, generally, and can

be very helpful in focusing the board's analysis of complex issues. A board's policies must always serve the board's work for the public; they must not be tied to special or political interests.

### Discussion and Debate Leads to Growth

No one expects board and commission members to agree on everything. In fact, when disagreement exists, it means that different viewpoints are being considered before a decision is made. Looking at different perspectives of board members and the public is an important part of the decisionmaking process and ensures that the interests of all concerned are given due diligence. Board members bring varying perspectives and experiences that are extremely valuable to sound decisionmaking. Members who are unwilling to listen to the points of others on the board or who dominate conversations reduce the board's effectiveness, so stretching in an interpersonal capacity is essential.

### Address Issues within the Board or Commission's Scope of Authority

Some issues may be important to the state and to board or commission members but may not be within the board or commission's power or authority to manage. An issue, for example, may be important to the industry or association pertaining to a licensed profession but not within a board or commission's statutory authority. Consequently, boards and commissions may adopt resolutions stating the board or commission's opinion and send the resolution to state and federal agencies or it may directly address State or Federal officials on these concerns. Board and commission members should avoid being diverted from their mission by competing interests from industry associations or issues outside the board or commission's scope of authority, as dictated by statute.

The following recommendations are addressed to board and commission members to help you carry forward your mission effectively:

- 1. Read your meeting materials:** Be informed before meetings. Board and commission members usually receive meeting materials via OnBoard (the division's board management software) at least two weeks before the meeting. Read them and be ready to discuss the issues at the meeting. Information provided in the packet can help you better understand the issues and participate in more detailed discussion during the meeting.
- 2. Become familiar with the board or commission's knowledge base and history:** Take time to read any existing documents, such as board meeting minutes or FAQs, pertaining to the issues at hand.
- 3. Know the laws regulating the board or commission:** Know the statutes, regulations, and scope of authority pertaining to the board or commission you have been appointed to, as well as those centralized for all CBPL regulatory bodies and requirements (such as budget, travel, or ethics) pertaining to any state board or commission.
- 4. Take the time to make a difference:** The time you actually spend at meetings is only a small part of the time it takes to be an effective board or commission member. Be prepared to spend a fair amount of time preparing for meetings, staying informed, serving on subcommittees or special projects, and being actively involved as a board or commission member.
- 5. Learn all sides of an issue before forming an opinion:** A board or commission member makes better-informed decisions or opinions when he or she learns all sides of an issue. If a member takes the position that he or she already knows everything about an issue, he or she may miss an opportunity to learn something important to the debate.



6. **Take part in discussion and debate:** As a rule, the quality of the board and commission decisionmaking process is improved when all members contribute to the discussion. Participation does not ensure that the outcome will be exactly what you want, but it will ensure that your opinions have been considered.
7. **Ask questions:** If you have a question about a subject, other members probably do as well. If you don't know something, the best way to learn about it is by asking questions.
8. **Seek solutions:** Be a problem-solver. Contribute to debate in a way that will lead to solutions and not merely add to the difficulty or complexity of a situation. When faced with a challenge, look for ways it can be done.
9. **Don't be shy:** Nobody else is going to speak up for you. Your idea may be the one that will lead to an answer or a solution, so speak up when you have something to say.
10. **Be inquisitive:** Dig into a matter and be assertive to get the information you need. The most productive environment for decisionmaking respects all opinions and everyone's right to express them. Relationships should be polite and professional. Board and commission members are state leaders who can set an example for others to follow.
11. **Share information:** If you know something about a proposal before the board or commission that other members may not be aware of, share it. The decisionmaking process will benefit when board and commission members share important information with the entire group. This encouragement does not extend to disciplinary or other situations that may result in ex parte communication by the board.
12. **Put in extra effort:** Volunteer to serve on committees and working groups and perform special assignments. Some boards are affiliated with national organizations that the state relies on for examination writing and applicant qualification. Getting involved with the national organizations strengthens your knowledge and effectiveness on your board. Your expertise and perspective are important to the success of the board.

## Board and Commission Relationships

Members of boards and commissions interact with many different individuals and groups of people. This section addresses the business nature of these relationships.

### Relationship with the Chairperson

It is important that all members of the board or commission works together to ensure the competency of licensed professionals and the health and safety of the public. The board chair is elected by the members of the board unless appointed by the governor. The chair has a unique opportunity to ensure the responsibilities of the board are being met by setting appropriate agendas, ensuring meetings operate smoothly and that all resources are present, ensures members are engaged and educated on matters facing the board, and speak on behalf of the board when authorized. The chair leads the board in project a specific image to the public, resolving conflict, managing progress on issues, and fostering healthy relationships among board members, industry, and licensees. The board chair should strive to guide the board to:

- Project a positive image as the state's regulator of a given profession.
- Make best use of the board or commission's time.
- Promote teamwork among its members, the division, and the public.
- Facilitate progress on matters facing the board.

- Involve the whole board or commission in the decisionmaking process.

### Clarifying Roles of Boards and Staff

The roles of the board, staff, the Division, and the Department are generally set forth in Alaska Statute under AS 08.01. Each has an important part in the administrative and investigative functions of the state's regulatory programs. However, as the governance partner, the board is primarily concerned with the "what" and "why" and management is focused on the "how."

Clarifying these roles:

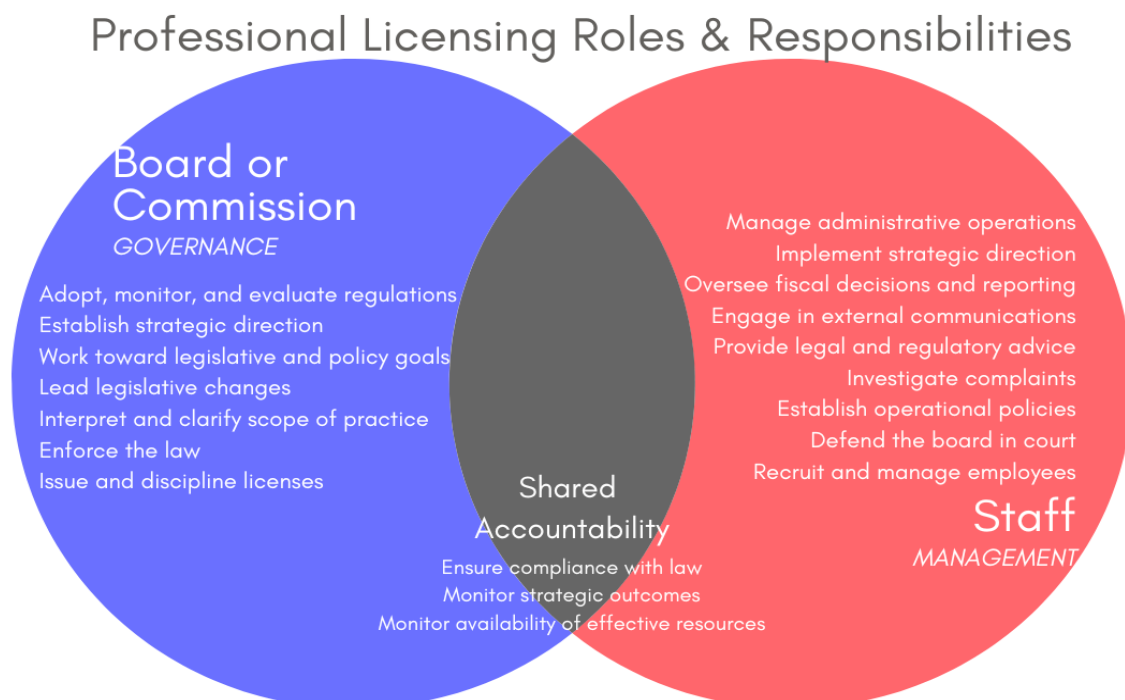
- Ensures accountability
- Facilitates a good working relationship
- Enhances the productivity and effectiveness of both board and staff
- Reduces redundancy and waste of time or resources
- Must be supported by both the board and staff

### The Board's Governance Role

Boards have a governance role in the regulation of licensed professions. To successfully focus on their own role, boards must take care to separate themselves from the day-to-day staff/management responsibilities by asking:

- Is it a matter of policy?
- Does it affect board statutes, regulations, or bylaws (if authorized)?
- Is it statutorily the board's decision?
- Does it need high-level scrutiny or support?
- Does it pertain to the "what" and "why" of the mission?

If "yes," then it's likely a board responsibility.



## The Staff's Management Role

A board or commission's staff may include an executive administrator, a licensing examiner, and specialized staff. The staff's role in regulation is to facilitate the mission of the board through strategic use of resources allocated by the board or provided for in legislation or regulation. It is the staff's job to work with the chair to provide the board or commission with the facts and information needed to make a decision. An examiner may advise the board on procedural issues and other topics, serving as a "bridge" to the division. An executive administrator or program coordinator may have a more fluid role and provide input on board policy and regulations as requested by the board.

While staff may offer a recommendation for board action, the board should not expect that person to make decisions that the board or commission is appointed to make. Such expectation for decisionmaking can place a staff member in the awkward position of substituting his or her judgment for the collective judgment of the board or commission. This expectation is unfair to the staff person and can make him or her a scapegoat for mistakes. It may also be a violation of law or the staff's position description or employment bargaining agreement.

Board and commission instructions to staff should go through the chairperson by way of a formal motion. This provides clarity to the division when resources are expended. It helps division management direct staff workloads and provides for more effective management of program funds. Additionally, individual board and commission members should not give instructions to the staff without the knowledge or consent of the chair, because one member's viewpoint or request may not represent the shared viewpoint or position of the full board or commission. All staff work for the division. No professional licensing board employs staff.

The Division of Corporations, Business and Professional Licensing provides many staff members with varying types of expertise to aid the work of the board or commission:

**Specialized staff:** The Investigators, Regulations Specialist, Paralegal, and Publications Specialist provide resources to boards and commissions as pertains to their fields. These staff members may be requested to present fiscal or enforcement information at board meetings, assist with drafting of regulations, facilitate continuing education audits, or perfect public documents, among other services. These staff members work daily behind the scenes to support this focused administrative work of the boards and the division and report to division executive management.

**Licensing Examiner:** The Occupational Licensing Examiner is primarily responsible for screening and issuing licenses per board or commission statutes and regulations. In many cases, the examiner helps administer the meeting, take notes, and maintain the day-to-day office activities of the board or commission. The examiner may staff multiple licensing programs and assist various boards and commissions. The examiner is expected to have a thorough understanding of the statutes and regulations that apply to their programs and to seek assistance when problems or questions arise.

**Program Coordinator 1 and 2:** Examiners are typically supervised by a Program Coordinator 1 and 2 who are responsible for the accuracy and consistency of the examiner's work. The supervisors are responsible for training and monitoring licensing examiners under his or her purview and directs their workflow. The supervisor must have a thorough knowledge of the statutes, regulations, and procedures

of all programs for which he or she is responsible. The Program Coordinator may have primary responsibility for management of all board functions under their purview.

**Executive Administrator:** The Executive Administrator (also Marine Pilot Coordinator) manages the affairs of one board or commission. The “exec” is appointed by the governor and is expected to engage the board or commission at a more complex level than the examiner. The executive receives additional program- or content-related assignments from the board as permitted by statute or regulation, represents the board or commission at professional meetings, cultivates a body of knowledge about the workings of the profession to better advise the board, and performs other duties as outlined in statutes and regulations.

**Administrative Operations Manager:** The Administrative Operations Manager of the division oversees all administrative and accounting functions. This position is responsible for providing the quarterly Schedules of Revenues and Expenditures to each board and collaborates with the rest of the division’s executive team to make final budgetary and administrative decisions for the division and its programs. This position is also responsible for the Corporations and Business Licensing section of the division. The Administrative Officer reports to the Division Director.

**Deputy Director:** This position manages the functions and staff of all licensing sections within professional licensing. The manager is responsible for the “big picture” systems required to plan, organize, direct, and coordinate board and division activities and resources as they pertain to all professional licensing activities. Program Coordinators 2 and Executive Administrators report to the Deputy Director, who reports to the Division Director.

**Division Director:** The director is the principal executive officer of the entire division, including Professional Licensing, Corporations and Business Licensing, Administration, and Investigations. The director bears substantial responsibility for the determination of policy and for the way in which policies are carried out. The Division Director reports to the department’s Deputy Commissioner.

The department also supports the work of boards and commissions through the **Boards and Regulations Advisor**. This position was created to develop training materials, offer guidance, facilitate regulatory review and decisionmaking, intervene when assistance is needed, and serve as liaison with the governor’s office for all boards, councils, and commissions in the department.

### 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.

## IV. Frameworks and Principles for Decisionmaking

The [Administrative Procedure Act](#) is the foundation for the board's overall deliberative authority. Utilizing a consistent and defensible process to make decisions is the board's best tool in achieving desirable outcomes that have a lasting effect. Adopting a process for decisionmaking will help the board get unstuck when a tough topic arises —and help avoid getting stuck the next time. It will help guide members from bullying by dominant personalities and toward logical, rational considerations. It will establish a transparent deliberative process that the board can use to help explain its position to affected parties. Having a defined process may also help defend the position if challenged in court.

The following general steps will aid in consistent and defensible decisionmaking:

- **Establish the criteria on which a decision will be made.** This is often called a decision framework or a decision tree. Several examples follow in this section.
- **Utilize the framework to systematically apply these questions to the matter at hand.**
- **Deliberate transparently**, creating a record showing the facts that were considered when reaching the decision, the board's decisions on similar matters, and rationale for the decision, especially if there is a surface appearance of inconsistency.
- **Test the board's decision** through the regulations process, presenting to industry groups, or other venues for inviting public scrutiny.
- **Publish the record and evaluate on a regular schedule** to ensure the criteria are the same. Changes in laws, practices, industries, and other factors may require reevaluation of the board's previous decision.

### Deciding what issues the board will address

The board may establish a general framework for determining how to spend their time and resources. The board could use this type of high-level framework to objectively and dispassionately determine whether to take on a particular issue, helping focus on the board's core responsibilities and avoiding distractions outside its mission, scope, or resources.

The following infographic can help guide a board through determining its decisionmaking priorities. Well-meaning boards can easily fall into various traps: Boards should avoid wandering into issues that pull on the heartstrings but are not within the board's authority to address. Similarly, just because one wheel is exceptionally squeaky does not mean it should receive the board's grease. Adopting a strategic plan, discussed in the next chapter, can help guide the board in wise use of its time and resources.

# FRAMEWORK

## PART ONE: SHOULD WE DELIBERATE ON THIS TOPIC?





## Decisionmaking principles

Because board membership changes over time, it is important for boards to establish principles or values that they agree to guide their decisionmaking. These common, agreed-upon statements can be used by members to:

- Check their own biases before speaking or voting
- Maintain focus on matters within the board's statutory scope and mission
- Align the process with available resources, such as staff and budget
- Safeguard transparency to stakeholders
- Ensure the outcome is consistent with the board's values

Board decisions are only final when the following criteria are present:

- A quorum of the board has met in a publicly noticed meeting to vote on the issue.
- The motion is clearly worded and understood by the members when deliberating.
- A majority of the members present has voted on the record to adopt the decision.
- Each person's vote is recorded in the minutes.
- The decision is not inconsistent with the law or outside the board's authority to determine.

The board should demand professionalism in its decisionmaking. Avoid basing important outcomes on vague or unwritten motions or straw polls such as "Does everyone agree?" Take a moment to write down and distribute the motion or show it on the screen. Encourage all members to contribute to the discussion and register their vote on the record.

If the facts change, the board can always revisit the topic and register a different vote. However, confusing communications are a liability to the licensees, public, staff, and the board itself. Take the time needed to efficiently but thoroughly deliberate, then stick to the vote of the board if consistent with the law.

# PROFESSIONAL LICENSING DECISION-MAKING FRAMEWORK

## PART TWO: HOW DO WE DELIBERATE ON THIS TOPIC?

### Mission

#### Keep the primary purpose of the board at top of mind.

The board's top priority is to operate within the public interest. What does that look like in the context of this issue? How will the board balance all relevant interests within its regulatory mission? Ensure the board evaluates and understands the impacts of its decisions on the public.

### Fairness

#### How do we ensure the process and outcomes are fair?

Is the board actively soliciting input from all parties, including licensees, the public, and other key stakeholders? If advisable, are meeting notices being shared in addition to the OPN, newspaper, and web site? How is public comment being solicited? How will the board evaluate input from stakeholders they may not be familiar with?

### Risk

#### What are the risks to adopting this decision?

Ensure your decision falls within the boundaries of state law. Are we following the appropriate investigative or regulatory process? Are we making a decision against attorney or division advice? Do we even have enough information to move forward? Invite your AAG or board advisor if additional help is anticipated.

### Perception

#### Are there intangible ways we can be impacted by pursuing this issue?

Determine how to manage the impacts of decisions that may be necessary but unpopular. Is extra communication warranted? Is a heads up to the governor's office prudent? Ask the division director or board advisor for advice on threading an unpopular needle.

### Consistency

#### Explain departures from previous positions.

If the board is veering from previous decisions on this issue, explain why. What has changed? Did the board receive new data? Did the makeup or leadership of the board shift? Were other laws passed, or has the industry changed in a meaningful way? Disciplinary decisions require an explanation if the board is acting differently than it has in similar situations. With major shifts, stakeholders will appreciate understanding the rationale.

### Authority

#### The issue is within the board's statutory mandate and mission.

In Part One, the board determined this issue is within its purview. Take an inventory of the statutes and regulations that are relevant to the discussion, and have those resources at the ready. If the matter is not within the board's statutory scope, put it away and keep monitoring.

### Objectivity

#### Can the members of the board maintain objectivity in the discussion?

If unsure, you may need to actively perform a conflict check to ensure that the topic is "in bounds" for all members. Is anyone too close to the topic? Even if there is no ethical conflict, is everyone prepared to hold a calm, logical, and reasoned discussion?

### Efficiency

#### Are we seeking the most efficient outcome?

Does the right decision come wrapped in unnecessary regulation, additional cost, or red tape? Ensure that the implementation of the board's decision is streamlined, elegant, easy to understand, and cost-effective. Invite division managers to discuss the impacts on staffing, paperwork, fees, and investigations. Ask licensees if the proposed solution will increase their expenses or efforts.

### Partners

#### Will we need to collaborate with other groups?

If a business, organization, or group of people will experience a big change because of the decision, will partnering with them early on help mitigate the outcome? Weighing another stakeholder's availability to engage may impact how the board moves forward.

### Timeline

#### Stay on top of the schedule.

Are you working toward a fixed deadline like renewal or legislative session? Backwards plan to ensure your meetings, regulations, forms revision, and other steps stay on track. The board's decision may have impacts that require others to take additional steps, so discuss those up front to make sure the expectations of board members and staff are all moving forward in sync.



## Is It a Regulation or a Policy?

Frequently, a board may have the need to interpret its statutes or regulations for the public. This is often experienced in the form of a question: “Am I allowed to do X,” “Are licensees allowed to perform Y,” or “Do I need Z to qualify for a license?”

Boards are obliged by state law to interpret their practice acts and other statutes and regulations within their purview. They cannot ignore these questions or fail to clarify information needed by licensees or the public pertaining to licensure of their profession(s). So, they are posed with the job of navigating waters that may be murky at best, and tumultuous at worst. Calling on procedural partners within the division or department, or requesting a legal opinion, is necessary to complement the board’s subject-matter expertise.

In these situations, boards have several options for responding, depending on what their program’s statutes and regulations say. Options for responding may include asking staff to respond with a straightforward email message restating an existing statute or regulation. If the question is asked frequently, the board may decide to publish a position, guideline, or FAQ on its web site. If the answer to the question is unclear, or if it needs to be defensible, the board may wish to adopt a regulation to provide that unequivocal clarity. But, how does the board know which approach is appropriate?

A black-and-white rule that unequivocally dictates a standard or outcome is a de facto regulation. To be applied without deliberation or consideration of mitigating circumstances, it must be adopted as a regulation. Guidance that suggests an interpretation but is not something the board would enforce or defend can be adopted as a policy, position, or FAQ. Any interpretation must be aligned with existing statutes and regulations unless amending those regulations.

If a board finds that its statutes are not clear, it should request a legislative change. Lack of clarity in law is frustrating to board members, licensees, and the public. If acted upon, it may create financial hardship for the licensee and legal troubles for everyone. A board member who interprets law incorrectly could find themselves relieved of their personal immunity and subject to legal penalties. While this is an extreme example, it is important to keep in mind. Board members can protect themselves (and their licensees) by acting as a body and utilizing sound resources in arriving at their decisions.

# REGULATIONS **VS** POLICIES



## **REGULATIONS ARE LAWS**

**Must be followed, are not optional, and can be enforced.**

**Can only be amended through the formal adoption process in AS 44.62.**

**A disciplinary matrix is a regulation if it is an inflexible "if-then" formula requiring consistency in all instances.**



## **POLICIES ARE IDEAS**

**General and nonbinding guidance; do not have the force of law.**

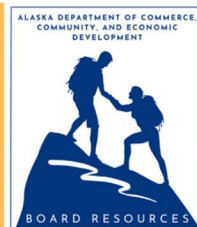
**Can be adopted or amended by board vote.**

**A disciplinary matrix is a policy if it is used as a reference point along with consideration of the facts and relevant statutes and regulations.**

### **REGULATIONS AND POLICIES SHOULD BE CHARACTERIZED BY:**

**CLARITY:** Available and understandable to everyone

**CONSISTENCY:** With statute, regulations, and board communications about similar facts



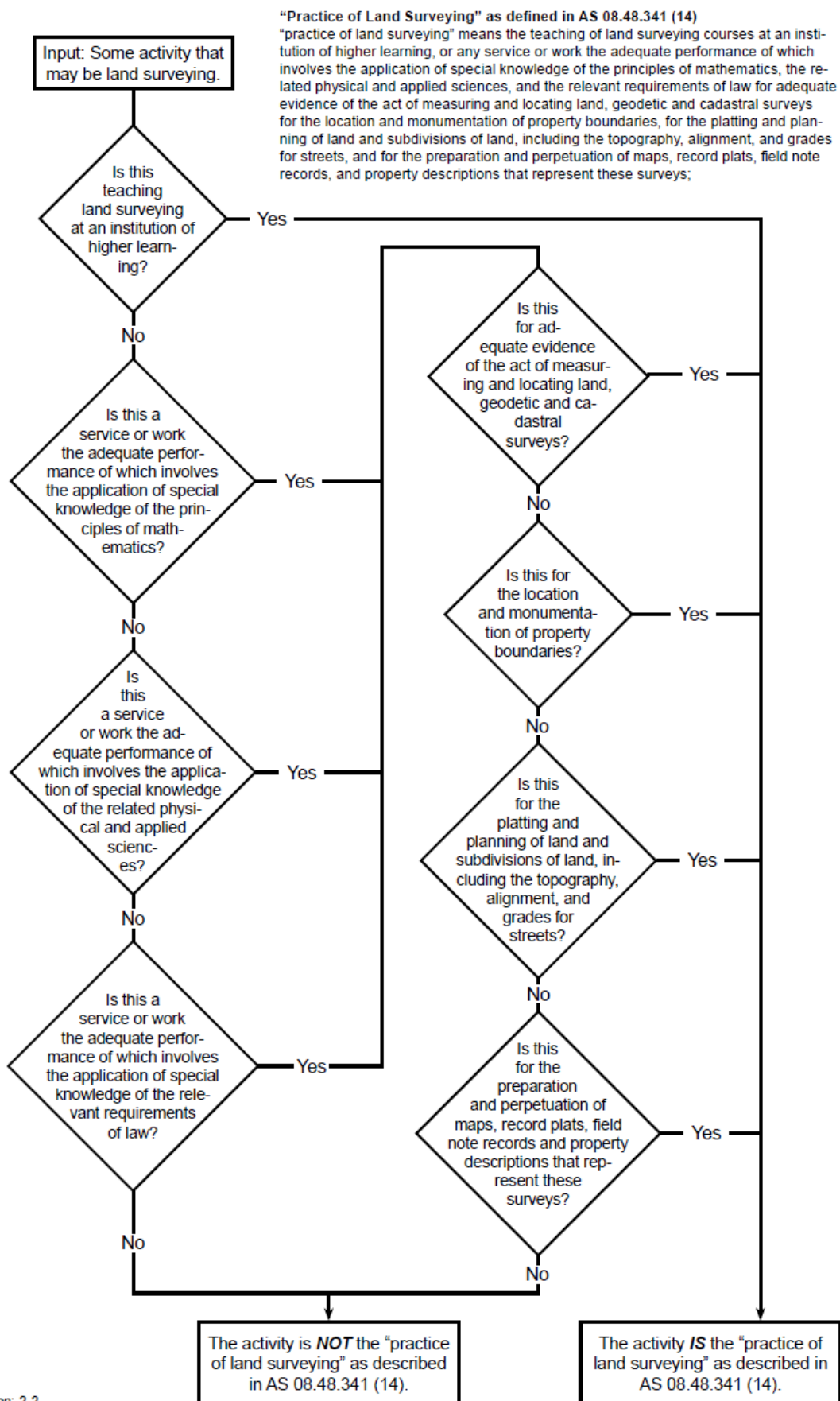
## Is It Within the Scope of Practice?

Boards are regularly asked by licensees, the public, course providers, and others: “Is this activity within the scope of practice of this license?” It is appropriate for the professional licensing board to make this determination. However, boards cannot effectively answer in a vacuum.

