

**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

MAY 4, 2009

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 May 4, 2009

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order at 9:02 a.m.

Members present were:

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

Staff present were:

Colleen Wilson, Licensing Examiner

Agenda Item 2 Nominations

The only nominee was Debra Long
Nominated by Charlette Lushin
Second by Lorenda Britten

Debra was nominated as Chair by a unanimous vote.

Agenda Item 3 Review and Approve Agenda

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

RESOLVED that the agenda was approved

Agenda Item 4 Review and Approve Minutes of January 12, 2008

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

RESOLVED to approve the minutes

Agenda Item 5 Ethics Reporting

No Ethics problems to report.

Agenda Item 7 Investigative Report

The Investigative Report was reviewed by the board. There were no questions

Agenda Item 8 Regulations

8A Regulations public noticed for public comment:

**12 AAC 02.140(3)
12 AAC 02.140 (b)**

8B 12AAC 09.002 (t)

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

RESOLVED to amend 12 AAC 09.002(t), to read

12 AAC 09.002. REVIEW OF LICENSE APPLICATIONS

(t) The following checklist is established by the board for review of an application for a student permit for an applicant to obtain training for hairdressing, barbering, or esthetics by a licensed instructor in an apprenticeship program in a licensed shop. A student permit to obtain training in hairdressing, barbering, or esthetics by a licensed instructor in a licensed shop will be issued to an applicant who submits

- (1) a completed application on a form provided by the department;
- (2) the student permit fee established in 12 AAC 02.140; **and (remove)**
- (3) a completed statement of responsibility form from the licensed instructor who will provide the training, **and**
- (4) a shop equipment self check list.**

Agenda Item 6 Public Comments

As it was 9:45 am it was decided to return to agenda item 6,
public comment

Called in:
Rebecca Channer
Melody Camargo
Kathie Preheim

Discussed Media Make-Up Artists and the problems that arise
from regulations requiring them to be licensed Estheticians and
restricting them to working in approved shops only.

They are called the Alaska Make-up Design Team. They want to
bring awareness to the board for the growing demand of make up
artists in the film industry. They do not want to be confused with
the duties of an esthetician. They are not estheticians. They do
not practice procedures that break the skin. They have attended
school in California. They apply camera ready makeup for film,
stage productions, fashion photograph, etc. They need to be able
to work on location. They should not be subject to the regulations
for Estheticians. This will interfere with economic development. It
is required that media make up artists apply make up on location.
They don't need a license to perform their art other than a
business license and contracts. Everyday in Alaska independent
make up artists perform their duties at locations that are not
approved shops and it will continue. They are independent
contractors. It would be extremely difficult if not impossible to
regulate media makeup artists under the blanket term
Estheticians, since by the nature of the profession they perform
their duties at locations which cannot be limited to central salons.
Please read the document that was provided.

Carol Hernley pointed out that in the document provided under the
curriculum it listed under practicals, eye brow shaping. Wouldn't
this involve plucking and breaking the skin?

The eye brow shaping is done with pencils and shadows. No
plucking is performed. They do not own wax.

Debra Long asked if there is any sanitation involved in the
curriculum.

Sanitation is very important to them.

Hernley does not see any thing in the curriculum course about

sanitation.

The curriculum in the handout is not the complete curriculum for the course. It is from the web page. Sanitation is included; a complete curriculum can be submitted if requested.

Debra Long told them the statutes and regulations are clear and they are working illegally. They need to discuss this with their representative.

Judy Weske told the callers that we have received contact from the Alaska Film Institute. The division will confirm with our Department of Law the correct course of action in this case.

Bob Crockett from the Alaska Film Group, They are an information group and represent film crew professionals and vender that work in the film industry in Alaska. They were approached by two make up artists with information about an issue they had been experiencing about their operation. We quickly discovered that their issue with the State of Alaska and the current Statutes as they are written doesn't apply to the film and television industry. Makeup artists are out of the jurisdiction of the Board of Cosmetology in the state of California. No licenses are required for makeup artists in the film industry. Not being able to perform makeup application on location would kill the craft in any state that it is operating in. This is more of an education process and the film group would be glad to communicate with the board to bring it up to speed how the television and film industry approached requirements for makeup artists. We will be communicating with legislators on how to address changes in the current statutes. The State of Alaska just implemented and economic incentive to encourage film production to come into the state.

Judy Weske informed the board the Department of Commerce has granted money the Alaska Film Group because of the tourism division. This is a bigger issue than just the women who called in because the Alaska Film Group is involved. She is going get a hold of the Department of Law about this issue and have them weigh in on it.

