

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

**MINUTES OF MEETING
January 10, 2011**

By authority of AS 08.13.040, and in compliance with AS 44.62, Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held on January 10, 2011, at 550 W. 7th Ave., Anchorage, Alaska.

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order at 9:35 a.m.

Members present were:

Debra Long, Hairdresser, Chairperson
Glenda Ledford, Barber
Lorenda Moore, Tattoo and PCC

Absent members were:

Jynal Radziukis, absent
Kelly Sherman, absent

The board chair noted the absent board members were excused.

Staff present was:

Sher Zinn, Licensing Supervisor
Jasmin Bautista, Investigator
Melinda Butler, Licensing Examiner via telephone

Agenda Item 2 Review and Approve Agenda

On a motion duly made by Ms. Moore, seconded by Ms. Ledford and carried unanimously, it was

RESOLVED to approve the agenda as read.

Agenda Item 3 Review and Approve Minutes of October 4, 2010

On a motion duly made by Ms. Moore, seconded by Ms. Ledford and carried unanimously, it was

RESOLVED to approve the minutes of the October 4, 2010 meeting.

Agenda Item 4 Ethics Reporting

No Ethics violations to report.

Agenda Item 5 Investigative Report

Jasmin Bautista arrived at the meeting prior to the start. It was noted the meeting could not start at 9:00 a.m. as scheduled due to not having a quorum of members. It was decided Ms. Bautista would leave and come back to the meeting if the board needed her after the meeting commenced. Ms. Long noted Glenda Ledford chose to recuse herself from voting on a consent agreement Ms. Bautista was going to bring to the board for a vote. Since Ms. Ledford would not be voting, it was decided there would not be a quorum of board members to review and vote on the consent agreement. And therefore, it was decided the board would review the consent agreement via a mail ballot at a later date.

Agenda Item 7 Last Meeting Public Comment

Ms. Long noted the board received a letter after the last board meeting concerning the public comment at that meeting by Sue and Sigel Shroy, from MetrOasis. Ms. Long noted the letter's reference to a corrupted website was untrue. The letter referenced the PDF documents on the website were showing "the file is damaged and could not be repaired". Neither she nor any of the other board members had trouble opening the documents on the Board's website. She further noted it may be their computer or current version of Adobe Acrobat Reader. The timing of the board meeting minutes was also addressed in the letter. The Shroy's were concerned that it took until after the next board meeting to post them on the website. They suggested the board review the minutes as soon as they were drafted and approve by mail ballot. Ms. Long noted the minutes had to be approved by the board during a board meeting prior to being posted on the website. That has always been the process.

Agenda Item 8 Manicuring Legislation

Ms. Long noted she had communicated with Karen Lidster, Legislative Aide to Senator John Coghill. Ms. Lidster stated she would find out where the legislation was in the process and get back to Ms. Long. Ms. Lidster worked for then Representative Coghill, when she first communicated with the board at its September 2009 meeting. Ms. Long noted that Ms. Zinn had stated the governor would not be proposing legislation for any requests made by the Division of Corporations, Business and Professional Licensing.

Therefore, the board would have to find a “friendly legislator” willing to sponsor the bill. Senator Coghill had introduced the manicuring legislation during the last session when he was a representative, and is still interested in the subject. The legislation was not passed.

Ms. Long said that this legislation would be the first on a long list of changes the board would like to see.

