

647 SC FILE NO. 19

647

1 (c) The licensing and permit provisions of this chapter do not  
2 apply to

3 (1) a person practicing barbering, hairdressing, or cosme-  
4 tology in a community having a population of less than 1,000 people  
5 which is not within 25 miles of a community of more than 1,000 people  
6 and who uses only chemicals available to the general public;

7 (2) a shampoo person;

*not*

8 (3) a manicurist.

9 Sec. 08.13.170. TEMPORARY PERMITS. (a) A person not licensed  
10 under this chapter who wishes to practice and teach barbering, hair-  
11 dressing, or cosmetology temporarily and primarily for educational  
12 purposes who is otherwise qualified to practice barbering, hairdressing,  
13 or cosmetology as determined by the board shall first obtain a temporary  
14 permit.

15 (b) The temporary permit shall specify

16 (1) the purpose for which it is granted;

17 (2) the period during which the holder of the temporary  
18 permit may practice;

19 (3) the place or places the holder of the temporary permit  
20 may practice.

21 Sec. 08.13.180. STUDENT PERMITS. A person attending a licensed  
22 school of barbering, hairdressing, or cosmetology, and a person appren-  
23 ticed to a practitioner in a shop approved by the board shall obtain a  
24 student permit. A student permit to practice barbering or hairdressing  
25 is valid for two years. A student permit to practice cosmetology is  
26 valid for one year. A student permit may not be renewed, but, upon  
27 application, the board may issue a new permit to the same person, or  
28 extend an expired permit to the date of the next scheduled examination.  
29 Credit earned under an expired student permit may be transferred to a new

*011*  
*Address here*

permit as determined by the board.

Sec. 08.13.190. FAILURE TO POSSESS A LICENSE OR PERMIT. A person who practices barbering, hairdressing, or cosmetology, or operates a shop, or operates a school of barbering, hairdressing, or cosmetology, or teaches in a school of barbering, hairdressing, or cosmetology, without a license, temporary permit, or student permit and who is not exempt under AS 08.13.120 or under 08.13.160(c) is guilty of a class B misdemeanor.

### ARTICLE 3. GENERAL PROVISIONS.

Sec. 08.13.200. DEPOSIT OF RECEIPTS. Money received by the board from the payment of fees shall be paid into the general fund of the state.

Sec. 08.13.210. HEALTH AND SANITARY CONDITIONS. Health and sanitary conditions in shops and schools of barbering, hairdressing, and cosmetology shall be supervised by the Department of Health and Social Services.

Sec. 08.13.220. DEFINITIONS. As used in this chapter,

(1) "apprentice" means a person who receives on-the-job training under the direct supervision of a practitioner, who does not receive a wage or commission before he has completed 350 hours of training, and for whose work no charge is made before he has completed 350 hours of training;

(2) "barbering" means shaving, trimming, or cutting the beard or hair of a living person for a fee and for cosmetic purposes;

(3) "board" means the Board of Barbers and Hairdressers;

(4) "cosmetology" means the use of the hands, mechanical or electric apparatus or appliances, cosmetic preparations, antiseptics, or lotions in massaging, cleansing, stimulating, or similar work on the human body for cosmetic purposes for a fee;

1 (5) "hairdressing" means performing, for a fee, the following  
2 services for cosmetic purposes:

3 (A) shaving, trimming, or cutting the beard of a living  
4 person; and

5 (B) arranging, styling, dressing, curling, temporary  
6 waving, permanent waving, cutting, singeing, bleaching, coloring,  
7 cleansing, conditioning, or similar work on the hair of a living  
8 person;

9 (6) "manicurist" means a person who uses the hands, mechanical  
10 or electric apparatus or appliances, cosmetic preparations, antiseptics,  
11 or lotions in massaging, cleansing or similar work on the human hands or  
12 trims, shapes or polishes the nails of the human hands for cosmetic  
13 purposes for a fee;

14 (7) "practitioner" means a person licensed to practice barber-  
15 ing, hairdressing, or cosmetology under this chapter;

16 (8) "shampoo person" means a person who, for a fee and under  
17 the supervision of a practitioner of barbering or hairdressing, cleanses  
18 or conditions the hair of the human head with products which have no  
19 effect other than cleaning or conditioning the hair;

20 (9) "shop" is an establishment operated for the purpose of  
21 engaging in barbering, hairdressing, or cosmetology.

22 \* Sec. 2. 18.03.010(c) is amended by adding a new paragraph to read:

23 ( ) Board of Barbers and Hairdressers (AS 08.13.010) --

24 June 30, 34.

25 \* Sec. 3. S 18.05.040(a)(9) is amended to read:

26 (9) standards of cleanliness and sanitation in connection  
27 with the construction, operation and maintenance of a camp, cannery,  
28 food handling establishment, food manufacturing plant, mattress manufac-  
29 turing establishment, industrial plant, school, barber shop, hairdressing

1 or cosmetology [COSMETOLOGICAL] establishment, soft drink establishment,  
2 beer and wine dispensaries, and for other similar establishments in  
3 which insanitation may create a condition causative of disease.

4 \* Sec. 4. AS 44.62.330(a) is amended by adding a new paragraph to read:

5 (47) Board of Barbers and Hairdressers (AS 08.13.010).

6 \* Sec. 5. AS 08.03.010(b)(2) and (4); AS 08.12; AS 08.28; and AS 44.62.-  
7 330(a)(1) and (7) are repealed.

8 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-  
9 070(c).

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D  
JUNEAU, ALASKA 99811

BOARD OF HAIRDRESSING AND BEAUTY CULTURE EXAMINERS

November 5, 1979

The Honorable Brad Bradley  
Chairman  
Senate Commerce Committee  
P. O. Drawer 8-Q  
Anchorage, Alaska 99508

*Chris  
Have Janet  
scheduled that +  
you + [unclear]  
12*

Dear Senator Bradley:

The Board of Hairdressing and Beauty Culture Examiners cordially invites you and your committee to their meeting which will be held Tuesday, November 20, 1979 at 9:00 a.m. The meeting is scheduled for Room C-105 of the Federal Court Building, 701 C Street, Anchorage.

The topic of discussion at the meeting which will pertain to the Senate Commerce Committee is the Sunset Review.

Sincerely,

*Ione M. Lambert*

Ione Lambert  
Board Chairman

cc: Board Members

# MEMORANDUM

TO: Christian Basler  
Administrative Assistant  
Senate Commerce Committee

DATE: November 16, 1979

FILE NO:

TELEPHONE NO:

465-2534

FROM: <sup>DL</sup> David Creekman  
Regulations Specialist  
Department of Commerce and  
Economic Development

SUBJECT:

Proposed legislation---  
Board of Hairdressing and  
Beauty Culture Examiners

Mrs. Ione Lambert of the Alaska Board of Hairdressing and Beauty Culture Examiners has requested that I send you the attached copy of proposed legislation which was drafted by this division on behalf of the board for possible introduction as Executive Branch Legislation.

The draft was not approved by Governor Hammond for his introduction and the board has been informed that they must now seek an alternate method of introduction if an interest in this draft still exists.

Attachment

BOARD OF HAIRDRESSING AND BEAUTY CULTURE EXAMINERS SUNSET

KEY TO REFERENCES:

- Sec. D (Y) - (yellow cover) - State of Alaska Sunset Review, 1979, Prepared by the Division of Occupational Licensing.  
(B) - (blue cover) - Division of Legislative Audit Performance Review.  
(W) - (white cover) - Senate Commerce Committee Public Hearing testimony, October 22, 1979.

- yes
1. Two public members should be included on the board filling the first two vacancies which occur.  
(Y) - p. 11, par. 4; p. 13, par. 2  
(W) - p. 33, par. 3; p. 39, par. 1  
(B) - p. 10, recommendation #1
- Own but can't operate.
- OK
2. Statutory amendments should be introduced which would repeal Sec. 08.28.150 -Admission of shop owner without examination.  
Sec. 08.28.240 -A person holding a valid license as an operator issued before March 16, 1957, is not required to obtain a new license...these are simply obsolete.  
Sec. 08.28.250 - (grandfather clause to the above)  
Sec. 08.28.260 - (grandfather clause to the above)  
(Y) - p. 11/12, last par. Clauses are on p. 21.
- OK
- OK
3. The board should explore methods of informing the general public of its existence and functions.  
(Y) - p. 11/13  
(W) - p. 50, par. 1
- Conflict of interest!
4. I suggest a mandatory annual inspection of the schools by the board, and there is a need for more assessment and follow-through on complaints as well as record keeping procedures.  
(Y) - p. 13/15  
(W) - p. 39, par. 1; p. 50, par. 1  
(B) - p. 10, recommendation #2, p. 18. IV.
5. The Board should review and revise its application forms and procedures.  
(Y) - p. 15, par. 4.  
(W) - p. 40, par. 3.  
(B) - p. 13, recommendation #7.
- Letter to Governor!
6. Mandatory annual inspection of the shops and schools by the Department of Health and Social Services should be enforced by new regulations. This is a requirement now, but it is not being done. (Section 08.28.280)  
(W) - p. 39, par. 1
7. Occupational Licensing should maintain operating statutes on licensing, examinations, and related business workload.  
(W) - p. 40, par. 3  
(B) - p. 15, recommendation #9.

8.  
*OK*

AS 08.28.140

(1) proof of out-of-state or foreign license;  
Board recommendation.

