

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

MINUTES OF MEETING

JANUARY 25, 2010

By authority of AS 08.13.040, and in compliance with AS 44.62, Article 6, a scheduled meeting of the Board of Barbers and Hairdressers was held on January 25, 2010.

Agenda Item 1 Call to Order/Roll Call

The meeting was called to order at 9:00 a.m.

Members present were:

Debra Long, Hairdresser, Chairperson
Alice Massie, Hairdresser/Esthetician
Charlette Lushin, Barber
Carol Hernley, Barber
Kelley Sherman, Public Member

Absent were:

Lorenda Britten, Tattoo and PCC

Staff present was:

Colleen Wilson, Licensing Examiner

Agenda Item 2 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 3 Review and Approve Minutes of September 14, 2009

On a motion duly made by Hernley, 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 Board Member Expiration

Alice Massie's and Charlotte Lushin's seats are expiring in March.

Alice and Charlotte will stay until the Governor appoints someone.

Agenda Item 9 Exams

Alice Massie wants to know why a board member has to be at the exam. There are ample people who can take her place if she can't make it.

Debra Long says we need a statute change to be able to do this. She reads the statute as a board member has to be there.

Alice Massie wants to know how the board changed from the way it was done earlier.

Charlotte Lushin explained that the board voted that a board member had to be there. She agrees with Alice that a lead proctor should be able to be someone who is not on the board.

Colleen suggested having department of law look at the statute and interpreting it for the board.

Sher Zinn is present at the board meeting. She states that she will ask the department of law to help out with this problem.

Debra Long is concerned about the cost of travel. Juneau exam is very expensive.

Alice Massie wants to restrict Juneau exams to twice a year. Traveling to exams is the cost of getting your license in this state.

Debra Long explained postponement is only 25.00.

Colleen says that the Juneau exam is posted on line at quarterly for 2010.

Agenda Item 6 Investigative Report

Jasmine Bautista, Investigator was on conference call.

On a motion duly made by Lushin, seconded by Sherman and carried unanimously, it was RESOLVED to go into Executive Session per AS 44.62.310 (c) (2) for the purpose of reviewing cases and reports presented by the investigative team.

Off the record – 9:26 am

On the record – 9:50 am

On a motion duly made by Massie, seconded by Lushin and carried unanimously, it was RESOLVED to accept the consent agreement for case #0409-10-001.

On a motion duly made by Massie, seconded by Lushin and carried unanimously, it was RESOLVED to accept the consent agreement for case #0409-10-002

The board discussed the Investigative Report with Jasmine Bautista.

Agenda Item 6 Public Comment

Rich Caulfield called in an updated the board on the UAF Tanana Valley Campus Cosmetology Program:

Kevin McKinley discussed his concerns about medical doctors doing body piercing. He also discussed dermal anchors. He has a video to bring to the next board meeting.

Zeela Snodgrass Owner Natural Nails by Zeela in Juneau discussed her concerns with the amount of hours that are required for Manicurists. She would like to see the hours raised and testing to be implemented. She presented a hand to the board members.

Sue Douglas resident of Juneau and customer of Zeela raised her concerns about improving the requirements for manicuring and how important it is to consumers that changes be made.

Karen Hanson a consumer is glad the board is interested in changing the manicuring laws.

Lynette Bergh, legislative aide to Senator Coghill, is concerned about the quality of manicurist in our state. More education is critical. Training needs to include practicum. She discussed the bill that was being prepared for the legislature.

Agenda Item 9 Exams

Charlotte Lushin is concerned about people showing up early for her exam. She would like her exam in Fairbanks to start at 9:00 am. Colleen will ensure that there is better communication with candidates and the school where the exam is being held.

There was discussion about how the exams are sent to proctors. Would US Postal service be better than Fairbanks? Colleen doesn't mind sending exams by Express Mail.

Debra Long says that TVC wants to use mannequins for the haircut. They have a problem getting models for their students.

Charlotte thinks that a mannequin would be a disadvantage to the student. The hair isn't the same as a human.

Alice Massie thinks that there would be no excuse not to have the perfect haircut if a mannequin is used.

Carol Hernley wants communications to be better between the proctors in Juneau. She wants all proctors to have each other's cell phone numbers. She also thinks that the candidate should have the lead proctor's cell phone number if they are testing in Juneau. It is ok to give her cell phone number out to candidates.

Colleen would like permission in writing from Carol.

Colleen would like to know if a barber candidate can leave a goatee or mustache for the shave portion of the practical exam.

Charlotte Lushin and Carol Hernley say no, the shave above the lip and the chin area is very tricky and needs to be demonstrated.

Colleen read from the proctor instructions and it says that the shave must be clean.

