



Board of Barbers & Hairdressers Meeting

Alaska Division of Corporations, Business and Professional Licensing

April 17, 2025 at 10:00 AM AKDT to April 17, 2025 at 1:00 PM AKDT

Zoom Details: <https://us02web.zoom.us/j/82321915666?pwd=RoKGfkpTnBTnY896F0hU2HXjh8L0wF.1>

Meeting ID: 823 2191 5666

Passcode: 007520

Call In: 1-253-205-0468

TENTATIVE MEETING AGENDA

Working Groups May Occur

Agenda:

- 1. 10:00 a.m. April 17, 2025 Call to Order/Roll Call**
 - A. Meet and Greet New Board Member(s)**
- 2. 10:10 a.m. Review/Amend Agenda**
- 3. 10:15 a.m. Ethics Disclosure**
- 4. 10:25 a.m. Oral Public Comment for Regulation 12 AAC 09.990(b) Defining Devices for the Purposes of AS 08.13.220(5)**
- 5. 12:00 p.m. Break/Recess**
- 6. 12:15 p.m. Review Submitted Written Testimony**
- 7. 12:30 p.m. Board Consider Adopting Regulation 12 AAC 09.990(b)**
- 8. 1:00 p.m. Adjourn**

III. Executive Branch Ethics

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

Compliance with the Executive Branch Ethics Act

All board and commission members and staff should be familiar with the procedures outlined below. The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government. Additional information is available from the Alaska Department of Law at <http://law.alaska.gov/doclibrary/ethics.html>. Much of the information in this section of the manual is taken directly from this site.

Misuse of Official Position (AS 39.52.120)

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

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



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



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

Improper Gifts (AS 39.52.130)

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

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

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

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

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

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

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

A form for reporting gifts is available at law.alaska.gov/doclibrary/ethics.html 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 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.

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.*

NOTICE OF PROPOSED CHANGES FOR THE USE OF DEVICES BY ESTHETICIANS AND
DEFINITIONS IN THE REGULATIONS OF THE ALASKA BOARD OF BARBERS AND
HAIRDRESSERS

BRIEF DESCRIPTION

The Board of Barbers and Hairdressers proposes to change regulations relating to the statutory definition of “esthetics” and the term “appliances” adopting by reference the Code of Federal Regulations.

The Board of Barbers and Hairdressers (Board) proposes to adopt regulation changes in Title 12, Chapter 09 of the Alaska Administrative Code, dealing with the statutory definition of “esthetics” to define the term “appliances” as it relates to allowable appliances used by estheticians. These changes include:

1. **12 AAC 09.990. Definitions**, this section is proposed to be amended to clarify the statutory definition of "esthetics" under AS 08.13.220(5) adding a definition in regulation for the term "appliances" used by estheticians to clearly identify and distinguish between allowable appliances and those that are prohibited; and to adopt by reference FDA regulations (21 C.F.R. 1040.10) used to define and classify laser products.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Alison Osborne, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system using the comment link. **The comments must be received not later than 12:00 p.m. on April 17, 2025.**

You may provide oral comments relevant to the proposed action at a hearing to be held online via Zoom on **April 17, 2025. There will not be in-person attendance provided in connection with this hearing, so please prepare to share your oral comments through online attendance via Zoom or by calling the Zoom meeting phone number provided below.** The hearing is scheduled from 10:00 A.M to 12:00 P.M. and priority will be given to commenters on the line before the beginning of the hearing. The hearing may be extended to accommodate those on the line before 12:00 P.M. who did not have an opportunity to comment. Before the start of the hearing, the chair of the Board may limit the time allotted for each person providing oral testimony as reasonably necessary to conclude the hearing in the time provided.

Link to participate in the Zoom hearing:

<https://us02web.zoom.us/j/82321915666?pwd=RoKGfkpTnBTnY896F0hU2HXjh8L0wF.1>

Access information for the Zoom hearing:

Phone number: (253) 205-0468. Meeting ID: 823 2191 5666 Passcode: 007520

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

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Alison Osborne at (907) 465-6826 or

RegulationsAndPublicComment@alaska.gov not later than April 10, 2025 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Alison Osborne at (907) 465-6826, RegulationsAndPublicComment@alaska.gov, or at <https://www.commerce.alaska.gov/web/portals/5/pub/BAH-1024.pdf>.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System or at <https://www.govinfo.gov/app/details/CFR-2024-title21-vol8/CFR-2024-title21-vol8-sec1040-10>.

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

Statutory Authority: AS 08.13.030; AS 08.13.220

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.13.220

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

For each profession regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations interested in the regulations of that profession. Those on the list will automatically be sent a copy of all the Division notices of proposed regulation changes for that profession. To be added to or removed from the list, send a request to the Division of Corporations, Business and Professional Licensing at P.O. Box 110806, Juneau, AK 99811-0806, giving your name, the profession for which you would like to receive notices, and either your e-mail address or mailing address as you prefer for receiving notices.