9. AS 08.28.170 Fees.

*Rec. to Dept.  
input from Board!*

(1)	schools		
	registration and initial license fee		\$ 500
	biennial renewal		\$ 200
(2)	school owner:		
	registration and initial license fee		\$ 50 [\$40]
	biennial renewal		\$ 40 [\$30]
(3)	instructor-operator:		
	registration and initial license fee		\$ 50 [\$40]
	biennial renewal		\$ 40 [\$30]
(4)	owner-operator:		
	registration and initial license fee		\$ 40 [\$25]
	biennial renewal		\$ 30 [\$20]
(5)	owner only, beauty shop:		
	registration and initial license fee		\$ 40 [\$25]
	biennial renewal		\$ 30 [\$20]
(6)	manager-operator:		
	registration and initial license fee		\$ 40 [\$25]
	biennial renewal		\$ 30 [\$20]
(7)	demonstration or consultant:		
	registration and initial license fee		\$ 40 [\$25]
	biennial renewal		\$ 30 [\$20]
(8)	operator:		
	registration and initial license fee		\$ 25 [\$15]
	biennial renewal		\$ 20 [\$10]
(9)	apprentice or student:		
	registration and one-year permit fee		\$ 10 [\$5]
	biennial renewal		\$ 20 [\$3]
(10)	manicurist:		
	registration and initial license fee		\$ 20 [\$15]
	biennial renewal		\$ 15 [\$10]
(11)	examination fee		\$ 25 [\$15]
(12)	investigation fee		\$ 25
(13)	<u>consultant:</u>		
	<u>seven day permit fee</u>		\$ 30
	<u>one-time renewal of permit fee</u>		\$ 10

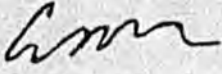
Board recommendation.

HOUSE RESEARCH AGENCY  
Pouch Y - State Capitol  
Juneau, Alaska 99811  
465-3991

MEMORANDUM

March 4, 1980

TO: Representative Fred Brown

FROM: Elaine Mitchell, Research Analyst 

RE: Oregon's Combined Board of Hairdressers and Barbers  
Research Request No. 8)

Background

In 1977, the Oregon Legislature, under sunset provisions, was considering the activities of various boards and commissions. At that time, there were separate boards of examiners for barbers and for hairdressers. There had been for a number of years, according to one contact, fighting between the two associations over "turf" i.e., which profession would prevail over what services of the industry. There was also a belief among some of the industry that if they didn't come up with a viable proposal, the legislature would "do it for them."

Opposition to the combination of the two boards was voiced strongly by organized barbers. Through the barbers' union, the traditional entry into the profession was via the apprentice-journeyman route. The barbers were opposed to any change in the system and mounted a labor-intensive campaign in an attempt to defeat the legislation to combine the boards.

An organization was formed for the specific purpose of lobbying for a combined board of examiners--to place the hairdressers and the barbers under one examining board. The organization, still in existence, is named The Professional Hair Industry, Inc.

Interview Comments

According to a spokesman for that organization, Wayne Beinert, who is head of the Executive Barbers School in Portland, the combined board is a positive move for the industry in general. It has simplified the licensing procedure by (a) providing for a "one-stop" examination and licensing procedure; (b) eliminating the practical demonstration type examination; and (c) providing for an on-going licensing procedure schedule. Exams are scheduled once a month at designated areas throughout the state; are written exams only; and cover five categories: chemistry, safety, sanitation, use of implements, and state laws.

Representative Fred Brown

March 4, 1980

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The administrator of the combined boards, Virginia Honeywell, discussed positive results: reduced paperwork within the administration and reduced cost. The latter will result this year in reduced cost to license applicants from \$50 to \$30, effective July 1, 1980; examination fees will be reduced from \$15 to \$10.

Individual licensed shop owners were also contacted. A barber (Eddie Gustamente) was a licensed barber at the time of the combination of the two boards, and is now a licensed hairdresser and barber. He related a positive reaction to the combined boards; and stated that objections by barbers at the time of the legislative consideration were voiced "probably because they were not prepared to get into 'hairdressing.'"

A hairdresser (Ilene Copeland) was a licensed hairdresser at the time of legislative consideration of the combination of the two boards, and is a member of the above named organization which lobbied for the change. She also related a positive attitude for the change, pointing out, in addition to the above comments, that it "has made life simpler for the licensed shop owner."

If you would like additional information, please let us know.

EM/dp



*Department of Commerce*

**BOARD OF BARBERS AND HAIRDRESSERS**

FOURTH FLOOR, LABOR & INDUSTRIES BUILDING, SALEM, OREGON 97310 PHONE 378-8667

February 21, 1980

Mr. John Mathison  
Senate Commerce Committee  
Pouch V  
Juneau, ALASKA 99811

Dear Mr. Mathison:

I enjoyed talking with you today, and appreciate you looking to Oregon as a model for your proposed legislation.

Enclosed is the following information as per our telephone conversation:

1. Xeroxed copy of C-Engrossed and Enrolled HB-3167;
2. Summary of HB-3167;
3. ORS Chapter 690;
4. OAR Chapter 817;
5. In-State Packet;
6. Out-of-State Packet;
7. Assorted Forms;
8. Baker vs. Daly.

Upon review of the packets, you will note that we no longer require pre-filing for examination by the applicant (this eliminates a tremendous amount of paper-shuffle). \*

When reviewing ORS Chapter 690, you will find that students can choose the area or field in which they wish to train. Example: a student may choose to train in hairdressing only, or any field, or combination of fields. Upon completion of training, he or she can be examined in that area(s) without being required to train in the others. \* This approach says: It is not incumbent upon the practitioner to know how to manicure to be able to dress hair. I believe this concept is in keeping with the 14th Amendment to the Constitution of the United States.

Mr. John Mathison

February 21, 1980

-2-

I'm also enclosing a 1926 District Court case that you may find of interest. Our required curriculum is in keeping with the decision of this case. Although students were required to train in all areas until 1977, when the Legislature acknowledged and legislated separate fields of training, e.g., hairdressing, cosmetology and manicuring.

If I can be of further assistance, please feel free to contact me.

Sincerely,

*Virginia L. Honeywell*  
Virginia L. Honeywell,  
Administrator

enclosures: (8)

# Chapter 690

## 1977 REPLACEMENT PART

### Barbers and Hairdressers

#### GENERAL PROVISIONS

- 690.005 Definitions
- 690.015 Certificate required; prohibited acts
- 690.025 Application of chapter

#### CERTIFICATES, LICENSES AND PERMITS

- 690.035 Application for license or certificate
- 690.045 Qualifications; issuance of certificate; duration of validity
- 690.055 Shop license requirements
- 690.065 Examinations
- 690.075 Grounds for refusal, suspension or revocation of certificate or license
- 690.085 Renewal of certificates and licenses
- 690.086 Display of certificate required
- 690.105 Permit requirements
- 690.115 Temporary premises license
- 690.123 Certificate of identification

#### STATE BOARD

- 690.155 State Board of Barbers and Hairdressers; qualifications; appointment
- 690.165 Powers of board
- 690.175 Officers; rules; meetings; quorum; compensation and expenses
- 690.185 Administrator; appointment and compensation; services and employes
- 690.195 Records of board
- 690.205 Rules; approval of Health Division; when domestic use of premises permitted
- 690.215 When hearing required
- 690.225 Inspections
- 690.235 Fees
- 690.243 Use of fees

#### SCHOOL LICENSE

- 690.275 Election for school to be regulated under this chapter or under vocational school law

#### PENALTIES

- 690.992 Penalties

#### CROSS REFERENCES

- Administrative procedures and rules of state agencies, Ch. 183
- Apprenticeship or training agreement, 660.020
- Denial, suspension or revocation of license prohibited solely because of criminal conviction, 670.010
- Military or naval service, persons relieved from... of fees, 408.450
- Waiver of educational requirement for admission to examination, 670.010

- 690.155 Director of Department of Commerce as ex officio board member, 184.545

GENERAL PROVISIONS

**690.005 Definitions.** As used in ORS 690.005 to 690.243:

(1) "Board" means the State Board of Barbers and Hairdressers.

(2) "Certificate" means a certificate of registration, issued in accordance with ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, authorizing the holder to practice hair design, cosmetology or manicure in accordance with the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(3) "Cosmetology" means the use of the hands, mechanical or electrical apparatus or appliances, cosmetic preparations, antiseptics, tonics, lotions or creams in massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally.

(4) "Hair design" means, when done upon the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally, any one or more of the following practices:

(a) Shaving, trimming or cutting of the beard.

(b) Arranging, styling, dressing, curling, temporary waving, permanent waving, relaxing, cutting, singeing, bleaching, coloring, dyeing, cleansing, shampooing, conditioning, applying hair tonics or similar work upon the hair of an individual.

(5) "License" means a license to operate a shop issued under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(6) "Manicure" means cutting, trimming, polishing, coloring, tinting, cleansing, or otherwise treating the nails of the hand or massaging, cleansing, treating or beautifying the hands performed for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly for the public generally.

(7) "Practitioner" means a person certified and registered to practice hair design, cosmetology or manicure under the provisions of

ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(8) "School of hair design" means an establishment operated for the purpose of teaching hair design and licensed under ORS chapter 345.

(9) "Shop" means an establishment operated for the purpose of engaging in the practice of hair design, cosmetology or manicure and licensed under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

[1977 c.886 §1]

690.010 [Amended by 1969 c.687 §1; 1977 c.270 §1; repealed by 1977 c.842 §28 and 1977 c.886 §42]

**690.015 Certificate required; prohibited acts.** No person shall:

(1) Practice or attempt to practice hair design, cosmetology or manicure without a certificate as a practitioner issued pursuant to ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(2) Operate a shop unless it is at all times under the direct supervision and management of a practitioner.

(3) Display a sign or in any way advertise or hold himself out as a practitioner, barber or hairdresser or as being engaged in the practice or business of hair design, cosmetology or manicure without first obtaining a certificate or license as provided in ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(4) Knowingly make a false statement on an application for a license, certificate or permit or for the renewal of a license, certificate or permit issued under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(5) Permit any person in his employ or under his supervision or control to practice hair design, cosmetology or manicure without a certificate as required by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(6) Obtain or attempt to obtain a certificate, license or permit by fraudulent means.