Colleen would like the board members to sign their Travel Authorization before they are return them to her.

Carol would like to see Juneau proctors go to Anchorage and attend an examination for practice.

Charlotte thinks this would be pointless as Juneau will never have the large exams like Anchorage. Proctors that want to do that would have to buy their own airfare and hotel accommodations.

Agenda Item 11 Tattoo & PCC and Body Piercing

Colleen explained that this agenda item was generated from public comment that was given by Rodney Dial as the September 14, 2009 meeting.

Can theory hours that are the same be used for Tattoo & PCC and Body Piercing curriculums? Hairdressers and Barbers can use practicals that are the same for either curriculum.

Debra asked Kevin McKinley, owner Body Piercing Unlimited, what he thought about this idea. He explained that there are some things that would cross over such as autoclave use and sterilization but it would not be an all or nothing thing. There are some things with piercing cross contamination which are not going to be the same as tattooing. If you try to do this the curriculums will become diluted. Theory hours are not the same in both professions.

Colleen states that there are some things that would be the same as studying the Alaska State Statutes. She asked Kevin wouldn't the study of anatomy and physiology be the same.

Kevin states no it is different with each profession. Each profession is learning something different about the anatomy. Piercers look at the grain of the skin to place a hole. With tattooing your impregnating ink into the skin and you don't have an open wound.

Alice wants to table this item for the next board meeting when Lorenda Britten will be present.

On a motion duly made by Massie, seconded by Hernley and carried unanimously, it was RESOLVED to table the discussion of the theory hours for Tattoo & PCC and Body Piercing until the next board meeting.

The discussion went on to be about online training for Body Piercers and Tattoo & PCC trainees.

Charlotte asked Kevin his opinion of this.

Colleen explained this would cover the observed practicals for Body Piercing.

Kevin explained that the training is not standardized on line. He uses the internet to help his trainees see what is wrong. He is developing training videos for body art.

On a motion duly made by Massie, seconded by Lushin and carried unanimously, it was RESOLVED to table the online training discussion until the next board meeting.

Adjourned for Lunch 12:01 pm

On the record 1:00 pm

Roll Call

Members present were:

Debra Long, Hairdresser, Chairperson
Alice Massie, Hairdresser/Esthetician
Charlette Lushin, Barber
Carol Hernley, Barber
Kelley Sherman, Public Member

Absent were:

Lorenda Britten, Tattoo and PCC Absent

Staff present was:

Colleen Wilson, Licensing Examiner

Agenda Item 9 Exams

After listening to the recording of the last meeting, Colleen discovered that the board had not set the exam times for Juneau. After discussion with her supervisor the Juneau times were set to coincide with the Fairbanks exams.

The times will remain how they are posted on the web page.

Agenda Item 11 Tattoo & PCC and Body Piercing

Debra wanted to discuss separating the Tattoo and Permanent Cosmetic Coloring license and the licensing of tattoo schools. She thinks this should be the next thing to address with the legislature.

Colleen suggested putting this on the Legislative recommendations in the yearly report.

Debra wants all board members to go through the statutes and regulations to see what they think should be changed.

Colleen explained that the statutes should not be complicated to change for separating the licenses, but the regulations will. Lorenda was working on creating a curriculum to present to the board for Cosmetic Coloring.

Colleen explained the yearly report will be an agenda item at the May meeting.

The board wants to increase the Esthetic hours. There was concern about Estheticians using lasers. The board will discuss this later on in the meeting under agenda item 17.

It has been hard to fill barber positions on the board. It was discussed that one of the Barber seats on the board should be labeled as a barber or hairdresser. That way it would be easier to fill the position. One seat would remain strictly a barber.

It was discussed expanding the board because the types of licenses that are regulated have expanded to include the body are fields. Carol thinks that the board as it stands is regulating fields of practice that they know little about.

Agenda Item 13A Regulations Project

On a motion duly made by Massie and seconded by Lushin and carried unanimously, it was RESOLVED to adopt as public noticed the changes to the following Board of Barbers and Hairdressers regulations:

12 AAC 09.002
12 AAC 09.075
12 AAC 09.160
12 AAC 09.162
12 AAC 09.185
12 AAC 09.990

And to adopt as amended
12 AAC 09.110

The board took into consideration all public written comment and the cost to the public.

Board Chair Debra Long signed the adoption order.

Colleen suggested that the board approve Anchorage board members to sign documents in lieu of the Chairman. That way documents that need signature on short notice would not be delayed.

Charlette does not agree with this. She thinks that only the board chairman should be signing any documents. It has always been done this way. It could inconvenience the Anchorage member that has to drive to where ever the documents are.

