

636

SC

FILE NO. 11

426

I. General Information

A. Regulated Parties

1. Schools
2. School owners
3. Instructors
4. Operators
5. Shop owners
6. Shop managers
7. Demonstrators
8. Consultants
9. Apprentices
10. Manicurists

B. Definitions

"(10)" 'practice of hairdressing and beauty culture' is engaging, for compensation or other reward, in any of the following practices: (A) arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or similar work on a wig or hair piece of artificial or human hair, or upon the hair of a living person by any means; (B) trimming hair, as a part of hairdressing; (C) utilizing cosmetic preparations, antiseptics, tonics, lotions, or creams, with the hands or with a mechanical or electrical apparatus, in massaging, cleansing, stimulating, manipulating, exercising, or beautifying the scalp, face, neck, arms, hands, bust, or upper part of the body of a person, for the purpose of beautification;" (08.28.320)

C. Nature and Composition of Board

1. Board members and terms:

Three-year term (no restrictions regarding consecutive terms or number of terms).

Hester Pumphrey,	Ends June 15, 1978
Ione Lambert, Chairman	Ends June 15, 1979
Maria Dunham	Ends June 15, 1980
Dennis Milhouse	Ends June 15, 1981

2. Representation:

Profession	=	5	(by statute)
Public	=	0	

3. Qualifications:

Board members must be adults, United States citizens and Alaska residents. Four members must have at least five years' experience as an operator, manager-operator, or owner-operator, and one member must have at least three years' experience as the owner, manager, or instructor of a licensed beauty school. All members must remain active and shall take an oath of office. (AS 08.28.030)

D. Licensing Data

Current Licenses

in-State	=	1,466	
out-of-State	=	<u>328</u>	
TOTAL	=	1,794	(through May, 1979)

E. Fees

1. schools		
registration and initial license fee		\$500.00
biennial Renewal		200.00
2. school owner		
registration and initial license fee		40.00
biennial renewal		30.00
3. instructor-operator:		
registration and initial license fee		40.00
biennial renewal		30.00
4. owner-operator:		
registration and initial license fee		25.00
biennial renewal		20.00
5. owner only, beauty shop:		
registration and initial license fee		25.00
biennial renewal		20.00

6.	manager-operator:	
	registration and initial license fee	25.00
	biennial renewal	20.00
7.	demonstrator or consultant:	
	registration and initial license fee	40.00
	biennial renewal	30.00
8.	operator:	
	registration and initial license fee	15.00
	biennial renewal	10.00
9.	apprentice or student:	
	registration and initial license fee	5.00
	annual renewal	3.00
10.	manicurist:	
	registration and initial license fee	15.00
	biennial renewal	10.00
11.	examination fee	15.00
12.	investigation fee	25.00

F. Board Revenues and Expenditures

	FY '76	FY '77	FY '78	FY '79
Receipts	\$23,245.00	\$22,248.00	\$22,237.00	\$27,568.00
- refunds	<u>170.00</u>	<u>285.00</u>	<u>416.00</u>	<u>598.00</u>
TOTAL	\$23,075.00	\$21,963.00	\$21,821.00	\$26,970.00
Expenditures				
Transportation	1,063.01	1,752.03	1,086.96	1,892.83
Per Diem	2,678.75	2,700.00	2,133.41	2,211.25
Phone	83.85	61.73	127.75	518.45
Printing, Adver. & Postage	902.44	818.79	405.70	288.52
Fees & Services	368.50	486.50	347.50	483.00
Rents, Leases & Other	<u>          </u>	<u>125.00</u>	<u>411.00</u>	<u>507.88</u>
Total	<del>\$ 5,096.55</del>	<del>\$ 5,944.05</del>	<del>\$ 4,512.32</del>	<del>\$ 5,901.93</del>
Surplus	\$17,978.45	\$16,018.95	\$17,308.68	\$21,068.07
Deficit	-	-	-	-

(EXCLUDES DIVISION OF OCCUPATIONAL LICENSING ADMINISTRATIVE OVERHEAD)

G. Complaints

As of June 1, 1979, five complaints remain open in agency files and six are pending closure on Board approval. Sixty-seven were purged in 1978 and are pending closure due to lack of jurisdiction or age of the complaint. One of the open cases has been on-going since

1972 with continual infractions and complaints from a number of sources. Another case alleges physical injury to a member of the public (received a year after the alleged incident).

#### H. Professional Qualifications

All states require vocational training as a prerequisite to licensure.

### II. Analysis

- A. To what extent has the Board of Hairdressing and Beauty Culture Examiners operated in the public interest?

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Statutory powers and duties of the Board include examining applicants and issuing licenses. The written portion of the examination is a national test, composed and graded by the national organization. The Board is considering inclusion of a jurisprudence portion into this examination. A six-to-seven hour practical examination is also administered to newly graduated students. Monitoring and grading is done by the Board. Applicants must achieve a score of 75% in all portions of the examination and must retest in only the area(s) failed. The examination process is designed to demonstrate competency in a profession and helps to ensure that individuals are qualified to practice.

The Board also has responsibility for regulating and licensing schools of hairdressing and beauty culture. Four such schools exist in the State, one in Fairbanks, and three in Anchorage. The Board reviews and approves school layout, its curriculum, student-teacher ratios, necessary equipment, and other matters pertaining to training of students. Inspections of schools are conducted by the Board and by the State Department of Health and Social Services. 7 AAC 22.390 outlines the criteria by which the Department of Health and Social Services deter-

mines the sanitary status of establishments. The Board routinely inspects schools in Anchorage during the period in which it holds a scheduled meeting. It has not conducted inspections in Fairbanks; however, a board member was assigned this responsibility at the May, 1979, Board meeting. It should be noted also that the Board has consistently found infractions in one particular school which has been the subject of numerous complaints from a variety of sources since 1972. Although the school has been admonished regarding its practices, no definitive action has been taken. The Board has the authority to suspend or revoke a license for good cause.

The Board may promulgate rules and regulations necessary to carry out the purposes of AS 08.28. It is now in the process of revising and updating current regulations and adding provisions concerning application procedures, qualifications, requirements for schools, and examination and grading procedures. Members of the profession have exhibited interest in the regulation making activity.

Most licenses are issued without examination to applicants who are already licensed in another jurisdiction. This practice facilitates entry into the profession as does that of issuing temporary licenses pending examination. A review of applicant files indicates that out-of-state applicants are usually licensed about 4-5 weeks from the date of application. The Board has been relying on its examiner from the Division of Occupational Licensing to verify qualifications and issue licenses. The Board has formally authorized this procedure at its May, 1979, meeting and will review and ratify licensures during a regularly scheduled meeting.

Applicants for licensure must be at least 17 years of age, of good moral character, have completed two years of high school or its equivalent, and have the required training or work experience. These items are addressed on application forms but are not verified. No school transcripts are required; although applicants are required to list three



character references, in no case has this information been checked or used for any purpose. Also included on the application are questions regarding such matters as length of residency in Alaska and future job prospects. The Board should review its applications and procedures for licensing.

Schools are required to submit quarterly reports to the Board on student or apprentice achievement and to notify the Board of enrollments and terminations. These records are maintained by the administrative agency as are all Board and licentiate files. The agency is in the process of implementing improved file and data maintenance procedures for all boards.

Barbers are excluded from the provisions of AS 08.28.

The Board has been discussing the advantages and disadvantages of continuing education requirements but has not yet formulated a position other than to agree that members of the profession should take every opportunity to upgrade their skills. The Board has recognized additional fields of beauty culture (i.e., shampooists, facialists, manicurists) and has expressed a desire to address these specifically through applicable guidelines and procedures. While it was stated as past policy that apprenticeships would not be allowed in towns where schools are located, the Board reversed this position at its May, 1979, meeting. It also rescinded a previous action which required the Division to release student examination scores to schools.

The Board and regulation of the beauty culture profession could be allowed to terminate on June 30, 1980, as provided by law, probably without significant adverse impact on the consuming public. Another alternative would be termination of the Board and assumption of the licensure functions by the administrative agency. Or practitioners could simply be registered by the administrative agency.

The Board could also be reestablished for another four years or less. If it is reestablished and/or regulation of this profession continues, consideration should be given to the suggestions for efficient operation noted in this review.

- B. To what extent has the operation of the Board of Hairdressing and Beauty Culture Examiners been impeded or enhanced by existing statutes, procedures and practices which it has adopted, or any other matter, including budgetary, resource and personnel matters?

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Practices and policies which utilize standard examinations, standard endorsement procedures and the issuance of temporary permits are felt to facilitate entry of qualified applicants into the profession and to promote availability of services. Student and apprenticeship programs also function to provide career opportunities and services in the State.

The Board of Hairdressing and Beauty Culture Examiners has experienced some difficulty with respect to personnel and budgetary restrictions. Support staff is provided by the Division of Occupational Licensing and is presently adequate to serve Board needs; however, past employee turnover has impeded continuity and follow-up on Board requests. Fees and revenues for all boards and commissions under the jurisdiction of the Division of Occupational Licensing are collected through the Division and are deposited into a general fund. Monies deposited and withdrawn are identified by codes so that direct board revenues and expenses may be determined.

The Board has encountered the same difficulties as have all other boards and commissions with respect to investigative services provided by the administrative agency. During FY '78 two investigator positions were

vacant; as a result, one position was abolished by the Legislature. At the present time, two investigators are located in Anchorage with a Chief Investigator located in Juneau. An additional investigator position was approved in the FY '80 budget but will probably not be filled immediately due to vacancy factors incorporated into the personal service category of the budget. Procedural constraints of the administrative adjudication article of the Administrative Procedure Act (AS 44.62.330-.630), while necessary, restrict timely disposition of litigation. Prioritization based on time, staffing and nature of alleged offense results in pursuit of only the most flagrant and potentially injurious licensing complaints. The administrative agency will continue to address the need for initial assessment and follow through on complaints with emphasis on magnitude of offense as it relates to public safety.

Regulations concerning applications for licensure and examination procedures are being promulgated. A review of Board statutes indicates that changes should be considered either by the Board or by the Legislature.

The term "good moral character" should be either defined or deleted from the statutes.

AS 08.28.030 requires that all Board members also be members of the profession. Public members should be allowed on this Board, although an increase in total membership is not advocated. Members have not taken an oath of office as required.

In reference to § 090, the Board has not promulgated regulations specifically for apprentices, however, this is not mandatory. Formal procedures have been established.