Agenda Item 9 Body Art

Ms. Moore noted that the board had briefly discussed the issue at the October meeting. The discussion entailed scratching, branding, eyeball and tongue tattooing. Ms. Ledford was not at the October meeting so had some questions for the board members. Her first question to Ms. Moore was if eyeball tattooing was legal. Ms. Moore responded by stating that it was legal but should fall under the Medical Board’s purview, and further stated that ophthalmologists would have a “serious problem with this”. She noted that another practice was to scratch the tissue away from the eyeball and put metal stars or moons underneath the tissue, and believed that constituted surgery. Ms. Moore noted she had discussion with Dr. Means who had a medical esthetic practice in Anchorage that performs tattooing, and works with lasers. Ms. Moore would like Dr. Means to attend a board meeting and discuss with the board. Ms. Moore further stated it should be regulated by the medical board, and Ms. Long agreed. Ms. Moore noted there are new piercings being performed called micro-dermal implants. She stated Dr. Means felt it was surgery since you have to surgically cut into the skin to place the implants. Ms. Moore noted the information given to the board at a previous meeting which showed piercing supplies. Dr. Means said some of the implements for body piercers are required by the FDA to be purchased by a licensed medical professional, and he further noted it was a federal offense to purchase those items without a medical license.

Ms. Long stated she would like to have cooperation with the medical board regarding this issue and she would like to have Dr. Means attend the next Barber and Hairdresser board meeting in May. Ms. Moore said she would like to attend a medical board meeting and show the board what types of procedures are happening in the body piercing industry.

Agenda Item 6 Public Comment

No one appeared to address the board for public comment.

Agenda Item 10 Examinations

Ms. Long said the statutes allow the board to implement a state law exam which the board had discussed at the last meeting. The board members were to draft questions for the exam. Approximately 20-25 questions would be part of the exam for each of the fields. The National Associations of Cosmetology would write the exam for the board

once they received the draft questions. She noted without the full board at the meeting, it was something the board would continue to work on.

Ms. Long stated she had spoken with Ms. Wilson regarding the NIC Cosmetology exam which includes questions for hairstyling, manicuring and facials, in which the students are not being licensed for. If they are taking the hairdressing license, they should be taking the NIC hair exam. That was one of the complaints Ms. Vivlamore addressed in wanting the cosmetology license back in Alaska. Ms. Ledford noted the curriculum required facials and manicuring practicals. Ms. Long stated however that is not what they are being licensed for. Ms. Ledford said hairdressers can do a simple manicure and a simple facial but they cannot do in depth skin care.

Ms. Long noted the hairdresser student curriculum requires 1650 hours in a school and an apprenticeship requires 2000 hours, which could mean the apprentice could have enough hours to get a hairdresser license and an esthetics license. She further added that there should be a third license called a cosmetology license that could be used to transfer licensure to other states. Alaska is the only state that does not have a "cosmetology" license. She said that it would need to be a statute change and should be on the board's list of goals.

The board reviewed the exam requirements in regulation. Ms. Ledford noted the regulations state you cannot have an interpreter in the written or practical examination room. The board discussed if it was legal to not allow an interpreter in the room, perhaps it was discriminatory. The discussion included the idea of the board providing interpreters for examinees so there would be a less likely chance of cheating. The interpreter would need to be impartial. It was noted the written exam was available in Spanish and Vietnamese. Therefore, the textbooks could also be in a foreign language.

The board discussed the amount of hours of study of state law required by regulation. It was noted instructors are required to complete 25 hours of instruction covering "rules and regulations of the board", however, barbers, hairdressers, estheticians and advanced manicurists must complete five hours of "state law". It was further noted all regulations requiring state law should use the same terminology, "state law" or "Alaska statutes and regulations". Body piercing and tattooing and permanent cosmetic coloring students or apprentices must complete 10 hours of state law. The only way to know they have studied state law is to test them. Ms. Moore stated she thought the students should also be taught ethical behavior and professional business practices. Ms. Long said both should run together. Ms. Long reiterated that it was important all board members work on the law questions for the exam, and the board should put them together at a meeting to be submitted to NIC to draft the exam.

Ms. Moore spoke concern regarding the lack of a minimum of six months of apprenticeship for body piercing and tattooing. She stated when she had done her training for permanent cosmetic coloring, she was sure there was a six month minimum time frame in which she could complete her training. She noted that people

are leaving the state to get their apprenticeship hours. They will complete the hours within two or three months and return to the state, take the exam and get licensed. Since there was a lack of minimum experience as a licensed body piercer or tattooist in becoming an instructor, people are instructing as soon as they receive their license. This is a problem in that the person may not have enough experience and yet they are teaching others. Ms. Zinn noted the statute stated the apprenticeship must be completed within a 12 month period but does not give a minimum time period. Ms. Moore thought the board should impose a minimum of six months to complete the apprenticeship or schooling. Ms. Long noted esthetician training of 350 hours cannot be completed in less than six months.