Some elements to consider:

- 1. Does the board have enough information to answer the question?**
  - a. Has the question been provided in writing?
  - b. Is there additional information the board requires before deliberating?
  - c. Has the chair ensured all board members understand the question and the activity in question?
- 2. Does the statutory definition of practice under this license allow the activity?**
  - a. Is that definition clear?
  - b. Do other statutes within the board’s chapter inform the context of the definition of practice? What about provisions within centralizes licensing statutes?
  - c. Do other statutes outside of the board’s chapter inform the practice? (For example, are areas of law within the Department of Health relevant to a health care licensee? For a construction contractor, what about building or electrical codes? For a hairdresser or manicurist, what do laws within the Department of Environmental Conservation say about the activity?)
  - d. How do regulations adopted by the board or other relevant agencies further define this activity?
- 3. Has the board consulted its attorney?**
  - a. Is there Alaska case law relevant to this practice?
  - b. Are there board precedents or decisions that may inform this decision?
  - c. Do federal standards exist that are relevant to this license or this activity?
  - d. Are we reading the existing laws correctly?
  - e. Are we calling out preferences, biases, professional practices, fears, industry guidance, and other elements that may lead the board’s deliberation astray?
  - f. Can our agency attorney help us see something we cannot see...and possibly arrive at a creative solution?
- 4. Have we followed the proper process?**
  - a. Is our deliberation transparent and thorough?
  - b. Have we engaged the appropriate people?
  - c. Does the response require a regulation?
  - d. Can our attorney defend this decision in court, if challenged?

There are several approaches to determining an outcome when posed with this question. The State Board of Registration for Architects, Engineers and Land Surveyors has developed a tool to assist in discerning whether an activity meets the statutory definition of “land surveying”:



Version: 2.2  
 February 2018



## Disciplinary decisionmaking

Board disciplinary action on a license, or denial of a license application, requires understanding of several foundational principles. These decisionmaking concepts are discussed here, and additional specific information about the investigative process is included in another chapter. Board members will receive additional training on steps in the enforcement process before engaging as a reviewing board member or being asked to vote on a matter. Boards should always request assistance from its attorney if it is unsure in how to proceed with a decision that affects a person's property right or ability to earn a living

**All parties have a right to due process under state law.** The board's deliberation and final decision are important parts of a larger enforcement process authorized by [AS 08.01.087](#) and implemented through the division's investigative section. Division investigators are responsible to ensure board members are trained on the board's role in investigations, review, recommendation for resolution, and, ultimately, deliberation and action. This process safeguards both the complainant and respondent from bias, undue or inappropriate influence, or unlawful procedures. It also retains the statutory appeal rights of a respondent.

**Precedent informs the board's exercise of discretion but does not tie the board's hands.** Under centralized licensing statute AS 08.01.075(f), "A board shall seek consistency in the application of disciplinary sanctions. A board shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction." This means that while the same violation may be present among various cases, the circumstances may be different.

The investigator will present examples of how the board has voted on similar violations; this information may be included in the reviewing board member's work file, part of a disciplinary matrix adopted by the board, or in a memo or verbal presentation to the board in executive session. As statute states, precedent is not binding on the board itself, which may require additional review and consideration of the facts before making a final decision.

**Information used in the disciplinary decisionmaking process must be legitimate.** Board members may not conduct external investigations, gather data, or listen to input from sources that are not part of the official division investigation. If relevant information is discovered, it should be provided to the investigator and any ex parte discussions disclosed.

This guidance also pertains to information that members may naturally know about a party because of preexisting relationships: If a board member has outside information that may be relevant, it should be disclosed to the investigator, who may need to perform a conflict check or determine if the new data should be shared with the reviewing board member or rest of the board.

## V. 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?
		What are the metrics for those activities?
	How can we do better?	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	What are the main outcomes	How do we break out our vision into categories?



categories that exist within the board's vision.	that accomplish our vision?	
<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*



## VI. Meetings and Motions

### Rules of Procedure

Rules of procedure are not statutes or regulations but, rather, are guidelines that the board or commission has agreed to follow. Contained in these rules might be a list identifying the board or commission's standing committees, the parliamentary procedure for running meetings, or perhaps a requirement to end meetings at a certain time. Boards and commissions may also pass regulations that specify how many unexcused absences are allowable before a member is recommended for removal from the board. Additional internal guidance on meeting management is published to aid staff.

### Setting the Agenda

The board chair holds the responsibility for setting the agenda for meetings. Consultation with the board liaison (staff member assigned to the board) should occur at least 30 days before the meeting to allow time for the meeting materials to be submitted to staff and uploaded to OnBoard. Staff's goal is to provide board members with a full meeting packet two weeks before the meeting date. This should ensure ample time for members to study, ask questions, and gather any additional information in time for discussion on the record.

It is helpful for staff to send a reminder to board members to suggest agenda items ahead of the agenda-setting meeting with the chair. Any topics suggested at the last meeting or in the interim can be added to the agenda. The member suggesting the topic should be prepared to lead that discussion.

The board or commission must approve an agenda format to be used at all regular meetings. A sample agenda might include the following:

Agenda Item	May Include	Details
Call to Order	<ul style="list-style-type: none"><li>• Roll call</li><li>• Statement of conflicts of interest</li><li>• Approval of minutes of previous meeting*</li></ul>	<ul style="list-style-type: none"><li>• Required to conduct business</li><li>• Board may opt to approve minutes in OnBoard or in the consent agenda</li></ul>
Public Comment	Opportunity for the public to provide input, opinions, and ideas to the board	<ul style="list-style-type: none"><li>• Recommended at every regular meeting</li><li>• Board may also opt to accept public comments on specific agenda items</li><li>• Different than public comment on regulations</li></ul>
Consent Agenda		Used to adopt matters that may not need discussion, such as minutes, next meeting date, or acknowledging general information or reports
Division Update	<ul style="list-style-type: none"><li>• Licensing staff update</li><li>• Update from director or other management staff</li><li>• Fiscal report from</li></ul>	Division update is mandatory for all regular business meetings; if management determines it is not needed, it can be cancelled

	management	
	<ul style="list-style-type: none"> <li>• Presentation on division legislation or policy matters</li> <li>• Training from specialized staff</li> </ul>	
Regulations	<ul style="list-style-type: none"> <li>• Discussion about future projects</li> <li>• Drafting regulations for introduction*</li> <li>• Discussion about proposed regulations with staff or AAG</li> <li>• Oral public hearing on noticed regulations</li> <li>• Adoption of regulations*</li> </ul>	<ul style="list-style-type: none"> <li>• Regulations specialist is recommended to be invited to all regulations discussions</li> <li>• Public comment on regulations is only allowed if announced with the regulations public notice</li> </ul>
Investigative Update	<ul style="list-style-type: none"> <li>• A report of investigative activity since the last meeting</li> <li>• Executive session to address disciplinary matters</li> <li>• Continuing education review with the paralegal</li> </ul>	
New Business	<ul style="list-style-type: none"> <li>• Discussion of topics not yet presented to the board</li> <li>• May include presentations by individuals or national or state organizations</li> </ul>	
Old Business	Continuation of previous discussion by the board	
Committee Reports	Updates or findings from board committee work	
For the Good of the Order	<ul style="list-style-type: none"> <li>• General opportunity to raise comments or questions otherwise not covered</li> <li>• Way for board members to suggest future agenda items</li> </ul>	
Adjournment*		

\* Typically requires a motion and vote of the board

The order of the agenda may be changed at the meeting. For example, an item toward the end of the agenda may be moved up and dealt with earlier in the meeting; this can be done by a motion to amend the agenda.

The agenda should be amended only when there is a good reason. Try to maintain the posted public comment periods and scheduled appointments; constituents and presenters may have rearranged their schedules to arrive at that time or may not be available other times of the day.

### Quorum

A quorum is the minimum number of board or commission members required to conduct business. Unless otherwise established in statute or regulation, a majority of the total membership of the board or

commission constitutes a quorum. If a quorum is not present, the board cannot continue its business and must recess or adjourn the meeting to a later date.

It is important for all members to be present at every meeting. Sensitive, complex, or difficult matters should be scheduled before the board or commission as often as possible when all members are present. If absences must occur, then proper notice must be given in order to determine whether to reschedule the meeting due to lack of quorum. The cost of travel and consideration of public notice have a great impact on the program's licensees, so absences must be taken seriously.

Sometimes, a member must request recusal from deliberation and voting due to a conflict of interest. A member who is recused by the chair from voting is considered present for purposes of a quorum. Formal actions of the board or commission must be taken by a majority of the quorum present. So, a motion will pass if the majority of the quorum votes in the affirmative; the vote must take into account the abstention of the member who has been recused. For example, if the quorum is four, and two members vote to pass a motion, one member votes no, and another abstains, the motion fails. The chair and liaison should plan well ahead of a meeting to help ensure quorum issues are managed well.

### **Recusal Due to Conflict of Interest**

Members may be required to request recusal from deliberation and voting on a matter due to a conflict of interest. Boards must ensure fair and impartial deliberation and decisions, so members may need to request recusal by the chair when it is established that the member has a legitimate conflict of interest. AS 44.62.450(c) provides that "an agency member may not withdraw voluntarily or be disqualified if the disqualification would prevent the existence of a quorum qualified to act in the particular case." Also known as the *rule of necessity*, it means that the board may determine the mandate to perform its official business is greater than the possibility of an existing conflict. This decision takes many factors into account and will usually require assistance from the board advisor or attorney. Plan well ahead of the meeting to navigate this issue, if it is relevant to the business before the board.

A member should only abstain if the chairperson has ruled that he or she has a conflict of interest on the matter being voted on. A board member must explain his or her conflict on the record and receive a ruling on whether a conflict exists. According to the [Alaska Executive Ethics Act for Members of Boards and Commissions](#), this should be done in writing ahead of the meeting so the chair can receive assistance in determining whether a conflict exists. The chairperson's ruling, whichever way it goes, may be overridden by a majority of the board or commission.

A board member who has been the reviewer of an investigative matter ("reviewing board member" or RBM) is often recused from deliberation and voting. If the member has viewed additional "inadmissible" information, has established a bias, or otherwise poses a risk to due process, the member should be recused. If in doubt, ask staff for assistance well ahead of the meeting.

If the chair, with the advice of counsel (board investigator, board advisor, and/or board attorney) determines no such conflict exists, the member should remain in the discussion and vote, if that is what is required to maintain a quorum. This situation should be recorded in case the vote is challenged.

It is a misconception that the chair can only vote in the case of a tie. From [www.robertsrules.com](http://www.robertsrules.com):

If the chair is a member of the voting body, he or she has exactly the same rights and privileges as all other members have, including the right to make motions, to speak in debate, and to vote

on all questions. So, in meetings of a small board (where there are not more than about a dozen board members present), and in meetings of a committee, the presiding officer may exercise these rights and privileges as fully as any other member.

When will the chair's vote affect the result? On a vote that is not by ballot, if a majority vote is required and there is a tie, he or she may vote in the affirmative to cause the motion to prevail. If there is one more in the affirmative than in the negative, the chair can create a tie by voting in the negative to cause the motion to fail. Similarly, if a two-thirds vote is required, he or she may vote either to cause, or to block, attainment of the necessary two thirds.

Boards and commissions may adopt regulations regarding removal of members for excessive absences. Board members who find they need to resign may do so in writing to the Office of Boards and Commissions with a copy to the Division. The Governor's Office of Boards and Commissions requests that boards with members who regularly abstain ensure that the practice is codified in that body's policy and that the policy is—as with other board policies—available to the public via the board's web page.

### **Taking Part in Debate**

Debate and discussion are not the same. Discussion is general and does not necessarily lead to closure of an issue. It is the method used for less formal meetings and work sessions. Debate occurs after a motion has been made, and formal board or commission actions are required. Board discussion is not a formal request for action, so members must make a motion to propose an actionable item—particularly one that involves a fiscal matter, policy change, or staff response.

Debate and discussion at board and commission meetings go through the chairperson. If a board or commission member wants to speak, he or she must raise a hand or indicate interest in speaking by getting the chair's attention. Usually saying "Madam Chair" or "Mister Chairman" is sufficient. Wait to be recognized by the chairperson. If there is a motion on the floor, then the member may only speak to that motion. Members should never interrupt one another but should strive to proceed with deference to the chair. When engaging in a back-and-forth, preceding comment with "Through the chair" gives the chairperson the opportunity to recognize the speaker. (When speaking directly to the chair, one would say "To the chair" when recognized.)

Formality may depend on the culture of the board. Comments should be brief and to the point. Avoid pontificating or repeating points in an effort to manipulate the discussion. Members in disagreement should make their views known, then yield to other members or presenters who have been invited to speak.

### **Public Participation**

Members may mingle with the public in other settings, but meetings are the events at which the public's business is conducted and decisions are made, so meetings should be conducted in a calm, orderly environment free from disruptions. After all, good decisions are more likely in a quiet, controlled, uninterrupted setting. When the public informally interacts with the board during a meeting, the business can be disrupted and the outcome of the motion could become unclear. It also provides an uneven playing field for solicitation of input to the board.

Members of the public are not members of the board, so they should refrain from engaging in board business. Members of the public may speak during the common public comment period, or they may

formally request to address the board by requesting to be on the agenda well ahead of time or by signing in to address the board during a publicly noticed oral comment period on proposed regulations. At in-person meetings, members of the public should not sit at the board table unless they are called on, then return to their seat in the gallery when finished.

## Parliamentary Procedure

One of the greatest procedural tools a board can utilize is one of parliamentary procedure, which sets the protocol for meeting management. The use of parliamentary procedure for meetings fulfills several important purposes. It provides structure for deliberation of issues. It ensures that only one item at a time is before the board or commission for debate. It provides a forum for debate that is fair to everyone and partial to no one. Finally, it permits the will of the majority to prevail while protecting the rights of the minority and permitting all sides of an issue to be heard.

Most boards and commissions use Robert's Rules of Order ([www.robertsrules.com](http://www.robertsrules.com)), and there are many guides available online or in hard copy to demystify the process. A guide to the parliamentary motions used most frequently is included here.

Parliamentary procedure is not as complex as many fear. Thankfully, Robert's Rules for small boards applies to all CBPL boards and allows a more relaxed approach to business in most circumstances. Formal action should always take place via motion, but small boards can proceed with some business without the formal motion or process that would otherwise be required. The rule of thumb is to use Robert's Rules to help manage the meeting with clarity. If you find you are in a "procedural pretzel," pause and return to the topic after a short break or consult the supervisor or board advisor for help.

## Types of Motions

The backbones of parliamentary procedure are in motions and how they are made and disposed of, the various categories of motions, and the relationship between motions. There are four types of motions, but the most common is the main motion, which brings an item of business before the board or commission for its formal deliberation. Only a main motion can bring matters before the board or commission for a vote.

## Making a Motion

A main motion is the way an item is placed before the board or commission for consideration and action. For example, a board or commission member, after being recognized by the chair, may say, "I move to approve the minutes from the November 5, 2022, meeting as amended." The chairperson then asks for a second person to support the motion and, when the motion is seconded, asks if there is any debate on the motion. Any subsidiary motions that may be made, such as a motion to amend, table, or send the motion to a committee, must be voted on before the main motion may be voted on.

### **Every motion consists of eight steps that follow in order:**

1. A board member seeks recognition from the chair.
2. The member is recognized by the chair and "has the floor."
3. The member makes a motion.
4. The motion is seconded (if appropriate, see chart).
5. The chair (or staff, if delegated) restates the motion to the body.
6. Board debates the motion.



7. Board votes on the motion either by roll call or unanimous consent.
8. The chair (or staff, if delegated) announces the result of the vote.

Following the outline above is efficient and provides clarity. However, boards will often discuss a matter first, then a member will make a motion. While technically backwards, how to conduct its administrative business is a cultural decision the board must make. As long as the process is transparent and understandable, it is fine to make a motion after the discussion.

Motions should use simple, straightforward language that is easily understood and captured on the record. Board members should keep two guiding thoughts in mind when making a motion:

- Do my fellow members understand what is being proposed so they can vote on it?
- Will the public be able to understand the effect of the motion if it passes?

When it won't complicate an issue, motions should be made in the affirmative. For example, "I move to approve the license application of Jane Doe, #12345" is appropriate, even if the maker of the motion is unsure or even against the motion. Members should avoid making a motion in the negative, such as "I move to deny the license application of Jane Doe, #12345." The debate should begin on the premise that the motion is in the affirmative and not color the outcome by presupposing the board will not support the action—especially regarding license applications or other appeals to the board from licensees. Failing to make the motion in the affirmative does not void the motion.

Members proposing complicated motions, such as amending regulations, should consider submitting a written draft ahead of time or asking the chair for a brief recess to write the motion down. This will help ensure the motion can be clearly stated and restated, if needed. The maker may want to display the motion on screen or email to staff to ensure the record accurately reflects the motion.

When debate winds down, the chair must ensure all members have had the opportunity to fully explore the matter before calling for a vote. There is no such thing as "calling the question," and members should refrain from pressuring other members into voting when they are not ready. Assessing whether the conversation has run its course is the prerogative of the chair. (It is also the chair's prerogative to make a motion, if he or she wishes. While it is not good form to dominate the meeting, there is no rule that precludes the chair of a small board from offering the occasional motion.)

## Voting

Once debate on a motion is completed, the board or commission has to vote. Every member present must vote unless the member declares a conflict of interest and the chairperson (or presiding officer) rules that the member has a conflict of interest that prevents him or her from voting. Voting may be given orally or as a show of hands—as long as how each member voted is recorded in the minutes. Under state law, the public has a right to know how each member voted, so the minutes should reflect each person's vote on each motion. Typically, votes on matters of substance (regulations, disposition of cases, applications, etc.) should be conducted as roll-call votes. Procedural matters (adopting minutes, adopting the agenda, adjournment) can be handled through unanimous consent, provided the chair has given an opportunity to object. If there is objection, a roll-call vote must be taken. Members should only abstain from a vote after stating a conflict on the record and having the recusal approved by the chair (or the whole board, if the member abstaining is the chair). Members should avoid abstaining without a stated reason; if there is a legal or ethical issue that should not be stated on the record, the member

should discuss with staff well ahead of the meeting so it can be handled properly ahead of deliberation and voting.

### How to Deny a License Application

As mentioned above, Motions should be crafted in the affirmative to avoid presumption of bias or outcome. This should be the default unless doing so would complicate the record—there should be no confusion about the motion and outcome of the vote. In license denials, it is often cleanest and clearest for the maker of the motion to craft the motion based on the Order written by the investigator.

Regarding license action, here's the basic information needed on the record:

- **License number:** It is okay to include the licensee name since this is a final public action, but the number will suffice if it is clear and accurately recorded.
- **Action being taken:** Usually the verb part of the motion, such as “revoke,” “deny,” “suspend,” “accept a consent agreement,” etc.
- **Statutory or regulatory reason for the action:** A citation of the specific statutes) or regulation(s) is adequate.

This should be consistent with the information in the Order. For example:

*“I move to deny the certified direct-entry midwife application #ABCDEFGH by Jane Doe pursuant to AS 08.65.110(2), (3), (6); AS 08.65.150; 12 AAC 14.130; and 12 AAC 14.140.”*

When you are planning the meeting and know that board action is likely, the chair or other board member may wish to “pre-draft” motions for the board to use as a starting point. These draft motions are not meant to influence an outcome and can/should be worded differently on the fly, depending on the deliberation. The attached board motion worksheet can guide this process.

If reasons for denial are confidential under state law, the board can discuss them in executive session and decline to list them on the record. However, staff will need the information to provide in the statement of issues to the applicant. If possible, consult the AAG and investigator who are assisting with the matter and invite them to participate in executive session.

### Unanimous Consent

Unanimous consent occurs when all members vote in favor of a motion. Sometimes unanimous consent simply occurs after a vote, when all members vote the same way. Other times, unanimous consent may be requested as part of a motion. Typically, this request happens when the person making the motion knows the item is not controversial. The person making the motion might say, “Mr. [or Madam] Chair, I move to approve the minutes from the November 5, 2022, meeting and ask for unanimous consent.” The chair then asks if there is any objection. If there is none, the item is adopted by unanimous consent. Discussion may also be permitted but usually only for clarification. If there is objection, then debate occurs and the matter goes to a vote.

### Using a Consent Agenda to Improve Meeting Efficiency

At every board meeting, at least a few items come to the agenda that do not need any discussion or debate either because they are routine procedures or are already bound for unanimous consent. A consent agenda allows the board to approve all these items together without discussion or individual

motions. Depending upon the organization, this can free up anywhere from a few minutes to a half hour for more substantial discussion.

### **What belongs on the consent agenda?**

Typical consent agenda items are routine, procedural decisions, and decisions that are likely to be noncontroversial. Examples include:

- Approval of the minutes
- Final approval of proposals or reports that the board has been dealing with for some time and all members are familiar with the implications
- Routine matters such as appointments to committees
- Reports provided for information only
- Correspondence requiring no action
- Future meeting dates

### **How are consent items handled?**

A consent agenda can only work if the reports and other matters for the meeting agenda are known in advance and distributed with agenda package in sufficient time to be read by all members prior to the meeting. A typical procedure is as follows:

1. When preparing the meeting agenda, the chair determines whether an item belongs on the consent agenda.
2. The chair prepares a numbered list of the consent items as part of, or as an attachment to, the meeting agenda.
3. The list and supporting documents are included in the board's agenda package in sufficient time to be read by all members prior to the meeting.
4. At the beginning of the meeting, the chair asks members what items they wish to be removed from the consent agenda and discussed individually.
5. If any member requests that an item be removed from the consent agenda, it must be removed. Members may request that an item be removed for any reason. They may wish, for example, to discuss the item, to query the item, or to register a vote against the item.
6. Once it has been removed, the chair can decide whether to take up the matter immediately or place it on the regular meeting agenda.
7. When there are no more items to be removed, the chair reads out the numbers of the remaining consent items. Then the chair states: "Are there any objections to these items being adopted?" After pausing for any objections, the chair states "As there are no objections, these items are adopted by unanimous consent."
8. When preparing the minutes, include the full text of the resolutions, reports or recommendations that were adopted as part of the consent agenda so the record is clear.

It is important to make sure that all members know what items belong on the agenda and how to move items to and from the consent agenda. For this reason, the chair should ensure that new members become familiar with this process when they join the board.

### **Role of the Chair in Board and Commission Meetings**

Board and commission members, staff, and the public look to the chairperson to provide leadership during the meeting. The chair should understand the issues before the board or commission, know and understand the philosophies of the fellow members of the board or commission, and be able to bring

the board or commission to decisions on difficult or complicated issues. The chairperson should be able to do all of the following effectively:

- **Run a Meeting:** The chair is responsible for running an orderly meeting and conducting public business in a fair and timely manner. Everyone looks to the chairperson for leadership. The chair grants or denies members, staff, and the public the floor to speak.
- **Maintain Order:** The chairperson should not allow cheering, hissing, booing, or other demonstrations from the audience. Nor should he or she permit board or commission members to become rude, confrontational, or argumentative with one another or the audience. Members should not cut off one another or staff when they are speaking, nor monopolize the floor when granted by the chair. The chair should avoid grandstanding by any member, including him or herself.
- **Keep Business Moving:** It is the chairperson's job to keep business moving by bringing matters to a vote once thorough yet efficient debate has occurred. Avoid "rabbit holes" by calendaring side discussions to a future meeting date if they are within the board's purview.
- **Ensure Member Participation:** Board members who are newer, quieter, or not a licensed member of the profession may sometimes sink into the background. The chair should encourage participation by calling on them during debate or asking for their input. The chair may also assign them to perform research instead of leaning on the same vocal volunteer each time. By working on board projects outside of a meeting, these members may learn more and quickly come up to speed on topics important to the board.
- **Manage Public Testimony:** By using a sign-up list, the chairperson will know who wants to speak on items before the board or commission. If a large number of people wish to speak, the chairperson should set a time limit per speaker (usually the amount of time allotted for public comment divided by the number of testifiers). Rambling, irrelevant testimony should be discouraged, as should commentary from the public during board deliberation of an issue.
- **Use Parliamentary Procedure:** The chairperson needs to know enough parliamentary procedure to run the meeting. Someone else may serve as the parliamentarian, but the chairperson must have a working knowledge of parliamentary procedure.
- **Tie Things Together:** The chairperson should have the ability to take into account public testimony, board or commission deliberations, and an understanding of the issues at hand when guiding the board or commission toward a decision.
- **Lead Without Bias.** The chair should avoid setting the agenda or manipulating debate on issues to suit their personal preference. Although the chair has a right to speak on a topic, if the chair feels strongly about an issue and cannot maintain objectivity in managing the discussion, they should ask a different person to chair the meeting during the debate on that topic. The chair should never dominate debates or discussions.
- **Implement Approved Actions:** The chairperson should have the ability to create an action plan and follow through with staff or other entities on the actions decided at the meeting. The chair may need to contact members of the board to ensure they are aware of and working on their assignments to ensure they meet deadlines for upcoming meetings.

- **Uphold the Law:** The chairperson should guide the board to prevent decisions that are contrary to law and should strive to adhere to advice provided by its attorney. The chairperson should minimize the board's exposure to legal risk and seek its attorney's advice through staff as the need becomes apparent, checking the agenda to schedule the attorney's presence or tabling votes until the next meeting if needed. The chairperson may recess the meeting for a few minutes to confer with the board liaison or division management regarding inviting the board advisor or attorney to step in during a board meeting.

## Robert's Rules of Order Motions Chart

**Part 1: Main Motions.** These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion. § indicates the section from Robert's Rules.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§21	Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20	Take break	I move to recess for ...	No	Yes	No	Yes	Majority
§19	Register complaint	I rise to a question of privilege	Yes	No	No	No	None
§18	Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
§17	Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
§16	Close debate and vote	I move the previous question	No	Yes	No	No	2/3
§15	Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14	Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13	Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12	Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11	Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
§10	Bring business before assembly (a main motion)	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

**Part 2: Incidental Motions.** No order of precedence. These motions arise incidentally and are decided immediately.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§23	Enforce rules	Point of Order	Yes	No	No	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25	Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
§26	Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
§27	Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§33	Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
§33	Request for information	Point of information	Yes	No	No	No	None

**Part 3: Motions That Bring a Question Again Before the Board.** No order of precedence. Introduce only when nothing else is pending.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§34	Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
§35	Cancel previous action	I move to rescind ...	No	Yes	Yes	Yes	2/3 or Majority w/notice
§37	Reconsider motion	I move to reconsider ...	No	Yes	Varies	No	Majority

## VII. Effective Regulations

This section is intended to provide you with the purpose of regulations and a general, high-level overview of the State of Alaska regulations process. The full regulations process is explained in detail in the *Drafting Manual for Administrative Regulations*, which is located online at [http://law.alaska.gov/doclibrary/drafting\\_manual.html](http://law.alaska.gov/doclibrary/drafting_manual.html). The flow charts and narrative in this guidance will summarize the processes of board and division regulation adoption—keeping in mind the process is ultimately overseen by the Department of Law.