The Board has requested draft legislation which would repeal § 150, admission of shop owner without examination. This statute allows a shop

owner to practice hairdressing or beauty culture without a license as long as he employs a licensed manager-operator. §§ 240, 250 and 260, all grandfather clauses, are recommended to be repealed.

- C. To what extent has the Board of Hairdressing and Beauty Culture Examiners recommended statutory changes which are generally of benefit to the public interest?

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1976 amendments added to the powers and duties of the Board and included general items of a "housekeeping" nature.

Board minutes from 1976 reflect the Board's recommendation for legislation for shampooists, facialists and manicurists. There is no record of any recommendations by the Board for statutory changes that would be of specific benefit to the public.

- D. To what extent has the Board of Hairdressing and Beauty Culture Examiners encouraged interested persons to participate in and report to it concerning the making and effect of its regulations and decisions, or to report to it concerning the effectiveness, economy, and availability of service which it has provided?

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The bulk of participation at Board meetings and hearings has come from the profession. Substantial professional interest is generated by promulgation of regulations, by enforcement activities, and by quality of training facilities. Very little general "public" concern with Board functions has been demonstrated. Notices of pending meetings and new or

amended regulations are published in major newspapers in the State. Positive steps could be taken by the Board and the Division to heighten public awareness, such as public service radio announcements or utilization of other media.

Public interests would be furthered by the presence of public members on the Board. "In recent years a number of states have added one or more public members (citizens with no particular interest in the occupation or profession governed by the board) to licensing boards in an effort to ensure that the interests of the public would be represented in decision-making."<sup>1</sup> The State of California, which provides for a one-third public membership on health care boards and a public majority on others, has indicated that its experience with public members has been highly rewarding.

- E. How efficiently are public inquiries or complaints regarding the activities of the Board of Hairdressing and Beauty Culture Examiners processed and resolved?

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Five open complaints regarding this profession were on file with the administrative agency as of June, 1979. One of these alleged physical injury to a consumer; however, it is worth noting that the complaint was referred by another division and had been received by them a year after the alleged incident occurred. Six additional cases are pending Board approval for closure and sixty-seven were purged in 1978 due to age and/or lack of jurisdiction (also pending closure). The administrative agency has been addressing the need for investigative procedures and for timely disposition of complaints.

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<sup>1</sup>Shimberg, B. and Roederer, D., Occupational Licensing: Questions a Legislator Should Ask, The Council of State Governments, Lexington, Kentucky, March, 1978, p. 20.

One complaint against the Board is on file but Board records indicate this issue has been resolved.

- F. To what extent does the Board of Hairdressing and Beauty Culture Examiners present qualified applicants to serve the public?

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Individuals wishing to practice must submit fees and application to the administrative agency with relevant information regarding qualifications. 12 AAC 24.020 provides that examinations for licensure be given on a quarterly basis. Applicants who are statutorily qualified and who demonstrate the required level of knowledge and proficiency are issued a license.

Current Board practices which allow for licensure by endorsement and the issuance of temporary work permits are conducive to entry into the profession by qualified persons.

- G. To what extent have State personnel practices, including affirmative action requirements, been complied with by the Board of Hairdressing and Beauty Culture Examiners in its own activities, and in its area of activity or interest?

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Board staff consists of the support services of a licensing examiner employed by the Division of Occupational Licensing (also responsible to four other regulated professions), who is hired through the State Personnel System and is subject to affirmative action requirements.

Licenses in this profession are issued on the basis of specific statutory criteria. Affirmative action requirements are not applicable to licensure qualifications.

H. To what extent are statutory, budgetary, or other changes necessary to enable the Board of Hairdressing and Beauty Culture Examiners to better serve the interests of the public?

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Public members should be included on the Board. Statutory amendments should be introduced which would repeal §§ 150, 240, 250 and 260.

The Board should explore methods of informing the general public of its existence and functions. It also should assume a more active roll in regulation and inspection of schools. The administrative agency will continue to address the need for assessment and follow through on complaints as well as record keeping procedures.

The Board should review and revise its application forms and procedures.

Board and administrative expenses outweigh revenues collected through regulation of this profession. Fees collected are not adequate to cover transportation and per diem for meetings and examinations, and Division of Occupational Licensing administrative overhead such as staff salaries, examination expenses, and investigative services.



## Chapter 28. Cosmetologists and Hairdressers.

### Article

1. Board of Hairdressing and Beauty Culture Examiners (§§ 08.28.010-08.28.090)
2. Licenses (§§ 08.28.100-08.28.260)
3. Miscellaneous Provisions (§§ 08.28.270-08.28.290)
4. General Provisions (§§ 08.28.300-08.28.320)

### Article 1. Board of Hairdressing and Beauty Culture Examiners.

10. Creation and membership of Board of Hairdressing and Beauty Culture Examiners
20. Term of office and removal
30. Qualifications of board members
40. Powers and duties of the board
50. Meetings of the board
- 60 -70. [Repealed]
80. Standards for regulations
90. Special regulations

Sec. 08.28.010. Creation and membership of Board of Hairdressing and Beauty Culture Examiners. There is created a Board of Hairdressing and Beauty Culture Examiners, referred to in this chapter as the board. The board consists of five members appointed by the governor. (§ 3(1) ch 52 SLA 1957)

Sec. 08.28.020. Term of office and removal. Members serve a term of three years and at the pleasure of the governor. (§ 3(1) ch 52 SLA 1957)

Sec. 08.28.030. Qualifications of board members. (a) To qualify for membership on the board, a member must be an adult, a citizen of the United States, and a resident of the state.

(b) The governor shall appoint persons so that four members have at least five years' experience as an operator, manager-operator, or owner-operator, and one member has at least three years' experience as the owner, manager, or instructor of a beauty school licensed under this chapter. To remain on the board, a member must remain active in an activity that would qualify him for appointment under this subsection.

(c) Each member shall take the oath provided by law for public officers. (§ 3(1) ch 52 SLA 1957; am § 1 ch 101 SLA 1963)

Sec. 08.28.040. Powers and duties of the board. The board shall exercise general control over the vocations of hairdressing and beauty culture within the state. The board



- (1) shall examine applicants and issue licenses;
- (2) shall issue licenses for schools of hairdressing or beauty culture;
- (3) may suspend or revoke a license;
- (4) may promulgate rules and regulations relating to hairdressing or beauty culture, and hairdressing or beauty culture schools, necessary to effectuate the purposes of this chapter;
- (5) except as provided in § 280 of this chapter, may inspect schools and shops in order to enforce the provisions of this chapter;
- (6) may, on its own motion, and shall, upon receipt of a written complaint, investigate the practices of a person, shop, or school licensed under this chapter. (§ 3(2) ch 52 SLA 1957; am § 1 ch 104 SLA 1976)

Sec. 08.28.050. Meetings of the board. The board shall meet at least once each year for the conduct of its business. The annual meeting shall be held at the place designated by the majority of the board members.

The board shall, at its annual meeting, elect a president, vice-president and secretary-treasurer from its members. Board members serve without pay. However, each member is entitled to transportation and per diem allowances authorized by law. (§ 3(3) ch 52 SLA 1957)

Sec. 08.28.060. Duties of secretary-treasurer. Repealed by § 3 ch 59 SLA 1966.

Sec. 08.28.070. Salary of secretary-treasurer. Repealed by § 3 ch 59 SLA 1966.

Sec. 08.28.080. Standards for regulations. The board shall adhere as closely as possible to the rules, regulations, and standards prescribed and recommended by the "Allied Cosmetology Council of State Board, Schools, and Shops." (§ 13 ch 52 SLA 1957)

Sec. 08.28.090. Special regulations. The board may prescribe special rules and regulations for apprentices whose job training is supervised by the Department of Education under a vocational rehabilitation program. However, these apprentices, to become licensed, shall pass the standard licensing examination given by the board. (§ 14 ch 52 SLA 1957)

## Article 2. Licenses

### Section

- 100. License required
- 110. Qualifications of applicants
- 120. Examination and other requirements
- 130. Temporary license
- 140. Out-of-state licenses
- 150. Admission of shop owner without examination
- 160. [Repealed]
- 170. Fees
- 180. School license
- 190. Display of license
- 200 - 210. [Repealed]
- 220. Lapsed license
- 230. Grounds for revocation or suspension of license
- 240. Application of license provisions to existing operators
- 250. Application of license provisions to beauty schools
- 260. Credit to students for prior study

Sec. 08.28.100. License required. No person may engage in the practice of hairdressing or beauty culture or organize, open, or conduct a school of hairdressing and beauty culture without a license. (§ 2 ch 52 SLA 1957)

Sec. 08.28.110. Qualifications of applicants. An applicant for a license as an operator, manager-operator, demonstrator or consultant, owner-operator, or instructor-operator shall

- (1) be at least 17 years of age;
- (2) be of good moral character;
- (3) have completed two years of high school or its equivalent;
- (4) have training at least 2,000 hours, extending over a school term of not less than 50 weeks in a school of hairdressing or beauty culture approved by the board, or service as an apprentice under a licensed operator in a shop approved by the board or completed training and working experience as a hairdresser in another state or country which the board finds to meet the minimum requirements of this state. (§ 4(1) ch 52 SLA 1957; am § 2 ch 112 SLA 1959; am § 2 ch 104 SLA 1976)

Sec. 08.28.120. Examination and other requirements. An applicant shall pass an examination given by the board. The examination shall cover subjects designated by the board. The board shall fix the time and place for examination and shall give at least one examination each year. The board may delegate the power of examination to a committee of the board or a board member. The board may prescribe additional requirements for a license. (§ 4(2) ch 52 SLA 1957)

Sec. 08.28.130. Temporary license. The board may issue a temporary license or working permit to a graduate of an approved school of hairdressing or beauty culture or to an apprentice who has received on-the-job training which complies with the rules and regulations of the board. A temporary license or working permit is valid until the results of the examination given to the student or apprentice are announced. (§ 4(3) ch 52 SLA 1957)

Sec. 08.28.140. Out-of-state licenses. A person holding a current valid license from a board of cosmetology and hairdressing in another state or country is entitled to a license under this chapter without examination if he applies, accompanying his application with

(1) proof of a foreign license;

(2) proof that he has completed at least 2,000 hours of training in a hairdressing and beauty culture school or service as an apprentice under a licensed hairdresser in a shop approved by the board or completed training and working experience as a hairdresser which the board finds to meet the minimum requirements of the state;

(3) payment of an investigation fee. (§ 4(4) ch 52 SLA 1957; am § 3 ch 112 SLA 1959; am § 2 ch 101 SLA 1963; am § 1 ch 2 SLA 1965; am § 1 ch 46 SLA 1968; am § 3 ch 104 SLA 1976)

Sec. 08.28.150. Admission of shop owner without examination. A shop owner may be licensed without examination but, unless licensed as an operator, he shall not engage in the practice of hairdressing or beauty culture without employing a licensed manager-operator. (§ 4(4) ch 52 SLA 1957; am § 3 ch 112 SLA 1959)

Sec. 08.28.160. Examination fee. Repealed by § 3 ch 46 SLA 1968.