The board noted the trainer for body piercing, tattooing and permanent cosmetic coloring should have an instructor license. This is required for a teacher of hairdressing, barbering, and esthetics.

Ms. Long said the training time length for body piercing, tattooing and permanent cosmetic coloring could be added to 12 AAC 09.185, to state "a trainee in body piercing, tattooing or permanent cosmetic coloring must complete the training in no less than six months and no more than 12 months". The board also decided to add to 12 AAC 09.185, "the trainer must have a license in this state in body piercing, or tattooing and permanent cosmetic coloring for at least three years". Ms. Zinn noted AS 08.13.082(d)(1) stated the trainer of body piercing, tattooing or permanent cosmetic coloring, must have a practitioner's license issued under this chapter and must be in a licensed shop in this state. Therefore, the board could not make a regulation that would require the trainer to obtain an instructor license, but could make a regulation that would require a minimum amount of time the trainer held a practitioner's license. Ms. Zinn also noted the Dept. of Law would ultimately decide if the board had the authority to impose a minimum amount of time as a licensed practitioner.

On a motion duly made by Ms. Moore, seconded by Ms. Ledford and approved unanimously, it was

RESOLVED to change 12 AAC 09.185(i) to include another line that would state, "The training must take place in no less than six months and no more than 12 months." The regulation would also require the trainer to have three years of licensed experience in this state

Ms. Ledford asked if the proctor scoring guidelines could to be sent to her for each exam so she could give a copy to each of the proctors. Ms. Zinn stated that could be done.

Agenda Item 11 Application Review

The board reviewed the curriculum of Dimas Carillo, a foreign trained hairdresser. The board reviewed the information previously during a mail ballot to determine if the training he received in the Philippines met Alaska requirements. The board voted five to zero, the training did not meet the minimum requirements set out in regulation and the board would review what Mr. Carillo needed during the next meeting.

The board decided Mr. Carillo needed to complete a minimum of 365 hours as an apprentice to satisfy the 2000 hours, and the following number of practical operations prior to being eligible to sit for the exam-

Permanent waving, including hair analysis and chemical waving-	40 practicals
Chemical straightening, including hair analysis-	10 practicals
Haircutting, including hair analysis and use of the razor-	103 practicals
Hair Coloring and bleaching-	48 practicals
Scalp and hair treatments, including hair and scalp analysis-	10 practicals
Beard trimming-	5 practicals
Eyebrow arching and hair removal-	15 practicals

In addition, Mr. Carillo needs to complete five hours of study of state law.

Ms. Zinn will write the letter to Mr. Carillo outlining the requirements.

Recess for Lunch- off the record at 11:50 a.m.
On the record at 1:00 p.m.

Roll Call

Members present-

Glenda Ledford
Lorenda Moore
Debora Long

Staff present-

Sher Zinn, Licensing Supervisor
Melinda Butler, Licensing Examiner via telephone

Agenda Item 12 Curriculum

The board reviewed the questions Ms. Wilson had placed in the board packet for discussion. Ms. Long noted the first question was addressed at the previous meeting. The remaining questions pertained to the amount of practicals a hairdresser or barber were required to perform for esthetics or manicuring. Ms. Ledford said she would like

to keep them in the curriculum because a hairdresser can perform manicures and esthetics to a certain extent. Ms. Long noted if the change was made now to take out those practicals, and the cosmetology license was reinstated, they would have to do another regulation change to add those practicals back into the curriculum. Ms. Long noted the hairdresser curriculum required 250 haircutting practicals, and the barber curriculum required 400 haircutting practicals. Ms. Long said if the school in Fairbanks had 20 students, and each student was required to obtain more practical haircuts, they may have a hard time being able to do so with the limited population. She then stated if there was a change in the amount of haircuts, it would be to bring down the amount of practicals in the barber curriculum, and Ms. Ledford agreed.