### Why Regulations and What Are They?

Under AS 44.62.640, a regulation encompasses every rule, regulation, order, or standard of general application, or any amendment, supplement, or revision of such rule, regulation, order, or standard. These are adopted by a state agency to implement, interpret, or specify the law that the agency enforces or administers, or to govern its procedure. Whether a document, regardless of its name, qualifies as a regulation under this chapter depends in part on whether it affects the public or is used by the agency in its dealings with the public.

However, it does not include forms prescribed by a state agency or instructions related to the use of those forms. Nonetheless, this provision does not limit the requirement for a regulation to be adopted under this chapter if needed to implement the law under which the form is issued.

In simpler terms, a regulation can be defined as a standard of general application or an amendment to such a standard. It is adopted by a state agency to implement, interpret, or specify a law, or to govern the agency's procedure. However, it does not cover matters relating to the agency's internal management. A regulation is considered valid if it affects the public or is used by the agency in its dealings with the public.

### How Do Boards Gain Regulation-Making Authority?

Statutes are state laws that authorize and set out the scope of a board or commission's governance authority of a licensing program. Statutes may also authorize and direct the division's management role in administering all licensing programs overseen by the division. A board's power to adopt regulations starts with the Alaska State Legislature. As part of its law-making power, the legislature may delegate, by statute, the authority to create rules and standards to executive branch agencies, boards, and commissions. These rules and standards are regulations, adopted by boards to supplement laws passed by the legislature and enacted into law.

Statutes often make it clear that the legislature expects the entity to adopt regulations by stating the agency "shall" adopt regulations to set program standards. Other times, statutes authorize but do not require regulations, by stating the agency "may" adopt regulations. A regulation has the force and effect of law only if the agency has the statutory authority to act and if it adopts, amends, or repeals the regulation using the proper procedure.

### Right-Touch Regulation

Right-touch regulation describes the approach first developed in 2010 by the Professional Standards Authority—the regulator for healthcare providers in the United Kingdom. It is not 'light-touch' regulation. It means looking at the level of risk to the public and identifying the most proportionate means to counter that risk.

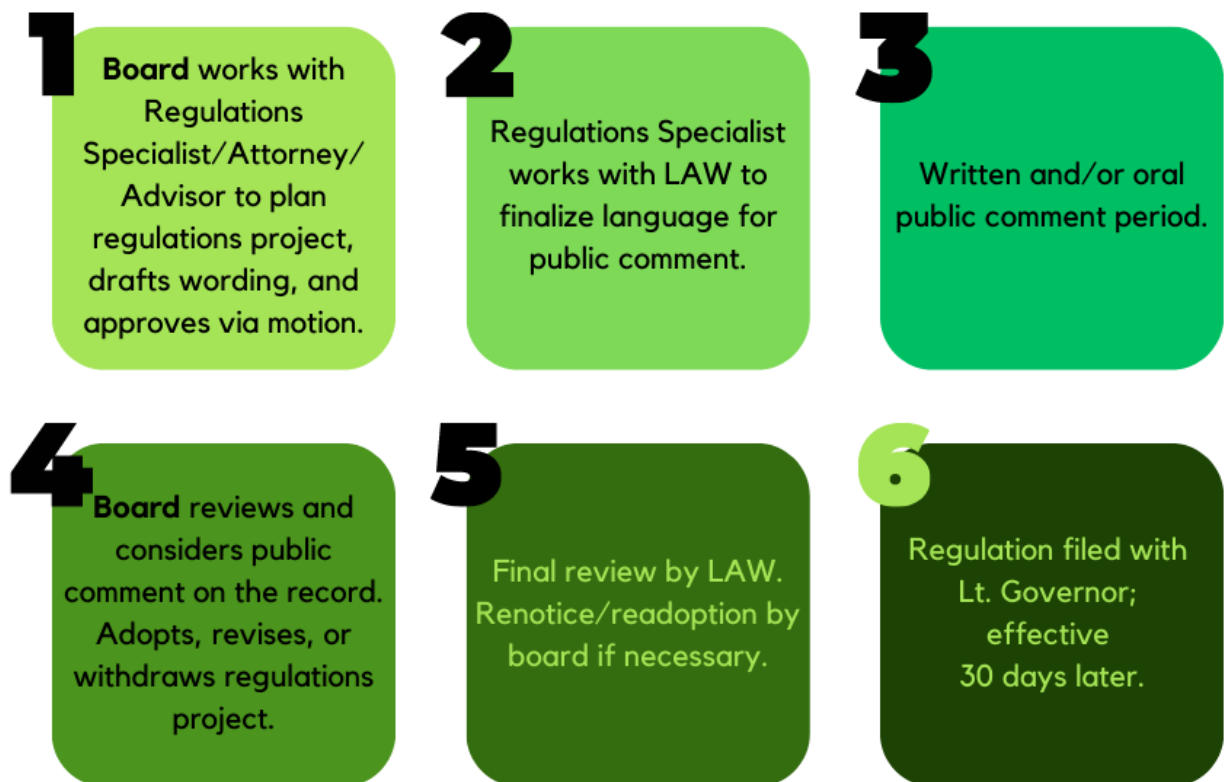
Right-touch regulation means understanding the problem before jumping to the solution—while making sure that the level of regulation is proportionate to the level of risk to the public.

There are eight elements that sit at the heart of Right-Touch Regulation:

1. Identify the problem before the solution
2. Quantify and qualify the risks
3. Get as close to the problem as possible
4. Focus on the outcome
5. Use regulation only when necessary
6. Keep it simple
7. Check for unintended consequences
8. Review and respond to change

The department's Boards and Regulations Advisor has developed a Right-Touch Regulation curriculum and workbook based on the principles devised by the Professional Standards Authority. From time to time, it will be offered as a training opportunity for board members and staff, and it can be utilized as either a formal or informal part of a board's periodic regulation review process.

## Board Regulations Process *simplified*





## Overview of the Regulations Process

The regulatory procedures for boards are set out in the Administrative Procedure Act (APA) in AS 44.62.040 - 44.62.290. These procedures are designed to ensure the public is notified and afforded an opportunity to meaningfully comment on an action before it is adopted as a final regulation. These steps are outlined below and codified in the *Drafting Manual for Administrative Regulations* referenced above.

The division employs two Regulations Specialists who are trained to assist in drafting regulations and moving them through the adoption process. The department Boards and Regulations Advisor can assist the board in evaluating the need for regulations, the statutory foundation for the regulations, and options in moving forward with the process. At any point in the process, they may also request agency attorney advice independently or on behalf of the board.

The entire regulations process—from crafting the idea to the ultimate effective date—can take up to a year. This ensures adequate time is allowed for the board to fully explore options and develop the best regulation, for the public to engage through the formal comment process, and for the Department of Law to fully review and assist. Timeframes can fluctuate widely among projects. Delays can occur if the intent and outcomes of the board are not clearly presented, if the Regulations Section of LAW is experiencing a heavy workload, if the project is lengthy or complex, or if there are procedural problems with how the project was handled. Planning well ahead of time is essential to ensuring crucial deadlines are met.

## Planning and Preparation

### Gathering Ideas

A regulation project begins with an idea for regulatory change. When a board identifies the need to propose a regulation to implement, interpret, or make specific a state statute, the board should begin organizing its collective thoughts on the matter at a publicly noticed meeting. If the subject matter is highly technical or complex, it may be helpful for the board to form a public working group from among its members. That group may engage in fact-finding for the purpose of sharing what it has learned with the entire board at an appropriate meeting. It may be helpful to the board to invite one of the division's two regulations specialists to the working group for assistance with drafting language and to provide guidance to the members regarding the next steps in the process. The regulations specialist will also be the board's liaison with the Department of Law. This may help the board get ahead of any complex or difficult parts of the proposed regulation.

All discussion and decisions relating to the regulations project must be made by the board at publicly noticed meetings. The board is required to vote upon proposed changes to move forward to the next formal stage.

### Evaluating Need

As part of the drafting process, the board will identify the specific need or problem that the proposed regulation aims to address and ensure that the regulation aligns with the board's mission and statutory authority. When considering adopting a regulation, including repealing one, the board should take care to discuss the reasons why the change is important. The department has developed a Right-Touch Regulation presentation and curriculum to help boards understand the concept of harm reduction

within the concept of regulatory governance. All regulations should be viewed through this lens. This evaluation process is discussed further in Chapter 4 on Decisionmaking.

#### Consideration of Timing

After determining that a concept is appropriate for a regulation, the board should consider timing needs and deadlines for completing the project, including statutory or federal deadlines; division's timeline for form development or other administrative impacts; complexity of the project requiring extensive legal review; availability of board to perform their role; public comment or filing windows, among others.

#### Examining Costs and Impacts on the Public

In addition to timing, a board must consider potential costs of a regulation project. These costs may be to the board or agency, public groups, or individuals such as licensees. Estimating costs in advance will help the agency complete the paperwork that accompanies the public notice. Included in the board's review should be the impact of additional time, paperwork, education, potential for public harm, or other impacts on licensees and the general public.

#### Soliciting Public Input

When a board identifies the need to propose a regulation to implement, interpret, or make specific a state statute, the board should begin organizing its collective thoughts on the matter at a publicly noticed meeting. If the subject matter is highly technical or complex, it may be helpful for the board to form a public working group from among its members. That group may engage in fact-finding for the purpose of sharing what it has learned with the entire board at an appropriate meeting.

#### **Drafting**

The maker of the motion to propose amendment, adoption, or repeal of regulations should provide the board with a written draft of the proposal. It is the board's responsibility to be certain that the record reflects what the board intended. This means that the board should articulate what it is hoping to accomplish with the project, and it should carefully review written drafts to ensure that the language conveys what the board intended. It is the board's job to provide at least the initial draft of language for a proposed regulation or amendment to regulation. Clearly define the requirements, standards, or procedures that the regulation will impose. Use precise and unambiguous language to avoid confusion or misinterpretation in the process of translating the intent of the regulations into concise language that effectively implements, interprets, or makes specific the underlying law.

If it hasn't done so already, the board should ensure that staff has requested assistance from the division's regulations specialist. If needed, licensing staff or the regulations specialist may request Department of Law assign an agency attorney who is familiar with licensing issues to ensure that the proposed regulation complies with all applicable laws, regulations, and constitutional requirements. Legal counsel can also help ensure consistency with existing regulations and provide guidance on the regulatory process. Any legal involvement at this stage is referred to as pre preliminary legal review and does not replace the formal review process discussed below.

The "Regulations Project Opening Questionnaire" (attached) must be completed by the board, not staff, to ensure all potential licensee or industry questions and impacts are anticipated and answered as required by statute. The board can complete these together on the record, or they may find it more

efficient to assign a member to complete these and submit to staff by a deadline to keep the process moving forward.

### **File Opening and Department of Law Preliminary Review**

Once an initial draft has been created and is ready to move forward, the regulations specialist will open a file with the Department of Law's Legislation, Regulations, and Legislative Research Section. This starts the official administrative review. Through the Questionnaire, the board will need to tell the regulations specialist its upcoming meeting dates, when it would like to publish the public notice, the reason for any urgency, and the requested effective date. The regulations specialist must submit all notice documents to the Department of Law at this time, so the board should discuss them before moving forward with a project.

The preliminary review is designed to ensure the regulation is within the scope of regulation-adoption authority, is consistent with statutes, is reasonably necessary to carry out the purpose of the statute, is valid under the state and federal constitutions, and is technically correct. This investment at the beginning of the process will reduce the amount of review that was previously required at the end of the process. The preliminary review is expected to take at least 60 days; boards should plan for a longer window in case the review is delayed by competing priorities or availability of attorneys.

### **Public Notice and Comment**

Immediately following initial approval from the Department of Law, the regulations are ready to be published, which begins the public comment period. A significant step in the APA requires that the public receive notice of a proposed regulation and an opportunity to comment on a proposed regulatory action. This ensures that the public and interested parties—predominantly licensees and prospective licensees—are aware of the proposed changes affecting their programs and provides adequate opportunity to comment on them. By ensuring public notice and ability to comment, the APA's procedures support the public's vital role in the regulations process.

Under the APA, the public must have a minimum of 30 days to comment (either orally, in writing, or both) on proposed regulations. During the comment period, the staff must publish the FAQ worksheet prepared by the board on the website, as well as answers to questions from the public on the proposed regulations received in writing unless the questions are received within 10 days before the close of the comment period; in that case the staff may, but is not required to, answer the questions. If the board intends to hear public oral testimony on the proposal, that date must be included in the public notice. If it is not included in the public notice, a subsequent notice must be completed before the oral testimony can be heard.

Due to Alaska's small population, board members may be easily accessible to their licensees and public stakeholders. Board members must remember that comments on proposed regulations must be received as requested in the notice of proposed regulations.

Written comments that are received by the division regulations specialist during the public comment period as set out in the notice of proposed regulations are provided to the board to deliberate during a public meeting. The board must review and take all comments into consideration before voting to adopt the proposal. Oral comments that are received by the board during the public comment period are included in this review.

Board members may not receive comments directly via email, text, in the clinic, at the lodge, in the hair salon, or in the grocery store. When well-meaning members of the public offer input, thank them for their interest but remind them that they should submit their comment as directed in the public notice.

### **Adoption**

After the public comment period, the board reviews and considers the feedback received. Based on the input, the board may choose to revise the regulation or proceed with the adoption process. If the board chooses to substantially amend its proposal, it must go out for another 30-day public comment period. (The Department of Law can review whether the amendments to the proposed regulations would require a new notice and comment period or if they are minor enough not to need additional public review.)

If there are no changes—or if the changes are minor and do not alter the meaning of the regulations—it may then be adopted by a board vote at a publicly noticed meeting, then forwarded for final review by the Department of Law.

### **Department of Law Final Review**

The Department of Law's role is to ensure that the regulations comply with legal requirements and are within the board's authority. If the regulations attorney does not approve the proposal, it will be returned for collaboration on how to become compliant. Further public notice, edits, or readoption may be required.

Once the regulations have been approved by the regulations attorney, the regulations are transmitted to the Office of the Lieutenant Governor for filing.

### **Filing by the Office of the Lieutenant Governor**

Once signed by the Lieutenant Governor or the Lieutenant Governor's designee, the regulation will become effective in 30 days *unless* another effective date is specified in the adoption order or certification of adoption. The Lieutenant Governor can only return regulations to the agency if they are "inconsistent with the faithful execution of the laws" (AS 44.62.040(c)). Typically, once the regulation has been filed, the effective date is known and can be relied upon. After this 30-day period, the regulation will be published in the Alaska Administrative Code (AAC). The AAC is the official compilation of the state's regulations.

### **Effective Date**

The regulation becomes effective on the date specified in the adoption notice or as required by law. Most regulations become effective 30 days after filing. (If there is any question, the date is specified on the Lieutenant Governor's official filing notice.) It is important to communicate the effective date to affected stakeholders and ensure compliance with the new regulation.

### **Posting Online Summary**

The regulations specialist will file the text or a summary of the regulation on the Alaska Online Public Notice System. It will also be posted on the board's web site, and the board's statutes and regulations packet will be updated with the new language. If regulations dramatically change the landscape of regulation, require compliance in a short window of time, or have been of particular interest to

stakeholders, staff can email announcement to the interested party list and/or voluntary list serv, as applicable.

A typical board or commission regulations process can take up to six months, depending on the effectiveness and efficiency of the board, the workload of the division regulations specialist, the complexity of the project, and how the project fits into the workflow of the agency and regulations attorneys with the Department of Law.

### **Division Regulations**

The division director may also draft and notice regulations through the same process, though the director is not required to hold a public meeting to deliberate or adopt final regulations. The same public notice provisions apply, and the director must consider all written comments received. When setting fees for licensing programs, the director will seek board input on proposed fees as required in AS 08.01.065. The director may adopt regulations that pertain to all licensing programs in general (known as Centralized Regulations) and may adopt regulations that direct the licensing programs in AS 08.01 that do not have a governing board or commission.

### **Emergency Regulations**

If a threat to the public peace, health, safety, or general welfare requires immediate action, an agency may adopt an emergency regulation without first following the normal APA procedures of publishing notice and waiting for public comment. Emergency regulations are held to a minimum, however, because they take effect without the public having the opportunity to comment or receive advance notice of their effect. The agency must therefore look critically at whether (1) the public peace, health, safety, or general welfare is truly at risk, and (2) the use of the emergency regulation procedure is absolutely necessary. The agency must contact the Department of Law early on in this process to ensure that the regulations are within the agency's statutory authority and meet the emergency regulation standard set in AS 44.62.250. Before an agency may adopt an emergency regulation, an emergency finding must be approved by the Department of Law.

An emergency regulation remains in effect for no more than 120 days. If the agency does not make the emergency regulation permanent, the regulation expires and the version of that regulation in effect before the emergency regulation was adopted, if any, is automatically reinstated. Regardless of whether an agency intends to let an emergency regulation expire after the 120-day mark or make the regulation permanent, the agency must follow specific steps outlined in the *Drafting Manual*. If emergency regulations are deemed appropriate by the Department of Law, your regulations specialist, attorney, or department board advisor will walk the board through these extra steps.

### **Conclusion**

The regulations process in the State of Alaska involves careful planning, drafting, public engagement and adoption. Boards and the division work together, with assistance from the Department of Law, to ensure that the regulations align with the statutory authority and serve the public interest. By following the established procedures and incorporating public input, the state can effectively implement and enforce regulations that promote the health, safety, and well-being of its people.

## VIII. The Investigative Process

An important and necessary function of the board or commission is to monitor and enforce compliance with the statutes and regulations governing a licensed profession. The process of denying or disciplining a license involves many areas of law, including the U.S. and state constitutions, the Administrative Procedures Act, case law, and both the centralized and specific statutes and regulations of a profession.

### Filing a Complaint

A complaint may be reported directly to the division. Sometimes a member of the public, or a licensee, may bring a complaint directly to a board member. When this happens, the board member should direct the complainant to contact the division and forward a summary of the contact to the division. (The email address [investigations@alaska.gov](mailto:investigations@alaska.gov) is useful to share in this situation.) All written complaints, or reports, alleging a violation of statute or regulations should provide a specific and detailed summary of the complaint. If available, the complaint should include any documentation, and list any potential witnesses. Anonymous complaints are not accepted.

A board or commission has jurisdiction over a complaint if the subject of the complaint falls within the scope of the board or commission's regulatory authority. Upon receipt, the complaint and evidence are reviewed by the investigator assigned to the program to ensure jurisdiction over the person named in the complaint and the alleged violation by that person. The investigator evaluates each complaint, gathers evidence, and interviews witnesses. This review takes into account informal guidelines established by the board or commission and the statutes and regulations of that specific practice area.

If the complaint does not appear to allege a violation that is within the board's jurisdiction, the division may close the complaint. If the complaint does relate to a statute or regulation of the board, an initial letter may be sent to the licensee against whom the complaint is filed. This letter provides notice of the complaint and allegations and may request records, an interview, or other response by the licensee.

Complaints or reports that present an immediate threat to public safety are given priority. The steps taken are determined on a case-by-case basis by the specifics of the allegations. This portion of the investigative process may be quite lengthy and may require additional information or evidence from the complainant, licensee, businesses, other governmental agencies or state boards, witnesses, or related parties.

### Conducting an Investigation

Investigators will collect pertinent information or evidence to prove or disprove an alleged violation. If the complaint is supported by evidence, it proceeds to investigation. Once an investigation is opened, the licensee is notified they are under official investigation by the division on behalf of the board or commission. This is an important step: Complaints can be unfounded or determined to be unsupported by evidence, and they are closed before becoming an official investigation, protecting the subject of the complaint from unwarranted repercussions in the community and with the board in their area of practice.

Once the case has been thoroughly investigated and there is a preponderance of evidence to either prove or disprove a violation occurred, the next step is determining an appropriate outcome. Typically, a

licensed board member is solicited to review the case, recommend whether a violation has occurred, and propose a course of action.

### Highlights of Serving as a Reviewing Board Member (RBM)

- A member who is licensed in the field of practice will usually have the professional experience, expertise, and judgment necessary to evaluate a complaint. This is one of the main areas of value that a board brings to regulation of the profession. If a member of the board does not have the credentials to effectively evaluate the matter, the investigator may engage an expert witness who does.
- It is critically important that the reviewing board member disclose any potential conflicts before taking the case. The investigator will perform a conflict check before the RBM begins work on a case. If information is revealed along the way that introduces a conflict, the RBM must immediately inform the investigator.
- When accepting a case review, the RBM agrees to prioritize the responsibility so the investigation does not draw out for a long period of time. Investigators typically ask for a case to be reviewed within 30 days. The RBM and investigator should be responsive to each other's questions. The only person the RBM should discuss the case with is the investigator and, possibly, division management, depending on the situation. The RBM should never contact parties to the matter or other board members regarding the case.
- The reviewing board member should ensure all factors are considered in their review and recommendation.
- An RBM may need to request recusal from deliberation and vote on an issue that he or she reviewed. This may not always be necessary or possible. After every case, the RBM should ask the investigator or board liaison for assistance in whether this applies to an individual matter.

In special circumstances, the division may include a panel of two board members or an expert in the field who is carefully screened for objectivity by the Chief Investigator and who agrees to maintain confidentiality. This review may result in a recommendation that more information be obtained, that the case be closed, or that the case continues forward. The board's liaison or review panel does not determine a final outcome; it simply reviews the complaint to determine whether the allegations, supported by uncontested or sufficient evidence, would warrant proceeding with disciplinary action even if contested by the licensee.

### Disposition of Cases

The board will meet as a quasi-judicial body in executive session or in a special meeting arranged solely to deliberate on the matter. Facts of the case that influence the board's decision will be provided to the board ahead of time so they can become familiar with the case and prepared to discuss. This is often provided in a memo to the board or contained in the body of the legal document the board is provided for review. The investigator and possibly the board's attorney will join the executive session.

If a case proceeds for board review, the board will be asked to:

- Review the facts presented
- Review the RBM's recommendation
- Evaluate a consent agreement, imposition of civil fine, accusation, or other documents prepared by the investigator based on the RBM's recommendation
- Determine whether they agree a violation did, in fact, take place

- Determine how to proceed with board action, including:
  - Asking more questions and returning to the investigator for additional information if they are not prepared to take action
  - Adopting, amending, or rejecting a consent agreement
  - Taking one of the disciplinary actions authorized in AS 08.01.075 (below) or in their specific statutes:

**AS 08.01.075. Disciplinary powers of boards.**

(a) A board may take the following disciplinary actions, singly or in combination:

- (1) permanently revoke a license;
- (2) suspend a license for a specified period;
- (3) censure or reprimand a licensee;
- (4) impose limitations or conditions on the professional practice of a licensee;
- (5) require a licensee to submit to peer review;
- (6) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;
- (7) impose probation requiring a licensee to report regularly to the board on matters related to the grounds for probation;
- (8) impose a civil fine not to exceed \$5,000.

(b) A board may withdraw probationary status if the deficiencies that required the sanction are remedied.

(c) A board may summarily suspend a licensee from the practice of the profession before a final hearing is held or during an appeal if the board finds that the licensee poses a clear and immediate danger to the public health and safety. A person is entitled to a hearing conducted by the office of administrative hearings (AS 44.64.010) to appeal the summary suspension within seven days after the order of suspension is issued. A person may appeal an adverse decision of the board on an appeal of a summary suspension to a court of competent jurisdiction.

(d) A board may reinstate a suspended or revoked license if, after a hearing, the board finds that the applicant is able to practice the profession with skill and safety.

(e) A board may accept the voluntary surrender of a license. A license may not be returned unless the board determines that the licensee is competent to resume practice and the licensee pays the appropriate renewal fee.

(f) A board shall seek consistency in the application of disciplinary sanctions. A board shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction.

Most cases are resolved through a consent agreement: An amicable settlement of a case between the two parties short of a public hearing. This type of settlement spells out agreed-upon obligations and responsibilities between the board and the licensee. The consent agreement is written by the division. To be effective, a consent agreement must be adopted by the board. Consent agreements may involve:

- reprimand
- revocation
- assessment of a civil penalty (fine)
- suspension (for a specific period of time)



- probation
- condition to take additional continuing education over and above the annual requirement
- restrictions on practice

If an agreement cannot be reached, or if the agreement is rejected by the board, the case is referred to division counsel—an Assistant Attorney General (AAG)—for review and possible litigation. The next step is to file an accusation charging the violations. If an accusation is filed, the licensee is entitled to a hearing. All involved parties may be requested to appear and testify at the hearing, conducted by the Office of Administrative Hearings (OAH) through an Administrative Law Judge (ALJ). After the hearing, the ALJ issues a proposed decision.

The division’s counsel and the licensee (or the attorney for the licensee) may propose a different outcome in a document called a Proposal for Action. Once it has considered the proposed decision from the ALJ and the proposals for action from the litigants, the board may adopt, amend, or reject the proposed decision from the ALJ and issue its own decision. The board should state its reasons clearly. If the board changes the sanctions proposed by the ALJ, it must explain why. The board may request counsel of its own. Any final decision may be appealed to the superior court.

### **Investigations Are Confidential**

Investigations are required by statute to be kept confidential. The Alaska Public Records Act provides some exceptions that allow certain documents collected during discovery to be produced as public records. This often prevents the complainant, licensee, and the board from obtaining progress reports or information that may disclose the current status of an open investigation. Even the fact that an investigation is underway is protected. Cases often involve other agencies, businesses, and practices; disclosing information during an ongoing case can compromise the investigation, create conflicts for reviewing board members, or result in unnecessary hardship to the licensee.