(7) Permit the fraudulent use of his certificate by another person.

[1977 c.886 §3]

690.020 [Amended by 1961 c.300 §3; 1969 c.687 §2; repealed by 1977 c.842 §28 and 1977 c.886 §42]

**690.025 Application of chapter.** ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 do not apply to:

(1) Services performed without compensation in case of emergency or in domestic administration.

(2) The following persons while in the proper discharge of their professional duties:

(a) Persons authorized by the law of this state to practice medicine, osteopathy, surgery or dentistry.

(b) Registered nurses.

(c) Persons licensed by the State Board of Pharmacy, merchants or other individuals when demonstrating apparatus or supplies for purposes of sale.

(d) Commissioned medical and surgical officers of the United States Army, Navy or Marine Hospital Service.

(3) A student attending a school licensed to teach hair design, cosmetology or manicure under ORS chapter 345 nor is such person required to obtain a license under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 to perform within the scope of his training.

[1977 c.886 §2]

**690.030** [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

### CERTIFICATES, LICENSES AND PERMITS

**690.035 Application for license or certificate.** A person desiring to obtain a license or certificate shall apply in writing to the board on a form provided by the board. Each application shall be accompanied by evidence under oath or affirmation and satisfactory to the board that the applicant possesses the necessary qualifications.

[1977 c.886 §4]

**690.040** [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.045 Qualifications; issuance of certificate; duration of validity.** (1) To be issued a certificate as a practitioner, each applicant shall:

(a) Pass the certification examination given by the board pursuant to ORS 690.065;

(b) Pay the examination fee and application fee determined by the board; and

(c) If the applicant is applying for a certificate to practice hair design, have successfully completed all courses a school of hair design is

required to teach to be licensed under ORS chapter 345; or

(d) If the applicant is applying for a certificate to practice cosmetology or manicure, have successfully completed all courses a school permitted to teach cosmetology or manicure is required to teach to be licensed under ORS chapter 345.

(2) An applicant who holds a currently valid license or certificate to perform hair design, cosmetology or manicure issued by a licensing agency of another state or territory of the United States shall not be required to comply with paragraph (c) or (d) of subsection (1) of this section.

(3) An applicant shall not be required to comply with paragraph (c) or (d) of subsection (1) of this section if the applicant is the graduate of a hair design, cosmetology or manicure school in another state or territory or in a state correctional institution and the requirements for successful completion of training at the school are determined by the Superintendent of Public Instruction to meet the minimum requirements for licensing a school of hair design or a school permitted to teach cosmetology or manicure under ORS chapter 345.

(4) The board shall issue to each qualified applicant a certificate. A certificate shall be valid for one year. The certificate shall be prima facie evidence of the right of the holder to practice in the field of practice for which the holder has qualified and to represent himself as a practitioner.

(5) At the request of any applicant who has qualified to perform hair design under this section, the board shall issue a certificate designating its holder as either a "barber" or "hairdresser," or both, as the applicant requests.

(6) A certificate shall state the areas of practice the practitioner may perform.  
[1977 c.886 §5]

**690.050** [Amended by 1959 c.630 §1; 1961 c.436 §1; repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.055 Shop license requirements.** (1) To be issued a license for a shop, each applicant shall:

(a) Be 18 years of age.

(b) Comply with the rules of the board concerning health, safety and sanitation.

(c) Comply with the applicable health and safety laws and rules of the Health Division and any other state agencies.

(d) Pay the application fee determined by the board.

(2) The board shall issue to each qualified applicant a license. A license shall be valid for one year. The license shall be prima facie evidence of the right of the owner of the shop to operate a shop and to advertise as offering the services for which the shop is licensed.

(3) A shop issued a license under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 must at all times be under the direct supervision and management of a practitioner. If hair design is practiced in the shop, the practitioner who supervises the shop must have a certificate to practice hair design.  
[1977 c.886 §6]

690.060 [Amended by 1959 c.630 §2; 1961 c.436 §2; 1969 c.687 §3; repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.065 Examinations.** (1) Examinations shall be given at such times and places as the board may determine, but in no instance less often than once every month.

(2) Examinations shall be written or oral tests and shall test the applicant's knowledge of sanitary practices and safety for all procedures permitted and in the use of all instruments, equipment or chemicals permitted within the scope of a license and certificate in the field of practice for which the applicant is seeking certification.  
[1977 c.886 §7]

690.070 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.075 Grounds for refusal, suspension or revocation of certificate or license.** The board may refuse to issue or may suspend or revoke any certificate or license for any one or more of the following causes:

(1) Continued performance of hair design, cosmetology or manicure by a person knowingly having an infectious or communicable disease.

(2) Violation of ORS 646.608 in the conduct of a hair design, cosmetology or manicure business.

(3) Violation of any of the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.  
[1977 c.886 §8]

690.080 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.085 Renewal of certificates and licenses.** (1) Except as otherwise provided by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, all certificates and licenses issued under ORS 690.005 to 690.243 and 690.992 shall expire one year after the date of issue, unless renewed within 30 days of the expiration date by payment of the required renewal fee and compliance with other requirements for renewal. The board, however, may vary the date of certificate and license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee.

(2) Any license or certificate not renewed before it expires may be renewed within one year by payment of the required renewal fee, compliance with other requirements for renewal and payment of a late renewal fee set by the board.

(3) A certificate that has not been renewed for more than one year, and less than five years, after the date of expiration may be renewed and restored upon payment of one year's renewal fee.

(4) A certificate that has not been renewed for a period of five years after date of expiration may be renewed and restored if the applicant:

(a) Satisfactorily passes the examination required by ORS 690.065.

(b) Pays one year's license fee in advance.  
[1977 c.886 §9]

690.090 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.095 Display of certificate required.** (1) Every holder of a certificate shall display it in a conspicuous place adjacent to or near his work chair. If he has no work chair, the certificate shall be displayed in a conspicuous place within the shop.

(2) Every holder of a license shall display it in a conspicuous place within the shop.  
[1977 c.886 §10]

690.100 [Amended by 1961 c.300 §4; 1969 c.687 §4; repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.105 Permit requirements.** (1) A person not certified under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 who wishes to practice, demonstrate and teach hair design, cosmetology or manicure, or perform any one or more of such functions, temporarily and primarily for educational purposes and is otherwise quali-

fied as determined by the board shall first obtain a permit from the board.

(2) The permit shall specify:

(a) The purpose for which it is granted.

(b) The period during which the person is permitted to practice, demonstrate and teach, which period shall not exceed 10 days.

(c) The time and place of exercising the privilege granted by the permit.

(3) A person may be granted a permit under subsection (1) of this section if he:

(a) Makes application to the board for the permit.

(b) Is currently licensed or certified to practice or teach hair design, cosmetology or manicure in another state and presents satisfactory evidence of that fact to the board, or is otherwise qualified as determined by the board.

(c) Describes the purpose for which the permit is sought.

(d) Pays the required permit fee.  
[1977 c.886 §11]

690.110 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.115 Temporary premises license.

(1) A person who wishes to temporarily operate any premises for teaching hair design, cosmetology or manicure shall first obtain a temporary premises license from the board.

(2) A person may be granted a license under subsection (1) of this section if he:

(a) Makes application to the board.

(b) Describes the purpose for which the license is sought.

(c) Identifies the location of the premises to be licensed.

(d) States the time and dates for which the license will be issued.

(e) Pays the required license fee.

(3) The license shall specify:

(a) The times, dates and location.

(b) The purpose for which the license is granted.

(c) The person to whom the license is issued. The person specified shall be responsible for the adherence to board rules governing health and sanitation.

(4) The period during which the premises shall be licensed shall not exceed five days.

(5) A temporary premises license is not required and shall not be issued if the educational activity is conducted in a licensed school of hair design, cosmetology or manicure.

[1977 c.886 §12]

690.120 [Amended by 1961 c.300 §5; 1973 c.832 §38; 1977 c.873 § 8; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.123 Certificate of identification.

(1) A practitioner who practices outside of or away from a place of business shall carry with him a certificate of identification which must be shown to a person upon whom the work is being performed. The certificate shall contain the signature of the practitioner, his post-office address, the number and date of his certificate.

(2) The board shall, without charge, issue such certificates upon demand by any practitioner who practices away from his place of business on persons who are physically unable to visit a licensed shop.

[1977 c.886 §13]

690.125 [1961 c.300 §2; 1969 c.687 §6; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.130 [Amended by 1959 c.630 §3; 1961 c.300 §6; 1961 c.438 §3; 1969 c.687 §7; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.140 [Amended by 1965 c.274 §1; 1973 c.832 §39; 1977 c.873 §9; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.150 [Amended by 1961 c.300 §7; 1965 c.274 §2; 1969 c.687 §11; 1971 c.86 §1; 1973 c.832 §40; repealed by 1977 c.842 §26 and 1977 c.886 §42]

## STATE BOARD

690.155 State Board of Barbers and Hairdressers; qualifications; appointment.

(1) There is created within the Department of Commerce a State Board of Barbers and Hairdressers consisting of seven members appointed by the Director of Commerce. Each member of the board shall serve for a term of three years and until his successor is appointed and qualified. At all times the membership of the board shall be so constituted that:

(a) Six members of the board shall be practitioners licensed under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(b) One member shall be a public member not licensed under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(2) A person is not eligible for appointment as a member of the board if:

(a) He is associated, directly or indirectly, in the manufacture of cosmetic or barber appliances or supplies or their rental, sale or distribution to licensees.

(b) He has previously served two terms.

(3) A member of the board serves at the pleasure of the Director of Commerce. Vacancies shall be filled by the Director of Commerce, by appointment for the unexpired term.