Ms. Long read the statute definitions for "limited esthetics" and "esthetics". It was noted "limited esthetics" does not allow for performing facials, but only temporary removal of superfluous hair, on the face or neck, including eyebrow arching by use of wax or application of makeup or false eyelashes. Therefore, a hairdresser or barber could not perform facials and should be taken out of the curriculum. Ms. Ledford suggested the 15 facials could be transferred to the number of shaves for barbers.

The board asked if a photo of the licensee could be put on the license. It was noted by Ms. Moore that licenses are to hang on the wall of a shop, however without checking personal identification, who would know that person performing the work had a license hanging on the wall. Ms. Zinn said at this time the software would not allow a photo on the license. However, professional licensing would be moving to a new software program in the next six to twelve months and perhaps the new software would allow a photo. Ms. Moore said they would probably have to ask for identification when they go into shops and schools to verify the people working were licensed. The board is allowed to go into a school or shop and check on licensing of personnel per regulation.

The board discussed the number of practicals for chemical straightening. After discussion, they decided to delete "in accordance with (c) of this section", in 12 AAC 09.160(a)(4), and remove (c) of the same section. Therefore, all practicals for chemical straightening must be hands-on.

The board discussed if an instructor of an apprentice should have the same physical requirements in the shop as a school. Ms. Moore noted the instructor should get information regarding the physical requirements at time of licensing of an apprentice. Ms. Zinn said the examiner could do that if the board wanted it.

Ms. Moore asked if it was okay for an instructor to charge the apprentice for the apprenticeship. Ms. Zinn said the statutes and regulations do not address pay of an apprentice, therefore, the division could not require an instructor to pay or not to pay the apprentice. Ms. Long said she required the apprentice to buy their own books and materials, but does not charge them for the apprenticeship. Ms. Moore said she knew of instructors who charged the apprentice a booth rental fee. Ms. Long further stated that if the instructor was receiving compensation from the Department of Labor for the

apprentice, different laws would regulate the pay of an apprentice.

Ms. Zinn recapped the changes to the regulations the board had made so far for drafting by the regulation specialist. They include:

12 AAC 09.185(i)- apprenticeship of a body piercer, tattooist or permanent cosmetic coloring would be no less than six months and no more than 12 months

Add (j)- the instructor of an apprentice for body piercing, tattooing, or permanent cosmetic coloring must be a licensed practitioner for at least three years

12 AAC 09.160(a)(10)- delete

12 AAC 09.160(a)(8)- change to five on the barber side of the curriculum

12 AAC 09.160(a)(9)- change to "beard shaving" and keep 50 practicals

12 AAC 09.160(c)- delete

12 AAC 09.160(a)(4)- take out last part that has reference to (c)

12 AAC 09.165(1)- change to Alaska Statutes and Regulations

12 AAC 09.185(i)- change to add training must be completed in no less than six months and no more than 12 months

12 AAC 09.185(j)- add "the trainer must be licensed in this state as a practitioner in body piercing, tattooing or permanent cosmetic coloring for at least three years"

Ms. Moore asked if the board could discuss at a future meeting, why AS 08.13.217 allowed a person under the age of 18 to have body piercing with prior written permission from the minor's parent or legal guardian and in the presence of the parent or legal guardian, but a minor cannot receive a tattoo.

Agenda Item 5 Investigative Report

Ms. Bautista was not available for the investigative report.