Break was taken 10:30 am
Back at 10:45 am

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

RESOLVED to amend 12 AAC 09.075(f) to read:

12 AAC 09.075. REEXAMINATION

(f) An applicant who fails the written section of the examination or any required subject of the practical section of the examination three times or more shall provide documentation to the board of successful completion of remedial training. **Documentation must be received by the division assigned occupational licensing functions at least 30 days before the next examination date.** An applicant applying under this subsection to retake the practical section of the examination shall provide documentation to the board of successful completion of 50 hours of training in each practical examination subject failed. An applicant applying under this subsection to retake the written section of the examination shall provide documentation to the board of successful completion of at least 50 hours of theoretical training. The applicant shall complete the remedial training in a school approved by the board or an apprenticeship program approved by the board and shall hold a valid student permit during the training as required in AS 08.13.180.

Agenda Item 9 Permanent Cosmetic Color

Board Member Lorenda Britten explained that there are 5 – 6 under the table people performing permanent cosmetic coloring (PCC) without licenses. We don't know who is a tattoo artists and who performs PCC because the license is the same. She is seeing more and more people walking into her office wanting her to fix something that was done poorly at other establishments. She wouldn't touch most of it, she sends them to a plastic surgeon or laser establishment. Many people won't give the name of the person that messed up because they don't want to get into trouble. Some are friends of friends and working out of homes. There are some salons that are doing PCC without license. All these procedures are done on the persons face. Most of them cannot be fixed or if they can, it will require surgery. We need to monitor this better.

Lushin asked are you suggesting that we separate the license.

Britten replied yes. She sees these problems as a major health risk. It can be so disfiguring. You can hide body art scares but you cannot hide scaring on your face.

Colleen reminded the board that they have included separating the

license in the legislative recommendations for at least the past two years.

Hernley asked how many people are doing PCC in the State of Alaska.

Britten answered that we don't know as they are mixed in with the tattoo artists because the license is the same.

Colleen explained that PCC people take the same curriculum and test as tattoo artists. If the license was separated, the board could regulate different standards for each.

Britten explained that the tissue on the face and the body are completely different. The dye and tools for each profession are different.

Colleen explained that people need to complain if they have any problems. Britten had a client who complained about 2 years ago and was never contacted about it. She was very frustrated.

Britten continued to say that there are many health disorders, including mental disorders, that would eliminate some people from having a PCC procedure, but if the practitioner isn't trained correctly, they won't know anything about these disorders.

She is also concerned that tattoo and PCC artists can take on apprentices without any experience. They just need to be licensed.

Colleen explained that this can't be changed by us, as it is in statute. There is no requirement to pass any kind of instructor test to prove you can instruct.

Britten would recommend no less than 1000 hours of training for Permanent Cosmetic Colorists.

License separation must take place first before anything can be changed for Permanent Cosmetic Colorists.

Britten will make a list of talking points to explain why the board wants to separate the license.

Agenda Item 10 **Correspondence**

National-Interstate Council of States Boards of Cosmetology
Annual Conference

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

RESOLVED to approve the Debra Long attend the NIC Annual Conference in South Carolina, Sept. 26-28, 2009.

Schroeder Measurement Technologies, Inc
Test Pass/ Fail statistics

Colleen explained that the Esthetician national pass rate is 78%. Every year Alaska's pass rate is below this average. In 2006 the pass rate was only 35%. In January and February 10 tests were given and only 3 passed.

Massie explained that there just isn't enough time in the curriculum to teach everything that needs to be taught. There are only 350 hours required.

Colleen explained that NIC does surveys every few years to find out what is happening in the Esthetics industry and changes the test accordingly. The board can change the hours that it takes to become an Esthetician.

Massie did some research and it seems that the other states are requiring around 750 hours.

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

RESOLVED to look into raising the theory hours for Estheticians, at the next board meeting in September 2009. Massie will present her ideal curriculum to the board at the next board meeting in September.

Lunch off the record 12:00 pm

On the record 1:10 pm

Roll Call:

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

Staff present was:

Colleen Wilson, Licensing Examiner

Agenda Item 11 Tattoo & Permanent Color Cosmetics and Body Piercing Requirement

Regulation 12 AAC 09.185 Trainees in Body Piercing, or Tattooing and Permanent Cosmetic Coloring

Colleen explained that she took into account what the boards concerns were about tracking the training of Tattoo Artists, Permanent Cosmetic Colorists, and Body Piercers. The changes she made to the regulation will make it more consistent with what is required of the other apprenticeship programs that the board regulates. She presented an example of what the new regulation might look like. She isn't sure that the new requirement of needing 3 years of work experience in order to train will be approved as it may require a statue change.