[1977 c.886 §14]

690.160 [1969 c.687 §9; repealed by 1977 c.842 §28 and 1977 c.886 §42]

**690.165 Powers of board.** In addition to the powers otherwise granted by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, the board shall have the power:

(1) To determine whether applicants to practice hair design, cosmetology or manicure meet the qualifications under ORS 690.045 or 690.055, to conduct examinations, and to grant certificates and licenses to qualified applicants upon compliance with ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 and the rules of the board.

(2) To establish sanitary and safety standards for the practice of hair design, cosmetology or manicure, and to enforce the standards.

(3) To prescribe and furnish forms for applications for examinations, certificates, licenses and permits.

(4) To do any act necessary or proper to effect and carry out the duties required of the board by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

[1977 c.886 §21]

690.170 [1969 c.687 §10; repealed by 1977 c.842 §28 and 1977 c.886 §42]

**690.175 Officers; rules; meetings; quorum; compensation and expenses.** (1) The board shall elect a chairperson. The board shall prescribe rules to govern the proceedings of the board. The board shall hold meetings at such times and places as it determines. A majority of the members of the board shall constitute a quorum.

(2) Each member of the board is entitled to compensation and expenses as provided in ORS 292.495.

[1977 c.886 §16, 17]

**690.185 Administrator; appointment and compensation; services and employes.**

(1) The Director of Commerce shall fix the qualifications of and appoint an administrator

for the board who shall not be a member of the board. Subject to the applicable provisions of the State Merit System Law, the director shall fix the compensation of the administrator, who shall be in the unclassified service.

(2) The Director of Commerce shall provide the board with such services and employes as the board requires to carry out its duties under the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

[1977 c.886 §18]

**690.195 Records of board.** The board shall keep a record of its proceedings relating to the issuance, refusal, suspension and revocation of certificates. This record shall also contain the name, place of business and the date of each certificate and license issued by the board. The records of the board shall at all reasonable times be open to inspection by the public.

[1977 c.886 §19]

690.200 [Repealed by 1977 c.842 §28 and 1977 c.886 §42]

**690.205 Rules; approval of Health Division; when domestic use of premises permitted.** (1) The board has authority to make reasonable rules for the administration of the provisions of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 and prescribe sanitary and safety requirements for shops. Sanitary requirements for shops shall be subject to the approval of the Health Division. A copy of the rules adopted by the board shall be furnished by the board to the owner or manager of each shop.

(2) Notwithstanding subsection (1) of this section, the board may not prohibit the use of the shop for domestic purposes if the part devoted to domestic purposes is in a completely separate room not used by customers, with walls extending from floor to ceiling and with any connecting doors kept closed while the shop is in actual operation.

(3) Any rules adopted by the board shall be adopted in accordance with the procedures set forth in ORS chapter 183.

[1977 c.886 §§20, 22 (2)]

690.210 [Repealed by 1977 c.270 §3; 1977 c.842 §28 and 1977 c.886 §42]

**690.215 When hearing required.** Where the board proposes to revoke or suspend or refuse to issue or renew a certificate, permit or license, opportunity for hearing shall be accorded as provided in ORS chapter 183.

[1977 c.886 §22 (1)]

690.220 [Amended by 1969 c.887 §12; repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.225 Inspections.** (1) In addition to any other duties prescribed by law, the Director of Commerce shall establish within the Department of Commerce a program to provide for the inspection of shops licensed under ORS 690.005 to 690.243 and 690.992 and of schools licensed to teach hair design, cosmetology or manicure under ORS chapter 345.

(2) Inspections conducted under this section shall determine whether the shops comply with the sanitary and safety requirements under ORS 690.005 to 690.243 and 690.992 and rules adopted thereunder and whether the schools comply with the sanitary and safety requirements under ORS chapter 345 and rules adopted thereunder. Upon completion of each school inspection the Director of Commerce shall cause a report of the results of the inspection to be submitted to the Superintendent of Public Instruction. [1977 c.886 §26]

690.230 [Amended by 1961 c.436 §4; repealed by 1977 c.842 §26 and 1977 c.886 §42]

**690.235 Fees.** Fees required to be paid shall be paid in amounts determined by the board and approved by the Director of Commerce, except that no fee shall exceed the following:

- (1) The filing of an application for an original certificate as a practitioner, \$15.
  - (2) An annual renewal of a certificate as a practitioner, \$15.
  - (3) Each examination for a certificate as a practitioner, \$15.
  - (4) A temporary permit issued under ORS 690.105, \$5.
  - (5) A shop license, \$50.
  - (6) An annual renewal for a shop license, \$25.
  - (7) A temporary premises license, \$25.
  - (8) A duplicate or replacement of any certificate, license or permit, \$5.
  - (9) A late renewal fee, \$5.
- [1977 c.886 §23]

690.240 [Amended by 1969 c.377 §2; repealed by 1971 c.734 §21]

**690.243 Use of fees.** All fees and other funds received by the Department of Commerce under ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992 shall be paid

into the Commerce Administration Account. The payments shall be credited to a separate subaccount, and are continuously appropriated for the purpose of administering ORS 690.005 to 690.243 and 690.992.

[1977 c.886 §24]

690.245 [1971 c.734 §146; repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.250 [Amended by 1969 c.377 §3; repealed by 1971 c.734 §21]

690.260 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

690.270 [Repealed by 1977 c.842 §26 and 1977 c.886 §42]

### SCHOOL LICENSE

**690.275 Election for school to be regulated under this chapter or under vocational school law.** (1) Notwithstanding any other provision of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992, any school licensed to teach barbering under the provisions of this chapter on July 27, 1977, may continue, at the election of the school, to operate under the provisions of this chapter and any rules adopted thereunder as effective on July 27, 1977, and as administered by the Superintendent of Public Instruction. If a school elects to become subject to the provisions of this section all aspects of the operation of the school shall become subject to regulation under this section, including, but not limited to, the course of study, admission requirements, teacher requirements and qualifications, teacher licensing and license renewal, requisites for graduation, work station requirements, curriculum and all other requirements for the school.

(2) If a school elects to be regulated according to the provisions of this section, it is not subject to regulation pursuant to any other provision of ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992. Any student attending a school regulated according to the provisions of this section and any teacher teaching in the school are subject to the requirements of this chapter and any rules adopted thereunder only while attending or teaching in the school.

(3) No school shall be regulated according to the provisions of this section unless the school so elects before the effective date of the rules adopted by the State Board of Education pursuant to section 39, chapter 886, Oregon Laws 1977. Any school electing to operate according to this section may at any later time elect to withdraw from the provisions of this

section and become regulated as otherwise provided by ORS 293.110, 345.010, 345.400 to 345.450 and 690.005 to 690.992.

(4) Any license or certificate to teach barbering issued by the Board of Barber Examiners pursuant to this chapter before July 27, 1977, shall remain valid and may be renewed according to the provisions of this chapter and rules adopted thereunder as effective on July 27, 1977, so long as the holder teaches at a school regulated according to this section.

(5) The Superintendent of Public Instruction shall administer the provisions of this section.  
[1977 c.886 §38a]

690.280 (Amended by 1965 c.373 §1; 1971 c.753 §51; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.290 (Amended by 1969 c.377 §1; 1973 c.832 §40a; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.300 (Amended by 1965 c.274 §3; 1969 c.314 §91; 1969 c.377 §4; 1973 c.832 §40b; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.310 (Amended by 1969 c.377 §5; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.320 (Amended by 1973 c.832 §41; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.330 (Amended by 1961 c.436 §5; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.340 (Amended by 1967 c.637 §34; repealed by 1977 c.842 §26 and 1977 c.886 §42)

**PENALTIES**

690.990 (Amended by 1977 c.270 §2; repealed by 1977 c.842 §26 and 1977 c.886 §42)

690.992 Penalties. Violation of ORS 690.015 is a Class B misdemeanor.  
[1977 c.886 §25]

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.  
Done at Salem, Oregon,  
October 1, 1977.

Thomas G. Clifford  
Legislative Counsel

# Chapter 691

## 1977 REPLACEMENT PART

### Cosmetic Therapists

691.010 [Repealed by 1967 c.587 §1 (subsections (1) to (5) and (8) to (13) of 691.011 enacted in lieu of 691.010)]

691.011 [Subsections (1) to (5) and (8) to (13) enacted as 1967 c.587 §2 (enacted in lieu of 691.010); subsections (6) and (7) enacted as 1967 c.355 §4; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.027 [Amended by 1967 c.355 §2; 1967 c.587 §§3, 58; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.030 [Repealed by 1967 c.587 §11 (691.055 enacted in lieu of 691.030)]

691.040 [Amended by 1967 c.587 §4; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.045 [1967 c.355 §5; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.050 [Amended by 1961 c.386 §1; repealed by 1967 c.587 §11 (691.055 enacted in lieu of 691.050)]

691.052 [1967 c.587 §5; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.055 [1967 c.587 §12 (enacted in lieu of 691.030, 691.050 and 691.080); 1975 c.465 §1; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.060 [Amended by 1963 c.231 §4; 1967 c.587 §15; 1971 c.762 §1; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.070 [Repealed by 1967 c.587 §13 (691.071 enacted in lieu of 691.070)]

691.071 [1967 c.587 §14 (enacted in lieu of 691.070); 1973 c.832 §42; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.080 [Repealed by 1967 c.587 §11 (691.055 enacted in lieu of 691.080)]

691.085 [1967 c.587 §50; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.090 [Amended by 1967 c.587 §16; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.100 [Amended by 1967 c.587 §17; 1975 c.465 §2; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.105 [1955 c.155 §2; 1967 c.587 §18; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.110 [Amended by 1957 c.194 §1; 1967 c.587 §28; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.120 [Amended by 1953 c.231 §4; 1955 c.155 §3; 1961 c.102 §1; 1967 c.587 §6; 1973 c.832 §43; 1977 c.873 §10; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.130 [Amended by 1961 c.386 §2; 1967 c.587 §39; 1971 c.762 §3; 1973 c.832 §44; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.140 [Amended by 1967 c.587 §41; repealed by 1971 c.734 §21]

