

**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

September 15, 2008

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 September 15, 2008

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order at 8:55 a.m.

Members present were:

Debra Long, Hairdresser, Chairperson
Alice Massie, Hairdresser/Esthetician
Charlette Lushin, Barber
Carol Hernley, Barber
Lorenda Britten, Tattoo and PCC
Kelley Sherman, Public Member

Staff present was:

Colleen Wilson, Licensing Examiner

Agenda Item 2 Review and Approve Agenda

On a motion duly made by Massie, seconded by Lushin and carried unanimously, it was RESOLVED that the agenda was approved

Agenda Item 3 Review and Approve Minutes of April 7, 2008

On a motion duly made by Massie, seconded by Sherman and carried unanimously, it was

RESOLVED to approve the minutes.

Agenda Item 4 Ethics Reporting

No Ethics problems to report.

Agenda Item 5 Investigative Report

Brian Howes presented a consent agreement for case #0421-08-006

On a motion duly made by Massie, seconded by Lushin and carried unanimously, it was

RESOLVED to accept the consent agreement for case #0421-08-006

Being ahead of schedule the board decided to address the license reinstatement of Rose Earwood. Ms Earwood esthetician license has been lapsed for more than three years. She is required by regulation to take a written and practical test in order to reinstate the license. She wrote a letter to the board asking them to waive this requirement. The board cannot waive its own regulations.

On a motion duly made by Sherman, seconded by Lushin and carried unanimously, it was

RESOLVED to deny the license reinstatement of Rose Earwood unless she passes the written and practical Esthetician tests.

Agenda Item 6 Shop Owner Licenses

A discussion about the new policy to make shop owner licenses optional

Agenda Item 7 NIC Conferences

On a motion duly made by Massie, seconded by Lushin and carried unanimously, it was

RESOLVED to send one board member to the NIC conference in 2009

Agenda Item 8 UAF Tanana Valley Campus

Present were Richard Caulfield, Director
 Ardith Lynch, Attorney UAF
 Jenna Conley, Assistant Attorney General
 Kimberly Striker, DEC

Richard Caulfield gave the background and an update on the TVC Cosmetology Pilot Program.

Presented the course outline that was submitted when the school application was submitted. Received a letter stating that the practicals that were performed at the campus could not be counted as they were not in compliance with the regulation. Stated the letter said it was a new interpretation of the regulation. Would like to request three things:

- That the practical operations already submitted to the board for Jan – Jun 2008 be accepted by the board.
- That the program be able to continue as it has performing practicals at the campus
- A regulatory change of 12 AAC 09.127 (b)(2)

Ms. Lynch: The practicals performed at the TVC center are not done on the public. Students perform them on mannequins or each other.

Ms. Conley: Disagrees with Mr. Caulfield characterization of the letter that was sent to him as a new interpretation of 12AAC 09.127(b) (2). It was always there. It went unnoticed until now when students are already into the program. We are addressing it as the regulation was written. It is up to the board to accept/not accept the practical operations.

On a motion duly made by Massie, seconded by Sherman and carried unanimously, it was

RESOLVED to accept the practical operations recorded on the January – June 2008 monthly reports for students enrolled in the TVC Cosmetology Pilot Program

The board went on to discuss changing 12AAC 09.127(b) (2):

Caulfield regulation change needs to clarify the difference between practicals performed on mannequins and those on the public. Needs to allow practicals to be counted when performed at the TVC center, this will allow the students to prepared before they go to the partner salons to work.

Colleen: If the regulation is not changed by January first the college will not be able to count practicals performed at the TVC campus on monthly reports.

Ms. Conley explained that there was an avenue for an emergency change of regulations. She did not have the regulation with her at the moment. It would allow for a shortened time frame. There is a set criterion for determining what an emergency is. She was not sure if it would qualify.

Kim Striker explained the board needs to make an argument to why they think it is an emergency.

The board went on to discuss the meaning of practical operations and if there was any other avenue the school could go through that may not require a regulation change. None could be found.

On a motion duly made by Massie, seconded by Lushin and carried unanimously, it was

RESOLVED to change regulation 12AAC 09.127 (b) (2) to read:

“practical training on members of the public must be performed in a shop licensed under AS 08.13.120 and 12AAC 09.110. For purposes of the regulation, a member of the public does not include mannequins or students register in the college’s cosmetology program.

The board requests that this regulation change be an emergency project for the following reasons:

- **For the protection of the public, the regulation is being changed to specify where students my perform operations on the public and to define who the public is.**
- **When the school license was approved the regulation was in place. It was approved even though the curriculum was not in compliance with the current regulation. We have identified an oversight in the application process. The change needs to be made so the college will be in compliance with the curriculum that they have in place now when they start their January 2010 semester.**
- **New student starting in January 2010 could be delayed and Federal Student Loans could be impacted if the regulation isn’t changed to bring the college into compliance by January 2010.**

Agenda Item 15 Industry Discussion

The board discussed the following industries in the cosmetology field:

Fish Pedicures
Credo Blades
Eyelash Extensions
Braiding

Susan Winton, Investigator for the Dental Board joined the discussion. She explained that Malls and Salons state wide are performing teeth bleaching. Teeth bleaching is within the scope of practice of a Dentist only. This includes any kind of bleaching including over the counter products. She will be visiting these operations to close them down.