DATE: March 12, 2025

/s/
Alison Osborne, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing – Board of Barbers and Hairdressers.
2. **General subject of regulation:** Clarifying the statutory use of the word ‘appliances’ in the practice of esthetics.
3. **Citation of regulation:** 12 AAC 09.990.
4. **Department of Law file number:** 2024200504.
5. **Reason for the proposed action:** Update and clarification of current regulations; compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None known.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):** No costs are expected in FY 2025 or in subsequent years.
9. **The name of the contact person for the regulation:**
Cynthia Spencer, Licensing Examiner
Alaska Board of Barbers and Hairdressers
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2591
E-mail: BoardofBarbersHairdressers@Alaska.Gov
10. **The origin of the proposed action:** Staff of state agency.
11. **Date:** March 12, 2025 **Prepared by:** /s/ Alison Osborne
Regulations Specialist

Chapter 09. Board of Barbers and Hairdressers.

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

12 AAC 09.990(b) is amended to read:

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

(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) "for a fee" does not include remuneration received by a person employed or working under contract to provide make up services for a television, film, or stage production. (Eff. 11/2/81, Register 80; am 10/21/82, Register 84; am 2/28/88, Register 105; am 7/23/2000, Register 155; am 11/27/2002, Register 164; am 12/6/2002, Register 164; am 7/12/2007, Register 183; am 4/21/2010, Register 194; am 6/8/2016, Register 218; am 6/21/2018, Register 226; am 3/30/2019, Register 229; am 12/6/2020, Register 236; am ____/____/_____, Register _____)

Authority: AS 08.13.030 AS 08.13.220



You MedSpa & Salon
510 W. Tudor Road, Suite 7
Anchorage, AK 99503
(907) 349-7744
Shelley@YouLuxuryConcepts.com
Melanie@YouLuxuryConcepts.com

To the Members of Board of Barbers & Hairdressers,

I am writing to express concern regarding the proposed regulatory changes that could significantly impact the medical aesthetics industry by restricting estheticians from performing advanced treatments under the supervision of medical professionals. Instead of limiting opportunities for licensed estheticians, we encourage the Board to consider implementing a **Master Esthetics Program** that would allow highly trained estheticians to work under the direct oversight of a physician or advanced practice registered nurse (APRN).

A Balanced Approach to Medical Aesthetic Regulation

Rather than creating restrictions that could hinder the industry and limit patient access to aesthetic care, we believe Alaska should **elevate standards** by establishing a clearly defined pathway for estheticians who wish to specialize in medical aesthetics. Implementing a **Master Esthetics Program** would:

- **Ensure Proper Training & Certification** – A structured educational program with standardized curriculum requirements would ensure estheticians receive advanced training in treatments such as laser procedures, medical-grade skin therapies, and other non-invasive aesthetic procedures.
- **Increase Patient Safety & Oversight** – By requiring that master estheticians work under the supervision of a qualified medical professional (MD, DO, or APRN), the program would enhance patient safety while maintaining access to high-quality care.
- **Strengthen Industry Standards & Professional Growth** – Instead of restricting estheticians from performing treatments altogether, a Master Esthetics Program would create a **professional pathway for growth** that aligns with national best practices.
- **Support the Growth of the Medical Aesthetics Industry** – Medical spas are a rapidly growing sector in the beauty and wellness industry. Establishing a Master Esthetics Program would **allow Alaska to remain competitive** by fostering well-trained professionals while preventing unnecessary regulatory overreach.

A Call for Industry Collaboration

We encourage the Board to collaborate with industry professionals, medical providers, and educational institutions to develop a **comprehensive Master Esthetics Program** that meets both safety standards and industry needs. This program should include:

1. **Defined Educational Requirements** – A formal training curriculum with hands-on experience in advanced aesthetic treatments.
2. **Medical Supervision Guidelines** – A clear structure allowing master estheticians to work under the oversight of an MD or APRN.
3. **State-Recognized Licensing** – A certification process that ensures compliance with state regulations and industry standards.

By implementing this approach, Alaska can **lead the way in medical aesthetics regulation** without unnecessarily restricting licensed professionals from career advancement.

Protecting Patient Access & Industry Standards

Restricting estheticians from providing advanced aesthetic treatments would not only impact their professional opportunities but also **reduce patient access** to safe, effective, and affordable care. A Master Esthetics Program provides **a responsible and forward-thinking alternative** that prioritizes safety, education, and collaboration between estheticians and medical providers.

We urge the Board to reconsider its approach and work with industry stakeholders to **develop a structured pathway for estheticians to advance in their profession** rather than imposing unnecessary limitations. We would welcome the opportunity to participate in further discussions to support the development of a program that benefits **both providers and patients alike**.

Thank you for your time and consideration. We look forward to your response and the opportunity to collaborate on a sustainable solution.