691.145 [1971 c.734 §148; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.150 [Amended by 1967 c.587 §42; repealed by 1971 c.734 §21]

691.160 [Amended by 1967 c.587 §9; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.170 [Amended by 1963 c.231 §4; 1967 c.587 §10; 1971 c.762 §4; repealed 1977 c.886 §42]

691.180 [Amended by 1953 c.231 §4; 1955 c.155 §4; 1959 c.29 §1; 1963 c.52 §2; 1967 c.18 §2; 1967 c.587 §7; renumbered 691.300]

691.190 [1967 c.587 §30 (691.190 enacted in lieu of 691.220); 1971 c.762 §5; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.195 [1967 c.587 §31 (enacted in lieu of 691.220); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.200 [1967 c.587 §32 (enacted in lieu of 691.220); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.205 [1967 c.587 §33 (enacted in lieu of 691.220); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.210 [Repealed by 1967 c.587 §57]

691.215 [1967 c.587 §34 (enacted in lieu of 691.220); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.220 [Amended by 1955 c.155 §5; 1961 c.386 §3; repealed by 1967 c.587 §29 (691.190 to 691.215, 691.235 and 691.245 enacted in lieu of 691.220)]

691.225 [1961 c.386 §5; 1965 c.184 §1; repealed by 1967 c.587 §37 (691.226 enacted in lieu of 691.225)]

691.226 [1967 c.587 §38 (enacted in lieu of 691.225); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.230 [Amended by 1961 c.272 §1; 1961 c.386 §6; 1967 c.587 §40; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.235 [1967 c.587 §35 (enacted in lieu of 691.220); 1971 c.762 §6; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.240 [Amended by 1955 c.155 §6; 1967 c.452 §1; repealed by 1967 c.452 §11 and by 1967 c.587 §57]

691.245 [1967 c.587 §36 (enacted in lieu of 691.220); 1975 c.465 §3; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.248 [1973 c.832 §46; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.250 [Amended by 1957 c.406 §1; 1961 c.42 §1; 1967 c.452 §2; repealed by 1967 c.452 §11 and by 1967 c.557 §24]

691.252 [1967 c.452 §7; 1967 c.587 §19; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.260 [Amended by 1967 c.406 §2; 1961 c.42 §2; 1967 c.452 §3; repealed by 1967 c.452 §11 and by 1967 c.587 §22 (691.261 enacted in lieu of 691.260)]

691.261 [1967 c.452 §8; 1967 c.587 §23 (enacted in lieu of 691.260); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.270 [Repealed by 1967 c.587 §20 (691.271 enacted in lieu of 691.270)]

691.271 [1967 c.587 §21 (enacted in lieu of 691.270); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.275 [1957 c.406 §3; 1961 c.42 §3; repealed by 1967 c.587 §25 (691.276 enacted in lieu of 691.275)]

691.276 [1967 c.587 §27 (enacted in lieu of 691.275); repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.280 [Amended by 1953 c.231 §4; 1961 c.386 §7; 1967 c.587 §8; renumbered 691.297]

691.290 [1967 c.452 §10; 1971 c.762 §7; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.295 [1967 c.452 §6; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.297 [Formerly 691.280; repealed by 1971 c.762 §8]

691.300 [Formerly 691.180; 1971 c.762 §9; 1973 c.832 §47; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.310 [Amended by 1967 c.325 §§1, 2; 1967 c.587 §43; 1971 c.753 §32; 1971 c.762 §10; 1973 c.832 §48; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.320 [Amended by 1967 c.587 §45; 1971 c.762 §11; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.330 [Amended by 1965 c.218 §1; 1967 c.587 §47; 1969 c.314 §92; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.340 [1967 c.587 §46; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.345 [1967 c.587 §48; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.350 [Amended by 1961 c.386 §8; 1967 c.587 §49; 1971 c.762 §12; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.360 [Amended by 1967 c.587 §51; 1971 c.762 §13; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.370 [Amended by 1967 c.587 §47; repealed by 1977 c.842 §27 and 1977 c.886 §42]

691.990 [Amended by 1967 c.587 §52; repealed by 1977 c.842 §27 and 1977 c.886 §42]

OREGON ADMINISTRATIVE RULES  
BOARD OF BARBERS AND HAIRDRESSERS  
CHAPTER 817

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DIVISION 1  
PROCEDURAL RULES

817-01-000 NOTICE OF PROPOSED RULE

"Prior to the adoption, amendment, or repeal of any rule, the State Board of Barbers and Hairdressers shall give notice of the proposed adoption, amendment, or repeal:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least fifteen (15) days prior to the effective date.
- (2) By mailing a copy of the notice to persons on the State Board of Barbers and Hairdressers official mailing list established pursuant to ORS 335(6).
- (3) By mailing a copy of the notice to the following organizations or publications:
  - (a) United Press International and Associated Press
  - (b) Oregon Hairdressers and Cosmetologists Association, Inc.
  - (c) Oregon Beauty Schools Association
  - (d) Professional Hair Industry Association, Inc.
  - (e) Oregon Barbers and Beauticians Association [Barbers, Beauticians Allied Industries International Association]
  - (f) Oregon State Board of Education"

817-01-005 MODEL RULES OF PROCEDURE

"The Model Rules of Procedure as promulgated by the Attorney General of the State of Oregon under the Administrative Procedures Act effective November 25, 1977, are by this reference adopted as the rules and procedures of the Board of Barbers and Hairdressers and shall be controlling except as otherwise required by statute or rule."

817-01-010 REQUIRING AN ANSWER TO CHARGES AS PART OF NOTICES TO PARTIES IN CONTESTED CASES

In addition to the notice requirements under the Attorney General's Model Rules of Procedure adopted under OAR 817-01-005, the notice to parties in contested cases may include the statement that an answer to the assertions of charges will be required and, if so, the consequence of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of rule 817-01-015 with the notice.

817-01-015 HEARING REQUEST AND ANSWER: CONSEQUENCE OF FAILURE TO ANSWER

(1) A hearing request, and answer when required, shall be made in writing to the Board by the party or his attorney and an answer shall include the following:

- (a) An admission or denial of each factual matter alleged in the notice;
  - (b) A short and plain statement of each relevant affirmative defense the party may have.
- (2) Except for good cause:
- (a) Factual matters alleged in the notice and

not denied in the answer shall be considered a waiver of such defense;

- (b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;
- (c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and
- (d) Evidence shall not be taken on any issue not raised in the notice and the answer.

DIVISION 10  
SANITARY AND SAFETY RULES

817-10-002 DEFINITIONS as used in OAR 817-10-002 through 817-50-005

- (1) **ACCEPTABLE** means fulfilling the needs or requirements.
- (2) **ADEQUATE VENTILATION** means ventilation by natural or mechanical means must be provided capable of providing at least two air changes per hour.
- (3) **APPROVED** means accepted by the State Board of Barbers and Hairdressers.
- (4) **BARBER/HAIRDRESSER** means a person certified and registered to practice Hair Design.
- (5) **BOARD** means the State Board of Barbers and Hairdressers.
- (6) **CERTIFICATE** means an authorization of the holder to practice Hair Design (barbering, hairdressing), Cosmetology or Manicure.
- (7) **CLEAN** means the absence of soil or dirt, or the removal of soil or dirt by washing, sweeping, clearing away, or any method appropriate to the material at hand.
- (8) **DISPENSARY** means that area or room where chemicals are mixed and tools and implements are washed and sanitized.
- (9) **DISPOSABLE TOWELS** means disposable paper towels or the roller-type cloth towel furnished by laundries.
- (10) **EASILY ACCESSIBLE** means easy to approach or enter.
- (11) **EQUIPMENT** means those items usually considered stationary, e.g., waiting chairs, barber or style chairs, shampoo chairs, cabinets, sinks, shampoo bowls, stationary dryers, manicuring table and stool, and those items required to open a shop for business.
- (12) **HAIR DESIGN** means the practice of barbering and hairdressing.
- (13) **LICENSE** means a license to operate a shop.
- (14) **MATERIAL AND SUPPLIES** means those items which complement the use of tools, e.g., towels, hair tints, bleaches, permanent wave solutions, tonics, hair oils, shampoos, rinses, disinfectants, chemicals and other such items not mentioned that are used accordingly.

- (15) **NON-ABSORBENT** means incapable of absorbing, sucking up, or taking in water or other liquid.
- (16) **PERMIT** means authorization by the Board which allows a licensed person from another state to practice, demonstrate and teach the acts of Hair Design, Cosmetology or Manicure or perform any one or more of such functions temporarily and primarily for educational purposes for a limited time not to exceed ten (10) days. (Authorizes the person.)
- (17) **PRACTITIONER** means any person certified and registered with the Board.
- (18) **PREMISES** means the entire area of the shop which is licensed by the Board and so designated as a shop.
- (19) **SANITARY** means free from agents of infection, disease, or infestation by insects and vermin; and free of soil, dust, or foreign material.
- (20) **SANITIZED** means rendered free of soil, dust, foreign material, and agents of disease or infestation from insects or vermin by effective cleaning and disinfecting processes.
- (21) **SCHOOL** means an establishment licensed by Chapter 345 to teach Hair Design, Cosmetology or Manicure, or any combination thereof.
- (22) **SHOP** means a licensed establishment where in acts of Hair Design or Cosmetology or Manicure, or any combination thereof, are performed by certified and registered practitioners.
- (23) **STERILIZER, WATER SANITIZER or PAN** means the container holding the solution which is large and deep enough to submerge the tool or implement to be disinfected.
- (24) **TEMPORARY PREMISES LICENSE** means authorization by the Board which allows a person(s) to temporarily operate a premises for teaching Hair Design, Cosmetology, or Manicure for a limited time, not to exceed five (5) days. (Authorizes the place.)
- (25) **TOOLS and/or IMPLEMENTS** means all portable tools and implements that can be carried in by the practitioner for use upon patrons, e.g., combs, shears, clippers, yoyettes and any other item used on the individual patron.

