



## Board of Barbers & Hairdressers Meeting

Alaska Division of Corporations, Business and Professional Licensing

October 3, 2022

By the authority of AS 08.01.070(2) and AS 08.86.030 and in compliance with the provisions of AS 44.62 Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held via teleconference/videoconference, October 3, 2022.

### **Attendance**

#### **Members Present:**

Connie Dougherty, Kelsie McGraw, Michelle McMullin, Khitsana Sypakanphay, Tina Taylor

**Staff Present:** Sara Chambers, Division Director; Cynthia Spencer and Wanda Whitcomb, Occupational Licensing Examiners

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

The board was called to order at 9:00 a.m. and greeted new board member Kelsie McGraw.

#### **2. Review Agenda**

**Motion to approve agenda:** Michelle McMullin

**Approved unanimously**

#### **3. Ethics Disclosure**

All board members stated they had reviewed the ethics disclosure laws and had no potential conflicts to disclose.

#### **4. Review/Edit Meeting Minutes**

**Motion to approve draft minutes from January 24-25:** Tina Taylor

(seconded) Connie Dougherty

**Approved unanimously**

**Motion to approve draft minutes from June 17:** Connie Dougherty

(seconded) Khitsana Sypakanphay

**Approved unanimously**

#### **5. Public Comment**

Kevin McKinley addressed the board regarding tattoo training concerns, specifically when sponsors refuse to sign off on training requirements due to an interpersonal conflict. Requests the board tighten regulations so trainees can have relief in these situations. Spencer stated that the trainee can sever the training relationship with an email to staff and set up a relationship with a new trainer; that person can start training once that paperwork is complete, regardless of the status of the prior relationship or hours reported. Mr. McKinley also stated his appreciation for the board going to computer-based exams. Ms. Whitcomb briefly explained the new process. The board discussed the idea of changing tattoo trainer regulations and whether this board needs to adjust its statutes or regulations regarding tattoo/permanent cosmetic coloring/body piercing. Ms. Whitcomb and Ms. Sypakanphay spoke to the growing permanent cosmetic coloring industry and need for training opportunities in the state.

6. **National Center for Interstate Compacts**

Presenter: Keith Buckhout, Policy Associate, Council of State Governments National Center for Interstate Compacts

Mr. Buckhout walked through the forthcoming Interstate Cosmetology Compact. He clarified that Alaska will not be eligible to participate since it does not issue or recognize cosmetology licenses. He offered some ideas for the board to consider and will follow up with Director Chambers. Chair McMullin stated her conceptual support for license portability.

7. **Investigations**

Senior Investigator Summers, Investigator Hearn, and Investigator Eldred joined the meeting. Investigator Hearn conducted the division's standard training on the investigative process and reviewed the current investigative memo, which reflected 86 open matters with 33 matters closed during this period.

Investigator Eldred presented the probation report, reflecting four being monitored and one released for this reporting period.

**Motion by Tina Taylor: I move that the Alaska 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 matters which by law municipal charter, or ordinance, are required to be confidential; board staff to remain during the session.**

(seconded) Khitsana Sypakanphay

**Approved unanimously**

8. **Board discussion on practices of tooth gems/tooth jewelry**

The board reviewed an August 16, 2022, memo to the Alaska Board of Dental Examiners from the Department of Law. A brief discussion was held, and the board placed the item on the agenda for further discussion after lunch.

The board went off the record for lunch at 12:05 p.m.

9. Board discussion on practices of:

A. **Tooth Gems/Tooth Jewelry**

Dr. Greg Johnson, Board of Dental Examiners, joined the board meeting to discuss collaboratively. Director Chambers let them know that there is no licensing requirement for tooth gem application or teeth whitening—though errors in performing these practices may result in the need for the client to see a dentist for repair.

**MOTION: The chair moved the following statement:**

The Board of Barbers and Hairdressers does not regulate teeth whitening or tooth gemming. For complaints contact the Department of Law, Consumer Protection Unit at 907-269-5200, 888-576-2529, [consumerprotection@alaska.gov](mailto:consumerprotection@alaska.gov), or on the web <https://law.alaska.gov/department/civil/consumer/cpindex.html>.