Sec. 08.28.170. Fees. The following fees shall be imposed under this chapter when applicable

(1) schools:

registration and initial license fee.....	\$500
biennial renewal.....	200

(2) school owner:

registration and initial license fee.....	40
biennial renewal.....	30

(3) instructor-operator:	
registration and initial license fee.....	40
biennial renewal.....	30
(4) owner-operator:	
registration and initial license fee.....	25
biennial renewal.....	20
(5) owner only, beauty shop:	
registration and initial license fee.....	25
biennial renewal.....	20
(6) manager-operator:	
registration and initial license fee.....	25
biennial renewal.....	20
(7) demonstrator or consultant:	
registration and initial license fee.....	40
biennial renewal.....	30
(8) operator:	
registration and initial license fee.....	15
biennial renewal.....	10
(9) apprentice or student:	
registration and one-year permit fee.....	5
annual renewal.....	3
(10) manicurist:	
registration and initial license fee.....	15
biennial renewal.....	10
(11) examination fee.....	15
(12) investigation fee.....	25

(§ 4(5) ch 52 SLA 1957; am § 4 ch 112 SLA 1959; am § 2 ch 46 SLA 1968; am §§ 4, 5 ch 104 SLA 1976)

Sec. 08.28.180. School license. The board shall prescribe rules and regulations for the licensing of schools of hairdressing and beauty culture. The rules and regulations shall include the financial respon-

sibility of the owner, details of the curriculum, minimum hours of instruction, and physical condition of the school premises and facilities. (§ 5 ch 52 SLA 1957)

Sec. 08.28.190. Display of license. Every licensee shall display his license in a conspicuous place in his place of business or in his working booth. Each shop owner or manager is responsible for the display of licenses held by employees in their shops. (§ 6(1) ch 52 SLA 1957)

Sec. 08.28.200. License year. Repealed by § 3 ch 59 SLA 1966.

Sec. 08.28.210. Duplicate licenses. Repealed by § 3 ch 46 SLA 1968; § 7 ch 94 SLA 1968.

Sec. 08.28.220. Lapsed license. A lapsed license may be reinstated, if the license has not been lapsed for a period of more than five years, and all renewal and delinquent fees for the period during which the license has been lapsed are paid. (§ 6(4) ch 52 SLA 1957)

Sec. 08.28.230. Grounds for revocation or suspension of license. The board may suspend or revoke a license for failure to comply with this chapter, or a rule, regulation, or order of the board. (§ 8 ch 52 SLA 1957)

Sec. 08.28.240. Application of license provisions to existing operators. A person holding a valid license as an operator issued before March 16, 1957, is not required to obtain a new license, but shall nevertheless comply with all other provisions of this chapter. (§ 12 ch 52 SLA 1957)

Sec. 08.28.250. Application of license provisions to beauty schools. Hairdressing and beauty culture schools shall comply with the licensing provisions of this chapter and with rules and regulations issued under it. Upon application and payment of the fee by a beauty school which has been in operation and teaching a course of not less than 2,000 hours for one year before January 1, 1957, the board shall issue a license for its operation. (§ 12 ch 52 SLA 1957)

Sec. 08.28.260. Credit to students for prior study. A student of a hairdressing and beauty culture school shall receive credit for hours of instruction completed before March 16, 1957, if the school substantially met the minimum standards for curricula, the qualification of instructors, and other rules and regulations established by the board under this chapter. If the school met the prescribed minimum standards for a period of six months or more preceding March 16, 1957, all students who have satisfactorily completed the course of instruction shall receive credit for the entire period of instruction. (§ 12 ch 52 SLA 1957)

### Article 3. Miscellaneous Provisions.

#### Section

- 270. Record of achievement
- 275. Advertising
- 280. Control of health and sanitary conditions
- 290. Applicability of Administrative Procedure Act

Sec. 08.28.270. Record of achievement. Each licensee who supervises a student or apprentice shall submit quarterly to the board a record of achievement of the student or apprentice. (§ 3 ch 52 SLA 1957)

Sec. 08.28.275. Advertising. No person, shop, or school engaged in the practice of hairdressing or beauty culture may knowingly use false or deceptive statements in advertising its services. A hairdressing or beauty culture school representing itself to be approved or accredited shall indicate the organization or agency issuing the approval or accreditation. (§ 6 ch 104 SLA 1976)

Sec. 08.28.280. Control of health and sanitary conditions. Control over health and sanitary conditions in shops and schools licensed under this chapter is in the Department of Health and Welfare. (§ 7 ch 52 SLA 1957)

Sec. 08.28.290. Applicability of Administrative Procedure Act. Procedures and rules and regulations adopted under this chapter shall comply with the Administrative Procedure Act (AS 44.62). (§ 10 ch 52 SLA 1957; am § 5 ch 112 SLA 1959)

### Article 4. General Provisions.

#### Section

- 300. Barbers excluded
- 310. Penalties
- 320. Definitions

Sec. 08.28.300. Barbers excluded. This chapter does not apply to barbers exclusively engaged in the occupation of barbering. (§ 11 ch 52 SLA 1957)

Sec. 08.28.310. Penalties. A person who engages in the practice of hairdressing or beauty culture without obtaining a license, or any person who organizes, opens or conducts a school of hairdressing or beauty culture, without obtaining a license, is guilty of a misdemeanor and upon conviction is punishable by imprisonment for a period of not more than 90 days, or by a fine of not more than \$300, or by both. (§ 9 ch 52 SLA 1957)

Sec. 08.28.320. Definitions. As used in this chapter, unless the context otherwise requires,



(1) "apprentice" is a person at least 17 years of age who has completed two years of high school or equivalent education, who receives on-the-job training on licensed premises and who does not receive a wage or commission, and for whose work no charge is made until the apprentice has received at least 350 hours of training;

(2) "demonstrator" or "consultant" is a person who practices hairdressing and beauty culture upon a person acting as a subject or model when the demonstration is performed before students, operators, manager-operators, instructors or individuals, shop owners, school owners, or any other public gathering;

(3) "instructor-operator" is a person who gives instruction in the practice of hairdressing or beauty culture in a school, who has passed the qualifications of an owner-operator or manager-operator, and who has passed an examination and holds an instructor-operator license;

(4) "manager-operator" is a person of legal age who operates or manages a hairdressing or beauty culture shop or school;

(5) "manicurist" is a person who practices beauty culture by treating the hands and nails;

(6) "operator" is a person who engages in any practice defined in (10) of this section;

(7) "owner" is a person owning a hairdressing or beauty culture shop;

(8) "owner-operator" is a person who owns a hairdressing or beauty culture shop or school who is qualified under this chapter to practice the art of hairdressing and beauty culture or who is a licensed cosmetologist;

(9) "person" includes a corporation, copartnership, or unincorporated association;

(10) "practice of hairdressing and beauty culture" is engaging for compensation or other reward, in any of the following practices:

(A) arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or similar work on a wig or hair piece of artificial or human hair, or upon the hair of a living person by any means;

(B) trimming hair, as a part of hairdressing;

(C) utilizing cosmetic preparations, antiseptics, tonics, lotions, or creams, with the hands or with a mechanical or electrical apparatus, in massaging, cleansing, stimulating, manipulating,

exercising, or beautifying the scalp, face, neck, arms, hands, bust, or upper part of the body of a person, for the purpose of beautification;

(11) "school of hairdressing" or "school of beauty culture" is a place where a person operates and maintains a class to teach hairdressing or beauty culture;

(12) "shop" is a building or structure, or part of a building or structure, other than a school, where the practice of hairdressing or beauty culture is conducted;

(13) "student" is a person at least 16 years of age who has completed two years of high school or equivalent education, attends a licensed beauty school and does not receive a wage or commission, and for whose work no charge is made until the student has received at least 350 hours of training;

(14) "board" means the Board of Hairdressing and Beauty Culture Examiners;

(15) "department" means the Department of Commerce and Economic Development. (§ 1 ch 52 SLA 1957; am § 1 ch 112 SLA 1959; am § 1 ch 17 SLA 1966; am §§ 60, 61 ch 127 SLA 1974; am §§ 7, 8 ch 104 SLA 1976)



PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201  
Anchorage, AK 99501

Telephone: 278-1581; 278-1582

September 25, 1979

The Honorable Arliss Sturgulewski  
Senate Commerce Committee  
2957 Sheldon Jackson Drive  
Anchorage, AK 99504

Dear Senator Sturgulewski:

The Senate Commerce Committee will convene at 9:00 a.m. on October 22, 1979, for the purpose of holding public "Sunset" hearings on the Board of Barber Examiners and the Board of Hairdressing and Beauty Culture Examiners. The hearings will be held in Room 262 of the Consortium Library, University of Alaska, 3211 Providence Drive, Anchorage, Alaska, and will be teleconferenced to Juneau and Fairbanks.

The Juneau teleconference will begin at 11:00 a.m. (Juneau time) in the Butrovich Room (Room 207), Capitol Building, Juneau, Alaska.

The Fairbanks teleconference will begin at 9:00 a.m. (Fairbanks time) in Room 250, Building F, Legislative Information Office, 101 College Road, Fairbanks, Alaska.

The Senate Commerce Committee will also hold a public "Sunset" hearing on the Board of Registration for Architects, Engineers, and Land Surveyors on October 23, 1979. The time, places and teleconferencing will be the same as for the October 22, 1979, hearings.

The following Audit Reports are available at the local Legislative Information Offices:

A Performance Review of the Board of Registration for Architects, Engineers, and Land Surveyors. May 11, 1979.

A Performance Review of the Board of Hairdressing and Beauty Culture

THE HONORABLE ALISS STUIGIIEWSKI  
September 25, 1979  
Page 2

Examiners. July 11, 1979.

A Performance Review of the Board of Barber Examiners. March 31,  
1979.

If you have any questions, contact Christian Basler at 278-1581.