Statutory Authority: ORS 690.205

#### 817-10-007 COMPLIANCE WITH ALL APPLICABLE REGULATIONS

Practitioners and shop owners shall observe and be subject to all state and Health Division regulations pertaining to public health and safety. Compliance with state fire, plumbing and electrical regulations is required.

Statutory Authority: ORS 690.055

#### 817-10-011 LIGHTING

All shops shall have adequate and sufficient artificial or natural lighting or, in lieu of natural lighting, at least 10 foot candle light at all work stations and work tables.

Statutory Authority: ORS 690.205

#### 817-10-016 WATER SUPPLY STANDARDS

All shops shall have a supply of both hot and cold running water with a minimum of 15 pounds pressure per square inch in accordance with the State Plumbing Code. The Water Supply Standard section requires the quality and construction to meet ORS 448 and the Health Division rules, OAR 333-42-200 thru 333-42-245.

Statutory Authority: ORS 690.205

#### 817-10-021 TOILETS

(1) An adequate and easily accessible toilet facility for the shop shall be provided. A public toilet facility in a public building may be acceptable.

(2) Toilet facilities shall be kept clean and sanitary without offensive odor and in working order at all times. Soap, disposable towels and hand washing facilities shall be provided. Statutory Authority: ORS 690.205

#### 817-10-026 WATER DISPOSAL

All shop liquid waste from toilets and lavatories shall be discharged into a public sewer; or, in the absence of a sewer, by a method meeting the requirements of ORS 454.405 (septic tank and drain field requirements).

Statutory Authority: ORS 690.205

#### 817-10-030 USE OF ELECTRICAL APPLIANCES FOR PREPARATION OF FOOD

Stoves or electrical appliances used for the preparation of food shall be allowed within a shop only when located and used in an entirely separate room for use by employes only and not used for the practice of Hair Design, Cosmetology, Manicure or for the storage of supplies by the shop.

Statutory Authority: ORS 690.205

#### 817-10-035 TOWELS

- (1) Clean towels shall be used for each patron.
- (2) Separate closed compartment(s) shall be provided for all clean linen. Packages furnished by the laundry shall not be acceptable as storage for clean linen.
- (3) Closeable container(s) or hamper(s) large enough and sturdy enough to store all soiled linen shall be provided by the shop.
- (4) All soiled linen shall be immediately placed in a closed, covered container(s) or hamper(s).
- (5) Laundry bags shall not be used for storage of soiled linen.

Statutory Authority: ORS 690.205

#### 817-10-040 ARTICLES IN CONTACT WITH PATRON

- (1) A neckstrip or towel shall be placed around the neck of the patron so that the hair cloth or cape does not come in contact with the skin.
- (2) A common powder puff, sponge, lump alum or styptic pencil shall not be used.
- (3) A sanitized neck duster may be used.
- (4) If a vacuum is used in lieu of a sanitized neck duster, the attachment head of the vacuum shall be wiped clean with a towel, cloth or tissue dipped in the approved disinfecting solution after use on each patron.

Statutory Authority: ORS 690.205

#### 817-10-045 HEADRESTS

The headrest of any operating chair shall be covered with fresh linen or paper for each patron.

Statutory Authority: ORS 690.205

#### 817-10-050 LINENS

Clean linen shall be stored in a separate closed compartment.

Statutory Authority: ORS 690.205

#### 817-10-055 MATERIALS IN CONTACT WITH PATRON

- (1) Powder shall be dispensed from a shaker-top receptacle.
- (2) Wave solutions shall be dispensed from a suitable container in a manner which will prevent contamination of the unused fluid.
- (3) Creams and semi-solid substances shall be dipped from the containers with a clean spatula or disposable tissue.

Statutory Authority: ORS 690.205

#### 817-10-060 REFUSE AND WASTE MATERIAL

- (1) Refuse and all dry waste material shall be stored in a fly-tight container and frequently disposed of in a sanitary manner.
- (2) All waste disposal cans shall be large enough to accommodate refuse until it is picked up.
- (3) All waste disposal cans shall have a fly-tight cover which shall be kept in place.
- (4) Waste disposal cans shall be kept clean to prevent odor.
- (5) Cardboard boxes shall not be used for the storage of waste.

Statutory Authority: ORS 690.205

#### 817-10-065 SANITIZING SOLUTIONS

- (1) The sanitizing solution shall be made up at all times the shop is in operation. It shall be kept in a covered pan or container large enough to hold the sanitizing solution for complete immersion of the object to be sanitized.
- (2) After each patron, all tools and implements (including steel manicuring equipment) which comes in direct contact with the patron (except hair clippers and emery boards) shall be cleansed of hair and other adherent foreign material, thoroughly washed with soap and other detergents in water, rinsed in clear water, and disinfected by complete immersion for at least 10 minutes in a solution containing 1600 parts per million (ppm) of a commercial quaternary ammonium compound or by complete immersion for at least 10 minutes at room temperature in a solution containing not less than 15,000 parts per million (ppm) aqueous dilution of a commercial phenol compound; rinsed again in clear water and wiped dry with clean absorbent material.
- (3) Sanitizing solutions shall be kept clean and test to required strength at all times:
  - (a) Quaternary ammonium compounds shall test at least 1600 ppm.

(b) Phenol solutions shall test at least 15,000 ppm.

- (4) After each use, steel tools having a fine cutting edge and steel manicuring equipment may be disinfected by saturating a cotton pad with 75% alcohol and rubbing the pad on the part of the tool to be disinfected. This can be used as an alternate method to 817-10-065(2).
- (5) Electrical or mechanical hair clippers shall be cleansed after each individual patron by removal of hair and other adherent foreign material, operated for at least 15 seconds in a solution containing not less than 1% of a commercial alkyl phenol or of alkyl chlorophenols in hydrocarbon oil, followed by drainage for at least 10 minutes prior to wiping dry and storage for re-use on another patron.

Statutory Authority: ORS 690.205

#### 817-10-070 SANITIZED TOOLS AND IMPLEMENTS

- (1) All tools and implements shall be cleaned and sanitized prior to each use.
- (2) If an emery board is used it shall be a fresh emery board and shall be discarded immediately.

Statutory Authority: ORS 690.205

#### 817-10-075 STORAGE OF SANITIZED TOOLS AND IMPLEMENTS

- (1) All sanitized tools and implements shall be stored in a clean, dry, closed storage cabinet when not in use.
- (2) Sanitized tools and implements shall be stored separately from all other.
- (3) Sanitized combs and brushes spread out to dry shall be covered with a clean towel.
- (4) Roller storage receptacles shall be clean and free of hair and any other adherent foreign material.
- (5) Storage drawers for clean tools and implements shall be clean, free of hair and used only for said tools and implements.
- (6) Storage cabinets throughout the entire shop shall be kept clean.
- (7) Work stations and vanities shall be kept clean, neat and orderly. Work areas shall not be cluttered with useless, unnecessary articles such as newspapers, magazines, etc.

Statutory Authority: ORS 690.205

#### 817-10-080 STORAGE OF SOILED TOOLS AND IMPLEMENTS

A receptacle, which is large and deep enough to hold soiled tools and implements shall be provided.

Statutory Authority: ORS 690.205

#### 817-10-085 HAIRPIECES

When trying on a manufactured hairpiece, that portion of the head that comes in contact with the hairpiece shall be completely covered with a disposable cover. All used hair goods must be cleaned and sanitized before resale and marked as "Used."

Statutory Authority: ORS 690.205

#### 817-10-090 USE OF DRINKING CUPS

- (1) Disposable drinking cups shall be provided in the shop. A drinking fountain is acceptable.
- (2) All drinks must be served in disposable drinking cups (patrons use) and disposed of immediately in a fly-tight covered container.

Statutory Authority: ORS 690.205

#### 817-10-095 PETS IN SHOPS

No pets shall be permitted on the premises of a shop. This does not apply to a trained guide dog accompanied by a blind person.

Statutory Authority: ORS 690.205

#### 817-10-101 EQUIPMENT

- (1) The surface of all equipment, including backbars, within the shop for public use shall be a washable non-absorbent material and kept in a clean, orderly and sanitary condition.
- (2) Shampoo bowls shall be clean of hair and free of residue. A clean towel shall be placed around the neck of each patron to protect the patron while in position at the shampoo bowl.
- (3) All equipment (furniture) fabric shall be clean and in good repair. Badly spotted, torn or worn fabric shall be replaced.

Statutory Authority: ORS 690.205

#### 817-10-106 FLOOR SURFACE

- (1) Floor surfaces in a shop shall be of a washable, non-absorbent, material such as washable carpeting, nylon or acrylic fibers, tile or linoleum and kept in a clean, orderly and sanitary condition.
- (2) Floor surfaces shall be kept clean and in good repair. Worn or broken floor coverings shall be replaced.

Statutory Authority: ORS 690.205

#### 817-10-110 WALLS AND CEILINGS

Walls and ceilings shall be clean and free of leak spots, mildew, condensate or peeling paint.

Statutory Authority: ORS 690.205

#### 817-10-115 WINDOWS AND MIRRORS

Windows and mirrors shall be clean and free of dust, smoke, hairspray, etc.

Statutory Authority: ORS 690.205

#### 817-10-120 POSTING OF LICENSES, INSPECTION CERTIFICATES AND RULES

- (1) All shop licenses shall be posted in public view.
- (2) All inspection certificates shall be posted in public view.
- (3) Sanitary and safety rules adopted by the Board shall be conspicuously displayed in public view.