**Motion was approved unanimously.**

B. **Microneedling**

The board debated how to manage the practice of microneedling, which was inadvertently added to the scope of practice of tattoo artists in legislation several years ago. Also discussed were dry needling, nanoneedling, skin stamping, and dermarollers, and microchanneling. Director Chambers stated that dry needling is unequivocally outside the practice of anyone regulated under this board. The chair reinforced that puncturing the skin under the top layer is not allowed by any licensee of the board.

**MOTION: Ms. Taylor moved the following statement, seconded by Ms. McGraw, with allowance for staff to edit after consultation with agency counsel, with final board approval via OnBoard:**

*On January 1<sup>st</sup>, 2019, statutory change took effect, and the definition of tattooing was changed to include the terms microblading and microneedling. This statutory change was a result of SB4 which passed April 2018. The FDA released a formal statement on June 12<sup>th</sup>, 2018, announcing microneedling devices as a class II medical device to be used by or under the supervision of medical practitioners. The board is now in the process of researching this device and process.*

*Tattooing is currently defined as “the process by which the skin is marked or colored to form indelible marks, figures, or decorative designs for nonmedical purposes by inserting or ingraining an indelible pigment into or onto the skin, microblading, or microneedling.” However, the process of microneedling does not deposit pigment into the skin nor does it form an indelible mark. The microneedling process is not satisfied by the definition of tattooing. Furthermore, permanent cosmetic coloring, defined as tattooing “for the purpose of simulating hair and makeup” does not support microneedling as the microneedling procedure does not simulate hair or makeup, in addition to not forming or ingraining an indelible pigment into the skin.*

*The board is currently researching these topics; however, at this time, it is our opinion that microneedling, microchanneling, nanoneedling, skin stamping, and dermaroller services, should not be performed by anyone licensed by this board nor should it be included in the definition of tattooing. The board is looking into possible health and safety concerns mentioned by the FDA including but not limited to, permanent skin damage, infection, cross contamination, electrical shock, damage to nerves and blood vessels, scarring, hypo- and hyper- pigmentation.*

*Until we have completely researched this topic our recommendation is that anyone licensed by this board should not perform microneedling, microchanneling, nanoneedling, skin stamping, and dermaroller services. It is in our opinion that microneedling, microchanneling, nanoneedling, skin stamping, and dermaroller services should be kept within the scope of medical professionals in accordance with AS 08.64.*

*Thank you for understanding. If you have any questions, please reach out to the board and questions will be discussed by board members.*

**Motion was approved unanimously**

**C. Fibroblasting, dermaplaning, cryoskin, lasers**

Investigator Hearn stated that she discovered upon inspection that fibroblasting, dermaplaning, was being performed by estheticians. The chair said that fibroblasting utilizes “plasma microbeams.” She stated that dermaplaning is outside of esthetician licensing because it utilizes a scalpel and is beyond the scope of training and education for this type of license. The other esthetician on the board agreed. Members of the board expressed concern about cryoskin as a technique targeting removal of fat below the skin. The board also debated the use of lasers and whether they have a place in esthetics. Ms. McGraw mentioned Celluma Light as an example and asked if it fell within the “derma light” category or if it is considered a “laser.” Director Chambers encouraged the board to look at whether these services fall under AS 08.13.220.

**MOTION: Chair McMullin moved and Ms. Taylor seconded that fibroblasting, dermaplaning, and cryoskin are not within the scope of practice of the Board of**

**Barbers and Hairdressers and may be the practice of medicine or nursing. The board also requested assistance discerning the place of “lasers” in the practice of esthetics and how to define what is acceptable for use by licensees. Request that staff develop a position statement after consultation with agency counsel, with final board approval via OnBoard.**

**Motion was approved unanimously**

**D. Esthetician Services - Dermal Layer**

The board discussed a historical statement from previous chair Glenda Ledford defining esthetic practice: *Estheticians may provide services that do not puncture the dermal layer of skin causing oozing and seepage of body fluids.* Director Chambers recommended that these “siderails” ultimately be clarified in statute or regulation to ensure transparency and clarity for all concerned.