Sincerely,

Brad Bradley  
Chairman  
Senate Commerce Committee

Attached letter mailed to following:

The Honorable Arliss Sturgulewski  
Senate Commerce Committee  
2957 Sheldon Jackson Drive  
Anchorage, AK 99504

The Honorable Tim Kelly  
Senate Commerce Committee  
Box 1004  
Eagle River, AK 99577

The Honorable Frank Ferguson  
Senate Commerce Committee  
Box 131  
Kotzebue, AK 99752

The Honorable Terry Stimson  
Senate Commerce Committee  
1610 "E" Street  
Anchorage, AK 99501

The Honorable Fred Brown, Chairman  
House Commerce Committee  
Box 1718  
Fairbanks, AK 99707

The Honorable Joyce Munson  
House Commerce Committee  
935 East 79th Avenue  
Anchorage, AK 99502

The Honorable Hugh Malone  
House Commerce Committee  
Box 9  
Kenai, AK 99611

The Honorable Alvin Osterback  
House Commerce Committee  
Box 71  
Sand Point, AK 99661

The Honorable Robert Bettisworth  
House Commerce Committee  
Box 80288  
College, AK 99708

The Honorable Richard Halford  
House Commerce Committee  
Box 66  
Chugiak, AK 99567

The Honorable Richard Randolph  
House Commerce Committee  
Box 123  
Fairbanks, AK 99707

Elaine Garrett  
Division of Occupational Licensing  
Department of Commerce & Economic  
Development  
Pouch D, Mail Stop 0800  
Juneau, AK 99811

Sioux Plummer, Coordinator  
Legislative Teleconference Network  
Division of Public Services  
Legislative Affairs Agency  
Pouch Y, Mail Stop 3101  
Juneau, AK 99811

The Honorable Terry Gardiner  
Speaker of Alaska House of Representatives  
Box 6092  
Ketchikan, AK 99901

The Honorable Clem Tillion  
President of Alaska State Senate  
Box 373  
Homer, AK 99603

The Honorable Nels A. Anderson, Jr.  
Majority Leader, Alaska House of Representatives  
Box 234  
Dillingham, AK 99576

The Honorable Mike Colletta  
Majority Leader, Alaska Senate  
1016 West Sixth Avenue, Suite 435  
Anchorage, AK 99501

Gerald L. Wilkerson  
Legislative Audit Division  
State Office Building  
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Juneau, AK 99811

Alan Blume  
Administrative Assistant  
House Commerce Committee  
PO Box 1370  
Fairbanks, AK 99701

Judy Hopkins  
Legislative Affairs Agency  
1024 West Sixth Avenue  
Anchorage, AK 99501

Debi Smith  
Legislative Affairs Agency  
Pouch Y  
Juneau, AK 99811

Page 2

Legislative Information Office, Fairbanks  
Attention: Maxine  
101 College Road, Building F  
Room 252  
Fairbanks, AK 99701

Pam Derrer,  
ARCO  
134 North Franklin  
Juneau, AK 99801

~~Karen Baker~~  
Rep. Terry Martin  
3960 Reka  
Anchorage, Ak. 99504

Judy Mengel  
Media Services Department  
University of Alaska, Anchorage  
3211 Providence Drive  
Anchorage, AK 99503

Paul Harris (276-1443)  
Legislative Audit Division  
PO Box 1231  
Anchorage, AK 99510

Karen Baker (272-5514)  
% Jay. Baxter & Co.  
207 East Northern Lights Blvd.  
Anchorage Alaska 99503



# Alaska State Legislature

## Senate

### Committee on Commerce

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business  
PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201  
Anchorage, AK 99501

Telephone: 278-1581; 278-1582

September 25, 1979

Mr. Dan A. Noll  
Board of Barber Examiners  
604 Second Street  
Fairbanks, AK 99701

Dear Mr. Noll:

The Senate Commerce Committee will convene at 9:00 a.m. on October 22, 1979, for the purpose of holding a public "Sunset" hearing on the Board of Barber Examiners. The hearing will be held in Room 262 of the Consortium Library, University of Alaska, 3211 Providence Drive, Anchorage, Alaska, and will be teleconferenced to Juneau and Fairbanks.

The Juneau teleconference will begin at 11:00 a.m. (Juneau time) in the Butrovich Room (Room 207), Capitol Building, Juneau, Alaska.

The Fairbanks teleconference will begin at 9:00 a.m. (Fairbanks time) in Room 250, Building F, Legislative Information Office, 101 College Road, Fairbanks, Alaska.

The following Audit Report is available at the local Legislative Information Offices:

A Performance Review of the Board of Barber Examiners. March 31, 1979.

If you have any questions, contact Christian Basler at 278-1581.

Sincerely,

Brad Bradley  
Chairman  
Senate Commerce Committee

Attached letter sent to following:

Mr. Dan A. Noll  
Board of Barber Examiners  
604 Second Street  
Fairbanks, AK 99701

Mr. Manuel Norat  
Board of Barber Examiners  
PO Box 238  
Anchorage, AK 99510

Mr. James Russi, Chairman  
Board of Barber Examiners  
PO Box 1122  
Soldotna, AK 99669

Mr. Maurice "Bud" Smith  
Board of Barber Examiners  
Anchorage Sportsman's Barber Shop  
1650 W. Northern Lights  
Anchorage, AK 99503

Mr. Elmo Kienbaum  
Board of Barber Examiners  
2337 Second Avenue  
Ketchikan, AK 99901

Mr. Manuel Norat  
c/o Anchorage Barber College  
3519 Mt. View Drive  
Anchorage, AK 99504

Hair Today  
Attention: Yvonne  
191 South Franklin  
Juneau, AK 99801

Elaine Garrett  
Division of Occupational Licensing  
Department of Commerce & Economic Development  
Pouch D, Mail Stop 0800  
Juneau, AK 99811



January 15, 1980

State of Alaska  
Department of Commerce  
Division of Occupational Licensing  
Juneau, Alaska 99811

Gentlemen:                      Re: My goals in 1980 as Barber Examiner

At the present time, we have sat down and updated our barber laws, and I will be introducing a lot of legislation this year which I hope the legislators will help me with. I think our past laws are very outdated, and there are areas in which we need new legislation, not available before. Reviewing other States and their laws, I found many areas that would help us out tremendously; also, I would like to work out a system with Occupational Licensing that we can fill you in on our business as we conduct it. I am proposing that we adopt as Barber Examiners, two workshops a year beyond what we now have. I find that half a day, after the test, is not sufficient time to conduct the business that is needed. I will ask for two days for each workshop, in which we will, with other committees, discuss the aspects of the barber profession.

Also, as a new Board member, I find we need to work out a better system wherein you could give us a little more time to reply to any material and reports sent out by you. I have found in the past, that quite often the material you sent to us is deadlined within a day or two, and this is too short a notice. I think this can be overcome very easily. Any reports sent out by you that are deadlined by a certain date to be turned in, it would be best that we Board members send it by registered mail.

Sincerely,

Bud Smith

January 15, 1980

Legislature of the State  
of Alaska  
Capitol Building  
Juneau, Alaska 99811

Gentlemen:

As Barber Board Examiner, these are my goals for 1980. At the present time, I am working on a system to upgrade our testing material: both written exam and practical exam, of which I hope the other Board members will adopt.

Second, I would like to make several changes in our laws. I find by going over our laws in the past there is a lot of material that is extremely outdated. I would like to be able to introduce some new legislation which I think would benefit our profession greatly.

I would also like to see our Board members join the National Board of Barber Examiners. On a national level, I think we could do a much better job for our own State. Also, I would like to see our Board adopt workshop periods; for instance, two shop periods per year when we could sit down and go over material more thoroughly, and stay updated. I find in this manner we would be able to correspond with other States, and unify our laws more closely. A better system should be worked out with occupational licensing to keep up to date with what exactly, barber examiners are doing. One problem we have at the present time with occupational licensing is that we were sent reports that needed to be filled out and returned within only one or two days. I don't know if the problem lies in Juneau, or if it lies within the mail service on this end. But, nevertheless, we need to work out a better system than we have now.

In 1979, I was sent a report to make out and send back into the Division of Audit. I sent my report in and even called the person in charge of the department, and told them my report was in the mail, but yet, looking at the performance record in the legislative audit, they did not receive nor record my reports. I am unaware of what ever became of this report, but nevertheless I did send it, and as stated above, called to advise the report was in the mail. By looking at



the Division of Legislative Audit, a questionnaire was sent out last year for comments, I am not too satisfied with their system. I definitely think that everyone in this profession should have been sent these questionnaire forms, so we could get a true, accurate report. As the system has been in the past we Board members meet twice a year. I find this is not sufficient enough time to get all of our business taken care of to update our material at that time. I feel, with the population increasing, and the change necessary to keep up to date, we need at least two workshops beyond the two regular meetings that we now have. I think these workshops would be extremely beneficial to barbers and the public.

In closing, I would like to say that the sunset law review has opened our eyes tremendously in this profession, and has brought to our attention that we must stay up to date at all times. All of us in this profession have expressed the need for a Barber Examining Board, and I, as a Barber Examiner, newly elected would definitely like to see this Board continue. Most States that have gone through the sunset review have reinstated their Barber Boards. I have put a new State program together which will be called the Master Barber Association. All barbers I have contacted in Anchorage are deeply concerned in a State association. Also, people in Fairbanks have been contacted and other areas who are more than willing to help me get this association off the ground and going. This has never been done before, and we would be affiliated with our national barber associations.

At this time I am asking you legislators to please reinstate this Board of Barber Examiners for at least two years so we can prove how efficient our new committees can be in helping our barber laws to become updated. I would like to thank you all at this time.

Sincerely,

Bud Smith

Sunset Review (Barbers)

Feb. 7, 1980

Mr. Chairman:

Thank you for granting this time to me to testify on behalf of the Barber Board.

There are many areas I would like to cover but I will keep my testimony to being as brief as possible.

1<sup>st</sup> I would like to draw to your attention the great strides we have made since our Sun Set Review. I and many others have spent a great deal of time reviewing other state Barbering Laws to try and bring our state laws up to the highest of standards. I think you will see we have made a substantial difference from what we have had in the past to what we have proposed for the future.

I know I have spent enormous amount of weekends and nights working on this review and I hope in the long run I have done some good for both my profession and the public.

2<sup>nd</sup> In the past we have had enormous problems with OL which I am sure we can work-out in time to come with our new programs.

3<sup>rd</sup> We have adopted new advisory committees that will help us <sup>substantially</sup> and at the present time, I am in the process of setting up other committees from Fairbanks and Southeast Alaska. I think this will be an exceptional advantage over what we have had in the past.