Statutory Authority: ORS 690.095

#### 817-10-125 COMMUNICABLE DISEASE

A practitioner or employe suffering from a communicable disease in a communicable form shall not work in a shop.

Statutory Authority: ORS 690.095

#### 817-10-130 TREATMENT OF DISEASE

A practitioner or employe shall not undertake the treatment of any disease nor may he or she knowingly serve a patron suffering from a communicable disease of the hair, scalp or nails.

Statutory Authority: ORS 690.005

#### 817-10-135 SERVING PATRONS

Each practitioner shall wash his or her hands with soap and water prior to serving each patron.

Statutory Authority: ORS 690.205

#### 817-10-140 DISPENSARY

Dispensary sink and entire area shall be neat and clean. Dispensary area shall not be cluttered with trash, bottles or items which need to be discarded.

Statutory Authority: ORS 690.205

### DIVISION 20

#### LICENSING AND OPERATION OF A SHOP

##### 817-20-002 VARIANCES

- (1) In the case of any shop licensed prior to the effective date of these rules, upon application to the Board, the Board may grant a variance from any rule relating to the physical requirements of the premises constituting a shop.
- (2) The Board may grant a variance only when it finds that the requirements of the rule in question would render strict compliance unreasonably burdensome or impractical to the special physical condition.
- (3) In granting a variance, the Board may impose certain conditions which it deems necessary to protect the health and safety of the public.

Statutory Authority: ORS 690.165

##### 817-20-005 ISSUANCE OF SHOP LICENSES

The Administrator of the Board may issue a shop license if all sanitary and other regulations and statutes are met.

Statutory Authority: ORS 690.205

##### 817-20-011 CRITERIA FOR A NEW SHOP

Each applicant shall:

- (1) Be at least 18 years of age.
- (2) Make application on the form furnished by the Board.
- (3) Pay the application fee.
- (4) Comply with the rules of the Board concerning health, safety and sanitation pursuant to ORS 690.055(1), (6).
- (5) The area within a home operated as a shop must be equipped with the facilities and equipment required for all shops.

Statutory Authority: ORS 690.055

##### 817-20-015 PURCHASING AN EXISTING SHOP

You must:

Meet the requirements of a new shop; refer to 817-20-011.

Statutory Authority: ORS 690.055

**817-20-025 MOVING AN EXISTING SHOP TO NEW LOCATION**

You must:

- (1) Meet the requirements of a new shop; refer to 817-20-011.
- (2) Shop licenses are not transferable from person to person or to a new location.

Statutory Authority: ORS 690.205

**817-20-030 CLOSING A SHOP**

You shall:

- (1) Inform the Board office of the date you are to close the shop.
- (2) If you reopen the shop, you are to inform the Board office.

Statutory Authority: ORS 690.205

**DIVISION 30  
EXAMINATIONS**

**817-30-005 HOW TO OBTAIN A CERTIFICATE AS A GRADUATED STUDENT FROM AN OREGON SCHOOL OF HAIR DESIGN, COSMETOLOGY OR MANICURE**

- (1) To obtain an Oregon certificate as a Barber, Hairdresser, Cosmetologist and Manicurist, you must:
  - (a) Complete and pass all courses in a barber school or beauty school in the subjects in which you wish to become certified;
  - (b) Must pass written examination administered by the Board of Barbers and Hairdressers;
  - (c) Pay a \$15 examination fee and a \$15 certificate fee.

Statutory Authority: ORS 690.035

**817-30-010 HOW TO OBTAIN A CERTIFICATE AS AN OUT-OF-STATE LICENSED APPLICANT**

- (1) To obtain an Oregon certificate as a Barber, Hairdresser, Cosmetologist or Manicurist, you must:
  - (a) Furnish the Board of Barbers and Hairdressers with a copy of your *current* out-of-state certificate (license);
  - (b) Pass a written test administered by the Board of Barbers and Hairdressers;
  - (c) Pay a \$15 examination fee and a \$15 certificate fee.
- (2) Out-of-state applicants may take their original examination in the Board office. This may be done any day of the week Monday thru Friday during regular business hours.

Statutory Authority: ORS 690.035

**817-30-015 HOW TO APPLY TO TAKE THE EXAMINATION**

- (1) An applicant is not required to preregister. The applicant decides when and where he or she wants to take the test and goes to the exam site of his or her choice on the scheduled date and hours (refer to 817-30-030).
- (2) Tests are given on a first-come, first-served

basis. The applicant should allow enough time to finish the test by closing time.

- (3) The only time an applicant would need to contact the Board of Barbers and Hairdressers before taking the test is if there are questions whether he or she is qualified to take the test.

Statutory Authority: ORS 690.035

**817-30-020 WHAT TO BRING WITH YOU WHEN YOU TAKE THE EXAMINATION**

- (1) Completed and signed application form;
- (2) Oregon-graduated students must also have the school manager, instructor, or owner sign the application form to verify the completion of required courses to qualify to take the test;
- (3) Bring identification with you to the exam site, such as a driver's license with your picture.

Statutory Authority: ORS 690.035

**817-30-025 WHAT AN APPLICANT CAN TAKE INTO THE EXAMINATION ROOM**

- (1) An applicant will not be allowed to take notes, textbooks, or notebooks into the examination room;
- (2) The applicant may use a translating dictionary in a foreign language, if needed. This must be a translating dictionary—not a definition dictionary. Before the applicant is allowed to use the dictionary it must be checked by the Examiner.

Statutory Authority: ORS 690.205

**817-30-030 OTHER THINGS THE APPLICANT SHOULD KNOW BEFORE TAKING THE EXAMINATION**

- (1) Applicant will be disqualified if he or she talks to another applicant during the test. If the applicant has questions, ask the Examiner;
- (2) Applicant must obtain permission from the Examiner to leave the room during the examination;
- (3) No one will be admitted to the examination room except those persons taking the test.

Statutory Authority: ORS 690.205

**817-30-035 EXAMINATION COST**

- (1) Cost to take the test is \$15. If the applicant passes the test he or she will need to pay another \$15 for a certificate;
- (2) Applicant must bring two (2) \$15 checks to the exam site. If the applicant does not have a checking account, he or she should bring two (2) money orders or the exact amount of cash.

Statutory Authority: ORS 690.235

**817-30-040 THE TYPE OF EXAMINATION THE APPLICANT WILL HAVE TO TAKE**

The examination is a written test. There is no practical examination.

Statutory Authority: ORS 690.065

**817-30-045 SUBJECTS THAT WILL BE COVERED IN THE WRITTEN EXAMINATION**

- (1) Test is divided into four sections:
  - (a) Safety and Sanitation

- (b) Barbering/Hairdressing
- (c) Cosmetology
- (d) Manicuring
- (2) An applicant must pass the Safety and Sanitation section of the test in order to qualify for a certificate.
- (3) The applicant may choose which of the remaining sections he or she wants to take based on the type of certificate desired and courses which have been completed and passed.
- (4) All four sections will test applicant on:
  - (a) The basic principles on safety and sanitation;
  - (b) The sanitary rules of the Board of Barbers and Hairdressers;
  - (c) Chemicals used;
  - (d) How to safely use the tools of the trade and how they are to be kept clean;
  - (e) Diseases and disorders.
- (5) Questions for safety and sanitation in barbering and hairdressing are taken from both barber and cosmetology textbooks.

Statutory Authority: ORS 690.065

#### 817-30-050 TIME LIMIT FOR FINISHING EXAMINATION

The test is scheduled to last 1½ hours.

Statutory Authority: ORS 690.065

#### 817-30-055 LENGTH OF TIME BEFORE THE APPLICANT KNOWS IF HE/SHE PASSED THE EXAMINATION

The Examiner will grade the examination on site and give the applicant his or her scores.

Statutory Authority: ORS 690.205

#### 817-30-060 PASSING SCORE

The applicant must have a score of 75 percent or more to pass.

Statutory Authority: ORS 690.205

#### 817-30-065 PROCEDURE TO BE FOLLOWED IF THE APPLICANT FAILS

- (1) If the applicant does not pass all or part of the test and wants to take it again, he or she can do so the next month. The applicant is required to pay another \$15 examination fee whether all or part of the test is taken. The applicant must bring the exam fee to the exam site of his or her choice.
- (2) The applicant may review the exam sections failed by discussion with the Examiner.

Statutory Authority: ORS 690.205

#### 817-30-070 OBTAINING A CERTIFICATE

- (1) If the applicant passes the Safety and Sanitation portion of the test and at least one other portion, he or she will receive a temporary certificate as soon as the test is graded. This will allow the applicant to go to work immediately. The applicant is required to pay a \$15 certificate fee; this is in addition to the \$15 paid for the examination.

- (2) The temporary certificate is good for 30 days or until the applicant receives his or her permanent certificate. The certificate is good for one (1) year from date the temporary certificate was issued.

Statutory Authority: ORS 690.205

#### 817-30-075 WHEN EXAMINATIONS ARE HELD

- (1) Exams are given once a month at five different locations on five different dates.
- (2) The times, places, and dates may be obtained from the Board office.

Statutory Authority: ORS 690.065

#### 817-30-080 ORAL EXAMINATIONS

An oral examination may be requested by the applicant who has demonstrated his or her inability by failing to pass the original written test. An oral examination will be conducted in the office of the Board.

Statutory Authority: ORS 690.065

#### 817-30-085 ISSUANCE OF PRACTITIONER CERTIFICATE

The Administrator is authorized to grant a Certificate of Registration if the applicant successfully passes an examination.

Statutory Authority: ORS 690.205

### DIVISION 40

#### FEES

#### 817-40-005 ORIGINAL CERTIFICATE AND LICENSE

- (1) A fee of \$15 shall be paid to the Board with each application for an original certificate as a practitioner;
- (2) A fee of \$50 shall be paid to the Board with each application for a shop license.