Debra wanted to know why the board couldn't require the same things of body artists as they do for other professions when they want to instruct some, such as testing.

Colleen explained that the statues don't allow for an Instructor license in any of the body art professions.

The board reviewed the new monthly report forms submitted by Colleen and liked the layout.

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

RESOLVED to amend 12 AAC 09.185), to read

12 AAC 09.185. TRAINEES IN BODY PIERCING, OR TATTOOING AND PERMANENT COSMETIC COLORING.

(a) A currently licensed practitioner of body piercing or tattooing and permanent cosmetic coloring, **who has held a practitioners license for at least one year**, in a shop that is licensed by the board under 12 AAC 09.110 may provide training in body piercing or tattooing and permanent cosmetic coloring to no more than two trainees simultaneously.

(b) The instructor of a trainee must provide a time clock in the shop for the recording of the trainee's attendance. The instructor must maintain daily records of the trainee's hours of attendance. The instructor must maintain all records in an orderly manner and make records available for inspection by a member of the board during the hours the shop is open.

(c) A trainer may not credit an apprentice for more than 10 hours of training in any one day.

(d) A trainee may not perform work in a shop unless the licensed trainer responsible for the trainees training is on the premises.

(e) not later than the 15th day after the calendar quarter, on a form provided by the department, a trainer shall submit a report on each trainee under their supervision. This report must include:

(1) for tattoo and permanent cosmetic coloring the exact number of hours of theoretical and practical operations completed by the trainee during the previous quarter.

(2) for body piercing the exact number of hours of theoretical and the exact number and type of practical operations completed by the trainee during the previous quarter.

(f) the quarterly report must maintain continuity from month-to-month from the start date of the training to the date of termination or completion of the course of instruction regardless of attendance by the trainee.

(g) the trainer must submit a Certificate of Student Training from for Tattooing and Permanent Cosmetic Coloring or Body Piercing within 20 days of termination, documenting the theoretical and practical operations completed by the trainee during the incomplete training

period.

(h) upon completion of a course of instruction under this section, the trainee is eligible to take the appropriate examination in the license categories of Tattoo and Permanent Cosmetic Coloring or Body Piercing. The trainer shall submit a Certificate of Student Training form with 30 days after the completion, documenting the theory hours and practical operation.

(i) a trainee who interrupts his or her training for a continues period of two years will not be allowed credit for training received before the interruption.

12AAC 09.002 Review of License Applications

Colleen explained she would like to add a copy of the sanitary standards for the shop as a requirement to approve a trainee in the body art professions. The shop must be approved and having a shop owner license is not the only requirement for body art shops. They must have an inspection completed every year. She would like to make it the shops responsibility to prove they are an approved shop by sending a copy of the current certificate in the apprentice application.

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

RESOLVED to amend 12 AAC 09.185), to read

12 AAC 09.002. REVIEW OF LICENSE APPLICATIONS

(u) The following checklist is established by the board for review of an application for a student permit for an applicant to obtain training for body piercing or for tattooing and permanent cosmetic coloring by a licensed practitioner in an apprenticeship program in a licensed shop. A student permit to obtain training for body piercing or for tattooing and permanent cosmetic coloring by a licensed practitioner in a licensed shop will be issued to an applicant who submits

- (1) a completed application on a form provided by the department;
- (2) the student permit fee established in 12 AAC 02.140;
- (3) a completed statement of responsibility form from the licensed practitioner who will provide the training; **and (remove)**
- (4) certified true copies of current cards issued by the American Red Cross, the American Heart Association, or a similar organization approved by the board,

showing that the applicant successfully completed training courses, and

(5) A copy of the current Certificate of Sanitary Standards for the shop the training is to take place in.

Agenda Item 13 Barber and Hairdresser Curriculum and Practical Test

12AAC 09.160 (a) (10)

Colleen asked the board to remove the requirement of manual facials in the curriculum as they are not in the scope of practice for Barbers or Hairdressers.

The board discussed that they thought the requirement is important, even though actual esthetics facials are not in the scope of practice of a barber or hairdresser. The face is touched in both professions during some procedures. They need to have an awareness of the procedure.

The board decided not to amend the regulations.

12AAC 09.160 (a)

Colleen presented the idea of specifying what state laws the students are supposed to have 5 hours of training in. She suggested specifying not only Board of Barber and Hairdressers statutes and regulations but also the Department of Environmental Conservation regulation 18 AAC 23, Hair and Body Art Schools and Shops, which cover sanitary and other concerns. She suggested placing it on the web page.

Debra would like a link the DEC 18 AAC 23 on the web site.