Sunset Review (Barbers)

Feb 7, 1980

4. I am working with Mr. Vern Hurst on a apprenticeship program which I hope to have all the bugs worked out soon. This program is taken a bit longer than I had hope for but I am sure we will have it real soon.
5. On our last written test, we revised a great deal of material and made the exam more understandable. I hope this coming test in April we will have Total True & False and multiple choice questions only, doing away with all short essay questions (All written exams must be Clean Fined Fully)
6. I would like to bring it to your attention one of the biggest problems the board has had in the past is a board member owned the only Barber college in the state, this person is no longer a board member. I am sure this will bring less problems to the board and state in future.
7. at this time I would like to take just a moment and go over some of our new proposals with you.
8. I think now by going over these proposals you can clearly see the major difference from our old programs and our new programs. I myself, is very confident of the outcome of our future if we work together.

- in conclusion -

without our Barber Board, there would be no professional standards. I am sure you and the public would see diseases spread enormously and a lot of persons would also be affected by harm constituted by poor Barbering work.

III

Sun Set Review

(Bankers)

Feb 7, 1980

This just can not be around Luddies and gentlemen. We must keep our standards as high as possible. Please don't set our profession back so far in time by taken away this Barisen Board. It is greatly needed in any and every state. I am sure you can clearly see this. Thank you very much for your time.

Bud Smith



ARTICLE 3

Barber School and Colleges

sec 08.12.220

Application

A person wishing to operate a barber school or college or teach in a barber school or college shall apply for examination and licensing to the board and submit

- (1) a certificate of health from a physician;
- (2) a diploma from a nationally accredited barber school or college offering a course in barber science evidencing the applicant's qualifications as a barber teacher;
- (3) such other information as may be required by regulations adopted by the board.

(sec 3 art. v ch 68 SLA 1957; am sec 8 ch 168 SLA 1960)

By the Board

Amend.

ARTICLE 1

Sec 08.12.030 General Powers of board.

The board may

- (1) adopt examinations in accordance with standards provided by any nationally recognized manual of barber science and examine applicants for licenses to engage in the practice of barbering;
- (2) adopt rules and regulations for conduct of the practice of barbering in accordance with reasonable standards of sanitation which do not derogate from the ultimate control over health and sanitary conditions for all licenses under this chapter which is in the Department of health and Welfare;
- (3) suspend licenses for failure to maintain standards of sanitation prescribed by the board;
- (4) adopt rules of procedure for its own organization and conduct of its meetings, examinations, and inspections;

By the Board

## ARTicle 5 General Provisions

Sec. 08.12.280. Barber defined

Barbering includes the following practices when performed for hire or reward:

- (1) shaving or trimming the beard or cutting the hair;
- (2) giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by and or mechanical appliance;
- (3) singeing, shampooing, dressing or dyeing the hair or applying hair tonics.
- (4) arranging, setting and styling the hair
- (5) giving exams if applicant can show evidence to the Board of passing course conducting exams.

By Bud Smith

## ARTICLE 2

SEC 08.12.171

Barber Technicians

Every Barber technician, in order to avail himself of this Chapter, shall, before entering employment as a barber technician, file with the Division of Occupational Licensing, on forms which shall be provided by the board, the name and place of business of the employer, the date on which employment will be commenced and the barber technician's full name and age. That age shall not be less than 16 years. The forms shall be accompanied by a registration fee of \$10.00. Any barber technician who shall change his place of employment shall promptly notify the Division of Occupational Licensing and furnish it with the name and place of business of the new employer and the date of the change.

The Division of Occupational Licensing shall furnish to each barber technician a certificate of registration, certifying that the holder is a barber technician. It shall be the duty of the holder of such a certificate of registration to post it in a conspicuous place where it may readily be seen by all persons, on or before the first day of January in each year. The fee for such a certificate shall be \$10.00 in the first instance and \$20.00 for each biennial renewal thereof.

(OVER)



No barber technician may independently practice barbering but may, as a barber technician, do only the following acts constituting the practice of barbering: Shampooing and drying of hair, and manicuring.

A barber technician shall not be considered an apprentice nor shall any time which he has been registered and been employed as a barber technician count toward training for eligibility to obtain a certificate of registration as a barber.

By Bud Smith

ARTicle 2

See 08.12.172

Student Temporary permit

All students upon completion of 1500 hours must pass a practical examination before one receives a permit to work. If student fails a practical examination, the student must continue additional school at no extra cost to <sup>the student</sup> ~~student~~ until he or she <sup>will complete</sup> ~~seems~~ <sup>160 hrs additional training</sup> convenient to take new examination.

Two board members and one public member need only to be present to administer examination. If student passes the practical examination they shall be accredited with this portion of state master barber test and will need only to pass the written test to receive their master barber license

No money will be collected at this time for this portion of test but will be collected while applying for written examination to receive a master barber license

Note - Must be OK by Manual Board

By Bud Smith

Article 1                      Board of Barber Examiners  
 Sec 08.12.015                National Board Convention

Moneys from the <sup>barber</sup> general fund will be appropriated each year to send one board member to the national barber board examiners convention. A copy of the minutes or summary of business conducted will be sent to Occupational License.

By the Board

ARTICLE 2

Sec 08.12.100 License Fee for Barber Teachers

The annual fee for a license to engage in the teaching of barbering is \$150 provided the board of barbers exist. If board is abolished then such teaching fees will resort back to \$50 per year

By Bud Smith



New Barber Laws

Article 1 Barber Board Examiners

"amend"

Sec. 08.12.010

Creation and membership of board. There is created the Board of Barber Examiners, referred to in this chapter as the board, composed of five members which are recommended by licensed barbers in their own areas and approved and appointed by the governor. One member on the board will not be a barber but will be a public member, which will also be approved and appointed by the governor. Each board member may serve a three year term and may be re-elected to serve a second three year term if approved by the existing board members. Three members of the board shall be from separate major senatorial districts. The South member shall be appointed from the district having the largest number of practicing licensed barbers. One public member shall be appointed from the district having the largest number of population.

By the Board

## ARTICLE 2

SEC. 08.12.090

License Fee for barbers

The annual fee for a License to engage in barbering is \$25 provided the board of barbers exist. If board is abolished then such fees will resort back to \$10 per year

By Board

ARTicle 2                      EXAMINATION and Licensing  
 See 08.12.172                Reciprocity with other states

The Board may waive the examination and grant registration to any applicant who shall present proof of current registration or licensure in another state, other jurisdiction of the United States or another country which grants similar privileges to persons registered under this chapter or to any state that gives reciprocity to Alaska with the same amount of time requirements and conditions as Alaska state laws. Such an applicant shall pay the same fee as provided under Article 2.

By Bud Smith



Article 2 Examination and Licensing  
See 08.12.170 Issuance of Temporary permit

A Temporary permit may be issued by any member of the board upon application under terms and conditions established by regulations of the board, and upon the receipt of an application fee of \$25. The fee shall be credited to the Temporary permittee who shall be permitted to take an examination for a regular license without any additional fee. Upon taking the examination, the holder shall surrender the Temporary permit to the board or the committee conducting the examination. If the applicant fails the first examination following qualification, the applicant may renew his permit to practice barbering under supervision of a person registered to practice barbering until the results of the next consecutive examination have been given, at which time the permit expires and shall not be renewable. The applicant shall not be considered an apprentice. The applicant shall pay to the Division of Occupational Licensing a fee of \$25.

By Bud Smith

*Judy Dixon*

BARBERS LEGISLATIVE COMMITTEE REVIEW ON FINDINGS  
AND RECOMMENDATIONS OF LEGISLATIVE AUDIT

RECOMMENDATION I.

The report states that examination unnecessarily restricts entry of qualified personnel into the profession. The questions we are dealing with here are: (1) reciprocity with other states, and (2) students are issued permits if from Alaska when outsiders must produce a license from their state.

1. Reciprocity--Due to widely varying standards of education in different states, blanket reciprocity is not possible. States requiring 2,000 hours do not accept an Alaska license as we only require 1,500 hours, and Alaska cannot accept an outside license that requires only 1,200 hours. Until there are federal standards that cover barbering in all states, reciprocity will only be available through private agreements between individual states. This could be possible for Alaska only if our barber board was allocated funds to attend National Association of Barber Examiners conventions where these problems can be discussed in depth with other professionals.

One other consideration is that if reciprocity were established, there could well be a seasonal shortage or overabundance situation, particularly for Alaska. With reciprocity, Alaskan barbers and others from cold states would head south each winter, causing a shortage here and overabundance in the warmer areas. Come summer, the northern areas would overflow and the south could be short of barbers.

2. A valid point has been brought up in the fact that outside barbers must produce a license while students graduated from Alaskan schools can obtain a permit upon completion of their hours.

A viable solution would be to allow students to apply for a work permit upon completing 1,500 hours only if it can be guaranteed that they will work under direct supervision of a licensed barber. This can be done through a process of sponsorship where the licensed barber will be obligated to supervise the student's work until the next examination comes up and the student passes it. (The fine points of this program can be worked out and put into a comprehensive barber law.) As for outside applicants producing a license this is the only way that we can verify that individuals have indeed received basic barber training and at least meet minimal standards, as all states require some schooling and an exam before issuing a state license. This minimal standard in order to be issued a permit will insure that unfit practitioners will not be turned on the public between examinations. Issuing a permit (or license) on testimony of past experience is not reasonable--this would be the equivalent of issuing permits and licenses on hearsay, and has no validation to back it up.

## RECOMMENDATION II.

1. Test Material--We are in agreement that written examinations should be upgraded. Less emphasis should be put on anatomy and physiology, although some basics should still be included. Sanitation, sterilization, and a basic knowledge about and recognition of contagious diseases should continue to be stressed. Open-ended questions are subject to personal interpretation and should be deleted. The written examination should be multiple choice--true/false in format to allow for specific grading criteria.

Suggested grading format for entire exam:

20 points written

25 points haircut

10 points oral

10 points shave

10 points sanitation

5 points application (use of tools)

5 points scalp massage

5 points facial

5 points time

5 points shampoo

100 points/75 passing

## 2. Administration of Examination

a. Grading criteria should be clarified for practical examination. There will always be some personal interpretation possible on grading work, but with five experienced board members an agreement can be made if guidelines are made and followed. Guidelines for board grading could be compiled by the board and distributed with packet for examination application, so that all applicants know what is expected of them. Guideline sheet with pertinent information should be compiled by the board and distributed to applicants with the examination application packet.

b. Time limits are at present set. We agree that they must be either followed more closely or adjusted accordingly.

c. This information on two authorized textbooks on which the test is based is available through school and through board members when applications for exams are turned in. This information should be available on a guideline sheet included in application for exam packet.

d. Guideline sheet should state that applicant should be responsible for <sup>his</sup> own tools, as it would be too costly to keep adequate supply of extras on hand for all applicants.

e. Agreed--Admittance to exam area should be limited to those required to be there.

