



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

CONDENSED MINUTES OF THE MEETING HELD MAY 15, 2025

By the authority of AS. 08.01.070(2) and AS08.86.030 and in compliance with the provisions of AS 44.64, Article 6, a scheduled board meeting was held via teleconference/Zoom, May 15, 2025.

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

May 15, 2025:

Attendance

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

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

Public Present via Zoom: Jacqueline Polis, Lindsey

1. Call to Order/Roll Call

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

2. Review Agenda

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

Motion: 1st Mae Canady – 2nd Jenn Lombardo

Approve April 17, 2025, meeting agenda as written.

Motion Approved by majority

3. Ethics Disclosure

The board reviewed the Ethics packet provided.

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

4. New Business

A. Strategic Planning and Prioritization Processes (Jessica Pestrikoff)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. Old Business

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

Board members greeted LE Denney.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion: 1st Shannon Thompson – 2nd Jenn Lombardo

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LE Spencer read the motion previously made.

Motion: 1st Shannon Thompson – 2nd Jenn Lombardo

Approve tiered licensure for estheticians and begin legislative and regulatory processes

Motion Approved by roll call vote.

6. Investigations

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

A. Fine Schedule Amendment – Training Documentation Submission Issues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Investigative Memo

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

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

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

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

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

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

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

Ms. Lombardo and Chair McKinley thanked Inv Hartlieb.

C. Investigative Probation Report

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

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

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

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

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

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

Motion to enter executive session: 1st Jenn Lombardo - 2nd Mae Canady.

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

Approved by majority.

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

Motion: 1st Jenn Lombardo – 2nd Mae Canady

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

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

Motion Approved by roll call vote

Motion: 1st Jenn Lombardo – 2nd Mae Canady

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

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

Motion Approved by roll call vote

The board thanked Inv Hartlieb for her time and assistance.

Deputy Director Glenn Saviers joined the board.

8. Division and Financial Update

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Industrial Hemp – Notice to Boards and Licensees

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

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

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

The board thanked DD Saviers for her time and explanation.

A. FY25 2nd or 3rd Quarter Reports

Ms. Dumas reviewed the FY25 3rd Quarter report with the board.

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

6. Public Comment

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

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

Jacqueline Polis, Esthetician

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Administrative Business

A. Review/Edit/Approve Meeting Minutes

- i. February 5, 2025, Meeting
- ii. April 17, 2025, Meeting

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

Motion: 1st Mae Canady – 2nd Jenn Lombardo

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

Approved by majority roll call vote.

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

B. FY25 Annual Report Submission

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

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

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

- Regulation project, 12 AAC 09.990(b), defining appliances as reflected in statute 08.13.220(5) was adopted by the board during the April 17, 2025, meeting.
- Board has been reorganized and has members being involved, participating, and making quorums for its meetings
- Participating in the Medical Spa Services Work Group and active board members, Wendy Palin and Shannon Thompson have been attending and participating in meetings.
- Board members are reviewing cases from the investigative unit and are working on the backlog of cases as well as current ones.
- Started long range strategic planning with assigned board member, Jessica Pestrikoff. Also working with the division to ensure that this project is a success.
- This board and the division's morale is up and excited to get work done in a productive manner.

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

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

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

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

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

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

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

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

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

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

Chair McKinley and Ms. Lombardo briefly discussed this matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

The board briefly discussed the current workforce culture.

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

Ms. Lombardo agreed.

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

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

Ms. Lombardo stated she felt the 1st statement in the report is good.

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Thompson agreed with Ms. Canady.

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

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

Ms. Canady thanked LE Spencer.

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

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

Sara Chambers joined the board meeting.

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

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

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

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

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

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

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

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

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

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

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

- At least one in person meeting a year, possibly in Juneau. Meeting in Juneau will allow additional opportunities for board members to meet with legislators to advance needed legislative (statutory) changes.
- Continue holding a minimum of three (3) meetings a year and schedule additional meetings as needed; meetings will be held via Zoom.
- Continue to have an operating budget so the board can more efficiently accomplish goals. This includes having a member of the division present during board meetings and conducting meetings face to face.
- Support the hiring of a third full time licensing examiner for the program and accept assistance from other program staff. The second licensing examiner position was filled May 12, 2025.
- The board continues to maintain representation at a national level. The board would like, once again, to begin sending appointed board and staff members to National Interstate Council of State (NIC) Boards meetings. NIC meetings are highly valuable to regulating our professions. Current national topics include discussions and multi state board conversations addressing multi-tiered esthetician licenses.
- Update service and practices of estheticians to meet current industry standards and practices. The board continues to make this issue a priority. The board in conjunction with the Division has created the Medial Spa Services Workgroup Board, have defined “appliances” as referenced in statute 08.13.220(5) through a regulation project. This board and the Medial Workgroup have created an Esthetics Procedures Continuum (Final – February 2025) which defines services the current 350-hour estheticians may provide, and services that require medical oversight/supervision.
- Update Statutes and regulations through the strategic planning process including but not limited to creating a tiered esthetician license. The board will create a legislative change packet which would give the board regulatory authority to create and amend licensing and training requirements for all professions regulated by this board. Despite Administrative Order 358, the board will continue to create legislative and regulatory packets for submission when AO 358 is rescinded.

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

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

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

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

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

13. Old Business

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

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

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

14. Administrative Business, Cont.

A. Staff esthetician service assistance request – Threading

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

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

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

The board stated estheticians and hairdressers may provide threading services.

LE Spencer thanked the board.

B. Correspondence

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

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

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

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

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

C. Application Review

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Lombardo thanked Ms. Chambers.

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

15. Adjourn

The chair declared the board off the record at 3:23 p.m.

Respectfully submitted:

Cynthia Spencer, Licensing Examiner III

Approved:

Kevin McKinley, Chairperson
Board of Barbers and Hairdressers

Date: _____