**MOTION: Chair McMullin moved and Ms. Taylor seconded that the board request this statement be reviewed by the Department of Law so the board can discuss at the next meeting**

**Motion was approved unanimously**

**E. Crazy Hair**

The board discussed the practice of “Crazy Hair,” a hairstyling service frequently offered at fairs, festivals, bazaars, and parties. If performed for a fee, it requires a license under 08.13.220(7)(b). It may consist of arranging or styling hair with hairspray, glitter, streamers, keratin beads, heat, tape, or other hairdressing techniques. It requires a mobile shop license under 12 AAC 09.111 and adherence to the state’s safety and sanitation requirements.

The board did not agree on whether to post a statement advising the public about the laws pertaining to crazy hair. Director Chambers advised the board to consider requesting a statutory change to exempt this practice, if that is their wish.

**MOTION: Chair McMullin moved and Ms. Taylor seconded that the board request this statement be reviewed by the Department of Law so the board can discuss at the next meeting**

**Motion was approved unanimously**

**F. Application Review**

The board reviewed an application from Jason Lemberg for body piercing by waiver of exam. The examiner stated that Mr. Lemberg produced verification of fewer than the number of hours of training received; the Alaska regulation requires 1,000 hours. He does not hold a current license in another state.

Chair McMullin moved, and Ms. Taylor seconded, to approve Jason Lemberg’s application for licensure pending completion of 435 theoretical or practical hours and either passing the NIC written body piercing exam or providing verification of an current Tennessee body piercing license.

**Motion was approved unanimously**

**G. Correspondence**

- i. The board considered the request to allow estheticians to provide microblading services by Cheryl Skaflestad. The board agreed that the practice of microblading is depositing pigment and is statutorily under Permanent Cosmetic Coloring.
- ii. The board received the ACPE's denial of Alaska Academy of Advanced Cosmetology and Massage Institute's renewal of authorization.
- iii. The board received the Professional Beauty Association's request for acknowledgment of specialized training for textured hair and agreed to add it on the agenda for discussion at the next meeting.
- iv. The board received an FDA update regarding silver nitrate.
- v. The board considered a request to waive statutory/regulatory requirements for body piercing Claire's ICING, which currently performs outer ear piercing and wishes to expand to nostril piercing. The board agreed that a license is required to pierce nostrils. They also expressed concern about using for nostril piercing a mechanical instrument similar to the device for ear piercing.

**10. Division and Financial Update**

Director Chambers provided brief updates on:

- A. FY22 3rd Quarter Budget Report: Year-end/4<sup>th</sup> Quarter will be released later this month, and a full training on fiscal matters will be presented at the next meeting.
- B. FY22/FY23 RSA – Body Art Inspections
- C. A.O. 335 and military spouse licensing

**11. Computerized Examination Update**

Ms. Whitcomb explained the new computerized exam processes, which are in development and should be launched at University of Alaska test sites in Juneau, Anchorage, and Fairbanks soon. There are many benefits, including the latest NIC exam, provides candidates with score reporting, and post-secondary reports.

**12. Schedule next meetings**

The board reviewed their work for the upcoming year, including the need to have draft legislation prepared and a sponsor identified in order to gain approval to travel to Juneau for the February meeting.

Ms. Daugherty moved and Ms. Taylor seconded the following upcoming meeting dates, which were approved unanimously:

- **Monday, November 14 @ 9:00 a.m.-11:00 a.m.** with a focus on proposing legislation
- **Monday & Tuesday, February 27 & 28 @ 8:30 a.m.** to cover regular quarterly business and meeting with state legislators
- **Monday, May 15 @ 9:00 a.m.- 5:00 p.m.** to cover regular quarterly business
- **Monday, October 2 @ 9:00 a.m. – 5:00 p.m.** to cover regular quarterly business

**13. Old Business**

The board briefly reviewed the legislative changes submitted with the FY22 annual report and regulations they drafted which Regulations Specialist Sher Zinn sent to DEC several years ago.

Members of the board will review all proposals. They will combine the two regulations files into one clean document and send to staff ahead of the November meeting.

**14. Adjourn**

The chair declared the board off the record at 5:15 p.m.

Respectfully submitted:

DocuSigned by:  


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Sara Chambers, Director

Approved:

DocuSigned by:  


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Michelle McMullin, Chairperson  
Board of Barbers and Hairdressers

Date: 11/16/2022