Once disciplinary action is final, the final decision becomes public, and the final document is posted in the licensee’s [public file](#). It remains there permanently unless the board’s decision is overturned by a court of appeals. Certain licensing programs may require that this discipline is also reported to a national database for that profession.

### **Using Data Proactively**

If a board is able to maintain the protections of confidentiality and due process, it may find that aggregating data or following trends in complaints, investigations, and license discipline can be used to improve the quality of its regulation. This data can identify gaps in licensee or public understanding, confusing regulations, areas where the Alaska laws vary widely from standard practices in other jurisdictions, and even the need for augmenting awareness of ethical standards. The board may wish to review the investigative reports provided at regular meetings and periodically identify discuss complaint trends with its investigator as a quality control measure.

# Board/Commission License Action Options

Circumstance	Response/Options
<b>Cease and Desist Order</b> On notice of possible violation, the Commissioner may, if in public's interest, issue Cease and Desist Order. AS 08.01.087(b). The board is polled for objection.	<b>Board can object.</b> Must be majority, within 10 days.
<b>Summary Suspension</b> Investigation shows "clear and immediate threat to public health and safety", Division presents petition for summary suspension.	<b>Board issues summary suspension; hearing to follow within 7 days.</b> AS 08.01.075(c) Post-hearing there is a proposed decision (from a judge), requires adoption by board.
<b>License Denial</b>	<b>Board issues or denies license based on Alaska statutes specific to the profession.</b> Possible hearing if license is denied, proposed decision, and final adoption by board.
<b>Consent Agreement</b> Investigation Unit presents a Consent Agreement, either before or after an Accusation is filed.	<b>Board may approve or reject.</b> If board rejects Consent Agreement, further negotiations may follow or a hearing may be held.
<b>Accusation</b> Investigation informed by the professional opinion of a Reviewing Board Member leads to filing an Accusation; if requested, hearing follows, decision goes to board with proposals for action from both parties, if any.	<b>Board determines whether to accept, reject, or modify proposed decision and determine which sanctions to impose.</b> AS 08.01.075
<b>Violation of Consent Agreement: Automatic Suspension</b> Board is informed of violation warranting immediate suspension under terms of Consent Agreement.	Division initiates suspension (per delegated authority) within Consent Agreement. Hearing possible, after which the board considers proposed ALJ decision, and adopts, rejects or amends.

## IX. Legislation and Legislative Audit

As a member of a professional licensing board or commission, you have considerable latitude—as well as responsibility—to recommend changes to your licensing program’s enabling statutes. Members of the public, consumers, other professionals, and your industry’s association confidently approach members of the legislature to affect the change they wish to see in your practice. Additionally, recognizing the need for statutory change and not pursuing it could become grounds for a legislative audit finding. Whether taking the initiative or reacting to an active bill, board members need to be prepared to champion their cause.

### Initiating Legislation

When a board determines statutory change is needed after utilizing the right-touch regulation and decisionmaking strategies included in this guidance, it has the responsibility to shepherd the process. The division usually does not have the authority to spearhead a statutory change that a board governs unless there is a significant impact on licensing processes, staff, efficiency, or other administrative characteristics. Boards must be prepared to fully engage in the legislative process when it proposes a change in statute.

#### Establish Clear Intent and Timeline

On the record, craft a statement and supporting points that illustrate the purpose of your proposal. It’s like your bill’s mission statement. Turn this into a letter from the board that includes the point person elected by the board and their contact information. This person should be ready to work with the sponsor, organize support, and call in to hearings. If the board is championing a piece of legislation, a history of the meeting minutes reflecting the issues and board’s perspective should be compiled by this leader and made available to board members and division management, who will be at every hearing. This research and history will be especially helpful to new board members who are appointed.

Begin NOW. Legislation may take multiple years, especially if it is not introduced at the start of a legislative session. If the two-year legislature ends before your bill passes, it dies and you have to start over...sometimes with new elected officials who are unfamiliar with you and your cause. Legislators have more time to work on legislation during the interim—if you wait until January to start shopping a new bill, it is likely too late to expect results that year.

#### Draft the Language

Legislators will expect you to know what language needs to change to accomplish your goal. They have attorneys who will edit and improve the document based on your stated intent, but they will want to see your thoughtful first draft. Some legislators will require the board to present a solid legal draft, especially if they are carrying a bill by request (as a favor) and not because they personally feel passionately about the cause. You may want to engage an agency attorney to assist with drafting if the legislation is especially complex or nuanced. Start as soon as possible.

In addition to drafting the content of the bill, the board will need to adopt a letter on the record that explains and supports the legislation. This document can live with the bill and be used by the sponsor to help educate their peers and promote passage. It will be published on the legislative web site to educate the public, and the board can share it with potential supporters who may, in turn write their own letters

or testify favorably. Be sure to update the letter if the bill changes; committees or even floor votes can alter the language of a bill without notice.

### **Seek Supporters...and Know the Opposition**

Identify who will be willing to write a letter and/or testify in support of your legislation. Ask them for ideas on who might oppose it. Sometimes, it's clear, and the board will be ready for the fight. Sometimes, you are too close to your own profession and may not see the downsides to your legislation. Does it affect anyone negatively? Does it increase costs or paperwork? Does it limit the practice of the profession to certain individuals? Do those individuals have a reasonable argument? Engaging the industry, such as a state or national professional association, is often helpful—assuming they support the board's proposal.

### **Seek a Sponsor**

It's a great idea to find a representative (House) and a senator (Senate) since a bill has to pass both bodies before it can move to the governor's office for signature. Look for a legislator who may have an affinity for your program (is a professional licensee, is a health care provider), likely supports the goal of your bill (is pro-health care/building industry, has sponsored similar legislation in the past, is outspoken about government efficiency), or who represents your district. The board may wish to talk to a House or Senate committee chair about committee sponsorship of its proposal. The board can also discuss the potential for sponsorship by the governor; however, it must reach out to the division director a year in advance to ensure adequate review.

### **Communicate With Committees**

Be available to testify, even on short notice. The board must identify board members who are authorized to speak on behalf of the bill. Contact legislators and committee members to ensure they understand and support your bill. If they don't support it, find out why and seek to aid their understanding...or be prepared for difficult questions.

### **Promote Your Bill**

Everyone will vote on your bill, whether in a committee, on the floor, or both. Some members may vote in several committees, depending on how many times they hear the bill (usually two committees on each side— Finance and Labor and Commerce or Health and Social Services). So, it's helpful if they understand what the bill does and how it helps Alaskans. Legislators have an entire state to worry about, so they don't know the finer points of your licensing program or industry. You can help them understand the main points without dwelling on the details or overthinking it. Be prepared for all kinds of questions!

### **The Open Meetings Act Always Applies**

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject that the body is authorized to act and set policy on and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact in any location, including the office of a legislator.

Members of boards and commissions should take care not to conduct business over email, lest the public be removed from the process. Board members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged and publicly noticed. Remember, all board member email correspondence is discoverable, and your board business is also the public's business.

### Legislative Session

Q: What is fast-paced but moves slowly? Transparent but hard to see? Straightforward but complex?

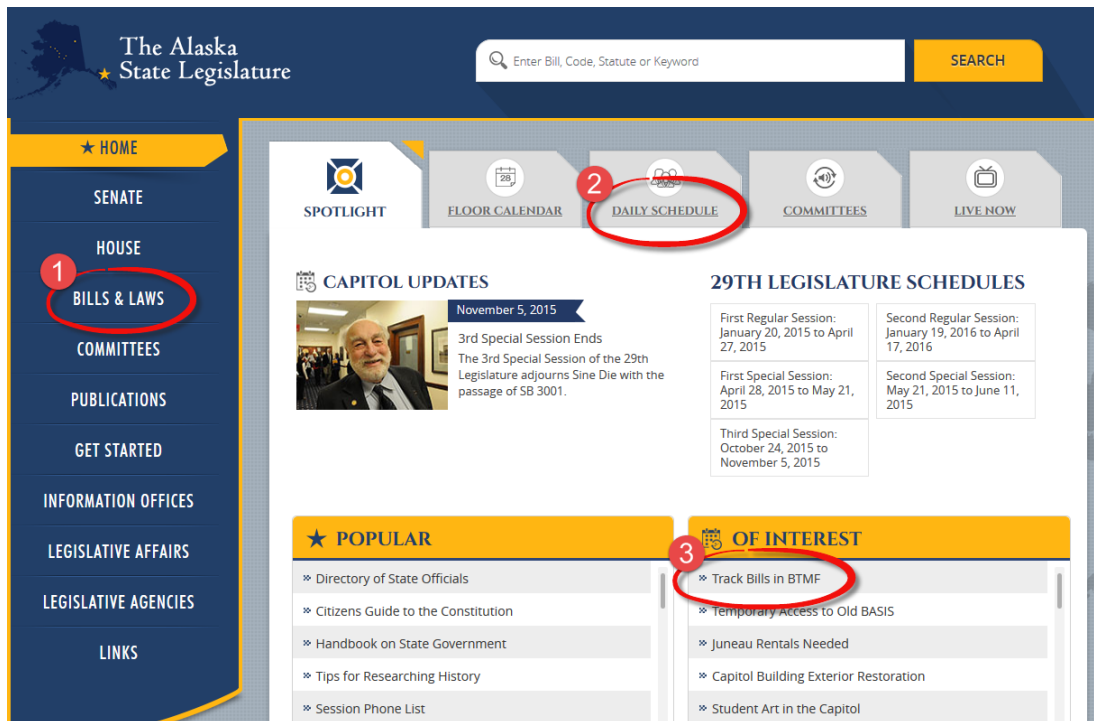
A: Legislative session!

Understanding the ins and outs of the legislature while in session can be difficult until you get into the swing of things. The information below can help.

### Be Informed About Legislation: If Not You, Then Who?

Even if your board didn't initiate it, a bill may be introduced that pertains to your licensing program. Be vigilant! You will have to become involved.

- Ahead of the legislative season, select on the record a member who will serve as the point person for legislative activity. In the absence of this person, the division will look to the chair of the board for input and interpretation.
- When a bill is filed that appears to affect your licensing program within AS 08, division management will alert the board liaison. This staff member should ensure that their board members are made aware of legislation that is filed that will affect them. With dozens of bills to track, analyze, and testify on, division management may not be able to keep the board apprised of every late-breaking detail. Division management will periodically send updates to staff regarding legislation or request discussion with the board. Division staff may not know about or forward bills affecting the profession when the legislation does not touch AS 08. Please let staff know if you become aware of those.
- Know where to find your bill using the Alaska State Legislature's web page: [akleg.gov](http://akleg.gov). (See graphic below.)
  1. The **BILLS & LAWS** section on the sidebar links to a searchable list of documents. If you know the bill number, you can search using the bar at the top of the screen.
  2. The **DAILY SCHEDULE** shows all committee activity for the day you choose. It is subject to change, but it is a good starting place to see what is happening where.
  3. The **BTMF**—or Bill Tracking Management Facility is your best friend when trying to keep up with a bill. Take the time to set up your profile and register the bill you want to track, then you will receive email updates when its status changes or is scheduled for a hearing.



### Guidelines for Board Member Testimony

- Encourage the board to become engaged: Board members should track the bill online, participate in hearings, write a letter, and discuss the legislation in a public meeting. It is a best practice for organizations to speak with “one voice.” Any testimony or correspondence by a board member on behalf of a board must represent deliberation and action taken on the record in a public meeting.
- Board opinions on legislation should be put in writing. If the board has published a resolution or letter regarding the legislation as a result of a vote at a public meeting, staff may provide that document to legislators per department procedures. The board member appointed as lead can also send this document to legislators.
- Individual board members may offer their personal or professional opinions on the legislation by clarifying that while they are appointed to a board, they do not speak on behalf of the board and are offering their testimony/thoughts/opinion as a private individual. This testimony should be harmonious with what the board has voted on; the board should always speak with one voice after a vote.
- Boards must provide a member to testify at every hearing when being considered for reauthorization per AS 08.03. Without member interest and advocacy for the board or commission’s continuation, it is possible that the sponsor could withdraw the bill and the board could sunset.
- The chair or elected board spokesperson should be prepared to answer questions posed by staff or legislators, testify telephonically (or in person, if in Juneau) on bills that require subject matter expertise or upon request, and otherwise be available on short notice to engage in this process.
- Be sure to differentiate the state licensing board from the industry association. Sometimes, they share the same goals. Sometimes, they do not. Legislators must keep track of a lot of names and organizations, so be sure that you are clear that you represent the State of Alaska.

- Nervous? Don't worry! Please email or call division management to discuss tips or even run through some potential questions.

### **Legislative Testimony Call-In Do's and Don'ts**

**Do** use the streaming video available on the "Live Now" tab on [akleg.gov](http://akleg.gov) or Gavel Alaska ([ktoo.org/gavel](http://ktoo.org/gavel)) to watch for your bill to come up. The chairman will announce the order of bills at the beginning of the meeting. Callers may be disconnected from the meeting if they call in prior to their bill being taken up.

- If video streaming is not an option for you, please contact the committee aide to make arrangements to call in early.
- Once the bill is before the committee, call the number provided by staff or the committee aide. Give your name, the bill number, and ask to be connected to the \_\_\_\_\_ Committee.

**Do** use the Teams link if provided one by the legislative committee aide. Some committees prefer invited testifiers to connect via Teams.

**Do** remember the legislative call-in system is designed to serve those who do not have any other way to testify or have a legitimate reason for using the system.

**Do not** call in before the bill you are testifying on comes before the committee.

**Do not** call in for a hearing if you simply want to listen – utilize the streaming video as noted above.

**Do** remember the off net call-in lines are for testifiers only. If you wish to listen in, please use the live streaming at <http://akl.tv/>.

**Do** use the "mute" function of your phone until called on to testify. If this function is not available on your phone, ask the Legislative Information Office (LIO) moderator to mute your call.

**Do not** use the "hold" function on your phone when connected.

**Do** try to be in a quiet room without distractions or interruptions. Car noise, open windows, and barking dogs can all be heard by the legislative committee and guests at the hearing. These avoidable disturbances will detract from the credibility of your message. Connect without using a speakerphone for the best audio quality. Please treat the important responsibility of testifying with utmost respect and professionalism.

**Do** remember that everything transmitted over your phone will be broadcast directly into the meeting room and recorded to become part of the permanent record.

**Do** remember to be in a location with good reception if using a cell phone. Disruptions coming into the meeting via the phone lines will result in all callers being disconnected from the system. This will require testifiers to call back to be reconnected. Turn off your computer or TV speakers if listening online so you do not create an audio "loop."



**Do** try to adhere to time limits imposed by the chairman.

**Remember:** There are a limited number of phone lines coming into the Capitol. These lines are also used by LIO's around the state. When all the phone lines are used up, an LIO may not be able to call in with a room full of people.

### **Legislative Audit**

The [Division of Legislative Audit](#) (DLA) serves as one of the Legislature's most significant checks in the balance of powers with the executive and judicial branches of government. The Division's primary responsibilities are to provide transparency and hold state agencies accountable to state and federal laws. Audits inform the Legislature and the public about government operations.

The DLA is an audit agency, led by the Legislative Auditor, that serves as the State of Alaska's independent auditor. DLA was created pursuant to the Fiscal Procedures Act of 1955. The Division has offices in Juneau and Anchorage staffed by dedicated professionals, most of whom are licensed CPAs. The Legislative Auditor is a public officer authorized by the Alaska Constitution to lead the State's independent audit function. The audit function is conducted in accordance with Title 24 of the Alaska Statutes. All audits conducted by the Division are done in accordance with government auditing standards.

DLA performs external audits; that is, audits are performed by an auditor who is independent of the executive head of the government unit or agency being audited. All audits result in a published report that remains confidential until released to the public by the Legislative Budget and Audit Committee. Four types of audits are conducted: single audits, special audits, sunset audits, and IT audits.

**The primary way professional licensing boards interact with the DLA is through the sunset audit process.** The 1977 Legislature passed a Sunset Law which requires DLA to conduct performance audits of boards, commissions, and agency programs subject to termination under [AS 44.66](#). The audit report, along with other reports and testimony, is considered when determining if there is a continuing public need for a board, commission, or program.

Professional licensing boards are audited according to the schedule set by the Alaska State Legislature, which is based on the scheduled sunset dates found in [AS 08.03](#). The maximum number of years a board can be authorized before its next audit is eight years.

Approximately one year before the scheduled sunset date of each board, the assigned legislative auditor(s) will hold an opening conference with division management and the board chair, either together or separately. At this meeting, which is usually in the late spring, the auditor will review the process to ensure all parties are informed. The auditor will hold similar meetings once the field work has been completed and when the DLA has prepared a list of recommendations.

The auditor(s) will perform the audit by reviewing documentation of board meetings, licensing files, investigative files, and other records it may believe to be relevant to its review. They will ask questions



and seek additional information from staff or board members, as necessary. Division management and the board chair should work independently with auditors to ensure each has the opportunity to provide the auditor with unvarnished information. A public officer may not interfere with the work of an auditor or seek to influence them in performance of their duties.

A determination by the DLA as to whether a board or commission has demonstrated a public need for its continued existence must take into consideration the following factors ([AS 44.66.050\(c\)](#)):

- (1) the extent to which the board or commission has operated in the public interest;
- (2) the extent to which the operation of the board or commission has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters;
- (3) the extent to which the board or commission has recommended statutory changes that are generally of benefit to the public interest;
- (4) the extent to which the board or commission has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided;
- (5) the extent to which the board or commission has encouraged public participation in the making of its regulations and decisions;
- (6) the efficiency with which public inquiries or complaints regarding the activities of the board or commission filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved;
- (7) the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public;
- (8) the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board or commission in its own activities and in the area of activity or interest;
- (9) the extent to which statutory, regulatory, budgetary, or other changes are necessary to enable the board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection;
- (10) the extent to which the board or commission has effectively attained its objectives and purposes and the efficiency with which the board or commission has operated; and
- (11) the extent to which the board or commission duplicates the activities of another governmental agency or the private sector.

For professional licensing boards, many of these functions are statutorily carried out by the division. If the final audit report finds a board to be deficient in those areas, it may be attributed to the division. The governor's office may be accountable for concerns about board appointments. The board chair, commissioner, and governor may all be asked to respond to questions and will be compelled to respond

to the audit in writing twice prior to its release—once as a confidential preliminary communication, and finally as a response to the report.

The Legislative Budget and Audit Committee (LB&A), which is a joint committee of both the House and the Senate, provides oversight of the DLA. The audit is confidential until published by LB&A. Once published, usually in the fall, it is made available to the public. A board may review the preliminary audit report in executive session, if it wishes; once published, the board should discuss the report on the record at its next meeting and organize its strategies for testimony ahead of the coming legislative session.

Legislative committees or individual legislators may sponsor bills to reauthorize boards slated for termination. The legislature will require a telephonic presence by a board representative, as well as the division director, at every hearing. The board chair—or a member designated by the board to testify on its behalf—should work with division management to prepare testimony at every hearing in the House and Senate.

During a public hearing, the board and the director shall have the burden of demonstrating a public need for its continued existence or the continuation of the program and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest. Based on the audit recommendations, hearings may run smoothly, or legislators may pursue specific issues raised by public testimony. Legislators often take the opportunity to familiarize themselves with aspects of the professions regulated by the board, so they may ask questions that are not directly covered in the report or address issues they are familiar with through constituents, news media, or other sources.

If a board faces serious recommendations, the legislature may reauthorize them for a very short period (such as two years) to allow time for improvement and another audit to verify the issue has been resolved. If the legislature chooses to sunset a board, there is a one-year wind-down period during which regulations will be adopted to transfer the board's authority to the division. The licensing program will not cease; it will be managed by the division instead of the board, and the division will fall under a separate agency audit process. The board will cease to exist one year following the sunset date in statute. While it is an extreme action, termination of a professional licensing board has not happened in more than a decade. The legislature recognizes the value boards provide the public and usually seeks to aid the executive branch in finding solutions to any problems discovered through the audit process.

## X. Overview of State of Alaska Travel Policy and Division Procedures

When a person travels on behalf of the state, on behalf of the board, is traveling because of their position as a board member, or plans to engage in activities as a board member while in travel status, the travel must be managed by the State of Alaska. The purpose of travel policy is to provide parameters for approval of actual and necessary expenses incurred by travelers while traveling on state business, to ensure wise management of state resources, and to minimize risks to the state and its travelers. The travel policy of the State of Alaska is adopted by the Commissioner of the Department of Administration in accordance with [AS 39.20.160](#).

State agencies and travelers are required to comply with these policies whenever traveling on state business.

This guidance will clarify the process of funding, approving, and booking volunteer board member travel on behalf of the State of Alaska. While the Department of Administration sets the state's travel policy, it is the division's responsibility to manage costs and provide approval for state business travel for board members. Travel administration is comprised of a few major stages:

**Stage 1: Funding authority and availability:** The *authority* to spend must be granted by the legislature in the division's annual budget, which covers expenditure authority for the *entire* division, not specific boards or programs. The director must weigh all necessary and competing expenses across all 45 professional licensing programs, corporations, and business licensing in order to allocate them appropriately. Because the division, not the board, is statutorily responsible for all decisions pertaining to revenues and expenses, additional factors unrelated to your board may mitigate the director's ability to approve requested travel.

In addition to the *authority* to expend funds, *availability* of funds to cover expenses for travel on behalf of any program is dependent on that program's bottom line. If the program does not have sufficient funds to meet its obligations through the next biennium, board members are advised to defer travel requests until the deficit position improves.

**Stage 2: Approval:** When travel is requested, it goes through an approval process to ensure the request meets state policy and to create documentation for planning and risk management purposes. Approval from the division, department, and sometimes the governor's office is required. It also clarifies for the traveler the types of approved expenses so there is less opportunity for misunderstanding at the time of reimbursement. The approval process also establishes the minimum business itinerary or window of time the traveler is on state business to identify the business portion of travel. Board members may only enter travel status to represent the state after obtaining prior approval for the estimated costs through this standard process.

Information provided in order to approve travel includes the event description and agenda, dates, estimated costs for transportation, hotel, parking, registration fees, and

other allowable expenses. Also requested is the board's rank preference for this travel (as listed in the board's prior year annual report) and potential for third-party reimbursement, as well as whether personal deviation from the minimum business itinerary for the traveler's convenience will occur.

This stage requires the division to work with board members to set forth meeting dates, locations, and individual traveler preferences—such as driving instead of flying or personal deviation from the itinerary by staying an extra day.

**Stage 3: Reconciliation:** Once travel is completed, receipts are collected, and actual costs are reconciled. State policy requires receipts to be submitted within five days of travel. Any significant overages in approved cost from the original estimate will require *reapproval*—potentially delaying reimbursement. Additional review is also required when the traveler deviates for personal convenience. Travelers are required to approve any estimated reimbursement; please respond to the email requesting approval as soon as it is received so your travel process can be reconciled and completed.

**Stage 4: Reimbursement:** Final reimbursement of allowable expenses is remitted electronically to the traveler's bank account if you have direct deposit set up with the state; otherwise, it is sent by check and may take several weeks to process. Check your bank statement to confirm receipt of funds that have been direct-deposited.

The approval request and final travel authorization (TA) form are prepared by planners at the division travel desk. The final TA and attached receipts are audited and processed by the Division of Administrative Services. This is the division that provides centralized accounting, human resources, information technology, budget, procurement, and travel services and oversight for all agencies within the Department of Commerce, Community, and Economic Development.

The state travel policy (AAM 60) is available online through the Department of Administration, Division of Finance or through your board staff. Additional information on board-specific procedures is included to help make the process as smooth as possible. At any time, should you have questions or need to book travel, please contact the division Travel Desk.

#### CONTACT INFORMATION

##### DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING TRAVEL DESK

P.O. Box 110806, Juneau, Alaska 99811-0806

Phone: 907.269.8160 - Fax: 907.465.2974

[08occlctravel@alaska.gov](mailto:08occlctravel@alaska.gov)

(For faster response, email instead of call.)

## Board Member Travel Procedures

Board members must utilize division staff to book their travel through the state travel contractor's online system. This will allow board members to travel without worrying about booking their own itineraries in accordance with state policy, personally fronting costs associated with airfare on their personal credit cards or wondering whether their costs will be reimbursed. Most itineraries will receive discounted rates because of state-negotiated contracts with Alaska Airlines and other hotel and car rental partners.

### Steps in Planning Your Official Travel Itinerary

1. To initiate this process, the board needs to establish that this expenditure is supported by the board. Please ensure your board has done the following at least six weeks before the date of travel:
  - a. Include the meeting, conference, or event in the board's Annual Report. Often, travel requests are to the same (or similar) events each year. Since there is not enough travel expenditure authority provided by the legislature for every board to take all the trips they may want, only the highest-ranked trips are likely to be approved. While the board may not know all the details months ahead of time, they may know the name of the conference sponsor and event, such as "Annual Educational Conference sponsored by the Council on Licensing, Enforcement, and Regulation." That would be important to include in the Annual Report.
  - b. Vote in a meeting to affirm the board's intent to send representatives to the event, and place on the record a ranked list of who those people are. This may include one or more board members and/or staff. A board member who was not endorsed by the board may be approved by the chair. This may displace one of the members who intended to travel. (Usually, this occurs when someone is no longer able to travel and someone is encouraged to attend in their place.)
2. Following the board meeting where the business reason for travel was discussed and travelers were approved, your board staff will complete a Travel Approval Request Form that explains the business reason for travel, requested travelers, and all known travel details. Approval from the division, department, and sometimes the governor's office is required.
3. Each traveler must complete the Travel Reservation Form for Board Members (attached). This helps us know important details like your Mileage Pan number, whether you prefer an aisle or window seat, and what hotel you prefer for your stay. Email this form to the Travel Desk ([08occlctravel@alaska.gov](mailto:08occlctravel@alaska.gov)).
4. Ensure the forms required by the state or federal government for reimbursement and per diem (attached) have been completed and returned to the proper agency listed on the form. Do not send to your board staff.
  - a. Substitute Form W-9 (TIN Verification)
  - b. Electronic Payment Agreement

The Electronic Payment Agreement is required only if you wish to receive your per diem and reimbursement electronically. Also, be advised the Internal Revenue Service requires the State of Alaska to issue 1099 forms when payments to individuals, partnerships, or limited liability companies for rents, services, prizes, and awards meet or exceed \$600.00 for the year.