Agenda Item 12 Student Instructor

Jennifer Strickler, Division Chief Licensing Examiner joined the meeting to discuss a student instructor and school problem that has been brought to her attention by the Deputy Commissioner.

The student used 6 hours of work experience at Glena Learning Academy to help her qualify to enroll in a student instructor program there. She had 6 months of work experience from out of state plus the 6 hours submitted from the Galena Learning Academy to equal the one year experience required to enroll in the student instructor program. She was issued a student permit to

start training in error. The school does not have a shop owner license, which is required to be an approved shop. Hairdressers cannot work outside an approved shop. The 6 hours of work experience at the school cannot be accepted; hence, the time acquired in the student instructor training cannot be accepted as she did not have enough work experience to be enrolled. She applied for testing but may not qualify because of this mix up. Mistakes were made by the division and the school. The school wants to hire her after she is licensed as an instructor as the instructor they have now wants to leave. Will the board consider giving her credit for what she has done and allow her to take the instructor test. The board could put a limit on her license by putting a probationary period on it when it is issued.

Carol is not in favor of not making an exception for this student.

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

RESOLVED to accept the hours of the Instructor applicant and allow her to take the instructor test. To put one year probationary period on her Instructor license when issued. To write a letter to the school that this will not happen again. To place a reprimand on the school license of Galena Learning Academy for not having a shop owner license.

Debra Long	Yes
Charlette Lushin	Yes
Carol Hernley	No
Lorenda Britten	Yes
Alice Massie	Yes
Kelley Sherman	Yes

The board went on to ask Ms. Strickler how they would communicate with the legislature about wanting to separate the Tattoo and Permanent Cosmetic Color license into two. Can they write a letter to the legislature expressing their desires?

Jenny explained that the board cannot communicate with the legislature in this manner as it is considered lobbying. You can as an individual state your concerns to your representative. You can write a letter and list your concerns and address it to the Division Director. Your request would fall in line with the Division of Administration priorities. Debra would need to draft a document to give the division all the information so they could take the concern to the legislature and tell them why the change needs to be made.

The Board thanked Ms. Strickler for her time.

**Agenda Item 13 Barber and Hairdresser Curriculum and Practical Test
Continued from previous discussion**

The board returned to Agenda Item 13 and the topic of the State Law requirement in the Barbers and Hairdresser curriculum.

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

RESOLVED that 12 AAC 09.160 (a) be amended to read:

12 AAC 09.160. BARBER AND HAIRDRESSER SCHOOL CURRICULUM.

(a) A student who is enrolled in a course of barbering or hairdressing must complete a curriculum that consists of at least 1,650 hours of theoretical and practical training. A school shall teach a minimum of 185 hours of theoretical instruction, including five hours in state law, **to include Barbers and Hairdressers Statutes 08.13, Barbers and Hairdressers Regulations 12 AAC 09 and Department of Environmental Conservation regulation 18 AAC 23**, and the following minimum number of practical operations, during the 1,650 hours of training:

Break, off the record 2:55

On the record 2:15

Debra stated her concerns that Milady has re-published the hairdressing text book and changed some items. There is some different terminology in the new text book, especially in bleach and color. The terminology in the test candidates' verbal's during the practical exam may be different. Are we giving the candidate the benefit of the doubt if they use different terminology?

Massie only marks them down if they are blatantly wrong.

The board discussed the hairstyle portion of the test and if it needed to stay in the practical exam. Debra stated at a previous meeting the board at the time voted to remove the hairstyle portion from the practical test. She is sure that in a meeting following this board voted to put it back in. She feels that it is fundamental in learning to be a hairdresser and the other members agreed. Hairstyle will remain part of the practical exam.

Agenda Item 13 Annual Report

Debra Long will complete the narrative report

Goals and Objectives for Fiscal Year 2010

No Changes to Goals from 2009

Legislative Recommendations for 2010

The board agreed to change the Legislative Recommendations for 2010 as follows:

1. Recommend separating Tattooing and Permanent Cosmetic Coloring into two separate licenses.
2. Recommend raising hours to be licensed as a manicurist to 350.
3. Raise Instructor requirement to 5 years work experience or 3 years experience plus 600 hours of student instructor training.
4. Create one more seat on the board to represent Body Piercers.

Agenda Item 15 Office Businesses

Travel Authorizations were signed and receipts were collected.

Agenda Item 18 Adjourn

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

RESOLVED that the meeting be adjourned

Adjourned at 4:30 p.m.

Respectfully Submitted:

Colleen Wilson, Licensing Examiner
Board of Barbers and Hairdressers

Approved:

Debra Long, Chair
Board of Barbers and Hairdressers

Date: _____