Agenda Item 13 Proposed Changes to Regulations

The board discussed the instructor licensed by credentials regulations. Ms. Wilson had asked the board why an applicant for an instructor license by exam in the state of Alaska required three years of experience or 600 hours of instructor training, but practitioners coming from out-of-state did not have the same requirement. Ms. Ledford stated the board could change 12 AAC 09.002(j)(2) to read, "who complies with the requirements of (i)(2) and (3)(a) of this section". Ms. Zinn noted it might benefit the board to know the requirements of other states prior to changing the regulation. Ms. Long said she would contact the NIC to get a break down of other states requirements for an instructor license and bring the information to the next board meeting. It was decided to table the change until further information had been gathered.

Break- off the record at 3:04 p.m.

On the record at 3:15 p.m.

The board reviewed the draft regulations in the board packet for 12 AAC 09.130(e)(f)(j)(k), 12 AAC 09.180(d) and 12 AAC 09.190(j).

On a motion duly made by Ms. Moore, seconded by Ms. Ledford, and approved unanimously, it was

Resolved to send the draft regulations without changes, to the regulation specialist for purposes of public notice, which includes 12 AAC 09.130, 09.180 and 09.190.

Agenda Item 15 Lasers and Esthetics

Ms. Zinn noted Ms. Wilson would like a definition in the regulations showing use of lasers showing they are not part of an esthetician's scope of practice, and that Ms. Wilson would like to be able to send people with questions regarding lasers, to that regulation. Ms. Moore noted estheticians could not use lasers, only the medical community can. The board took no further action.

Agenda item 16 Business and Correspondence

The board reviewed the correspondence from D. Jack Smith regarding selling of synthetic wigs in the state and the requirement for a license. The board noted that would not fall under a license issued by the Board of Barbers and Hairdressers. Ms. Long noted Ms. Butler would respond to Mr. Smith noting such.

The board reviewed the letter dated November 16, 2011 from Diana Vivlamore and the division's response from the Director, Don Habeger. The letter was in regards to a petition for the board to reinstate a cosmetology license for a combined hairdresser and esthetician license. Ms. Long noted the director responded with a clear and thorough letter and noted it would take a statute change to reinstate the cosmetology license. Ms. Long noted if the cosmetology license was to be reinstated, it would require the licensee to have complete 1650 hours in hairdressing and 350 hours in esthetics and pass exams to obtain a cosmetology license. Ms. Ledford said possibly Dan Saddler could take on the project to introduce a bill in the legislature. Ms. Long noted he had worked for Boards and Commissions prior to becoming a legislator.

Ms. Zinn noted for the record, the letter from Ms. Vivlamore requested to have the hairdresser license changed to a cosmetology license. Ms. Zinn said the hairdresser license was never called a cosmetology license, but was a combination of a hairdresser and esthetics license.

Ms. Long noted some of the people who signed the petition, did not have a license issued by the board.

The board reviewed the budget report. It was noted the board would have a deficit at

the end of Fiscal Year 2011, because the renewal period would start just after FY 11 ended on June 30, 2011. Ms. Zinn further noted the license renewal fee would probably increase for the next renewal period.

Ms. Long discussed the final Legislative Audit report. She noted the report determined the board should continue and the new termination date to be June 30, 2019.

Ms. Zinn gave the board information regarding a request from the Department of Corrections. The department has a correctional facility in Colorado and would like the board to issue a school license to the facility for teaching barbering. The board determined they had no purview over a school or other licensee outside of the State of Alaska. Licenses issued by the State of Alaska were not valid in another state. The facility in Colorado would need to obtain a Colorado school license. Ms. Zinn would respond.

Ms. Long said the board had sent Carol Hernley a plaque for her years of service as a member of the Board of Barbers and Hairdressers.

Agenda Item 16 Office Business

Ms. Long signed the minutes of the October meeting.

Adjourn

On a motion duly made by Ms. Moore, seconded by Ms. Ledford, it was resolved to adjourn the meeting of the Board of Barbers and Hairdressers.

The meeting adjourned at 4:05 p.m.

Respectfully Submitted:

Sher Zinn, Licensing Supervisor
Board of Barbers and Hairdressers

Approved:

Debra Long, Chair
Board of Barbers and Hairdressers

Date: _____