5. Your travel planner will discuss any questions or concerns with you, then finalize the form according to the information you have provided in accordance with state policies. The travel approval will be emailed to you once it has final approval. There is no opportunity for personal deviation using this booking method. If you wish to deviate from the minimum business itinerary, staff should include this request in the initial travel approval request. Be sure you discuss with staff at the Travel Desk once you have received approval to travel.
6. The itinerary, including airline, hotel, and rental car confirmation numbers, will be emailed to you when booked. Staff will also provide the hotel with instruction to bill the division's credit card; however, since hotels must ensure they bill the proper party, the traveler must ensure that they were not charged for the room or taxes. Travelers are required to get a copy of the hotel receipt, even if they do not pay for the stay. Travelers may still be requested to provide a credit card for any room incidentals, such as movies, room service, telephone calls, etc., which are not covered by the state.
7. Turn in all receipts to the division within five days of trip completion to begin the reimbursement process. Any expenses not covered up front will be processed directly to the traveler's bank account once the traveler has completed all the forms mentioned in #4, above.
8. Once travel receipts have been reconciled, an estimated reimbursement e-mail will be sent to the traveler asking them to approve the expenses. Travelers must respond in order for the travel process to be completed and the traveler reimbursed.

### **Booking Travel Through a Third Party**

When associations are able to directly arrange travel for the division board members or staff, there are a few simple steps required to accept their offer:

1. Follow steps 1-5 above. Board members cannot make their own travel arrangements without first being approved to travel. Confer with the Travel Desk to ensure accurate coordination among parties.
2. Turn in all receipts to the division within five days of trip completion to begin the reimbursement process. Any expenses not covered up front will be processed directly to the traveler's bank account. Receipts are needed to track the amount of travel that is being covered by a third party for audit and ethics purposes.

### **Reimbursement of Qualifying Expenses by a Third Party**

Occasionally, an association will offer to reimburse the traveler for expenses incurred while on state business. For example, the profession's national organization may pay a \$1000 stipend to cover the cost of travel to the conference. Or, the association will pay all the airfare and hotel expenses for new board members.

This offer may be accepted under a few conditions:

1. Program staff must follow up with the association once the travel has been reconciled to ensure proper reimbursement occurs.
2. Checks may only be written and mailed to the State of Alaska, addressed to the division. Board members may not accept payment or reimbursement for any purpose and must immediately endorse any payment of this kind

over to the division travel desk for receipting. Reimbursement for authorized expenses will be issued by the State of Alaska.

3. The legislature typically authorizes a small amount of authority for the division to receive third-party travel reimbursements; these are credited to the board that incurred the expense. Any reimbursements over the authorized amount will be reported but not available to the boards to expend. This tracking is important as it may demonstrate the boards' ability to collect receipts above the authorized limit and allow the division to advocate for additional budget authority in future years.

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If you have questions about a specific scheduled trip or reimbursement, please contact the Travel Desk at 907.465.2550 or 907.269.8160 or by email at [08occlctravel@alaska.gov](mailto:08occlctravel@alaska.gov).

## Frequently Asked Questions About Travel

### **Before Traveling:**

**Q: I would like the travel planners to book my travel. What do they need to know before they can book?**

A: We will need the following information:

- Your name as it is written on a government issued form of identification
- Your birthdate
- Your mileage plan number, if any
- A preferred hotel in the city to which you are traveling
- A valid e-mail address so the travel itinerary can be sent to you
- An agenda for the meeting or conference—even a draft is helpful

**Q: When you book my travel, what are the rules?**

A: All state travel rules apply, regardless of whether we act as your agent. However, booking your flight, hotel, rental car, or other travel is a commitment through the state travel agency. So, keep in mind that non-business-related changes and no-shows may result in additional fees, and you may be asked to reimburse the state for those types of avoidable fees.

Unless it has been pre-approved, we can only book the minimum business itinerary. This means that only the lowest ticket class fare for the most direct route will be purchased. We cannot book travel for spouses or other guests. We also will generally only use approved State of Alaska vendors, as we will get the best state negotiated deals on hotels, airfare, and rental cars. This means lower travel expenses for your licensing program.

*Alaska Statute 39.20.140(b) requires that the state pay no more than "the lowest ticket class fare for the most direct route." (AAM 60.050)*

**Q: If you book my hotel but the hotel asks to see the credit card, what should I do?**

A: You can have the hotel call one of your travel planners to confirm the credit card number with them. Your travel planners are available Monday-Friday 8:00am- 5:00pm at either 907-465-1071 or 907-465-2591. You may be asked

to provide a personal card for incidentals, since the state will not pay for amenities such as room service, tips, mini-bar, etc.

**Q: I want to mix my board business trip with pleasure. How can I do this?**

Regardless of who books the travel, we need to know if you are deviating from the business itinerary before your trip is submitted for division approval. Please let the Travel Desk or your board staff know if you are deviating as soon as the meeting is being planned. If your original travel plans change, please let your program staff know as soon as possible so they can request reapproval of the trip. If the cost of personal itinerary is greater than the cost of the minimum business itinerary, you need to book the trip yourself and work with the Travel Desk for reimbursement of qualifying business expenses.

Unapproved deviation from the minimum business itinerary may result in additional costs that you were not anticipating, and the state cannot cover that portion of your travel expenses. For example, if the board meeting ends at 2:00 p.m. and you want to stay in Anchorage until the following afternoon, you will be responsible for the hotel, meals, and difference in flight cost. Any rental cars approved for state business use must be turned in at the time of the first flight after the meeting ends. Keeping the car longer may incur personal expenses, and you may not be covered in case of an accident.

If you are planning your own travel, we still need to know the difference in prices between the business itinerary and the deviation that you are taking before you travel. Please provide your board staff with a flight itinerary for both the business itinerary and the deviation. If we do not receive the business itinerary, the travel planner will obtain a quote for the lowest fare currently available. This may result in a lower reimbursement than you were expecting.

**Q: What are the rules for renting a car when I travel for the state?**

A: When necessary, the rental of a car may be authorized for travelers in travel status according to the minimum business itinerary for the trip. The estimated cost for the rental car must be included in the approval request prior to travel. The cost and intended use of the car must be considered in determining the size and type of car to rent. The State of Alaska supports a mid-size or smaller car rental. Rental of a car larger than mid-size may be allowed when several travelers are traveling together or circumstances require the use of a larger car. Such situations must also be documented on the completed travel authorization. Planning ahead is recommended.

When a rental car is desired, but not required for state business, it is considered personal deviation. A traveler who submits a receipt for a rental car will receive reimbursement for ground transportation for the minimum business itinerary.

**Q. I don't want to stay at the hotel that is closest to the meeting location. What are my options?**

A. You will be booked at a state-contracted hotel that most closely meets the meeting's minimum business itinerary. There are often several hotels close to the facilities most used for meetings—the Atwood Building in Anchorage and the State Office Building in Juneau.

If you prefer to stay at a hotel outside of walking distance, we will book the hotel mentioned in your written request as long as it has a contract with the state and is under \$300 per night. You will be responsible for any amount over the standard hotel. If it requires one, a rental car or taxi between the hotel and meeting location will be considered



personal deviation, and you will be responsible for any amount over the customary ground transportation. If it is unsafe or impractical to walk due to weather, darkness, or other situations, ground transportation will be reimbursed.

**Q: I want to stay an extra day at the meeting location. Can you still book my flight?**

A: Yes, and the difference in cost will be deducted from your reimbursement. If the difference is over \$100, then you may opt to purchase your own ticket and receive reimbursement for the flight listed in the minimum business itinerary.

**After Traveling:**

**Q: What documentation do I need to turn in to be reimbursed?**

A: Board staff can provide you with a travel reimbursement envelope to help keep your receipts together. Because you are paid a state Meals and Incidental Expenses (M&IE) rate, you do not need to submit meal receipts unless a third-party reimbursement agreement requires it.

Within **FIVE** days of completion of travel, please submit:

- Airport receipt and boarding passes or actual itinerary
- Hotel receipt(s)
- Taxi receipt(s)
- Rental car receipt(s)
- Parking receipt(s)
- If you went to a conference, we will need a final meeting agenda and a registration fee receipt (if you paid for it).

**Q: What if I do not have a receipt for my taxi ride?**

A: You will be reimbursed up to \$75 for any qualified expense without a receipt. This means if you took a taxi to the airport and back but forgot to get a receipt, you will only get \$75 total for the entire trip. Most taxis cost around \$20-\$30 one way, so it is always a good idea to remember to get the receipt. Please note that taxis for food and entertainment are not reimbursable—only transportation to/from the meeting location or hotel and airport.

**Q: The state booked my travel. Do I still need to get a hotel receipt?**

A: Yes, we still need to make sure there were only charges that the state allows to be made on the state credit card. If a third party is paying for the hotel, we will still need a receipt to track those expenses for audit and ethics purposes. Please remember that if you had the state book your travel, there should be no taxes on the bill when traveling within Alaska. Check to ensure that room service, mini-bar, fitness, or other hotel charges are not settled to the state credit card. Look over the hotel receipt carefully before checking out and ask for the bill to be split, if necessary.

**Q: What is “mileage,” and why do you need my physical address?**

A: You are eligible to request reimbursement for the mileage between your house or place of work to the airport and back if you live more than 50 miles from the airport/meeting location. In order to give you the correct mileage, we need the physical address of your house or place of work so that we can have an accurate calculation. Please make sure to include a note with your receipts if you drove to the airport from a different location than you usually do so that we can give you the correct reimbursement for mileage.

**Q: I drove to the board meeting. Why am I not getting reimbursed for all the mileage between locations?**

A: If the amount of the mileage is greater than what a plane ticket would cost, you will only be reimbursed for the amount of the minimum business itinerary plane ticket. Also, reimbursement is only available to/from your “duty station,” which is the city in which you claim as your primary location. So, if you are driving (or flying) from a different location, you will receive reimbursement for the lesser of the two legs. For example: If you live in Anchorage but are flying to a Fairbanks meeting while on vacation in Seattle, you will only receive reimbursement for the value of the ANC-FAI flight, unless your actual expense is lower.

**Q: I live in the city that the board is meeting in. What am I reimbursed?**

A: You may request reimbursement for meals for the time when you are at the board meeting, which is typically lunch. You are also reimbursed for parking if applicable, but remember to get a receipt. Please remember to give the travel planner your exact physical address so you are reimbursed accurately.

**Q: I took a trip where part of the travel is being booked or reimbursed by a third party. What do I need to turn in?**

A: We need to know the amount the third party paid for airfare and hotel and need all the receipts for travel even if some or all expenses are being paid for by a third party. This is required for state auditing purposes. All expenses must be settled between the Travel Desk and the third party after your travel has been finalized. Board members are not allowed to accept payment from third parties. All payments must be made to the State of Alaska, and any checks to board members must be turned in to the office immediately. Please do not submit receipts directly to the third party; division staff will handle this.

**Q: How do I know how much per diem I will be reimbursed?**

A: Per diem is determined by the minimum business itinerary and how long you are in travel status during mealtime portions of the day (see chart below). If you are traveling in-state, you will be reimbursed using the state authorized per diem (also called M&IE) rate. If you travel out of state, you will receive the federal rate for your destination. The first and last days of travel will be paid a flat 75% of the daily per diem.

**Q: I was only able to attend the meeting for a few hours. Will I be reimbursed?**

A: To be eligible, you must be in travel status during the meal allowance period for at least three consecutive hours to receive reimbursement for that meal and the daily incidental amount.

**Other Questions:**

**Q: I am a volunteer—not an employee of the State of Alaska. Why do I need to follow your rules?**

A: Board and commission members are appointed by and serve at the pleasure of the Governor. When you are performing board business, you represent the State of Alaska. When you travel for the State of Alaska, you are treated like an employee and thus must follow the same rules that an employee must follow.

*The travel policies of the State of Alaska are adopted by the Commissioner of the Department of Administration in accordance with AS 39.20.160. State agencies and Travelers are required to comply with these policies whenever traveling on state business and are prohibited from adopting their own policies that differ from statewide policies without the approval of the Commissioner of Administration. (AAM 60.010)*

**Q: How do I know that the trip I want to take is “state business”?**

The term “state business” applies when the purpose of the trip can be reasonably related to the person’s role as a board member. This relationship may not always appear black-and-white, such as traveling to represent the board as a delegate. The division will look for elements such as whether the event that is primarily marketed to or attended by members of state boards; whether the board member would otherwise be attending if not for his or her service on the board; and other reasonable connections between board service and the event.

**Q: Travel planners use a lot of terms that I do not know. What do they mean?**

A: Here is a list of commonly used terms that are used for travel:

- Travel Planner: Individuals within each department that support travelers by making travel arrangements, explaining policies, ensuring travel is approved prior to purchase, and ensuring reimbursement occurs timely after travel is complete.
- Traveler: A person employed by the state, a board member, or volunteer that travels for state business outside their duty station.
- M&IE: Meals and incidental expense allowance. Incidental expense includes tips and other personal costs of travel. Also known as *per diem*.
- Residence: The location, or within 50 miles thereof, where the traveler maintains their primary dwelling.
- Duty Station: The city, town, or village within 50 miles of where the traveler spends the major portion of their working time.
- Travel Authorization (TA): The form that must be completed to show travel related expenses. This is completed by the travel planner.
- Minimum Business Itinerary: Travel plans that fit with the state-authorized business trip, without any personal travel.

**Q: Where can I find more information on travel?**

A: We are glad you asked! Please visit <http://doa.alaska.gov/dof/travel/index.html>. Here you can find more FAQs and all of the travel policies you may ever want to know. The best way to contact any of the planners at the division Travel Desk is by e-mailing [08occlctravel@alaska.gov](mailto:08occlctravel@alaska.gov).

## XI. Professional Licensing Finances: How Do They Work?

The division, including the business licensing and corporations sections, is authorized revenues and expenditures in the budget adopted annually by the Alaska State Legislature. The division's annual budget is published by the Office of Management and Budget; fiscal year 2023 is shown below as an example in Figure 1 as the *Final FY23 Enacted Operating Budget*. Once the budget is signed into law by the Governor, it goes into effect for the next fiscal year, which begins July 1. Any adjustments to the current year's budget are adopted as incremental or decremental supplements by the legislature during Legislative Session. In the table below the amounts are in thousands, e.g., multiple by 1,000 to get the actual dollar figure.

**FIGURE 1: FY23 CBPL OPERATING BUDGET (DOLLARS IN THOUSANDS):**

<b>Component:</b> Corporations, Business and Professional Licensing (2360)			
<b>RDU:</b> Corporations, Business and Professional Licensing (117)			
	FY2022 Management Plan + Supps (19366)	FY2023 OMB Conference Comm Track (19330)	FY2023 HB281 Final Enacted (19383)
1000 Personal Services	10,458.8	10,153.5	10,153.5
2000 Travel	269.5	269.5	269.5
3000 Services	6,787.5	6,720.5	6,720.5
4000 Commodities	143.9	83.9	83.9
5000 Capital Outlay	7.4	7.4	7.4
7000 Grants, Benefits	0.0	0.0	0.0
8000 Miscellaneous	0.0	0.0	0.0
<b>Totals</b>	<b>17,667.1</b>	<b>17,234.8</b>	<b>17,234.8</b>
<b>Funding Sources:</b>			
1004 Gen Fund (UGF)	1,934.6	1,198.3	1,198.3
1005 GF/Prgm (DGF)	1,614.5	1,607.9	1,607.9
1007 I/A Rcpts (Other)	1,022.8	1,035.1	1,035.1
1040 RE Rec Fnd (DGF)	297.4	301.1	301.1
1108 Stat Desig (Other)	32.6	32.6	32.6
1156 Rcpt Svcs (DGF)	12,765.2	13,059.8	13,059.8
<b>Funding Totals:</b>			
<b>Unrestricted General (UGF)</b>	<b>1,934.6</b>	<b>1,198.3</b>	<b>1,198.3</b>
<b>Designated General (DGF)</b>	<b>14,677.1</b>	<b>14,968.8</b>	<b>14,968.8</b>
Other	1,055.4	1,067.7	1,067.7
Federal	0.0	0.0	0.0
<b>Positions:</b>			
Permanent Full Time	100	102	102
Permanent Part Time	0	0	0
Non Permanent	0	0	0

The division's operating budget is annually around \$17 million; however, the division receives very little general funds from the legislature. Receiving general funds was a temporary way to offset licensing costs during the pandemic. Instead, the division is granted authority to spend the funds collected through licensing fees. This authority to collect fees is indicated in Figure 1 as 1156 Rcpt Svcs (Receipt Supported Services, e.g., licensing fees). The total expenditure authority includes all aspects of administration of all professional and business licensing programs, board activity, corporation registration, and investigation expenses.

Licensing program revenues and expenditures are tracked in the accounting system for each license type. However, the total spending authority is shared among all division activities. Each licensing program does not have its own budget, rather the division uses cost accounting to manage expenditures and fee setting authority to increase and decrease fees as needed while staying within the division's total authority.

Spending authority gives the green light to expend revenues collected through licensing fees up to the stated limit in each functional area (numbers on the left are the account code series):

1000 Personal Services:	Payroll and benefits for division staff (licensing, investigations, administration)
2000 Travel:	All travel expenses for board members, staff, and investigators
3000 Services/Contractual:	Agreements with other agencies to perform services outside the division's expertise, including LAW, OAH, fingerprinting by DPS, inspections by DEC and DOLWD, etc.  Contracts with vendors to provide services outside the state's purview, such as printer maintenance, professional testing, program-specific consulting, board memberships, advertising meetings, postage and mailing
4000 Commodities/Supplies:	Consumable supplies, such as paper, pens, envelopes, and staples
5000 Equipment/Capital Outlay:	Major durable purchases, including computers, desks, and office equipment

These functional areas shown in the division budget are the same as board members receive in the Quarterly Schedules of Revenues and Expenditures for their licensing programs and in the division's Annual Report to the Legislature, the summary of which is included in this report. (The entire report, including individual licensing program detail, is published quarterly on the [Division Reports](#) web page.) This consistency allows board members to compare how their expenditures fit within the division's overall spending authority—including all expenses for professional licensing functions and investigations for 45 programs, corporations and business licensing, and administrative support for each of these sections of the division.

### **Professional Licensing Fee-Setting Process**

The division is tasked in statute (AS 08.01.050) with proper administration of licensing fees, revenues, and expenditures. The state's professional licensing activities are funded wholly by "receipt supported services." This means that by statute, all costs must be covered by licensing fees.

State law delegates the responsibility for fee-setting to the division, which in turn shall consider the board's recommendations when proposing changes to that program's fees. It requires the division to "annually review each fee level to determine whether the regulatory costs of each occupation are approximately equal to fee

collections.” The annual review informs fee-setting for the biennial licensing period—a cycle that, by design, collects a program’s significant source of revenue only once every two years.

Because AS 08.01.065 requires the division to assess fees that approximate the cost of that particular licensing program, boards should not maintain too large a roll-forward surplus or carry too extreme a deficit. If a licensing program collects a higher fee amount than needed, those funds carry forward within the program from one fiscal year to the next. The surplus may provide a future benefit to the licensees by allowing fees to be maintained or lowered and for use to offset ongoing program-specific expenses. Conversely, if the amount collected is not adequate to cover expenses, that deficit carries forward as a liability for the program the next fiscal year. This often results in fee increases for the next renewal or—if the deficit is significant—the deficit can be amortized through incremental increases over multiple licensing periods.

When licensing fees are set by the division in regulation, the most important criterion is the cost of running the licensing program. Alaska’s “economy of scale” means that providing the same customer-facing services, legal processes, and staffing levels costs more than other jurisdictions. Alaska may have ¼ the number of licensees to cover the same foundational services, so the cost per licensee will necessarily be higher in this state. The board can offer the division insight into market forces that inform fee-setting, which the director can consider in the regulation process.

### **Board and Commission Review of Fiscal Documentation**

Your board’s staff liaison will include any updated recent documentation of the board’s most current finances in your meeting materials. In your board meeting packet, you will receive:

- Quarterly Schedule of Revenue & Expenditure (i.e. the board’s quarterly report)
- Breakout of direct program expenditures

The fourth quarter report will contain all year-end revenue and expense information, including the final annual indirect allocation, as well as additional fiscal back-up documentation.

Board meetings may happen more frequently than new reports are published, which may result in a meeting without updated financial information. Please keep that in mind as meetings are scheduled.

Report publication schedule:

- 1<sup>st</sup> Quarter (July-September) = Reports ready the 15th of November
- 2<sup>nd</sup> Quarter (October-December) = Reports ready at the end of January
- 3<sup>rd</sup> Quarter (January-March) = Reports ready at the end of April
- 4<sup>th</sup> Quarter (April-June) = Reports ready mid-October

Due to the statewide year-end financial close-out process, the raw data to produce final end-of-year reports becomes available September 1. Reporting for the various agencies within the department then requires additional time, so a little “radio silence” between May and October is necessary. Once these data are final, though, final reports will be issued, followed shortly by each program’s first-quarter report.

When final year-end reporting is complete, each board member will receive a copy via email from their staff liaison, and these documents will also be included in board packets for the first regular meeting following this report. The division requests a little more time at the subsequent board meeting to walk the year-end documents, including how indirect expenses are calculated.

### Direct Expenses

Direct expenses are incurred specifically on behalf of the licensing program in implementation of the administrative and investigative responsibilities enumerated in statute to the division and/or a board appointed by the Governor. These expenses are broken out by non-investigative and investigative expenses.

Personal services charges (account code 1000) include the salaries and benefits of division staff working directly on behalf of a program—typically a licensing examiner, a supervisor, and an investigator. Some programs may also directly utilize the services of an office assistant, project assistant, regulations specialist, paralegal, or executive administrator. Many licensing programs share staff, so only the time actually worked on their activities is charged to that program's code. This is usually accounted in 15-minute increments on an employee's time sheet.

Travel expenses (2000) for board members, licensing staff, and investigators working in support of a specific licensing program are charged to that program. Travel through the state system requires adherence to the state travel policy, which is outlined in a separate chapter. Travel arranged directly through associations after obtaining pre-approval from the CBPL director will not reflect in a program's 2000 line of expenses. However, travel reimbursed to the state will show up as "allowable third-party reimbursements" on your program's quarterly report.

Contractual expenses (3000) include services provided by agencies outside the division. These costs predominantly represent advice provided by an attorney with the Department of Law in conjunction with board meetings, regulations, enforcement, or appeals of board decisions through the Office of Administrative Hearings or appellate courts. They may also include expenses for licensing examinations, facilities usage, expert witnesses, credit card fees, FedEx, and other similar contracts required to support the mission of the program.

Supplies (4000) and equipment (5000) used for a program are usually fairly minimal and may include computer technology, office supplies, and other tangible resources requested by a specific employee to meet the needs of their program(s). Equipment and supply requests are reviewed by a supervisor and purchased by the department through processes required by the state's procurement code.

### Indirect Expenses

Indirect expenses are services and expenses that are not directly attributable to a singular program or profession. Within the Division of Corporations, Business & Professional Licensing (CBPL), costs meeting this criterion are charged to one administrative code, then allocated among the two revenue-generating units of the division: (1) Corporations and Business Licensing and (2) Professional Licensing.

CBPL's indirect costs include:

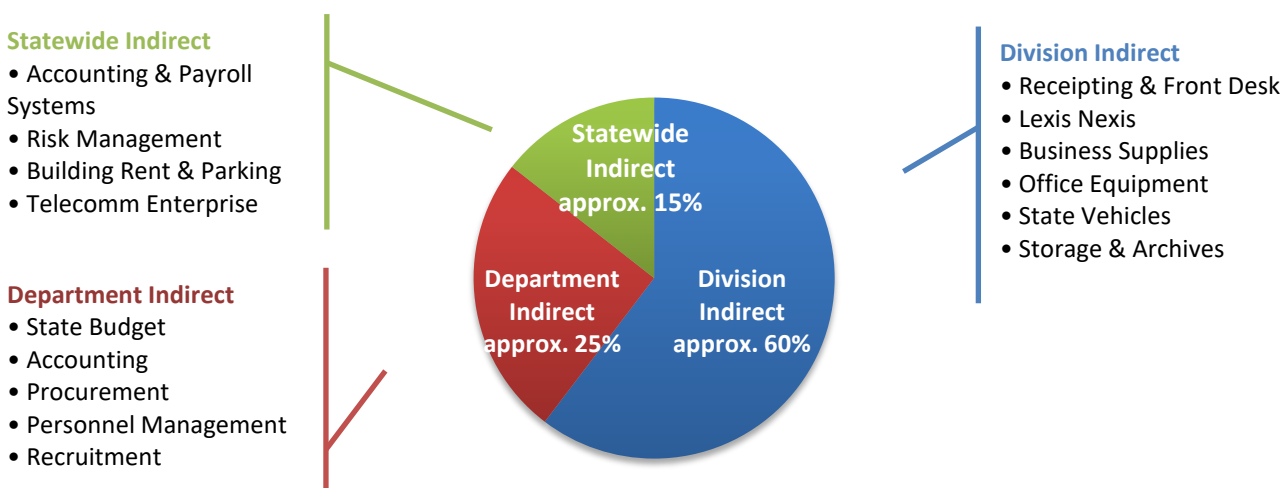
- Personnel costs for CBPL division management, front desk staff, and certain employees performing services for multiple programs that would be excessively burdensome to track by program.
- Travel for management that is not directly chargeable to a singular program.
- Various services and commodities used by all programs, such as software and database subscriptions, offsite records storage, purchase/lease and maintenance of printers and copiers, and other shared supplies and equipment.

It is more cost-effective for the division to share certain central resources with other agencies in the department and across the state. Department cost allocations, to which every department agency contributes, include services of the Commissioner's Office and the Division of Administrative Services (DAS). Costs are distributed equitably in accordance with a plan approved by the Office of Management and Budget and reviewed annually by the division and department fiscal teams.