Lunch 12:00pm

On the record 1:05

Roll Call:

Debra Long, Hairdresser, Chairperson
Alice Massie, Hairdresser/Esthetician
Charlette Lushin, Barber
Carol Hernley, Barber
Lorenda Britten, Tattoo and PCC
Kelley Sherman, Public Member

Staff present was:

Colleen Wilson, Licensing Examiner

Agenda Item 10 Public Comments

Liza Simms spoke during public comment about Permanent Cosmetic Coloring the need to separate the occupation from Tattooing. She spoke of the differences between the two occupations and the differences between the tools used. She also passed around pictures of a permanent cosmetic coloring client showing what can happen when the practitioner doesn't know what they are doing.

Agenda Item 11 Regulations

On a motion duly made by Massie, seconded by Hernley and carried unanimously, it was

RESOLVED to leave 12AAC 09.005(e) as written

On a motion duly made by Massie, seconded by Hernley and carried unanimously, it was

RESOLVED to change 12AAC 09.75(g) to read:

An applicant who does not pass all required subjects of all sections of the examination within three years after the date the examination was first administered to the applicant shall retake and pass all required subjects of all sections, including the subjects and sections previously pass, to qualify for licensure. Examinations must be taken at least one per year, in the three year period.

On a motion duly made by Lushin, seconded by Massie and carried unanimously, it was

**RESOLVED to change 12 AAC 09.110 (a) (7) to read
“...documentation that within 90 days of the date that the application was submitted to the department,....)”**

On a motion duly made by Massie, seconded by Hernley and carried unanimously, it was

RESOLVED to move all the above regulation changes to public

Agenda Item 13 Haircut/Hairstyle Exam Guidelines

The board decided to send the schools the practical scoring guidelines used by the proctors of the practical test. This will help them to prepare their students to take the exam.

Agenda Item 14 Annual Report

On a motion duly made by Massie, seconded by Lushin and carried unanimously, it was

RESOLVED to change the Goals and Objectives for 2009 to read as follows:

1. Conduct three one-day, face-to-face meetings and teleconferences as needed.
2. Have an operating budget so that we can accomplish our goals.
3. Representation on the National Level
4. Continue to be attentive to the school and Instructor responsibilities to the student, i.e. applications filed in a timely manner and record keeping
5. Take steps to educate the legislature on the concerns of our profession, i.e. sanitation and public safety and any statute change necessary to separate the professions and to separate the Tattooing and Permanent Cosmetics Coloring license.
6. To be more accessible to the public at board meetings via teleconferencing

On a motion duly made by Lushin, seconded by Massie and carried unanimously, it was

RESOLVED to change the Legislative Recommendations for 2009 to read:

- 1) Recommend Legislature pass legislation to change the title of the board of Barbers and Hairdressers to include Manicurist and body Artists.
- 2) Recommend Legislature change AS 08.13.010 (a) to read "...7 members appointed by the governor." In the following make-up:

- i) One person licensed as a barber
 - ii) One person licensed as a hairdresser
 - iii) One person licensed as an esthetician
 - iv) One person licensed as a manicurist
 - v) One person licensed as a body piercer
 - vi) One person licensed as a tattoo and permanent cosmetic color
 - vii) One public member
- 3) Recommend raising hours to be licensed as a manicurist to 350 hours.
- 4) Recommend separating Tattooing and Permanent Cosmetic Coloring into two separate licenses.

The board discussed and filled out the Legislative Analysis for each new recommendation.

Agenda Item 15 Practical Scoring Guidelines

The board decided to send the schools the practical scoring guidelines used by the proctors of the practical test. This will help them to prepare their students to take the exam.

Agenda Item 15 Industry Discussion

The board discussed the following industries in the cosmetology field:

Fish Pedicures
Credo Blades
Eyelash Extensions
Braiding

Susan Winton, Investigator for the Dental Board joined the discussion. She explained that Malls and Salons state wide are performing teeth bleaching. Teeth bleaching is within the scope of practice of a Dentist only. This includes any kind of bleaching including over the counter products. She will be visiting these operations to close them down.

Agenda Item 17 Office Businesses

On a motion duly made by Lushin, seconded by Massie and carried unanimously, it was

RESOLVED to hold the 2009 board meetings on the following dates:

**January 12, 2009
May 4, 2009**

September 21, 2009

On a motion duly made by Lushin, seconded by Massie and carried unanimously, it was

RESOLVED to hold written and practical exams for 2009 on the following dates:

Anchorage written and practical:

**January 25 - 26, 2009
February 22 - 23, 2009
March 22 - 23, 2009
April 26 - 27, 2009
May 31 and June 1, 2009
June 28 - 29, 2009
July 26 - 27, 2009
August 30 - 31, 2009
September 28 - 28, 2009
October 25 - 26, 2009
November 15 - 16, 2009
December Cancel**

Fairbanks written and practical

**January 25 - 26, 2009
March 22 - 23, 2009
May 31 and June 1, 2009
July 26 - 27, 2009
September 28 - 28, 2009
November 15 - 16, 2009**

Fairbanks written only

**February 23, 2009
April 27, 2009
June 29, 2009
August 31, 2009
October 26, 2009**

Juneau as requested

Agenda Item 18

Adjourn

On a motion duly made by Massie, seconded by Lushin and carried unanimously, it was

RESOLVED that we adjourned the meeting.

Adjourned at 3:45 p.m.

Respectfully Submitted:

Colleen Wilson, Licensing Examiner
Board of Barbers and Hairdressers

Approved:

Debra Long, Chair
Board of Barbers and Hairdressers

Date: _____