## RECOMMENDATION III.

Agree that owners only need not be licensed; instructors must be licensed. School facilities and curriculum should be examined by the board to insure that appropriate and adequate education was being provided by each school.

RECOMMENDATION IV.

1. Limiting term of board members:

- a. Agreed that a length of term should be established and members should be limited to two consecutive terms.
- b. One public member on the board should be appointed and would serve as a watchdog.

RECOMMENDATION V.

Board inspection legislation should be repealed to reduce duplication of effort. Health inspections are the province of the Health Dept. The only inspection necessary would be board inspection of new schools to insure adequate facilities, along with review of curriculum to insure appropriate education of student barbers.

RECOMMENDATION VI.

"Good Moral Character" is too subject to personal interpretation as written, and should be deleted.

RECOMMENDATION VII.

This must be done primarily by board members as they know better than anyone what the goals of the board should be.

RECOMMENDATION VIII.

Agreed that board members should improve minutes.

Christian Easter  
Administrative Assistant  
Senate Commerce Committee

Thank you for informing me of  
the mechanical problems, involving the  
testimony on the "Board of Barber Examiners."  
I will address my reply to "Findings & Recommendations"  
of the Division of Legislative Audit Page 9

Rec # I

A Grant reciprocity to the holder of a  
Master Barber License from another state if the  
person has earned his or her livelihood  
by Barbering, prior to coming to Alaska.

B. I do not agree with the Attorney General  
ruling of 1976 (see P 49A - reply by Ron Hall).  
A Diploma from a school only means that  
School hours have been completed. Many  
people fail the Practical test at  
this point.

C I personally have tried to get three  
people into the Barber school in  
Anchorage. They all qualified for  
the G.F. Bill, but could not



use those Educational Benefits, because the school is not G.I. accredited and the Instructor then informed me it was quite "to much hassle and paper work"

I feel this is important to get Alaskan people into school, Barbers from Outside dont have a history of staying long.

Rec. # 2

1. test material.

A. Should not contain Essay type questions

B. Multiple Choice or True or False questions only

The Revision of Legislative Audit is either uninformed or somewhat pompous, in their recommendation on upgrading of written test material (see also ETS Reply page 46-47)

All Barber Science test books are almost identical in their content. Having gone thru four different Books, I found one disagreement in one book as compared to the other three.

to comply with findings of ETS would mean writing a new

text Book.

I would suggest, the Board and the Instructor of the school make an attempt to comply with the findings of CTS by emphasizing those chapters of the text books that are more pertinent, (Sanitation Diseases, etc) and so inform all prospective examinees

Rec. # 3

The present school puts enough Barbers into the field. I would suggest a study be done to find out, how many of the Anchorage Barber school graduates, remain in the industry. and why many of the Rehabilitation students do not remain.

I would further suggest that any Instructor in any vocational school have teacher certification

Rec. # 4

Four Barber Board members should be, ~~one each~~ <sup>one</sup> from one from each of the four largest population areas of the state, to be voted into the board, by Barbers in that area. One lay person from any of the four areas



qualifications

A Board member should be a practicing Barber for a period of five years and resided in and practiced within the state for the immediate past three years.

Should not have any interest in any Barber school.

Lay person should be a resident for three years

Rec # 5.

Agreed.

The Board should upgrade the form for inspection of Barber Shops by Public Health

Public Health Inspections, do not protect the public from spread of disease, the Barber must have Sanitation knowledge to accomplish this.

Rec # 6

agreed

Rec # 7

Objections of the Barber Board should simply be to fulfill obligations that the State Statutes dictate

Rec. # 8

Agreed  
would only add that each Board member should have on file minutes of Board meetings, and make these available to Barbers upon request

Other Suggested Changes

Professional and Vocational Regulations  
Chapter 08 Board of Barber Examiners

Article 1

12 AAC060

A. have as is

B. Practical Exam

75% on Taper (or Regular <sup>short</sup> Hair cut) above ears

75% Shave

75% Shampoo

75% Hair Style (Longer Hair) longer than top of ear

Article #

operation of Shops and Schools

12 AAC 08 110 all Barber Shops should be licensed as to location. A Shop license would be needed for any location where Barbering is engaged in.

12 AAC 150

Delete Completely

12 AAC 08. 210 Health Certificate

Health Certificate should be issued by Public Health and should not be on display. The license itself accomplishes this

~~12 AAC~~

Alaska Statutes

Article 5 Sexual Provisions

Sec. 08.12.380

Barbering Defined

1. Shaving or Trimming Beard, or cutting Hair
2. Giving facial or scalp massage
3. ~~Applying~~ Applying oil treatments  
or any cream, lotion, tonic or any perfume  
permanent type Chemical

Again Please forgive my husband, and  
thank you

Marx Kuber  
225 N Apt #21  
Wedgwood Ave.  
Fairbanks Ak  
99701



Official Business

# Alaska State Legislature

## Senate

### Committee on Commerce

Pouch V  
State Capitol  
Juneau, Alaska 99811

November 15, 1979

PLEASE REPLY TO:

1016 West Sixth Avenue, Suite 201  
Anchorage, AK 99501

Telephone: 278-1581/278-1582

Marse Kueber  
#21 Wedgewood Manor  
Fairbanks, AK 99701

Dear Mr. Kueber:

Thank you for your testimony regarding the Board of Barber Examiners, which you gave before the Senate Commerce Committee on October 22, 1979.

Due to mechanical problems with the recording system, we were unable to record your testimony for the Committee's records. This defect was not discovered until recently when transcription work was begun on this hearing. The system was operating and had been checked out prior to the hearing; however, it blanked out most of the Fairbanks testimony.

If possible, therefore, the Committee would appreciate it if you could submit either a copy of your testimony, if you were speaking from prepared text, or a summation of your views regarding this matter in order that your feelings might be made a part of the Committee's record.

We apologize for any inconvenience and we look forward to receiving your written testimony and/or exhibits concerning the Board of Barber Examiners. We would like to receive this testimony as soon as possible and should we be able to assist you, please do not hesitate to contact our offices.

Sincerely,

A handwritten signature in cursive script that reads "Christian Basler".

Christian Basler  
Administrative Assistant  
Senate Commerce Committee

SB 215

February 28, 1979

The Honorable Brad Bradley  
Alaska State Senator  
Pouch "V"  
Juneau, Alaska 99811

Dear Senator Bradley:

I am writing in response to your letter regarding abolishing the Board of Barber Examiners. There are several reasons I feel it is imperative to have a Board of Barber Examiners.

1. This Board helps maintain and improve the quality of the existing profession.
2. It insures adequate quality control of influx of barbers from out of state, making sure they have the necessary skills.
3. It protects the existing profession from unskilled, untrained barbers.
4. It helps keep inadequately trained persons out of the profession. Training is necessitated for disease recognition and control, sanitation and other indirectly related facets.
5. It protects the citizen from unskilled barbering practices. Barbering laws are set up to protect the consumer.

The high barbering standards taken for granted in this state are a direct result of action by the Barber Board. With the resources at hand, I am not aware of any state without an active Barber Board. Some states are reorganizing their Boards (Washington, Oregon, Idaho) to include hairstyling since their professions so closely overlap. In these states the Barber Board gives separate exams to barbers and hairstylists and sets regulations for each. Contacts that can be made in Washington State are Mr. Al Pehl and Mr. Leland, both of Spokane.

I wish to thank you for your interest and hope you will support action to help us continue to upgrade our profession. Many barber laws are obsolete and need to be revised, but abolishing the Board would be a grave mistake in my opinion.

Sincerely,

*Elmo O. Kienbaum* /sk

Elmo O. Kienbaum

Barber Board

*Ketchikan*

*2206 Tongass Avenue*

*Ketchikan, AK*

*99901*



STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

SUBJECT: Apprentice Programs for Barbers (W.O. 3179)

TO: Senator

FROM: Alexander Hoke,  
Research Analyst

AH

In response to your request for a summary of legislation in other states regarding apprentice programs for barbers, two research reports published by the National Association of Barber Schools, Inc., are attached to supplement our recommendations for legislative measures necessary to establish a quality apprentice program for barbers in this state. For the purposes of this analysis, the statutes of the following states, believed to constitute a representative sample of 50 states, were scrutinized for all details of barbering apprenticeship programs: Oregon, California, New York, Michigan, North Carolina, Connecticut, New Mexico and Ohio.

The two research reports assembled by the National Association of Barber Schools, Inc., were published in July, 1972. It is our belief that the critically relevant information (statistics of state barber laws) is essentially an accurate picture of the present law in a national perspective. All data, checked against present statutes, have been verified to have remained essentially unaltered since the 1972 compilation.

Two parenthetical remarks might be made concerning research report No. 6A, Barber School, Barber Students and Barber Statistics. First, only one school of barbering is in operation in Alaska (Anchorage, Alaska School of Barbering). A catalog of procedures and operations is enclosed. Second, it is a significant fact that Alaska has, by far, the highest ratio of population per barber - 1,087, while the mean ratio of the 50 states is 713 persons per barber.

From the research report No. 3A, State Barber Laws, you will quickly notice that only Alaska and Alabama have no apprentice law (in fact, Alabama has no state barber law whatsoever). Furthermore, reading from the column at the left, Alaska compares with the remainder of the United States in the following ways (by category):

- (1) While Alaska requires 1,500 hours of study at an approved barber school or college prior to making application for practice as a barber, the mean number of hours required

in the other states is 1,438 hours.

- (2) With 78% of the states (including Washington, D. C.) requiring some minimum education level for prospective barber students, the mean grade level of education requisite in the states is 9.5 years (or 9th grade level plus 1/2 years). Alaska has no education requirement.
- (3) 89.8% of the states (including Alaska) require students in barbering colleges and schools to pass a satisfactory examination in order to receive a diploma.
- (4) With 75% of the states collecting a fee for apprentice examination, the average of the fees collected is \$16.71. Alaska has no apprentice law.
- (5) With 86% of the states collecting a fee for apprentice licensing, the average of the fees collected is \$7.28.
- (6) Only Alaska and Alabama required no apprenticeship period; the average number of months required by the remaining states is 18.4.
- (7) 88% of the states require that an apprentice pass a satisfactory examination after completing his/her apprenticeship practice. Alaska has no apprentice law.
- (8) While only Alabama and Tennessee do not require an examination fee for the privilege of taking the barber examination, the average fee collected is \$23.08. Alaska collects \$25.
- (9) Of the states which collect a renewal fee for barber certification (only Alabama collects no fee) the average renewal fee is \$9.72 annually. Alaska collects \$10 annually.
- (10) With 84% of the states defining a specific time limit for the restoration of an expired barber license, the average restoration period is 3.03 years. Alaska restoration period is five years.
- (11) The average restoration fee collected by the states is \$16.29. Alaska collects \$10 plus lapsed fees.