Included in this indirect allocation are:

- Department-wide functional support areas, including fiscal oversight and accounting, network services and support, software programming and support, human resources, and procurement
- Statewide core costs for services that every state agency receives, including payroll, human resources, risk management, accounting systems, mail services, state-owned building rental, parking garages, Microsoft licenses, enterprise computer services, computer anti-virus protection, telecom support services, and virtual private networks, ADA management and compliance, among others in Figure 2:

**FIGURE 2: BREAKDOWN OF INDIRECT ALLOCATION TO CBPL:**





## Indirect Expense Allocation Methodology

The division has adopted several reporting mechanisms that ensure board members, licensees, and the public receive transparent fiscal details. One area clarified through this process was to codify a reasonable, defensible, justifiable method of allocating indirect expenses to the division from the state and department levels—and then within the division across the work units and various licensing programs. This deep and regular analysis of indirect costs results in implementation of three indirect allocation methodologies:

- 1) Allocating costs, both statewide and departmental, to agencies based on PCN, or position, count. Wherever possible, the division should be consistent with the statewide and department allocation methodology. This methodology is based on percentage of time coded to each program; these percentages are driven by payroll reports for each position.

Examples of CBPL indirect expenses now allocated by PCN count are indicated by account code; a full explanation of each line of account code can be found on the Department of Administration's website. A high-level report is provided in board reports.

- 2) Allocation of personal services costs for administrative and accounting activity during high-volume renewal cycles. An annual review of transactions by fiscal revenue provides an accurate allocation of administrative and fiscal staff time based on the number of transactions processed for each program in the department's receipting system.
- 3) Allocation of costs based on percentage of licensees for the licensing program/board. Many expenses are scalable according to the size of the licensing program. Where applicable, a program with more than 5,000 licensees will be charged more than a program with 500 licensees for the service.

These allocation methodologies and the resulting indirect costs are provided in writing to each board in the fall after the annual fiscal year is closed out. A verbal report by division management is offered to each board as part of the next meeting's division update. Board members are encouraged to read the reports, attend the meetings where explanations are provided, and ask questions at any time.

## XII. Evaluating Your Board...and Yourself

Feedback is the gift of awareness. Without awareness, boards have no real knowledge of their strengths and weaknesses, successes and failures, realities and perceptions, or positive and negative impacts.

How easily could your board fall into one of these situations without realizing it:

- The chair adjourns, praising the members for an extremely efficient meeting. The next week, the chair discovers that a hasty deliberation and quick vote just to get to lunch on time resulted in the board's passage of a decision that violates state law. All activity on the issue has to stop until the attorney can meet with the board the following month, secure their withdrawal of the vote, and ensure that any replacement action is legal.
- Members who are licensees of the profession they govern are deliberating on scope of practice issue by using jargon and terminology specific to specialized practice. Instead of explaining and providing supplementary material to the public member, they railroad him into voting for something he hasn't had the opportunity to learn about.
- A board member takes great pride in her success as a professional—however, she shuts people down midsentence, solicits feedback from friends in the public gallery during the business session, and pressures the chair to change the agenda midday because she wants to get to a certain topic she cares about. Her personality is so offensive that several members are considering resigning from the board.
- During a long, drawn-out discussion, two board members turn on their cell phones and disengage from the discussion. Once the chair requests their input, they jump in with active support for the same controversial viewpoint. A member of the public notices this and files a complaint with the Ombudsman that they were texting about the vote, thus violating the Open Meeting Act. The controversial vote wins, the board is sued, and the members' cell phones are subpoenaed and confiscated.

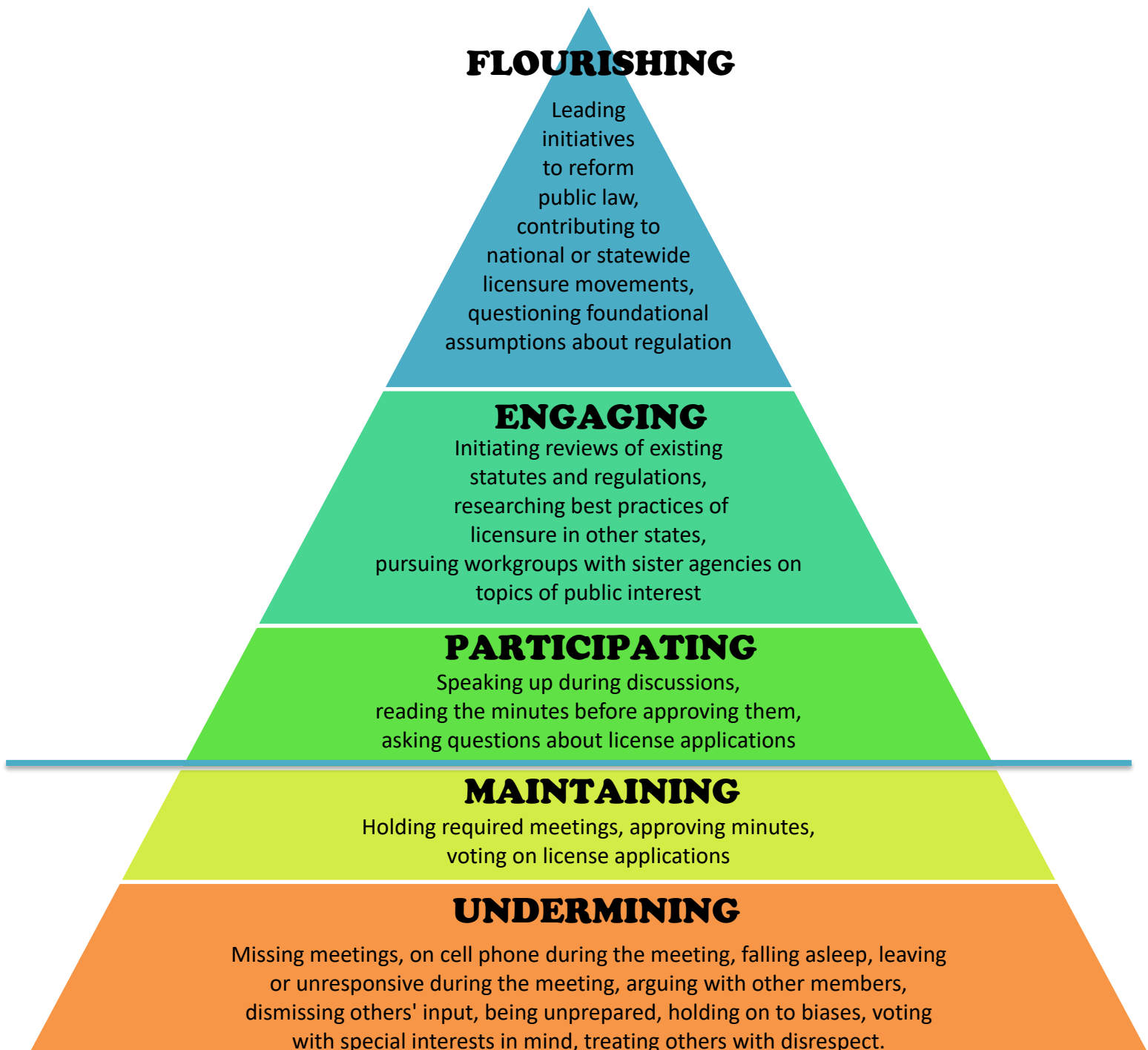
Tough situations can and will arise during service on a regulatory board or commission. These types of surprises, however, can be avoided if members invest in regular, *active* evaluation of board practices and of their own contributions to the process.

Simply filling out the evaluation form is not enough to qualify as active evaluation. Analysis of the responses and communication with members about their needs and contributions deepens the experience of individual members, sowing the ground for a more fertile harvest of ideas, insights, and outcomes.

Following are two evaluation forms that boards and commissions are encouraged to use after each meeting or at least quarterly to ensure awareness becomes the cultural norm. The OnBoard meeting platform also offers a meeting evaluation function. This is an easy entry into the exercise of creating a meaningful feedback loop.

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## Chambers' Hierarchy of Effective Regulators



## MEETING EVALUATION

Board/Commission: \_\_\_\_\_ Date: \_\_\_\_\_ Member Name \_\_\_\_\_

Goal	Agree	Needs Improvement	Suggestions for Improvement
1. The agenda was clear, supported by the necessary documents, and circulated prior to the meeting.			
2. All board members were prepared to discuss materials sent in advance.			
3. Documents were clear and contained needed information.			
4. A variety of opinions was expressed and issues were managed in a respectful manner.			
5. The chair guided the meeting effectively and members participated respectfully and responsibly.			
6. Next steps were identified and responsibility assigned.			
7. All board members were present.			
8. The meeting began and ended on time.			
9. Meeting accommodations were satisfactory.			
10. Presentations/interaction with public and guests was appropriate, productive, and efficient.			
11. The board had enough information to make good decisions on issues.			
12. The objectives of the meeting were met or appropriately tabled until a subsequent scheduled meeting.			

Other Comments (What went well, what needs to be done better next time):

## Board/Commission Member Self-Evaluation

Indicate the degree to which you think you meet each of the following expectations. Follow by completing the Personal Action Plan, then sign and date.

E: Excellent   S: Satisfactory   NI: Need Improvement   I: Inadequate   UR: Unable to Rate (indicate why)					
	E	S	NI	U	UR: Why?
<b>KNOWLEDGE</b>					
I know and understand the board's mandate, mission, and vision.					
I know and understand the statutory requirements related to the board.					
I know and understand the regulatory framework of the board.					
I am conversant and knowledgeable of the issues before the board and facing its stakeholders.					
I understand the distinction between the board's governance and division's management roles.					
I understand and utilize the board's processes for decisionmaking.					
I understand and adhere to the board's processes for communication with each other, with the division, and with stakeholders.					
<b>PREPARATION AND PARTICIPATION</b>					
I review all board meeting material sent before the meeting, and I am able to demonstrate a reasonably comprehensive knowledge of the material during the meeting.					
I attend and fully participate in all meetings.					
I contribute fully to board discussions and debates and participate in its decisions by voting unless formally recused by the chair.					
I facilitate consensus building and commitment towards the board's mission and its implementation.					
<b>CONDUCT</b>					
I abide by the board/state codes of ethical conduct and support my fellow board members in meeting this standard.					

I treat all members of the board, staff, and guests with respect.					
I raise issues in a respectful manner that encourages open discussion.					
I understand and respect the power, authority, and influence associated with my role as a board member and do not misuse this trust for personal gain.					
I avoid situations that may pose or be perceived as having a possible conflict of interest.					
I disclose all potential conflicts of interest, whether financial or relating to ex parte communication, in writing to the chair and on the record at the beginning of a public meeting.					
<b>DECISIONMAKING</b>					
I always act objectively and in the best interests of the public.					
I engage in decisionmaking that is within the purview of the board.					
I consult statutes and regulations to ensure I am following the law.					
I am fair, impartial, and unbiased in my decision making.					
I am flexible in my thinking; I listen to the perspective of my fellow members prior to determining my final vote on any matter.					
I consider the perspectives, input, and suggestions received on proposed regulations during the written or oral public comment period before voting.					
I base my decisions on all the facts at hand and strive to be consistent when facts are similar. When inconsistent with past decisions, I state my reasons on the record.					
I redirect matters to board staff as appropriate.					
<b>ACCOUNTABILITY</b>					
I ensure that I understand the fiscal structure of the licensing program and its current financial position.					
I publicly support the decisions of the board and provide rationale when asked.					
I maintain confidentiality with all information coming into my possession.					
My fellow board members would agree with my responses on this self-					

assessment.					
<b>EVALUATION</b>					
I participate in the ongoing monitoring and evaluation of the board's goals and priorities and my performance in furthering them.					
<b>ADDING VALUE</b>					
I anticipate future needs and issues facing the organization and proactively contribute this to the environmental scan.					
I demonstrate my independent judgment through my willingness to respectfully voice my concerns, take an independent stand, or espouse an unpopular or controversial idea when in the public's best interest.					
<b>PERSONAL ACTION PLAN</b>					
What did I learn from this self-evaluation?					
Did I improve in my previously identified areas for development? How do I know this?					
What areas would I identify for self-improvement at this time?					
What actions will I take to continually improve in this area(s)?					
Are there any possible barriers to implementing my strategies?					
Are resources required to meet my improvement of these goals? What are they?					
I will hold myself accountable by:					
Additional thoughts and comments:					

Optional: Please submit this self-evaluation to board staff at the end of the meeting. Your board chair or staff will review each confidentially to deliver additional support, training, or resources. The evaluation will be returned to you so you can monitor your own accountability to the plan you've created. Sign below to indicate your dedication to continued excellence and improvement as a valued member of this board or commission.

_____	_____
Name	Signature
_____	_____
Board or Commission	Date

### **XIII. Updates to This Guide**

The Department of Commerce, Community, and Economic Development strives to be an efficient and effective partner in meeting the boards' obligation to ensure that competent, professional, and regulated commercial services are available to Alaska consumers.

From time to time, this manual may be updated as regulations or policies change or as new tools become available to assist boards and commissions in fulfilling their important role in this partnership.

First Issued: July 2012

Updated: January 2015, August 2016, December 2016, September 2023

The manual was last reviewed in full by Assistant Attorneys General with the Department of Law in August 2016.

Should you have question about the contents of this manual or suggestions for future training materials, please contact the Department Boards and Regulations Advisor at 907-465-2144.

Additional credit for certain contents:

- Alaska Department of Law
- The Council on Licensure, Enforcement, and Regulation (CLEAR) and its member agencies
- The staff of the Division of Corporations, Business and Professional Licensing
- Alaska Department of Administration; Division of Finance
- Nathan Garber & Associates
- Balanced Scorecard Institute
- Professional Standards Authority



## XIV. Comments and Suggestions

At any time, please complete this form and return to the Department Boards and Regulations Advisor:

MAIL: P.O. Box 110800, Juneau, AK 99811-0800  
EMAIL: [sara.chambers@alaska.gov](mailto:sara.chambers@alaska.gov)  
PHONE: 907-465-2144

1) This guide helped increase my knowledge of:

	Agree	Somewhat Agree	Somewhat Disagree	Disagree
Purpose and Role of a Board/Commission Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decisionmaking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right-Touch Regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Executive Branch Ethics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conflicts of Interest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Open Meetings Act	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Executive Session	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ex Parte Contact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Travel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Finances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strategic Planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investigations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adopting Regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meeting Procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Making Motions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Quorum and Voting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Board/Staff Relationship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evaluation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:				

2) I would like future manual revisions to include more information about:

3) Other comments/suggestions:

## Appendices

Motion Worksheet

Executive Session Motion Template

Regulation Project Opening Questionnaire

Electronic Payment Agreement

Substitute Form W-9

Board Member Travel Approval Request Form

[illegible]

# EXECUTIVE SESSION MOTION TEMPLATE

## Authority

*Only topics authorized in the list below can be discussed in executive session.*

### **AS 44.62.310. Government meetings public.**

(c) The following subject may be considered in an 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.

## Motion Wording

*Use this script to craft the motion to enter executive session by selecting one item from the statutory citation list and then adding all the people who the board would like to include. When meeting with an Administrative Law Judge, only the board can be present. The board member making this motion will read the parts in **bold** on the record.*

**“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing**

*Select one item from this list:*

- ☐ **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity.**
- ☐ **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.**
- ☐ **matters which by law, municipal charter, or ordinance are required to be confidential.**
- ☐ **matters involving consideration of government records that by law are not subject to public disclosure.**

*If applicable, select who should be included in the executive session with the board and include them in the motion:*

- ☐ **Board staff**
- ☐ **The board’s attorney**
- ☐ **The applicant**
- ☐ \_\_\_\_\_

**to remain during session.”**

## Board or Commission Regulation Project Opening Questionnaire

Board: \_\_\_\_\_

General subject matter/topic: \_\_\_\_\_

Regulation(s) to be amended: 12 AAC \_\_\_\_\_

Companion regulations (fees, related regulations proposed by other boards, etc. if applicable): \_\_\_\_\_

### Instructions:

- (1) The purpose of this worksheet is to provide the agency's regulation specialist with a detailed an overview of the proposed regulation change(s), including specific information as required by statute or the Department of Law.
- (2) Details should be kept brief, succinct, and comprehensive. If a section of the form is not relevant to the project, please mark it as "N/A." Do not leave any sections blank.
- (3) The board section of this worksheet must be completed by the board during a meeting or delegated to a board member, then submitted to agency staff.
- (4) The regulation specialist may reach out to staff or board members at any stage during the project for additional information needed to compile the FAQ. The FAQ will be posted in the Online Public Notice System and on the board website during the public comment period.
- (5) A draft of the proposed changes and excerpt of board minutes reflecting their discussion and vote must be attached to the completed worksheet and submitted to the Regulations Specialist within 10 days of the meeting.
- (6) If the proposed regulation changes comprise more than one subject matter, the board must complete a separate worksheet for each subject. For example, if the intent is to (a) update continuing education requirements for license renewals, (b) repeal redundant provisions, and (c) introduce new regulations following statutory changes, the board would submit a total of three worksheets, one for each the subjects (a), (b), and (c).

### TO BE COMPLETED BY THE BOARD OR A DESIGNATED BOARD MEMBER:

<p>1. Has the board passed the following motions on the record:</p> <p><input type="checkbox"/> Approve draft language to initiate a regulations project</p> <p><input type="checkbox"/> Approve for public comment, unless substantive changes are made by regulations specialist or Department of Law</p> <p><input type="checkbox"/> Approve an oral hearing on the proposed regulations (if applicable)</p> <p>Date of the meeting:</p>
<p>2. What will the regulation do?</p>
<p>3. What is the public need or reason for this regulation?</p>
<p>4. What is the known or estimated annual cost of the new regulation to a private person, another agency, or a municipality?*</p>
<p>5. How will this have a <u>positive</u> or <u>negative</u> impact on public or private people, businesses, or organizations?</p>

<p><b>6.</b> If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.</p>	
<p>List any additional questions or comments that may arise from licensees, stakeholders, or the public during the comment period: What concerns or issues might they raise about the proposal? Will the new regulations affect licensees or the public in dramatic ways? Are there unintended consequences to the proposal? Include the board's response to the questions. This information will be included on the FAQs.</p>	
<p><b>8.</b> In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.</p>	
<p><b>9.</b> Does the change add a new license type?</p> <p>If yes:</p> <p>Does it affect current licensees?</p> <p>Do current licensees/non-licensees already perform the service for which the new license type is required?</p> <p>Is a date included in the regulation to allow for a transition period?</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p>
<p><b>10.</b> Does it affect continuing education/competency requirements?</p> <p>If yes:</p> <p>Does it add additional requirements or hours?</p> <p>Does it clarify existing regulations?</p> <p>Is there an effective date in the future to give licensees time to comply?</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p> <p>Yes No</p>
<p><b>11.</b> Does it require a fee change or a new fee in centralized regulations?</p> <p>If yes, please explain:</p>	<p>Yes No</p>
<p><b>12.</b> Does it make changes to the qualifications or requirements of licensees?</p> <p>If yes:</p> <p>All licensees</p> <p>Only initial licensees</p> <p>Certain licensees (List types)</p>	<p>Yes No</p> <p>Yes No</p> <p>Yes No</p>
<p><b>13.</b> Is the new regulation required by a certain date?</p> <p>If yes:</p> <p>What is the date the regulation should be effective?</p> <p>Explain the reason (statute change, renewal qualifications, etc.):</p> <p>Is a date included in the regulation to allow for a transition period?</p>	<p>Yes No</p> <p>Yes No</p>
<p><b>14.</b> In addition to interested parties, who should receive public notice?</p> <p>All licensees</p> <p>Certain license types (list them): _____</p> <p>Other stakeholders: _____</p>	

15. What is the date of the next meeting when the board plans to address regulations?

**TO BE COMPLETED BY LICENSING STAFF:**

16. Will implementation include changes to official public forms or internal checklists? If so, please provide a list of form numbers to the publications specialist to initiate the forms revision process.	Yes   No
17. If a public hearing was requested by motion, please include complete teleconference details:	
18. Have you attached an excerpt of the meeting minutes that reflects: <ul style="list-style-type: none"><li>• Board discussion about the proposal</li><li>• Draft language of the proposal</li><li>• Motion reflecting intent to propose the draft language, including approval for public notice if no significant changes are made by the regulations specialist or drafting attorney</li></ul>	Yes   No

Staff submitting this worksheet: \_\_\_\_\_ Date submitted to Regulations Specialist: \_\_\_\_\_

\* Cost information is described simply as an estimate of annual costs within the board's ability to determine due to its familiarity with the regulated community. *Example:* A board is proposing to require three CE credits to their continuing competency standards for biennial license renewal. The proposal requires licensees to take additional courses, so it may cost:

- A private person: \$50-\$200 per applicant/licensee biannually
- Another state agency: None known
- A municipality: None known

# STATE OF ALASKA

## ELECTRONIC PAYMENT AGREEMENT

Mail completed form to:  
DEPT OF ADMINISTRATION / DIV OF FINANCE  
PO BOX 110204 / JUNEAU AK 99811-0204  
or FAX to: (907) 465-2169  
Questions? Call (907) 465-5622

\* Indicates required field.

### FOR VENDORS DOING BUSINESS WITH THE STATE OF ALASKA

#### PAYEE INFORMATION

STATE OF ALASKA VENDOR NUMBER		TAXPAYER ID - SSN / EIN *		ID number assigned to the legal name below and used for tax reporting	
LEGAL NAME * (Name that Tax ID above is assigned to and is used for tax reporting)					
BUSINESS NAME (DBA - Doing Business As Name. If different from legal name shown above)					
IS MAILING ADDRESS NEW? * <input type="radio"/> YES / <input type="radio"/> NO	MAILING ADDRESS *		CITY	STATE	ZIP CODE + 4
CONTACT NAME	DAYTIME PHONE *	CONTACT EMAIL ADDRESS	EMAIL ADDRESS for copies of remit advice		

#### BANKING INFORMATION

The State of Alaska sends a pre-note zero dollar test transaction to verify the accuracy of the banking information below. Payments will not be sent electronically until the pre-note process is complete, generally five business days. The State of Alaska will contact you if the pre-note fails.					
ARE YOU <input type="radio"/> ADDING, <input type="radio"/> CHANGING (must provide PRIOR acct info) <input type="radio"/> OR CANCELLING THIS AGREEMENT? *					
Please attach a voided check or other bank verification of account number as applicable					
CURRENT ACCOUNT INFORMATION *			PRIOR ACCOUNT INFORMATION (for Changes only)		
FINANCIAL INSTITUTION NAME		ACCOUNT TYPE	For verification purposes you must provide your prior account information if you are requesting a change.		
ACCOUNT NAME (Business / Legal Name on Account)		<input type="radio"/> Checking <input type="radio"/> Savings	ABA/ROUTING TRANSIT NUM		FULL ACCOUNT NUMBER
ABA/ROUTING TRANSIT NUMBER		FULL ACCOUNT NUMBER			
IS THIS ACCOUNT PRIMARILY A PERSONAL OR BUSINESS ACCOUNT? * <input type="radio"/> PERSONAL - OR - <input type="radio"/> BUSINESS					
FOR BUSINESS ACCOUNTS. Choose ONE of the business account addenda information format options below.					
<input checked="" type="radio"/> Payments deposited separately with one addendum (remittance) record for each payment.			<input type="radio"/> Payments combined into one deposit with multiple addenda (remittance) records for each payment in the deposit.		
NACHA Operating Rules requires your banking institution to provide you with addenda (remittance) information that the State includes on each payment. Any banking charge to receive this information is the responsibility of the account holder.					

#### AGREEMENT AND AUTHORIZATION

I hereby authorize the State of Alaska to satisfy payment obligations due me by making deposits to the account indicated above. I understand that receipt of the electronic fund transfer(s) will fulfill the State's payment obligation and the State will be credited for the full amount on the date the fund transfer is completed. I understand the State will make a reasonable effort to notify me within 24 hours if a reversing entry is made against this account. This authority is to remain in full force through the duration of this agreement. I understand that thirty (30) days written notice is required if I change financial institutions, account numbers or type of account.

In addition, as required by the Federal Office of Foreign Asset Control in support of U.S.C. Title 50, War and National Defense, I attest that the full amount of my direct deposit is not being forwarded to a bank in another country and that if at any point I establish a standing order with my receiving bank to forward the full direct deposit to a bank in another country, I will inform the State of Alaska immediately.

I certify all information regarding this authorization is true and correct. Any intent to falsify information is punishable under AS 11.56.210 as a class A misdemeanor.

If the State discovers that the full amount of a direct deposit has been forwarded to another country or if information on the form has been falsified, this agreement shall be terminated. All correspondence with the State concerning this agreement or any changes to account information should be sent to the address at the top of this form. All terms remain in effect until this agreement is terminated by either party.

PRINTED NAME *	TITLE
SIGNATURE *	DATE *





State of Alaska  
Department of Administration  
**Substitute Form W-9**

Questions? Email [DOA.DOF.Vendor.HelpDesk@alaska.gov](mailto:DOA.DOF.Vendor.HelpDesk@alaska.gov)

RETURN COMPLETED FORM TO:

Department of Administration  
Division of Finance  
P.O. Box 110204  
Juneau, AK 99811-0204  
Or FAX to: (907) 465-2169

**DO NOT send to IRS**

**Taxpayer Identification Number (TIN) Verification**

The Internal Revenue Service requires the State of Alaska to issue 1099 forms when payments to individuals, partnerships or limited liability companies for rents, services, prizes, and awards meet or exceed \$600.00 for the year. An IRS Form 1099 is not required when payments are specifically for merchandise or made to some types of corporations.