Alice doesn't think the board chair is above any other member. She thinks any person on the board is qualified to sign consent agreements and other documents.

Carol would like to refer to what the board chairman thinks. It would just be a backup in case the board chairman is not available.

Debra thinks that if the board has agreed on an item, she has no problem with someone else signing. She would go with whatever the board decides.

On a motion duly made by Massie, seconded by Sherman and carried unanimously, it was RESOLVED that that an Anchorage board member could sign documents in lieu of the board chairman when needed.

Agenda Item 8 Schools

Colleen explained that she has been receiving questions about students continuing to work in the schools after they have graduated. They just let them continue to work on their student permit. She thinks that once a person has graduated they are no longer students and the permit is no longer valid.

She has had some schools say they have people working there that are not instructors. Some schools have a shop and a school license. Do the shop and school have to have separate areas with separate reception areas?

Carol thinks the public has the right to know if they if they are being cut by a student or a qualified person. Anyone that is in between that doesn't belong in either of the settings. They need to get licensed.

The board will be discussing student permit regulations later in agenda item 13B3.

Colleen would like to revisit the approval of practicals being counted that are

performed in nursing home settings. The schools are required to have certain equipment available to the student that is not made available in a nursing home. She wants to know how these operations can be considered equal to school practicals.

Carol thinks you have to do more when working on a person in a nursing home; such as using hair catchers and working around medical equipment. The student should be getting extra credit for working on someone in a nursing home.

Alice has taken her students to the pioneer home to work on patrons there.

Charlette thinks it is a life lesson for the student and they should get credit. They are giving back to the community.

Alice thinks it is ok but an instructor must be present.

The board consensus was that it will continue to be ok to count practical operations performed in a nursing home.

Agenda Item 10 Apprenticeship Time Frames

Colleen explained that statute states times frames for apprenticeships to be completed, but regulation says nothing about what would happen if the apprenticeship isn't completed within the time frame the statute requires. What are the consequences?

Alice has always thought that they will lose the time and have to start over. She thinks the statutes say what must be done. It must be completed

Debra reads 12 AAC 09.190 (k) saying that an apprentice that interrupts their training for a period of 2 years will not be allowed credit for the apprenticeship.

Colleen doesn't think this applies as that not all the hours are 2 years old. Things done yesterday are not 2 years old. This is a 2 year gap in training. This regulation is for students transferring hours.

Carol thinks that the board should be more lenient with apprentices.

Colleen thinks this should be addressed in regulation to clarify it. Couldn't the student just purchase another permit and continue on? Should they lose their entire education because they are not completed in a certain time frame?

Carol thinks it seems like that is what the statute is saying.

Alice thinks it also protects the instructor. Some students don't want to come regularly and don't show up to work. She tells them they only have 2 years to complete. She doesn't want to continue with them for ever, and you can't effectively

teach them that way.

Schools require their students to be there full time or they drop them.

Colleen would like clarification of this matter. Would the board want to address this in regulation?

Colleen will ask her supervisor to get the Department of Law to clarify what exactly this statute means and what the consequences are.

This item will be addressed at the next board meeting.

Agenda Item 13B 1 Regulations

It was discussed that 12 AAC 09.190 has no requirements for instructors to turn in monthly reports or affidavits of completion or termination although the department has always required them to do so.

The board members think that these should be required of instructors for their apprentices.

Colleen will bring suggestions of changes to the regulation to the next meeting.

Agenda Item 13B 2 Regulations

Colleen explained that in 12 AAC 09.130 (k) the regulation allow schools to withhold hours and documentation for nonpayment of fees. Withholding fees is fine but she would like them to be required to submit the completion or termination paperwork and a letter stating that they would like to withhold the hours for nonpayment. Hours would be held until a letter stating that they have been released is received from the school. Documentation is important for information purposed to determine if the hours were completed or just terminated, otherwise the file stays in the active status until the hours are released and the documentation is submitted.

Colleen suggests removing "except as provided in (k) from (c), (e) and (f) and leaving it in (j) as this talks about withholding a diploma to the student.

She also presented a suggestion for changing (k) to require the documentation when hours are being held for nonpayment.

Alice Massie agrees that the school should submit the documentation with a letter stating the hours are on hold.

Carol wants to research further if schools should even be able to hold hours. She doesn't think this protects the student

The board members would like to table this item until the next board meeting.

Agenda Item 13B 3 Regulations

Colleen explained that she believes 12 AAC 09.180 (d) is now obsolete since the Student License was created in 2001. Students don't need to work on their student permit after they pass the exam as they can work before they even take the exam on the student license. Student permits should be only for training purposes. In fact this very phrase is on the student permit. It says right on it that it is for training purposes only and that it does not allow the student to work in the profession. This phrase completely contradicts the regulation allowing the student to work on the student permit after they pass the exam.