The remainder of the statistics apply to out-of-state applicants:

- (12) To qualify for application to practice as a registered barber, 86% of the states do not require a period of residency in the state. Of those that do require a period



of residency, six months is the most common period. Alaska has no residency requirement.

- (13) In 26 states, students from out-of-state barber schools are eligible to take the apprentice examination; in 17 states these students are not eligible; in 7 states there is no exam.
- (14) 31 states give credit for out-of-state apprentice experience; 18 do not give credit.
- (15) 12 states (including Alaska) offer a temporary permit to out-of-state barbers who are waiting for the examination to be scheduled by the board; 38 states do not offer temporary permits.

In our view, legislation on both the barber school and the registration aspects of our state law would be required in order to construct an effective and comprehensive apprenticeship program. If you wish to pursue the initiation of an apprenticeship program, we would suggest focusing on the following areas:

- I. Qualifications: students, apprentices, barbers
- II. Credit for training in state correctional institutions
- III. Out-of-State applicants
- IV. License fees
- V. Exemptions and General Provisions

It should be noted that some of these categories (exemptions for example) are not universally adopted by all the state statutes examined. Their inclusion is aimed at exploring all areas of thought relative to legislation of the barbering profession. Underlined numbers indicate quantitative values believed to be commensurate with the standards observed in other state statutes.

- I. Qualifications: students, apprentices, barbers

A. In most states, qualifications applicable to students of barbering take the form of qualifications imposed on schools and colleges of barbering seeking state approval under the Barber Act. The statutes, of the states examined, require that approved colleges accept students with a minimum 10th grade education or an equivalent education as determined by the state board of barber examiners (hereinafter referred to as the board). Additionally, approved barber schools must require for graduation, a minimum of 1,500 hours of instruction to be completed within 18 months, at the rate of not more than eight hours in any one working day. A student may, however, complete a service in process, with time credit, but not

to exceed 30 additional consecutive minutes per day, with the total hours per week not to exceed 42-1/2 hours, including accumulated service in process completion time.

Many states define the fundamentals of a proper course of instruction for those schools and colleges seeking approval of the board. A copy of California's barber college instruction essentials is attached for your perusal.

B. The statutes of the states examined in this study defined a person qualified to receive a certificate of registration as a registered apprentice as one who:

1. Has a 10th grade education or the equivalent to be determined by the board.
2. Is at least 17-1/2 years of age.
3. Is of good moral character and temperate habits.
4. Is a graduate of a school or college of barbering approved by the state board of barber examiners.
5. Has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice.
6. Produces a certificate from a physician licensed by the state that he is free of contagious or infectious disease.

There exist many variations of procedures to be followed in the event that an applicant fails the examination of his fitness to be registered as an apprentice. The most common procedures permit the applicant to take a second examination within 90 days of his first examination. Upon a second failure, or lapse of the 90-day period, an additional 350 hours of study, at an approved school or college of barbering is required before the applicant is again eligible for examination. Again, time constraints are placed on the period of additional study. Usually, the additional 350 hours must be completed within three months with no more than eight hours in any working day, except for the above allowance for completion of service in process. The total hours of study per week is limited to 48 hours.

Further statutory restrictions include a limitation of three years for the maximum length of time any person may practice as a registered apprentice. Moreover, no one shall work as an apprentice more than six months after completion of the working requirements of apprenticeship, without applying for and taking the examination for a certificate to practice as a registered barber.

C. In most states, a person is qualified to receive a certificate to practice as a registered barber if he:

1. Is qualified under the provisions for a registered apprentice.
2. Is at least 18 years of age.
3. Is of good moral character and temperate habits.
4. Has practiced as a registered apprentice for at least 18 months.
5. Has passed a satisfactory examination to determine his fitness to practice as a registered barber.
6. Produces a certificate of health from a physician licensed by the state that he is free of contagious or infectious disease.

An applicant who has failed the barber examination may, within 30 days of the expiration of his apprentice license, renew his license for 90 days and apply to take the next scheduled examination. A registered apprentice may apply for and take the examination of fitness to practice as a registered barber no more than three times.

## II. Credit for Training in State Correctional Institutions

The statutes of all states studied grant credit for instruction received in state correctional institutions to applicants of certificates to practice as registered apprentices or registered barbers. A qualified applicant must have successfully completed a course of training which complies with the standards established for approved barber colleges or schools and:

- A. He must meet the minimum age and grade school education requirements.
- B. He must pass a satisfactory examination to determine his fitness to practice as an apprentice or barber (depending upon the certificate for which he is applying).
- C. He must produce a certificate from a licensed physician that he is free of contagious and infectious disease.
- D. He must have demonstrated good moral character and temperate habits subsequent to the granting of his parole or discharge from the correctional institution.

## III. Out-of-State Applicants

A certification of an out-of-state applicant to practice as a registered apprentice in most states is granted if all qualifications for a registered apprentice have been met and either:

A. He produces a valid certificate of registration as an apprentice in another state or country which has substantially the same requirements for registration, or

B. He produces at least two affidavits that he has practiced as an apprentice in another state or country for at least six months within the preceeding two years.

Upon passing the examination, a certificate to practice as a registered apprentice is granted and the time spent as an apprentice in the other state or country is credited to his requirements to qualify for application to take the barber examination.

A person who practiced legally as a barber out-of-state may receive a license to practice as a barber in this state if he:

A. Has practiced as a registered apprentice or registered barber or both for at least five years and furnishes two affidavits in proof.

B. Is presently a qualified barber in the state or country in which experience is claimed.

C. Passes a satisfactory examination to determine his fitness to practice as a registered barber.

D. Meets the requirements for a registered barber in this state.

IV. Fees

License Fees:

Apprentice	\$10.00
Barber	10.00

Renewal Fees:

Apprentice	\$10.00
Barber	10.00

Restoration Fees:

Apprentice	\$10.00 plus lapsed fees
Barber	10.00 plus lapsed fees

Examination Fees:

Apprentice	\$20.00
Barber	25.00

## V. Exemptions and General Provisions

A. In most states, the following general provisions apply:

Persons are explicitly forbidden to serve or attempt to serve as an apprentice to a registered barber without a certificate of registration as a registered apprentice issued by the board of barber examiners.

Moreover, no registered apprentice may practice barbering independently, but he may perform all the functions of barbering under the direct supervision of a registered barber, except that as much as 1.5 hours may be unsupervised in any working day.

In any barber shop, no more than one apprentice may be employed for each registered barber practicing in the shop.

No registered apprentice may practice barbering for more than three years on an apprentice license, except that extensions may be granted by the board for good cause, i.e., illness, accident, service in the Armed Forces of the United States.

Examinations for prospective barber students, apprentices and registered barbers shall be conducted at least four times each year and is to be scheduled and announced to applicants at least 30 days in advance. The examinations shall consist of practical demonstrations and written and oral tests which embrace the subjects usually taught in approved barber schools and colleges.

Renewals of certificates for every registered barber, registered barber teachers and registered apprentice who continues in active practice or service shall, annually, on or before July 1 of each year, renew his certificate of registration and pay the required fee. The board may vary the dates of registration renewal by giving the applicant written notice of the renewal date and by making prorated adjustments in the renewal fee. Every certificate of registration which has not been renewed within 30 days of expiration may be renewed by paying the required restoration fee.

Grounds for refusal, suspension or revocation of registration include:

1. Conviction of a felony.
2. Gross malpractice or incompetency.
3. Continual practice while knowingly carrying a communicable disease.
4. Advertising by deceptive statements.
5. Habitual drunkenness or addiction to the use of narcotics or other habit forming drugs.

6. Immoral or unprofessional conduct.

7. Where the applicant has received any part of his course of instruction in barbering at a state correctional institution, the requirements of 1, 5 and 6 (above) shall be determined solely upon the conduct of the applicant after the granting of his parole or discharge from the institution.

B. Exemptions in many states include the following persons while in the proper discharge of their professional duties:

1. Persons authorized by law to practice medicine and surgery in this state.

2. Commissioned medical and surgical officers of the United States Army, Navy or Public Health Service.

3. Registered Nurses.

4. Persons authorized by the law of this state to practice cosmetic therapy.

5. Undertakers, embalmers and morticians.

C. The provisions of this apprenticeship proposal would not be applicable to:

1. Persons engaged in the acts of barbering for a member of his immediate family.

2. Persons licensed as registered barbers in this state at the time this act becomes effective.



*Senator Frank ...*

**STATE OF ALASKA**



DIVISION OF LEGISLATIVE AUDIT  
Juneau, Alaska

STATE OF ALASKA

A PERFORMANCE REVIEW  
OF THE  
BOARD OF BARBER EXAMINERS

March 31, 1979



Director of the Department of Administration  
Juneau, Alaska

A PERFORMANCE REVIEW  
OF THE  
BOARD OF BARBER EXAMINERS

March 31, 1979

Commissioner of the Department  
of Commerce and Economic  
Development  
Deputy Commissioner of the  
Department of Commerce and  
Economic Development

Charles R. Webber

Bertram L. Wagnon

Members of the  
Board of Barber Examiners

Chairman  
Member  
Member  
Member  
Member

James Russi  
Don A. Noll  
Manuel Norat  
Elmo Kienbaum  
Maurice Smith



# STATE OF ALASKA

AUDIT DIVISION  
POUCH W—ALASKA OFFICE BUILDING

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION  
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99511

March 31, 1979

Members of the  
Legislative Budget and Audit Committee:

In accordance with the intent of Title 24 and 44 of the Alaska  
Statutes, the attached report is submitted for your review.