*Print or Type*

Please see attachment or reverse for complete instructions

<b>Legal Name</b> (as shown on your income tax return)	<b>State of Alaska Vendor Number</b> (if known)
<b>Business Name</b> , if different from above (use if doing business as (DBA) or enter business name of Sole Proprietorship)	<b>Entity Designation</b> (check only one type) <input type="radio"/> Individual / Sole Proprietor <input type="radio"/> Partnership <input type="radio"/> General Corporation <input type="radio"/> Medical Corporation <input type="radio"/> Legal Corporation <input type="radio"/> Limited Liability Company – Individual <input type="radio"/> Limited Liability Company – Partnership <input type="radio"/> Limited Liability Company – Corporation <input type="radio"/> Government Entity <input type="radio"/> Estate / Trust <input type="radio"/> Organization Exempt from Tax - Nonprofit (under Section 501 (a)(b)(c)(d))
<b>Primary Address</b> (for 1099 form) PO Box or Number and Street, City, State, Zip + 4	<b>Exemption</b> (See Instructions) <input type="text"/> Exempt payee code (if any) <input type="text"/> Exemption from FATCA Reporting Code (if any)
<b>Remit Address</b> (where payment should be mailed, if different from Primary Address) PO Box or Number and Street, City, State, Zip + 4	

**Taxpayer Identification Number (TIN) Provide Only One** (If sole proprietorship provide EIN, if applicable)

<b>Social Security Number (SSN)</b>	<b>Employer Identification Number (EIN)</b>
<b>If Change of Ownership or Entity Designation</b>	<b>Date of Change:</b>
<b>Previous Owner / Business Name</b>	<b>Previous Taxpayer Identification Number (TIN)</b>

**Certification**

*The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.*

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number, **AND**
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, **AND**
3. I am a U.S. person (including a U.S. resident alien), **AND**
4. The FATCA code(s) entered on this form (if any) indicating I am exempt from FATCA reporting is correct.

<b>Printed Name</b>	<b>Printed Title</b>	<b>Telephone Number</b>
<b>Signature</b>	<b>Date</b>	<b>Email Address</b>

# Instructions for Completing Taxpayer Identification Number (TIN) Verification (Substitute W-9) -- Page 1

## Legal Name

*As registered with the Internal Revenue Service (IRS)*

- Individuals: Enter First Name MI Last Name
- Sole Proprietorships: Enter First Name MI Last Name
- LLC Single Owner: Enter owner's First Name MI Last Name
- All Others: Enter Legal Name of Business

## Business Name

- Individuals: Leave blank
- Sole Proprietorships: Enter Business Name
- LLC Single Owner: Enter LLC Business Name
- All Others: Complete only if doing business as a DBA

## Primary Address

Address where 1099 tax form should be mailed.

## Remit Address

Address where payment should be mailed. Complete only if different from primary address.

## State of Alaska Vendor Number

Your vendor number is an eight character alphanumeric code assigned to your company in the State of Alaska's accounting system. You may contact us at the email address listed on the form if you do not know your vendor number.

## Entity Designation

Check *ONE* box which describes the type of business entity.

## Taxpayer Identification Number

*LIST ONLY ONE:* Social Security Number OR Employer Identification Number. *See "What Name and Number to Give the Requester" at right.*

If you do not have a TIN, apply for one immediately. Individuals use federal form SS-05 which can be obtained from the Social Security Administration. Businesses and all other entities use federal form SS-04 which can be obtained from the Internal Revenue Service.

## Change of Ownership or Entity Designation

This information is requested to allow taxable income to be reported correctly for both the new and old entities.

## Certification

You must cross out item 2 if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to furnish your correct TIN to persons who must file information

returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, or contributions you made to an IRA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not furnish a TIN to a payer. Certain penalties may also apply.

### What Name and Number to Give the Requester

<b>For this type of account:</b>	<b>Give name and SSN of:</b>
Individual	The individual
Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
Sole proprietorship or Single-Owner LLC	The owner <sup>1</sup>
<b>For this type of account:</b>	<b>Give name and EIN of:</b>
Sole Proprietorship or Single-Owner LLC	The owner <sup>3</sup>
A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
Corporation or LLC electing corporate status on Form 8832	The corporation
Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
Partnership or multi-member LLC	The partnership
A broker or registered nominee	The broker or nominee
Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district or prison) that receives agricultural program payments	The public entity

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> **You must show your individual name**, but you may also enter your business or "DBA" name. You may use either your SSN or EIN (if you have one).

<sup>4</sup> List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

**Note:** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

# Instructions for Completing Taxpayer Identification Number (TIN) Verification (Substitute W-9) -- Page 2

## Exemptions

If you are exempt from backup withholding and/or Foreign Account Tax Compliance Act (FATCA) reporting, enter in the Exemptions box any code(s) that may apply to you. See **Exempt payee code** and **Exemption from FATCA reporting code** below.

### Exempt payee code

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends. Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following codes identify payees that are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
2. The United States or any of its agencies or instrumentalities
3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities
4. A foreign government or any of its political subdivisions, agencies, or instrumentalities
5. A corporation
6. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States
7. A futures commission merchant registered with the Commodity Futures Trading Commission
8. A real estate investment trust
9. An entity registered at all times during the tax year under the Investment Company Act of 1940
10. A common trust fund operated by a bank under section 584(a)
11. A financial institution
12. A middleman known in the investment community as a nominee or custodian
13. A trust exempt from tax under section 664 or described in section 4947

### Exemption from FATCA reporting code

The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements.

- A. An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)
- B. The United States or any of its agencies or instrumentalities
- C. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities
- D. A corporation the stock of which is regularly traded on one or more established securities markets, as described in Reg. section 1.1472-1(c)(1)(i)
- E. A corporation that is a member of the same expanded affiliated group as a corporation described in Reg. section 1.1472-1(c)(1)(i)
- F. A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state
- G. A real estate investment trust
- H. A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940
- I. A common trust fund as defined in section 584(a)
- J. A bank as defined in section 581
- K. A broker
- L. A trust exempt from tax under section 664 or described in section 4947(a)(1)
- M. A tax exempt trust under a section 403(b) plan or section 457(g) plan



THE STATE  
*of* **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

## Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND  
PROFESSIONAL LICENSING

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

### BOARD MEMBER TRAVEL APPROVAL REQUEST FORM

Effective September 1, 2014

This form is to be completed by each board member when requesting the CBPL Travel Desk book their travel. Submit 6-8 weeks before anticipated travel and include all relevant information.

**Traveler's Name (as appears on your ID):** \_\_\_\_\_

**Board:** \_\_\_\_\_

**Physical Address:** \_\_\_\_\_

**Daytime Phone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Dates in Travel Status:** \_\_\_\_\_ **Destination:** \_\_\_\_\_

**Airline seating preference:** \_\_\_\_\_

**Alaska Airlines Mileage Plan Number:** \_\_\_\_\_

**Hotel Preference/Member Number:** \_\_\_\_\_

**Birth Date (for TSA):** \_\_\_\_\_

**Preferred time of flight to destination:**

*You may attach a screen shot of your preferred route from AlaskaAir.com or regional carriers.*

**Other information regarding your travel request:**



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

BOARD OF BARBERS AND HAIRDRESSERS

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

July 29, 2025

Dear Board Members,

This letter is to provide board members with the details of this file and Ms. Sonja Barone's request to bring her file before the board for vote.

I have reviewed the file again in comparison to statute and regulation, and here is the issue we are encountering:

Alaska Statute (AS) 08.13.100(d) specifically requires holding a "current valid license" to qualify for an Alaska license by waiver of examination. Regulation 12 AAC 09.002(f)(2)(A) reinforces this by requiring verification of a current license to practice as an esthetician in another state as part of the application packet.

An application is not legally complete until all required items have been received. Based statute and regulation, the MT license would have needed to be active as of the date we received the final item for the application packet. We could have potentially made some accommodation had all items been filed before the MT license expired, even if it took us longer to process.

However, we do not have that ability in this case since the application packet was not complete as of the date the MT license expired. Here is the specific timeline for items received:

- **2/24/2025:** Esthetician application form and \$330 fee received in-person (walk-in)
- **3/1/2025:** MT Esthetician license expires
- **3/4/2025:** Email from the applicant confirming they had asked the MT board about the verification of hours and proof of passing the written exam but hadn't yet received anything.
- **3/6/2025:** Verification of MT Esthetician license received via email

Because the MT license was not current and active as of the date we received that verification and as of the date the application packet was complete, it did not meet the legal requirement of being current and valid.

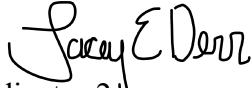
The Board may proceed in one of three ways:

1. Approve the license based on the applicant's explanation and their determination, despite the issue of meeting current requirements.
2. Conditionally approve the license based on the applicant reinstating their MT license or taking the written exam.

3. Deny the license officially. The denial would become public, but when a license is denied, the applicant is given appeal rights, which means they can appeal the denial to the Alaska Office of Administrative Hearings. They can decide whether the board unjustly denied the license and, if so, overturn the decision and direct us to issue the license.

Thank you for your attention to this matter. Please let me know if you have any questions or need further clarification.

Sincerely,  
Lacey Derr  
Program Coordinator 2  
Alaska Board of Barbers and Hairdressers

A handwritten signature in black ink, appearing to read "Lacey Derr", written in a cursive style.

# BOARD OF BARBERS & HAIRDRESSERS

## CHECKLIST FOR ESTHETICIAN BY EXAM OR BY WAIVER OF EXAM

Name: Barone, Sonja M

Date Screened: 03/4/2025

Other Name(s) Used: \_\_\_\_\_

### ESTHETICIAN BY EXAM

(Dates Received)

\_\_\_\_\_ Completed, NOTARIZED application

Date Submitted to Prov: \_\_\_\_\_

Legal Name Change Documents Submitted? Yes N/A

\_\_\_\_\_ \$150.00 Application Fee

Receipt Number: \_\_\_\_\_

\_\_\_\_\_ \$100.00 Temporary License Fee

Receipt Number: \_\_\_\_\_

\_\_\_\_\_ \$180.00 Initial License Fee

Receipt Number: \_\_\_\_\_

\_\_\_\_\_ Verification of Training (350 Hours)

Total Hours Earned: \_\_\_\_\_ Date Proficiency Exam Passed: \_\_\_\_\_

Apprenticeship

School Name: \_\_\_\_\_

License Issued: \_\_\_\_\_  
Number Date

### ESTHETICIAN BY WAIVER OF EXAM

(Dates Received)

03/4/2025 Completed, NOTARIZED application

Legal Name Change Documents Submitted? Yes ☒ N/A

02/24/2025 \$150.00 Application Fee

Receipt Number: 100817654

\_\_\_\_\_ \$100.00 Temporary Permit Fee

Receipt Number: \_\_\_\_\_

02/24/2025 \$180.00 Initial License Fee

Receipt Number: 100817654

04/29/2025 Verification of Current Hairdresser License from Another Jurisdiction

State(s): MT Expired Expiration Date(s): 03/1/2025

04/29/2025 Proof of Examination ☒ Proficiency ☒ Written OR Examination Required

Proficiency Written Date(s) Proficiency and/or Written Exam Passed \_\_\_\_\_

04/29/2025 Proof of Hours/Training 600 350 Hours through School OR Apprenticeship  
(Hours Completed)

Comments: \_\_\_\_\_

License Issued: 236127  
Number Date

### TEMPORARY LICENSE/PERMIT

☐ App & Initial License Fee

☐ \$100.00 Permit Fee

☐ Copy of Current License OR  
Statement of Responsibility

Permit Issued: \_\_\_\_\_

Permit Expires: \_\_\_\_\_

Permit Number: \_\_\_\_\_





THE STATE  
of **ALASKA**

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



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Anchorage  
FEB 24 2025  
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Board of Barbers and Hairdressers

PO Box 110806, Juneau, AK 99811

Website: [ProfessionalLicense.Alaska.Gov/BoardOfBarbersHairdressers](http://ProfessionalLicense.Alaska.Gov/BoardOfBarbersHairdressers)

CC 330 DB  
wak-17

## Hairdresser or Esthetician License Application

### PART I Application Type

Applying By:	<input type="checkbox"/> Examination	<input checked="" type="checkbox"/> Waiver of Examination
License Category:	<input type="checkbox"/> Hairdresser	<input checked="" type="checkbox"/> Esthetician

### PART II Written Exam Language

Language:	<input checked="" type="checkbox"/> English	<input type="checkbox"/> Korean	<input type="checkbox"/> Spanish	<input type="checkbox"/> Vietnamese
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### PART III Payment of Fees

Required Fees:	<input type="checkbox"/> Nonrefundable Application Fee	\$150.00
	<input type="checkbox"/> Initial (Permanent) License Fee	\$180.00
Temporary Permit:	<input type="checkbox"/> In addition to the above, I would like to request a Temporary License or Permit.	\$100.00

### PART IV Personal Information

Full Legal Name:	LAST: BARONE FIRST: SONJA MIDDLE: M		
Provide all other names used (maiden, nicknames, aliases). If any documentation will be received in a prior name, you must provide a certified true copy of the documentation showing proof of legal name change(s). <input type="checkbox"/> Not Applicable <input type="checkbox"/> Other Names Used:			
Mailing Address:			
Contact Phone:		Date of Birth:	
EMAIL AGREEMENT: By choosing to receive correspondence on any matter affecting my license or other business with the Alaska Division of Corporations, Business and Professional Licensing, I agree to maintain an accurate email address through the MY LICENSE web page. I understand that failure to check my email account or to keep the email address in good standing may result in an inability to receive crucial information, potentially resulting in my inability to obtain or maintain licensure.			
Email Address:		Select One:	<input checked="" type="checkbox"/> Send my Correspondence Electronically <input type="checkbox"/> Send my Correspondence by Mail
Note: If both boxes are selected above, you will receive correspondence electronically.			
SOCIAL SECURITY NUMBER: AS 08.01.060 requires you to provide your United States Social Security Number. It is considered confidential information and will not be publicly disclosed; it may be used to verify inter-state licensure.			



**PART V** Hairdressing or Esthetician School(s)

Name of School	Address	Dates Attended	Total Hours
Montana Skin Academy	2901 Brooks St. J1 Missoula MT 59801	Feb 2021-Aug 2021	700

**PART VI** Apprenticeship(s)

Name of Instructor	Name of Shop	Dates Attended	Total Hours

**PART VII** Professional License(s)

Please list all states in which you currently hold or have ever held a license.

State	License Number	License Category	Issue Date	Expiration Date
Montana	COS-SKN-LIC-117672	Esthetician	03/01/2023	03/01/2025

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FEB 24 2025

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**PART VIII Work Experience**

Name of Shop	Address	Employment Begin Date	Employment End Date
SB Esthetics (self-employed)	1950 Brooks St Missoula, MT 59801	Sept 2021 - <del>Nov. 2022</del>	Nov. 2022
Booth rented @ The Beauty Lounge (MT)			
Moxie	134 W. Broadway St Missoula, MT 59802	Jan 2023 -	<del>FEB</del> 2024 March

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FEB 24 2025

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THE STATE  
of **ALASKA**

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

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FEB 24 2025

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Board of Barbers and Hairdressers

PO Box 110806, Juneau, AK 99811

Website: [ProfessionalLicense.Alaska.Gov/BoardOfBarbersHairdressers](https://ProfessionalLicense.Alaska.Gov/BoardOfBarbersHairdressers)

**Notary Signature Page**

Applicant Name:	Sonja M. Barone	
Alaska License Number (if known):		<input type="checkbox"/> Application in Process

**PART IX Notarized Signature**

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted herewith are true and correct.

I understand that any falsification or misrepresentation of any item or response in this application, or any attachment hereto, or falsification or misrepresentation of documents to support this application, is sufficient grounds for denying, revoking, or otherwise disciplining a license or permit to practice in the state of Alaska.

I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

A person who makes a false statement on this application may be subject to civil and criminal penalties, including prosecution for perjury (AS 11.56.200 & AS 11.56.230).

<div>Notary Stamp</div> <div>STATE OF ALASKA NOTARY PUBLIC Damer B. Bennett My Commission Expires With Office</div>	Applicant Printed Name:	Sonja M. Barone		
	Applicant Signature:			
	Notary Public for State of:	Alaska	Subscribed and Sworn to Before me on this Day:	2/24/25
	Notary Signature:		My Commission Expires:	End of office



State of Montana  
Business Standards Division  
Board of Barbers and Cosmetologists

This certificate verifies licensure as:

**ESTHETICIAN**

With endorsements of:

\* MICRODERMABRASION

**COS-SKN-LIC-117672**

Status: **Active**

Expires: **03/01/2025**

**SONJA BARONE**  
**1326 S 5TH ST W**  
**MISSOULA, MT 59801**



Montana Department of  
**LABOR & INDUSTRY**

RENEW OR VERIFY YOUR LICENSE AT:  
<https://ebiz.mt.gov/pol>

**Renew online at <https://ebiz.mt.gov/pol> by signing in with your username and password.**

The renewal cycle for your board opens 60 days prior to the expiration date on your current license.

Renew your license prior to your expiration date to avoid being charged a late fee(s).

**Remember to maintain your online account information with a password, security question and a valid email address. You can update your account information by accessing the 'Account Management' link when logged in.**

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FEB 24 2025

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On Tue, Mar 4, 2025 at 6:33 AM Board of Barbers Hairdressers (CED sponsored)

<[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)> wrote:

I just sent you a prompt to your email informing you that you can now check the status of your application through our web Portal, MYLICENSE. The subject line will read, 'State of Alaska – Professional License Authorization' and will be sent from [no.mail.dcced@alaska.gov](mailto:no.mail.dcced@alaska.gov). This email includes your authorization code, which is embedded in the link titled, 'Complete Authorization.'

You should check your spam and junk email folders for the authorization code email. If you have chosen to receive electronic communications from our office, you must complete this registration process to ensure you receive information regarding your license application.

**Please note, in the move to client self-service, the division is no longer mailing letters, examination information, license certificates, etc.**

Once you click on this and after you have created a myAlaska account, you'll be able to see important details regarding your application in the 'Message from Examiners' section. If you do not complete this code within seven (7) days, it will expire and you will have to contact us to request a new one. Please see the visual, below:

Commerce, Community, and Economic Development

## Corporations, Business, and Professional Licensing

---

You have been authorized to access Professional License

[Complete Authorization](#)

Please note that a valid [myAlaska](#) profile is required to access the Professional Licensing system. The above link will **expire in seven days.**

Your license # will appear here

Contact this office with questions by replying to this email.

From: [Board of Barbers Hairdressers \(CED sponsored\)](#)  
To: [REDACTED]  
Subject: Esthetician by Waiver of Examination Application Status  
Date: Tuesday, March 4, 2025 6:43:00 AM  
Attachments: [image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image004.png](#)  
[image002.png](#)  
Importance: High

Hello Sonja M Barone:

Your esthetician by waiver of examination application has been received. Your application is incomplete and cannot be considered for approval until the following item(s) are received:

- Complete application. You did not complete Part IV, Personal Information on page 1 of the application. In a response to this email, please provide the appropriate response to the below highlighted section.

PART IV Personal Information	
Full Legal Name:	BARONE SONJA M
Provide all other names used (maiden, nicknames, aliases). If any documentation will be received in a prior name, you must provide a certified true copy of the documentation showing proof of legal name change(s).	
<input type="checkbox"/> Not Applicable	
<input type="checkbox"/> Other Names Used:	

- Date of birth (DOB). You did not complete Part IV, Personal Information on page 1 of the application. In a response to this email, please provide your DOB.

Mailing Address:	[REDACTED]	
Contact Phone:	[REDACTED]	Date of Birth: [REDACTED]
EMAIL AGREEMENT: By choosing to receive correspondence on any matter affecting my license or other business with the Alaska Division of Corporations, Business		

- License verification. Verification of your Montana esthetician license must be sent directly to this office from the issuing authority. The verification must reflect 350 hours of training through a school OR an apprentice program, and proof of passing a written theory and proficiency/practical examination. The Montana Board may submit this documentation by email ([boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)) or Postal Service.

The above information and document(s) must be received before your application can be processed.

Any questions or concerns regarding your application will only be discussed with the applicant. No application discussion will be done with anyone other than the applicant, this includes parents, spouses, instructors, etc. If you would like to authorize a third party to discuss your application, please request an Authorization to Discuss and Share Information form (08-4808); this form is also available on the [boards website](#).

**Please note, in accordance with 12 AAC 02.910**, an application is considered abandoned when 12 months have elapsed since correspondence was last received from or on behalf of the applicant.

Contact this office with questions by replying to this email.

Respectfully,



**Cynthia Spencer**  
Licensing Examiner III  
Division of Corporations, Business and Professional Licensing  
Board of Barbers and Hairdressers  
[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)  
Office: 907-465-2591  
[www.commerce.alaska.gov](http://www.commerce.alaska.gov)



CONFIDENTIALITY NOTICE: This communication is intended for the sole use of the individual or entity to whom it is addressed to and is covered by the Electronic Communications Privacy Act (18 USC § 2510-2521) and may contain Confidential Official Use Only Information that may be exempt from public release under the Freedom of Information Act (5 USC § 552). If you are not the intended recipient, you are prohibited from disseminating, distributing, or copying any information contained in this communication.

**From:**  
**To:** [Board of Barbers Hairdressers \(CED sponsored\)](#)  
**Subject:** Re: Esthetician by Waiver of Examination Application Status  
**Date:** Thursday, March 6, 2025 8:33:04 AM  
**Attachments:** [image004.png](#)  
[image006.png](#)  
[image005.png](#)  
[image007.png](#)  
[image002.png](#)  
[IMG\\_7190.png](#)  
[IMG\\_7190.png](#)  
[IMG\\_7190.png](#)

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

Please see the attachments.



# Montana Department of LABOR & INDUSTRY

## Board of Barbers and Cosmetologists

03/06/2025

SONJA BARONE  
3031 CHEYENNE COURT  
ANCHORAGE, ALASKA 99507.

I do certify that a standard search of available records of the office of the Montana Board of Barbers and Cosmetologists is considered the primary source and indicates the following:

Licensee Name:	SONJA BARONE	License Type:	ESTHETICIAN
Mailing Address:	1326 S 5TH ST W MISSOULA, MT 59801	Expiration Date:	03/01/2025
License Number:	COS-SKN-LIC-117672	Licensure Method:	Exam
Original License Date:	10/12/2021		
License Status:	Active		

### Endorsement Information:

Endorsement Type	Start Date	End Date
Microdermabrasion	10/12/2021	

### Exam Information:

Exam Date	Exam Type	Result
10/03/2021	National Practical	Pass
09/01/2021	National Written	Pass

Current requirements are that applicants must receive a passing score on the National (NIC) written and National (NIC) practical examinations.

**Prior to October 1st 2010** applicants must have received a passing score on the National (NIC) written and school administered practical examinations.

**Prior to June 1, 2002** applicants must have received a passing score on both the National (NIC) written and National (NIC) practical examinations.

**Prior to June 1996** applicants must have received a passing score on both the State written and State practical examinations.

### The State of Montana requires the following hours:

Manicurists 400 hours	Electrologists 600 hours	Estheticians 650 hours	Instructors 650 hours
Barbers 1100 hours	Barbers non-chemical 900 hours	Cosmetologists 1500 hours	

### Actions:

Our records show no adverse information concerning this licensee.

This verification is accurate for all disciplinary actions occurring after July 1, 1996. We cannot guarantee the accuracy of disciplinary actions prior to this date. However, every reasonable effort has been made to provide complete and accurate information. For information about related rules and regulations, go to <http://www.cosmetology.mt.gov>.

Acting on behalf of the Montana Board of Barbers and Cosmetologists.

Kevin Bragg

Bureau Chief

Signature

Title

Montana Department of Labor & Industry  
Employment Standards Division  
301 S. Park Avenue  
PO Box 200513  
Helena, MT 59620  
(406) 444-6880



From: [Board of Barbers Hairdressers \(CED sponsored\)](#)  
To: -  
Subject: RE: Esthetician by Waiver of Examination Application Status  
Date: Tuesday, April 29, 2025 9:04:00 AM  
Attachments: [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)

Hello and sincerest apologies for the delays in responding to your emails Sonja.

I will be reviewing your three (including this one) emails now.

Thank you for providing your Date of Birth and response to "other name" question; I will be updating your file with this in just a moment.

I have also sent you another authorization code which will allow you to access your file through [MyAlaska/MyLicense](#).

Respectfully,



**Cynthia Spencer**  
Licensing Examiner III  
Division of Corporations, Business and Professional Licensing  
Board of Barbers and Hairdressers  
[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)  
Office: 907-465-2591  
[www.commerce.alaska.gov](http://www.commerce.alaska.gov)

CONFIDENTIALITY NOTICE: This communication is intended for the sole use of the individual or entity to whom it is addressed to and is covered by the Electronic Communications Privacy Act (18 USC § 2510-2521) and may contain Confidential Official Use Only information that may be exempt from public release under the Freedom of Information Act (5 USC § 552). If you are not the intended recipient, you are prohibited from disseminating, distributing, or copying any information contained in this communication.

From: sonja barone m>  
Sent: Tuesday, March 4, 2025 2:39 PM  
To: Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)>  
Subject: Re: Esthetician by Waiver of Examination Application Status

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.

DOB

Provide all other names: Not Applicable

License Verification: I sent an email to the board of Montana to receive the information about my hours and the proof of passing the written part of the exam. I have not yet received anything.

Sonja Barone

On Tue, Mar 4, 2025 at 6:43 AM Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)> wrote:

Hello Sonja M Barone:

Your esthetician by waiver of examination application has been received. Your application is incomplete and cannot be considered for approval until the following item(s) are received:

- Complete application. You did not complete Part IV, Personal Information on page 1 of the application. In a response to this email, please provide the appropriate response to the below highlighted section.

PART IV Personal Information		
Full Legal Name:	BARONE	SONJA M
Provide all other names used (maiden, nicknames, aliases). If any documentation will be received in a prior name, you must provide a certified true copy of the documentation showing proof of legal name change(s).		
<input type="checkbox"/> Not Applicable		
<input type="checkbox"/> Other Names Used: _____		

- Date of birth (DOB). You did not complete Part IV, Personal Information on page 1 of the application. In a response to this email, please provide your DOB.