Mechille South & Melanie Walker
Co-Owners, You Aesthetics

Spencer, Cynthia R (CED)

From: Osborne, Alison S (CED)
Sent: Thursday, April 17, 2025 11:12 AM
To: Derr, Lacey E (CED); Spencer, Cynthia R (CED)
Cc: Board of Barbers Hairdressers (CED sponsored)
Subject: FW: Public Comment

Alison

From: Rachel Lauesen <rachel@lauesenlaw.com>
Sent: Thursday, April 17, 2025 11:09 AM
To: Osborne, Alison S (CED) <alison.osborne@alaska.gov>
Subject: Fwd: Public Comment

You don't often get email from rachel@lauesenlaw.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.

----- Forwarded message -----

From: Teesha Northcott <teesha@theskinlifemedspa.com>
Date: Thu, Apr 17, 2025 at 10:17 AM
Subject: Fwd: Public Comment
To: <rachel@lauesenlaw.com>

----- Forwarded message -----

From: Teesha Northcott <teesha@theskinlifemedspa.com>
Date: Wed, Apr 16, 2025 at 12:22 PM
Subject: Public Comment
To: <RegulationsAndPublicComment@alaska.gov>

My name is Teesha Northcott and I am a licensed esthetician in the State of Alaska and owner of The Skinlife Medspa, LLC. This email is intended to be a comment on the proposed 12 AAC 09.990(b).

On June 15, 2023, the Board of Barbers and Hairdressers expressed an intent to petition the legislature to create a tiered-license to distinguish between practitioners of esthetics and practitioners of advanced esthetics. This has not occurred. I strongly urge this Board to petition the legislature to create an advanced esthetics license and update the curriculum and training for regular esthetics to align with modern practice.

I support this proposed definition of appliance. The proposed definition of "appliance" does not directly forbid any of the modalities that I and other estheticians perform at my medspa. We do not use Class III or Class IV laser devices. We use cold, non-ablative lasers that do not destroy live tissue. The non-ablative lasers that Skinlife Medspa uses on its clients do not require a medical license to purchase them.

However, part C of the definition, "does not involve an incision beyond the epidermis" is unclear and imprecise for all estheticians, not just advanced esthetics practitioners. I do think Part C should be clarified to make clear that an incision is distinguishable from a puncture.

For example, imagine a client has a whitehead as a result of acne. The proper method to address the whitehead would be to use a sterile lancet to puncture the whitehead. The alternative would be squeezing the whitehead, which could cause scarring, pain, spread infection, and increase healing time. This is an example of a puncture that could go below the epidermis.

Additionally, microneedling is another modality frequently performed by advanced esthetics practitioners. Microneedling does not involve "an incision into the skin beyond the epidermis." It does involve a puncture that could extend beyond the epidermis for the purpose of stimulating natural physiological processes intended to improve the health and appearance of a person's skin.

The difference between a puncture and an incision would be the delineation of the practice of medicine. A highly-trained licensed esthetician, such as myself, is not practicing medicine by puncturing the skin with a tiny needle. Tattoo artists are also not practicing medicine by puncturing the skin with a tiny needle. The act of microneedling punctures the skin similarly to a tattoo artist, and no one would state that tattoo artists are practicing medicine. Similarly to the laser devices in my medspa, my microneedling devices does not invade the medical field, and do not need a medical license to purchase them.

Moreover, there is no demonstrated danger to the public or harm which justifies limiting the current modalities used in medspas. I am a highly trained licensed professional that regards safety as paramount in the performance of my duties. If licensed estheticians are unable to perform modalities that we are trained to perform safely, then they will effectively be eliminated from the market because they are not expensive enough for physicians or other trained medical personnel to perform.

I think there is an implicit bias against advanced esthetics because it is a field primarily dominated by women and performed on women. There's a sexist perception that the modalities we perform are frivolous and promote vanity. These modalities are not less valuable because they are consumed by women, and the women who perform these modalities have made extensive investments in obtaining education and credentialing on their own because this Board has not kept up with modern practice and has only required the minimum hours for an esthetic license. The esthetics industry should not be dumbed down and estheticians relegated to lotion rubbers because this Board has not kept up, which is what I understand your job is.

This Board should create a second-tier license if it wants to officially distinguish between advanced esthetics and regular esthetics, and not leave us licensed estheticians who are already deeply invested and trained in this field to fend for ourselves as unlicensed agents of a physician. We licensed practitioners of advanced esthetics should not lose our professional independence and judgment, which we have demonstrated through past performance is good, safe judgment.

In conclusion, I support the proposed definition of appliance so long as the Board recognizes the difference between an incision and a puncture and does not rely on this definition to avoid modernizing our curriculum and establishing a second-tier license for advanced esthetics.

Sincerely,

Teesha Northcott
The Skinlife Medspa, LLC

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SKINLIFE
medspa

Teesha Northcott L.E, CLT, LSO

www.theskinlifemedspa.com
teesha@theskinlifemedspa.com

 [eskinlife_medspa](#) 

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Rachel B. Lauesen|Attorney

The Lauesen Law Team, LLC

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