Her suggestion is to repeal (d) and add "Student permits are for training purposes only. They do not authorize the student to work in the profession.

Maybe define training as being enrolled in a school or apprenticeship program or training under a practitioner of Tattoo & PCC or Body Piercing. Upon completion of the above mentioned programs, the training is considered to be concluded. The student must purchase a student license or pass the state board exams and become permanently licensed before they can work in the profession.

Agenda Item 14 NIC Conference

On a motion duly made by Massie, seconded by Hernley and carried unanimously, it was RESOLVED that the board sends the board chairman and possibly one other board member and the licensing examiner to the NIC conference in Seattle on August 28 – 30, 2010.

Agenda Item 15 Travel

Colleen explained the changes to the travel procedures.

Agenda Item 16 Manicuring

Debra asked Lynette Bergh who was now present at the board meeting if she had found out anything about the legislation. Lynette said that legal cannot do anything in one day and the bill was still in their hands.

Lynette discussed prior legislation that had been brought forward that did not pass. This subject has been brought up before by different legislature. Many of the bills have been stopped in finance. The 12-hour class was passed in 1999.

Colleen introduced old statute and regulations books. The board discussed what prior statutes and regulations said about the manicuring field

The board discussed with Lynette the board doing random inspections of salons. She knows of a shop in Fairbanks where people are sharing licenses. Colleen directed her to the web page to the complaints section.

Colleen will email all board members email addresses to Lynette. She will also forward a list of legislative recommendations that the board has submitted in the annual reports and others that they recommend.

Carol wants electrolysis licensed.

Agenda Item 17 Esthetics Scope of Practice

Colleen read the definition of esthetics to the board. The definition says estheticians can use appliances and cosmetic preparations. This could mean lasers and chemical peels but there is no explanation of what kind or strengths of lasers and chemical peels they may use.

She directed the board to the inserts she provided in the board packets.

1. Letter of March 1, 2005 from former Director Rick Younkings
2. Alaska State Medical Board Guidelines Regarding the Use of Lasers and Laser Surgery
3. American College of Surgeons: (ST-11) Statement on Surgery Using Lasers, Pulsed light, Radiofrequency Devices, or other Techniques.

She explained that she gets many calls about what kind of lasers an esthetician can use. The Board has no regulations about equipment used by a profession. There are many kinds of lasers and pulse light therapy apparatuses that are on the market today and many estheticians think they can use them all. Let's face it our curriculum is only 350 hours long.

She went on to explain the difference between "Ablative" and "Non Ablative Treatments" as defined by the American College of Surgeons.

1. Ablative treatments are expected to excise burn or vaporize the skin below the dermo-epidermal junction.
2. Non Ablative treatments are not expected or intended to excise, burn or vaporize the epidermal surface of the skin.

She doesn't suggest that the board regulate equipment but rather to define what appliances and cosmetic preparations are as follows:

“For the purposes of 08.13.220 (5) “appliances” or “cosmetic preparations” used to stimulate the face, scalp or neck, do not include devices, tools or chemicals that are designed to excise, burn, or vaporize the skin below the dermo-epidermal junction.”

She points out that the division policy per the letter from the Director is that Estheticians cannot use “hot lasers” nor do anything that penetrates the dermal layer.

Doctors should be the only ones going deeply into the dermal layer of skin.

Sher Zinn joins the meeting and tells the board that the Dept of Law reads the statute about the board having to be at every exam. The Dept of Law says the statute does not interpret to only board members being able to lead proctor the exam. An email will follow.

The board went on to discuss the purposes of the board and maybe a new regulation saying that in case of a board member not being able to attend the exam that a lead proctor can be appointed.

This topic will be discussed at the next meeting.

The board went back to discussing the esthetics scope of practice.

Debra thinks Colleen’s suggestion would be a good idea.

Because of the lateness in the day, Colleen suggests table this item for the next meeting.

On a motion duly made by Massie, seconded by Sherman and carried unanimously, it was RESOLVED to table Agenda items 13B1, 2, 3 and 17 to the next meeting in May.

The board went on to sign Travel Authorizations and turn in receipts.

Adjourn

On a motion duly made by Lushin, seconded by Hernley and carried unanimously, it was RESOLVED that we adjourned the meeting.

Meeting Adjourned at 4:15 p.m.

Respectfully Submitted:

Colleen Wilson, Licensing Examiner
Board of Barbers and Hairdressers

Approved:

Debra Long, Chair
Board of Barbers and Hairdressers

Date: _____