Mailing Address:			
Contact Phone:		Date of Birth:	

EMAIL AGREEMENT: By choosing to receive correspondence on any matter affecting my license or other business with the Alaska Division of Corporations, Business

- License verification. Verification of your Montana esthetician license must be sent directly to this office from the issuing authority. The verification must reflect 350 hours of training through a school OR an apprentice program, and proof of passing a written theory and proficiency/practical examination. The Montana Board may submit this documentation by email ([boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)) or Postal Service.

The above information and document(s) must be received before your application can be processed.

Any questions or concerns regarding your application will only be discussed with the applicant. No application discussion will be done with anyone other than the applicant, this includes parents, spouses, instructors, etc. If you would like to authorize a third party to discuss your application, please request an Authorization to Discuss and Share Information form (08-4808); this form is also available on the [boards website](#).

**From:** [Board of Barbers Hairdressers \(CED sponsored\)](#)  
**To:**  
**Subject:** RE: Esthetician by Waiver of Examination Application Status  
**Date:** Tuesday, April 29, 2025 10:00:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image007.png](#)  
[image008.png](#)

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Hello Sonja,

Thank you for providing a copy of your license verification. I am unable to accept applicant submitted license verifications; this documentation is required to be submitted directly to this office from the issuing authority.

I just spoke with the MT Board, and they have emailed me verification of your license. The license verification reflects your license expired March 1, 2025; the verification you sent in this email and your April 1, 2025, email also reflect an expiration date of March 1, 2025.

To qualify for a license by "waiver of examination" requires applicants to hold at least one active/current license issued by another licensing jurisdiction.

To move forward with your application, you will need to either renew your MT license and request the MT Board send a new license verification reflecting your license in that state is now active/current **OR** you will need to change your application type to be by "examination". To change your application type to be by "examination", please clearly state this change in a response to this email.

If you decide to change your application to be by "examination" you will need to contact your school, Montana Skin Academy, to request official transcripts be submitted directly to this office. Montana Skin Academy may submit transcripts by email ([boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)) or postal service.

Contact this office with questions by replying to this email.

Respectfully,



**Cynthia Spencer**  
Licensing Examiner III  
Division of Corporations, Business and Professional Licensing  
Board of Barbers and Hairdressers  
[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)  
Office: 907-465-2591  
[www.commerce.alaska.gov](http://www.commerce.alaska.gov)



CONFIDENTIALITY NOTICE: This communication is intended for the sole use of the individual or entity to whom it is addressed to and is covered by the Electronic Communications Privacy Act (18 USC § 2510-2521) and may contain Confidential Official Use Only Information that may be exempt from public release under the Freedom of Information Act (5 USC § 552). If you are not the intended recipient, you are prohibited from disseminating, distributing, or copying any information contained in this communication.

---

**From:** sonja barone  
**Sent:** Thursday, March 6, 2025 8:33 AM  
**To:** Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)>  
**Subject:** Re: Esthetician by Waiver of Examination Application Status

**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.

Please see the attachments.

**From:** [MTLicensing@accela.com](mailto:MTLicensing@accela.com)  
**To:** [Board of Barbers Hairdressers \(CED sponsored\)](#)  
**Subject:** Public License Verification Request for COS-SKN-LIC-117672 ( SONJA BARONE )  
**Date:** Tuesday, April 29, 2025 9:45:45 AM  
**Attachments:** [COS-SKN-LIC-117672\\_License\\_Verification\\_04292025\\_114355340.pdf](#)

---

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

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



License Verification Request Number: PUB-LIC-VER-REQ-25030647

ALASKA BOARD OF BARBERS AND HAIRDRESSERS,

Your license verification request for SONJA BARONE License Number: COS-SKN-LIC-117672 has been processed and is attached to this email. If you elected to receive a hard copy, please allow 5-10 business days for processing.

This is an automated email from our system. Please do not reply.

Sincerely,

**Montana Department of Labor & Industry**  
**Employment Standards Division**  
301 S. Park, PO Box 200513  
Helena, MT 59620  
PHONE (406) 444-6880  
EMAIL [DLIBSDHelp@mt.gov](mailto:DLIBSDHelp@mt.gov)



# Montana Department of LABOR & INDUSTRY

## Board of Barbers and Cosmetologists

04/29/2025

ALASKA BOARD OF BARBERS AND HAIRDRESSERS  
PO BOX 110806  
JUNEAU, AK 99811

I do certify that a standard search of available records of the office of the Montana Board of Barbers and Cosmetologists is considered the primary source and indicates the following:

Licensee Name:	SONJA BARONE	License Type:	ESTHETICIAN
Mailing Address:	1326 S 5TH ST W MISSOULA, MT 59801	Expiration Date:	03/01/2025
License Number:	COS-SKN-LIC-117672	Licensure Method:	Exam
Original License Date:	10/12/2021		
License Status:	Expired		

### Endorsement Information:

Endorsement Type	Start Date	End Date
Microdermabrasion	10/12/2021	

### Exam Information:

Exam Date	Exam Type	Result
10/03/2021	National Practical	Pass
09/01/2021	National Written	Pass

Current requirements are that applicants must receive a passing score on the National (NIC) written and National (NIC) practical examinations.  
Prior to October 1st 2010 applicants must have received a passing score on the National (NIC) written and school administered practical examinations.  
Prior to June 1, 2002 applicants must have received a passing score on both the National (NIC) written and National (NIC) practical examinations.  
Prior to June 1996 applicants must have received a passing score on both the State written and State practical examinations.

### The State of Montana requires the following hours:

Manicurists 400 hours	Electrologists 600 hours	Estheticians 650 hours	Instructors 650 hours
Barbers 1100 hours	Barbers non-chemical 900 hours	Cosmetologists 1500 hours	

### Actions:

Our records show no adverse information concerning this licensee.

This verification is accurate for all disciplinary actions occurring after July 1, 1996. We cannot guarantee the accuracy of disciplinary actions prior to this date. However, every reasonable effort has been made to provide complete and accurate information. For information about related rules and regulations, go to <http://www.cosmetology.mt.gov>.

Acting on behalf of the Montana Board of Barbers and Cosmetologists.

Kevin Bragg

Bureau Chief

Signature

Title

Montana Department of Labor & Industry  
Employment Standards Division  
301 S. Park Avenue  
PO Box 200513  
Helena, MT 59620  
(406) 444-6880

**From:** Board of Barbers Hairdressers (CED sponsored)  
**To:** >  
**Bcc:** Derr, Lacey E (CED)  
**Subject:** RE: Esthetician by Waiver of Examination Application Status  
**Date:** Tuesday, June 10, 2025 7:18:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image009.png](#)

Hi Sonja:

Apologies for the delayed response.

Although you did submit the application form prior to your MT license expiring, your application was not complete prior to the MT license expiring and therefore your license could not be issued yet. Alaska law 12 AAC 09.105(2) requires that in order to qualify for an Esthetician license by waiver of examination, you must have a current license to practice as an esthetician issued by another state.

The MT license verification was received in this office from the MT Board on April 29, 2025, and your application was not completed until March 4, 2025.

I do sincerely apologize for the inconvenience, but you will need to reinstate your MT license in order to qualify for your Esthetician license in Alaska by waiver of examination. If you'd prefer to apply by examination rather than reinstating your MT license, you will need to contact your school. Montana Skin Academy, to request official transcripts be submitted directly to this office. Montana Skin Academy may submit transcripts by email ([boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)) or postal service.

Respectfully,



**Cynthia Spencer**  
Licensing Examiner III  
Division of Corporations, Business and Professional Licensing  
Board of Barbers and Hairdressers  
[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)  
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**From:** sonja barone >  
**Sent:** Wednesday, May 21, 2025 8:54 AM  
**To:** Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)>  
**Subject:** Re: Esthetician by Waiver of Examination Application Status

Good morning,

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Sonja Barone

On Fri, May 16, 2025 at 4:20 PM Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)> wrote:

Hi Ms. Barone,

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Thank you!



**Glenn Saviers**  
Deputy Director  
Division of Corporations, Business, and Professional Licensing  
<https://www.commerce.alaska.gov/web/cbpl>

**From:** sonja barone >  
**Sent:** Tuesday, April 29, 2025 11:04 AM  
**To:** Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)>  
**Subject:** Re: Esthetician by Waiver of Examination Application Status

Hello,

Am I able to speak to you via phone call? I applied for my license before my license expired... so I'm confused as to how I now have to reapply when I did submit my application with an active license.

My phone number is 406-250-7628

Sonja Barone

On Tue, Apr 29, 2025 at 10:00 AM Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)> wrote:

Hello Sonja.



**From:** [Board of Barbers Hairdressers \(CED sponsored\)](#)  
**To:** -  
**Subject:** HZ: Esthetician by Waiver of Examination Application Status  
**Date:** Friday, May 16, 2025 4:20:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

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Contact this office with questions by replying to this email.

Respectfully,



**Cynthia Spencer**  
Licensing Examiner III  
Division of Corporations, Business and Professional Licensing  
Board of Barbers and Hairdressers  
[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)  
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**From:** sonja barone < >  
**Sent:** Thursday, March 6, 2025 8:33 AM  
**To:** Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)>  
**Subject:** Re: Esthetician by Waiver of Examination Application Status

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Please see the attachments.

**From:** [Derr, Lacey E \(CED\)](#)  
**To:** [Spencer, Cynthia R \(CED\)](#)  
**Subject:** FW: Esthetician by Waiver of Examination Application Status  
**Date:** Tuesday, July 8, 2025 9:53:32 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image009.png](#)

FYI

**Lacey Derr**

Program Coordinator 2  
Division of Corporations, Business, and Professional Licensing  
[Lacey.Derr@alaska.gov](mailto:Lacey.Derr@alaska.gov)  
Office: 907-465-3812  
<https://www.commerce.alaska.gov/web/cbpl>

---

**From:** Board of Barbers Hairdressers (CED sponsored)  
**Sent:** Tuesday, July 8, 2025 9:51 AM  
**To:** sonja barone >  
**Subject:** RE: Esthetician by Waiver of Examination Application Status

Hi Sonja,

My name is Lacey Derr and I am the Program Coordinator 2 who oversees the staff to the Alaska Board of Barbers and Hairdressers. I hear your frustrations and apologize for the delay in response due to short staffing. I also empathize with the frustrations for the barriers that are created by the way Alaska's laws are currently written. We recognize they need to be adjusted and are working with the board to try to make that happen – but it will require action by the Alaska Legislature, so that can take time – and we unfortunately do have the requirement to comply with the laws as they currently stand.

I have reviewed your file again in comparison to Alaska's laws, and here is the issue we're running into: Alaska Statute (AS) 08.13.100(d) specifically requires you hold a "current valid license" in order to qualify for your Alaska license by waiver of examination, and regulation 12 AAC 09.002(f)(2)(A) reinforces that by requiring verification of a current license to practice as an esthetician in another state as part of the application packet.

An application is legally not complete until all required items have been received, and based on Alaska law, your MT license would have needed to be active as of the date we at least received the final item for your application packet. We could have potentially made some accommodations had all items been filed before your MT license expired, even if it took us longer to process, but we do not have that ability in this case since your application packet was not complete as of the date your MT license expired. Here is the specifically timeline for items received:

- 2/24/2025: Esthetician application form and \$330 fee received in-person (walk-in)
- 3/1/2025: MT Esthetician license expires
- 3/4/2025: Email from you confirming you had asked the MT board about the verification of hours and proof of passing the written exam, but hadn't yet received anything.
- 3/6/2025: Verification of MT Esthetician license received via email

Because your MT license was not current and active as of the date we received that verification and as of the date your application packet was complete, it then didn't meet the legal requirement of being current and valid. Again, we completely agree this is an unfair barrier and we very much sympathize, but the laws as currently written have tied our hands.

However, you do have some options:

- Reinstate your MT license and have them send us an updated verification so we can confirm it's in "active" status again;
- Switch your application to be by examination, which means you'd just need to pass the Alaska written exam, since you've already submitted an application and fees, and the verification of your MT license confirms you have the required training; or
- Direct us to send your application packet to the board (as is) despite our concern that it does not make legal requirements so they can make the final determination on whether it meets the requirements. This is an option under regulation 12 AAC 09.002(A) which says a person who does not meet the requirements or whose application documents don't clearly demonstrate they're qualified won't be issued a license unless the board further reviews the application and determines the applicant meets the qualifications. If we go this route:
  - Your application will be held until the board's next regular meeting, currently scheduled for August 13<sup>th</sup>;
  - You can submit a letter for the board's consideration explaining your situation and request;
  - We do have a legal obligation to explain the issue that led us to be unable to approve the application ourselves; and then
  - The board will do one of three things:
    - Approve the license based on your explanation and their determination, despite the issue with meeting current requirements (we can't advise they do this, but it has happened before with certain boards for issues like these);
    - Conditionally approve the license based on you reinstating your MT license or taking the written exam (which would put us back in the same boat we're currently in); or
    - Deny the license officially. The denial would become public, but when a license is denied, you are given appeal rights, which means you can appeal the denial to the Alaska Office of Administrative Hearings and they can decide whether the board unjustly denied the license and if so, overturn the decision and direct us to issue your license.

Again, I'm sorry this is the situation we are in, and hope this layout of options is at least somewhat helpful. Please advise us on how you'd like to proceed.

**Lacey Derr**

Program Coordinator 2  
Division of Corporations, Business, and Professional Licensing  
[Lacey.Derr@alaska.gov](mailto:Lacey.Derr@alaska.gov)  
Office: 907-465-3812  
<https://www.commerce.alaska.gov/web/cbpl>

---

**From:** sonja barone  
**Sent:** Tuesday, July 1, 2025 4:38 PM  
**To:** Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)>  
**Subject:** Re: Esthetician by Waiver of Examination Application Status

This process is completely frustrating. I have never experienced such a delay when it comes to obtaining something so important in order to work. I have 3 daughters under the age of 3 that I have to provide for and I have been unable to apply for jobs or even start my own business AGAIN since I do not have my license.

I applied for the transfer BEFORE my license was expired and yet it took the board/state months AFTER to even process my application. This is very unprofessional and unlawful; considering I had to pay for the transfer that was processed same day. So, either transfer my license since you have all necessary documents or I will be filing something with the state for a withhold which has costs my cost me thousands of dollars of earnings and I will be filing a civil suit.

Sonja Barone

---

On Tue, Jun 10, 2025 at 7:18 AM Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)> wrote:

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Respectfully,



**Cynthia Spencer**  
Licensing Examiner III  
Division of Corporations, Business and Professional Licensing  
Board of Barbers and Hairdressers  
[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)  
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**From:** sonja barone  
**Sent:** Wednesday, May 21, 2025 8:54 AM  
**To:** Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)>  
**Subject:** Re: Esthetician by Waiver of Examination Application Status

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Thank you!



**Glenn Saviers**  
Deputy Director  
Division of Corporations, Business, and Professional Licensing  
<https://www.commerce.alaska.gov/web/cbpl>

---

**From:** sonja barone  
**Sent:** Tuesday, April 29, 2025 11:04 AM  
**To:** Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)>  
**Subject:** Re: Esthetician by Waiver of Examination Application Status

Hello,

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My phone number is 406-250-7628

Sonja Barone

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Contact this office with questions by replying to this email.



## Derr, Lacey E (CED)

---

**From:** Marie Hensley >  
**Sent:** Monday, April 14, 2025 2:51 PM  
**To:** Board of Barbers Hairdressers (CED sponsored)  
**Subject:** Re: Telephone Call Follow Up - Esthetician Services

**Categories:** Cynthia Spencer, Need Board Response

So if I wanted to address continuing education and being certified in certain modalities before performing them is this the correct email to send my concerns to?  
Personally, as an aesthetician, I think continuing education should be required to renew your license and for said aesthetician to have a certificate showing they have received professional training in certain modalities before being able to provide services using particular modalities. Basically it's kind of scary seeing that aestheticians go through very limited schooling and they're just out there doing whatever & however on the general public. In my opinion, the aesthetic industry doesn't seem to be very professional or monitored to a specific standard.

Marie

Sent from Marie's iPhone

On Apr 14, 2025, at 12:02 PM, Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)> wrote:

Hello Marie.

If you would like to address the current regulation public notice; all written comments must be submitted directly to the regulation specialists at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov).

If you would like to address the board directly ONLY concerning the current regulation public notice; oral comments will be heard April 17, 2025, beginning at 10:25am. (see attached meeting agenda)

Any other questions or concerns may be emailed directly to [boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov). At this time, the next regular meeting is scheduled for May 15, 2025; general correspondence will be presented to the board at that time.

Meeting notices, agenda, etc., are available on the web:

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofBarbersHairdressers/MeetingNotices.aspx>

Respectfully,

<image001.png>

**Cynthia Spencer**

Licensing Examiner III

Division of Corporations, Business and Professional Licensing

Board of Barbers and Hairdressers  
[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)  
Office: 907-465-2591  
[www.commerce.alaska.gov](http://www.commerce.alaska.gov)

<image002.png>

<image003.png>

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**From:** Marie Hensley >  
**Sent:** Monday, April 14, 2025 8:59 AM  
**To:** Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)>  
**Subject:** Re: Telephone Call Follow Up - Esthetician Services

**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.

Cynthia,  
What email do I use for the board to bring up items I think need to be addressed for estheticians.  
Thanks,  
Marie Hensley

Sent from Marie's iPhone

On Mar 26, 2025, at 8:48 AM, Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)> wrote:

<image001.gif>

Hello and good afternoon Marie.

This is a follow up to esthetician services we discussed during our telephone conversation.

I have reviewed the last year's meeting minutes and am unable to find reference to allowing estheticians to provide microneedling, microchanneling, nanoneedling, skin stamping, and dermarollering services.

The board did issue a position statement November 14, 2022 (attached) and statutorily, none of these services are allowable under any license issued by this board.

I highly recommend you attend the April 17, 2025, meeting where the board will be hearing oral testimony and reviewing written comments regarding the proposed regulation project defining “appliances” for estheticians (agenda attached).

The board has a regular meeting scheduled for May 15, 2025; you are more than welcome to attend and address the board during public comment or you can put your questions/concerns in an email which would be added to the May meeting packet as a correspondence item.

Following is a link to the board meeting page for this program.

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofBarbersHairdressers/MeetingNotices.aspx>

Thanks again for all your patience, please don’t hesitate to contact me with any questions.

Respectfully,

***Cynthia Spencer***

Licensing Examiner III

Division of Corporations, Business and Professional Licensing

Board of Barbers and Hairdressers

[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)

Office: 907-465-2591

[www.commerce.alaska.gov](http://www.commerce.alaska.gov)

<image004.png>

<image005.png>

<image006.png>

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<BAHMicroneedlingMicrochannelingNanoneedling,Etc-1.pdf>

<April 17 Agenda.pdf>

<April 17 Meeting Agenda.pdf>

**From:** [Board of Barbers Hairdressers \(CED sponsored\)](#)  
**To:** ["Sarah C."](#)  
**Bcc:** [Derr, Lacey E \(CED\)](#)  
**Subject:** RE: Medical Director for CrossLash  
**Date:** Friday, June 27, 2025 10:17:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

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Hello Sarah.

Apologies for the delay in responding to your email.

The Board of Barbers and Hairdressers has not defined what a medical director will look like or who can be a medical director. This board is working with the [Medical Spa Services Work Group](#) to make these determinations.

You can attend Medical Spa Services Work Group meetings; meeting dates and information are posted to their [website](#).

The Board of Barbers and Hairdressers have scheduled their next meeting for [August 13, 2025](#). If you'd like, I can add your email to their correspondence items for review and response OR you can attend the August 13 meeting and address the board during public comment. August meeting information will be posted to the [web](#) shortly.

Contact this office with questions by replying to this email.

Respectfully,



**Cynthia Spencer**

Licensing Examiner III

Division of Corporations, Business and Professional Licensing

Board of Barbers and Hairdressers

[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)

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**From:** Sarah C. >  
**Sent:** Wednesday, June 18, 2025 11:08 AM  
**To:** Board of Barbers Hairdressers (CED sponsored) <[boardofbarbershairdressers@alaska.gov](mailto:boardofbarbershairdressers@alaska.gov)>  
**Subject:** Medical Director for CrossLash

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What are the requirements for a studio like CrossLash to have a Medical Director?

What licensure does Alaska consider a Medical Director?

Does a PA qualify?

Or a Naturopath?

What about a Nurse Anesthesiologist?

Thank you in advance!!!

Happy Wednesday!!

Sarah Crosswhite  
CrossLash LLC  
Anchorage, Alaska

**From:** [Thatiana Marchi](#)  
**To:** [Board of Barbers Hairdressers \(CED sponsored\)](#)  
**Subject:** Scope of Practice Inquiry – Use of Non-Invasive Body Contouring Device  
**Date:** Friday, June 27, 2025 1:36:09 PM

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

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Dear Board Members,

I'm a licensed esthetician in Alaska and would like clarification on whether I may legally use a non-invasive body contouring device (ultrasonic cavitation, RF, vacuum, LED) for cosmetic purposes on areas beyond the face and neck.

The device is marketed for body sculpting and facial care and does not break the skin or involve medical technology. My questions:

- May a licensed esthetician in Alaska legally use cavitation, RF, or other non-invasive body contouring functions on areas of the body beyond the face/neck, such as the abdomen, thighs, or arms, if no skin penetration occurs?
- Does the Board currently recognize any guidance or limitations regarding body contouring or slimming treatments performed with topical or device-based methods by estheticians?
- Would the use of this machine in a cosmetic context (without medical claims) require any additional certification, licensure, or medical supervision in Alaska?
- If these services are outside my scope of practice, is there a pathway (e.g., endorsement, delegation, or medical director model) for offering them legally within a licensed spa setting?

I want to ensure full compliance with Alaska law and appreciate your guidance.

Sincerely,

Thatiana Marchi

**From:** [Jesse Hill](#)  
**To:** [Board of Barbers Hairdressers \(CED sponsored\)](#)  
**Subject:** Laser tattoo removal questions  
**Date:** Wednesday, July 2, 2025 2:55:50 PM

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Thank you for getting back to me Cynthia.

Here are some of my questions/concerns about the subject at hand.

Many of my clients have inquired with me about the idea of laser removal instead of a cover up or maybe they'd like to partially remove a tattoo in order to more easily enhance the existing piece.

Based on the research that I have done, I have found that the process is very user friendly and minimally invasive. The machines are digitally controlled and tuned to deal with very specific situations which leaves little to no possibility for mistakes to be made. Furthermore, when you buy a machine they come with free training to use it properly. Once the training is complete and one is certified, it would be safe for a nonphysician to use safely. Tattooing is arguably more unsafe and more damaging to the client than laser removal. Laser removal works in layers over time until it can get to the pigment lying deepest in the skin whereas in tattooing there isn't as much predictability.

These machines can be quite expensive (the one I am looking at is 50,000 dollars) so I'd like to know what steps must be taken in order to confidently proceed. I already have a clean private space which is inspected annually by the board and of course all of my licensing has been current for almost 8 years.

Please let me know if you'd like for me to further elaborate at all or if you have any questions for me

Thank you again Cynthia.

**From:**  
**To:** [Spencer, Cynthia R \(CED\);](#)  
**Subject:** Regarding the future of esthetics  
**Date:** Saturday, July 26, 2025 12:54:49 PM

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Hello Cynthia!

I'm hoping you can pass this information to the board for their next meeting. I've been following the conversation about the possibility of an advanced or tiered license as well as continuing education for estheticians. Has the board considered including Tyler Egan from ACPE institutional authorization in this conversation? He knows what's going on in the schools, and could probably provide good information for the board when considering these changes. As you know, we have had our school for over 30 years. I think the idea of continuing education for every aesthetician is a great idea. I worry about trying to have advanced programs or tiered licenses because I wonder who will teach these programs? What schools or instructors will be authorized to have those programs? How will instructors be vetted? If you proceed with a continuing education requirement and allow for students to have training outside of Alaska, a certificate from a program might be something that would be allowed for a wider scope of practice for those wanting to get additional training. For me, this seems like a really good step for Alaska because of our limited resources with schools and instructors. I just wanted to put this information out there for discussion. Thank you so much and I hope you're having a good day.

Sue Shroy  
MetrOasis Advanced Training Center  
Sent from my iPhone



**From:**  
**To:** [Board of Barbers Hairdressers \(CED sponsored\)](#)  
**Subject:** Industry Concerns  
**Date:** Monday, July 14, 2025 5:29:25 PM

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Dear Alaska Board of Barbers and Hairdressers,

My name is Mindy Millhouse, I am writing you today to express my thoughts regarding the plethora of hairdressing apprenticeship programs that are flooding the educational community of Anchorage Alaska. I have been away from the industry for a while and upon reentering the industry I was aghast at the surplus of apprenticeships that are occurring. My belief, as A former educator, is that this is a complete disservice to the licensed beauty schools in the community, and extremely limiting to hairdressing students.

Licensed Facilities such as, Trendsetters School of Beauty, Alaska Hair Design, and Metro Oasis are crucial to the proper education and long standing future of our industry. These facilities offer a full curriculum, licensed instruction, board preparation, and an environment that is focused on education. They are licensed educational schools for a reason. Receiving education from one person, under an apprenticeship, only allows that student to receive knowledge from one individual. Students thrive when they can receive knowledge and trainings from multiple instructors. You can only learn so much from one educator.

I understand that in rural areas an apprenticeship program may be the only resource, however in Anchorage, this is not the case. I'm not sure if this happened as the result of COVID, or what happened but it is deeply troubling to me. My intention with this letter is to highlight a need to protect our industry by protecting where it begins, in the classroom, in our schools.

Sincerely,

Mindy Millhouse

**From:** [Makenzie Melsom](#)  
**To:** [Board of Barbers Hairdressers \(CED sponsored\)](#)  
**Subject:** Microneedling  
**Date:** Thursday, July 17, 2025 11:12:05 AM

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Hello, I'm sending an email regarding if as a basic esthetician in Fairbanks Alaska, would I be able to get certified and preform micro-needling on clients? If not, what requirements would I need to meet to be able to preform this service?

Thank you!

Makenzie Melsom

**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