A PERFORMANCE REVIEW  
OF THE  
BOARD OF BARBER EXAMINERS

March 31, 1979



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Review. . . . .	4
Organization and Function. . . . .	6
Report Conclusion. . . . .	7
Findings and Recommendations . . . . .	9
Analysis of Public Need. . . . .	16
Appendixes:	
A. Board of Barber Examiners Revenues Com- pared with Expenditures. . . . .	21
B. Examination Statistics . . . . .	23
C. Administrative Statistics. . . . .	24
D. Questionnaire for Members of the Board of Barber Examiners. . . . .	25
E. Questionnaire Sent to Barbers. . . . .	29
F. Questionnaire Sent to Applicants Who Failed the Barber Examination, 1976- 1978 . . . . .	37
G. Educational Testing Service's Evaluation of Written Examination . . . . .	46
Responses:	
Department of Commerce and Economic Development . . . . .	48
Board Member Response. . . . .	49 (a)
Board Member Response. . . . .	50 (a)
Board Member Response. . . . .	51 (a)

## PURPOSE AND SCOPE OF THE REVIEW

### Purpose

In accordance with the intent of Alaska Statutes 24.20.271 (1) and 44.66.050 (sunset legislation), an audit of the Board of Barber Examiners was conducted to review Board activities and accomplishments to determine if the Board has been operating in an effective, efficient, and economical manner.

As required by legislative intent, this report shall be considered during the legislative oversight function in determining whether the Board of Barber Examiners should be reestablished. The law currently specifies that this Board will terminate on June 30, 1980, but will continue until June 30, 1981, for the purpose of concluding its affairs.

### Scope

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analyzing and evaluating the following:

- (1) Applicable statutes and Board regulations;
- (2) interviews with Board members and questionnaires sent to the Board;
- (3) interviews with health agencies and professional associations;
- (4) tests of records and documents of the Board and the Division of Occupational Licensing (OL), Department of Commerce and Economic Development;
- (5) interviews with OL employees;
- (6) complaints filed with OL, the Ombudsman's Office, Consumer Affairs Agency, and the Equal Employment Opportunity Office;
- (7) questionnaires sent to 119 State licensed barbers; and
- (8) questionnaires sent to 28 applicants who have failed the Barber Examination, 1976 - 1978.



Scope Constraints

This review was hampered by the following constraints:

- (1) The Board has not established and reported financial and program plans as required by AS 37.07.050 nor has it developed and reported performance information required by AS 37.07.090.
- (2) OL has not adequately collected, recorded and maintained pertinent files and statistics relating to the Board to effectively and efficiently carry out its administrative responsibilities.

## ORGANIZATION AND FUNCTION

The Board of Barber Examiners was established by the 1957 Session Laws of Alaska. The Board consists of five licensed barbers appointed by the Governor. Board members serve until they resign or are removed by the Governor.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing (OL). OL provides the Board with licensing and investigative support. The licensing section processes applications, maintains license files, answers inquiries and provides other administrative help to the Board.

The function of the Board is primarily regulatory, mandated by AS 08.12. Accordingly, the Board has the authority to examine and issue licenses to qualified applicants, establish or amend rules and regulations necessary and desirable to enforce statutes, and to hold hearings to suspend or deny the license of a person violating the barber statutes and regulations.

## REPORT CONCLUSION

### Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these issues, the legislative oversight committees should take into consideration the findings and alternatives presented in this report, so that the potential impact of policy changes can be evaluated.

### Report Conclusion

The primary purpose of a board is to protect the public through regulation of licensure.

Licensure is necessary when:

1. The unlicensed practice of an occupation poses a serious risk to consumers' life, health and safety, or economic well-being;
2. potential users of the occupational service cannot be expected to possess the knowledge needed to properly evaluate the qualifications of those offering services; and
3. benefits to the public clearly outweigh any potential harmful effects such as a decrease in availability of practitioners, higher costs of goods and services.

In order to find out whether or not the regulation of the practice of barbering satisfies these criteria, we reviewed the Board's activity in the areas of licensing, examination, inspection, administration and complaints. Our conclusions as to the Board's effectiveness follow:

1. Licensing: The Board does not grant licensure by endorsement or reciprocal agreement. Thus applicants who are otherwise qualified must wait to take the Alaska Board examination before they can obtain a license.
2. Examination: The examinations developed by the Board contain questions which are not job related and contain questions, the answers to which are subject to interpretation. The Board has not established sufficient procedures or consistently applied existing procedures for administration of

examinations. We found that most Board related complaints were concerning either the examination or the methods the Board used to administer the examination.

3. Inspection: The Board does not perform inspections. The Department of Health and Social Services is authorized under AS 18.05.040(9) to perform health and sanitation inspections. Therefore, it would be a duplication of effort for the Board to conduct similar inspections. There is no record that the Board ever conducted a compliance inspection of Alaska's only Barber School in accordance with 12 AAC 08.310.
4. Administration and Board Proceedings: The Board has not developed and reported program plans and performance information required by AS 37.07; the Board has no public members, and statutes, rules and regulations need to be reviewed and updated.
5. Complaints: Of 24 complaints reviewed, two were consumer related and minor in nature. The majority of complaints were made by applicants against the Board.

The practice of barbering does not meet the regulatory criteria described above. The Board of Barber Examiners should be allowed to terminate on June 30, 1980.

However, if the Board is not terminated and/or licensing of barbers is continued, then the following recommendations should be considered.

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Board of Barber Examiners should revise regulations to encourage entry of all qualified individuals as barbers.

The Board currently allows applicants to be licensed by examination only and allows applicants to practice in the interim in accordance with Sec. 08.12.160 of the Alaska Statutes which states:

Sec. 08.12.160. Temporary permit. Any person entering the state or transferring from a practice exempt under the provisions of § 270 of this chapter, and who desires to engage in barbering who has (1) a diploma from a barber college accredited by the board or (2) a bona fide license issued by another territory or state, shall be issued a temporary permit, valid until the next examination given by the board. (§ 6 art III ch 68 SLA 1957)

Consequently, applicants who are otherwise qualified would be denied licensure as they have not passed the Alaska Board examination; for example:

An applicant who has been licensed and practiced as a barber in another state for a period of years would be required to take the Alaska Board examination.

The effect of granting licensure by examination only unnecessarily restricts entry of qualified individuals into the profession.

In addition, applicants who have not demonstrated that they have met the minimum qualifications are allowed to practice in the interim; for example:

Applicants who seek licensure as a result of receiving a diploma from an accredited barber college are allowed to practice in the interim without first being tested for minimum competency. Consequently, there is a potential for unqualified applicants being allowed to serve the public.



The Board should revise regulations:

To allow licensure by endorsement and reciprocal agreement, whereby, an applicant can demonstrate that:

- A. His work has been accepted by the public through a history of work experience; and
- B. the requirements of the state in which the barber was previously licensed are generally in accordance with those requirements established by the Board.

Recommendation No. 2

The Board of Barber Examiners should improve procedures for:  
1) Selection of test material to be included in the Barber written and practical examination; and 2) administration of the Barber written and practical examination.

Test Material

We requested through the Division of Occupational Licensing that copies of recent exams and answers given by the Board be sent to the Educational Testing Service (ETS) for evaluation. The results of the evaluation are included as Appendix G. We are in basic agreement with ETS and would encourage the Board to update the examination material accordingly.

The Board currently administers a State constructed examination.

Administration of the Examination

There have been a number of complaints concerning the methods the Board uses to administer the examinations. Most of the complaints result from inconsistent application or the absence of formal Board procedures in dealing with individual applicants. The following are areas where the Board could improve to reduce the number of complaints in the future:

- ① Grading criteria should be clarified and given to applicants before the examination. For example, applicants should know if more weight is given to certain test areas.
- ② Time limits for the examinations should be announced before the examination and should be adhered to.

3. Applicants should be informed that the barber regulations specifically authorized two barber textbooks for their use.
4. The Board should have a limited number of tools to lend applicants who have forgotten some of their tools. We realize that this may be contrary to the regulation that requires each applicant to furnish his own tools. Tools have been lent in the past and if it is Board policy to lend tools, then it should be done so consistently and understood by all applicants.
5. Admittance to the examination should be limited to those who are required to be there.

Recommendation No. 3

The Board of Barber Examiners should introduce legislation to amend AS 08.12.210 to encourage entry of barber schools to help provide an adequate supply of qualified barbers to serve the public.

Alaska Statute Section 08.12.210 states:

Sec. 08.12.210. License required. No person may operate a barber school or college, or teach in a barber school or college, without a barber teacher license issued by the board. (§ 2 art V ch 68 SLA 1957; am § 8 ch 168 SLA 1960)

According to a Board member and the personnel at the Division of Occupational Licensing, the term "to operate" includes ownership and/or management of a barber school.

Ownership and/or management of a barber school does not require that the owner and/or manager is required to teach. The requirement to be licensed as a barber teacher should apply only to those who are to instruct students.

AS 08.12.210 limits entry of those who are otherwise qualified to operate a barber school.

Increasing the number of barber schools in Alaska should be encouraged to increase the source of qualified barbers to serve the public.

Recommendation No. 4

The Board of Barber Examiners should submit legislation to: 1) Establish a term and to limit the length of service for Board members to two consecutive terms; and 2) require public members on the Board of Barber Examiners.

Alaska Statute Section 08.12.010-020 concerning creation, membership, and qualifications of Board members states:

Sec. 08.12.010. Creation and membership of board. There is created the Board of Barber Examiners, referred to in this chapter as the board, composed of five members appointed by the governor. Four members of the board shall be from separate major senatorial districts. The fifth member shall be appointed from the district having the largest number of practicing licensed barbers. The members serve at the pleasure of the governor. (sec 1 art II ch 68 SLA 1957; am sec 1 ch 168 SLA 1960)

Sec. 08.12.020. Qualifications of board members. Each member of the board shall be a practicing barber who has engaged in barbering in the state for at least five years prior to his appointment. Engaging in the practicing of barbering within a military reservation is not qualifying experience. (sec 2 art II ch 68 SLA 1957)

Currently AS 08.12.010 which creates the Board does not define the term and the number of terms a Board member may serve.

Limiting appointments to two consecutive terms would, over the years, permit a broader spectrum of professional background combined with increased opportunities for new members and ideas. This should make the Board more responsive to public needs and less subject to criticism.

AS 08.12.020 which establishes qualifications for the Board requires all five members of the Board to be representatives of the regulated profession.

The public, which is the group that the barber licensure laws were to protect, does not have representation on the Board.

In recent years, criticism of regulatory boards that only have representatives of the regulated profession as board members has increased. The public has lost confidence in these boards because they feel the profession's interest may be placed before that of the public's.

The Board should submit legislation to:

1. Establish a term and to limit the length of service for Board members to two consecutive terms.
2. Require public members on the Board.