Statutory Authority: ORS 690.235

#### 817-40-010 RENEWAL OF CERTIFICATE AND LICENSE

- (1) A fee of \$15 shall be paid to the Board as a requirement for annual renewal of certificate;
- (2) A fee of \$25 shall be paid to the Board as a requirement for annual renewal of a shop license.

Statutory Authority: ORS 690.235

#### 817-40-015 LATE FEE

A fee of \$5 shall be paid to the Board as a requirement for renewal of an expired license or certificate which has not been renewed within 30 days following the expiration date.

Statutory Authority: ORS 690.235

#### 817-40-020 DUPLICATE OR REPLACEMENT OF A CERTIFICATE OR LICENSE

A fee of \$5 shall be paid to the Board as a requirement for a duplicate or replacement of any certificate, license or permit.

Statutory Authority: ORS 690.235

#### 817-40-025 TEMPORARY PREMISES LICENSE

A fee of \$25 shall be paid to the Board with each application for a Temporary Premises License.

Statutory Authority: ORS 690.235

**817-40-030 TEMPORARY PERMIT**

A fee of \$5 shall be paid to the Board with each application for a Temporary Permit issued under ORS 690.105.  
Statutory Authority: ORC 690.235

**817-40-035 EXAMINATION**

A fee of \$15 shall be paid to the Board with each application for examination for a certificate as a practitioner. A \$15 fee shall be paid by the applicant for each subsequent examination.  
Statutory Authority: ORS 690.235

**DIVISION 50**

**RENEWAL AND RESTORATION OF CERTIFICATE OR LICENSE**

**817-50-005 RENEWAL FEES**

- (1) "The one year" renewal fee under ORS 690.085(3) means the renewal fee for the year for which the certificate is to be issued.
- (2) "The one year" license fee in advance under ORS 690.085(4) means the renewal fee for the year for which the certificate is to be issued.

Statutory Authority: ORS 690.085

**Chapter 01. Centralized Licensing.**

**Section**

- 10. Applicability of chapter
- 20. Board organization
- 25. Public members
- 30. Quorum
- 40. Transportation and per diem
- 50. Administrative duties of department
- 60. Application for license
- 70. Administrative duties of boards

**Section**

- 80. Department regulations
- 87. Powers and duties of department
- 90. Applicability of the Administrative Procedure Act
- 100. License renewal, lapse and reinstatement
- 105. Penalty for improper payment
- 110. Definitions

**Sec. 08.01.010. Applicability of chapter.** This chapter applies to the

- (1) Board of Public Accountancy;
- (2) Board of Barber Examiners;
- (3) Repealed by § 6 ch 32 SLA 1971.
- (4) Board of Chiropractic Examiners;
- (5) Board of Hairdressing and Beauty Culture Examiners;
- (6) Board of Dental Examiners;
- (7) Board of Electrical Examiners;
- (8) State Board of Registration for Architects, Engineers and Land Surveyors;
- (9) State Medical Board;
- (10) Board of Nursing;
- (11) Board of Examiners in Optometry;
- (12) Board of Pharmacy;
- (13) Real Estate Commission;
- (14) Board of Veterinary Examiners;
- (15) Board of Psychologist and Psychological Associate Examiners;
- (16) Collection Agency Board;
- (17) Board of Welding Examiners;
- (18) Board of Marine Pilots;
- (19) Board of Dispensing Opticians;
- (20) Guide Licensing and Control Board;
- (21) State Physical Therapy Board. (§ 1 ch 59 SLA 1966; am § 2 ch 136 SLA 1967; am § 2 ch 101 SLA 1968; am § 2 ch 143 SLA 1968; am § 2 ch 151 SLA 1968; am § 1 ch 106 SLA 1970; am § 6 ch 32 SLA 1971; am § 4 ch 179 SLA 1972; am § 2 ch 45 SLA 1973; am § 14 ch 65 SLA 1973; am § 1 ch 43 SLA 1975; am § 1 ch 43 SLA 1977)

**Effect of amendments.** — The first 1973 amendment added paragraph (19).

The second 1973 amendment inserted "and Psychological Associate" in paragraph (15).

The 1975 amendment added paragraph (20).

The 1977 amendment added paragraph (21).

**Editor's note.** — Section 2, ch. 59, SLA 1966, provides: "The Department of Commerce shall provide for the orderly

transfer of the service functions which are to be performed by the department under this chapter."

Section 4, ch. 59, SLA 1966, provides: "A provision in existing law which conflicts with this Act is superseded by this Act."

**Legislative committee reports.** — For report on ch. 143, SLA 1968 (HB 707), see 1968 House Journal, p. 836. For report on ch. 32, SLA 1971 (HB 111 am), see 1971 House Journal, p. 138.

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**Sec. 08.01.020. Board organization.** Unless otherwise provided, all board members are appointed by the governor and serve at his pleasure. Unless otherwise provided, the governor shall designate the chairman of the board, and all other officers shall be elected by the board members. (§ 1 ch 59 SLA 1966)

**Sec. 08.01.025. Public members.** No public member of a board may:

- (1) be engaged in the occupation which the board regulates;
- (2) be associated by legal contract with a member of the occupation which the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) have a direct financial interest in the occupation which the board regulates. (§ 1 ch 258 SLA 1976)

**Sec. 08.01.030. Quorum.** A majority of the membership of a board constitutes a quorum unless otherwise provided. (§ 1 ch 59 SLA 1966)

**Sec. 08.01.040. Transportation and per diem.** A board member is entitled to transportation expenses and per diem as set out in AS 39.20.180. (§ 1 ch 59 SLA 1966)

**Sec. 08.01.050. Administrative duties of department.** (a) The department shall provide the following administrative and budgetary services when appropriate:

- (1) collect fees and issue receipts;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection of applicants as determined by the board;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examination;
- (7) arrange space for holding examinations;
- (8) notify applicants of results of examinations;
- (9) issue licenses and certificates or temporary licenses or certificates as authorized by the board;
- (10) issue duplicate licenses or certificates upon proof by the licensee of loss of the original and payment by the licensee of a fee of \$2;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain current a register of licenses;
- (13) answer routine inquiries;
- (14) maintain files relating to individual licensees;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ secretarial help when needed;
- (18) perform other services which may be requested by the board;

(19) provide investigative services to the boards established under chs. 20, 32, 36, 64, 68, 71, 72, 80, 84, and 86 of this title, for the purpose of assisting those boards in matters of professional discipline.

(b) The form and content of a license, authorized by a board listed in § 10 of this chapter, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned. (§ 1 ch 59 SLA 1966; am § 1 ch 102 SLA 1976; am § 39 ch 218 SLA 1976; am § 2 ch 258 SLA 1976)

**Effect of amendments.** -- The first 1976 amendment added paragraph (19) of present subsection (a).

The second 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in the introductory paragraph of present subsection (a).

The third 1976 amendment designated the provisions of this section as subsection (a), and in that subsection, substituted

"department" for "Department of Commerce" and "when appropriate" for "for the boards" in the introductory language and inserted "by the licensee" in two places in paragraph (10). The amendment also added subsection (b).

While none of the amendments gave effect to the others, this section is set out as it appears in ch. 258, SLA 1976, with the inclusion of paragraph (19) of subsection (a) added by ch. 102, SLA 1976.

**Sec. 08.01.060. Application for license.** All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department. (§ 1 ch 59 SLA 1966)

**Sec. 08.01.070. Administrative duties of boards.** Each board shall perform the following duties in addition to those provided in its respective law:

- (1) keep minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade examinations;
- (6) pass on qualifications of applicants for examination and license;
- (7) forward minutes of meetings to the department within 20 days;
- (8) forward results of examinations to the department;
- (9) notify the department of meeting dates at least 15 days before meeting. (§ 1 ch 59 SLA 1966)

**Sec. 08.01.080. Department regulations.** The department shall adopt regulations to carry out the purposes of this chapter including but not limited to describing

- (1) how an examination is to be conducted;
- (2) what is contained in application forms;
- (3) how a person applies for an examination or license. (§ 1 ch 59 SLA 1966)

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**Sec. 08.01.087. Powers and duties of department.** (a) The department may, upon its own motion, conduct investigations to determine whether any person has violated a provision of this chapter or a regulation adopted under it or a provision of a chapter in this title dealing with one of the boards listed in § 10 of this chapter or a regulation adopted by one of those boards, or to secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or any of the laws pertaining to or regulations adopted by the boards listed in § 10 of this chapter, he may, if he considers it in the public interest, and after notification to all board members by telephone or telegraph of a proposed order or action unless a majority of the members of the board object within 10 days,

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the commissioner or his designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, or an order issued under it, or any of the laws pertaining to or regulations adopted by the boards listed in § 10 of this chapter;

(3) examine or have examined the books and records of any person whose business activities require licensure by a board listed in § 10 of this chapter and he may require that person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records and other documents. (§ 3 ch 258 SLA 1976)

**Sec. 08.01.090. Applicability of the Administrative Procedure Act.** The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b). (§ 1 ch 59 SLA 1966; am § 4 ch 258 SLA 1976)

**Effect of amendment.** — The 1976 amendment added "except those under AS 08.01.087(b)" to the end of the section.

**Sec. 08.01.100. License renewal, lapse and reinstatement.** (a) All licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A registration, license, permit or certificates requiring renewal to continue effective must be renewed on or before the date set by the department or it will lapse. A penalty of \$10 shall be charged in addition to all delinquent renewal fees for reinstatement of a registration, license, permit or certificate which remains lapsed for more than 60 days. (§ 1 ch 59 SLA 1966; am § 2 ch 94 SLA 1968)

**Sec. 08.01.105. Penalty for improper payment.** An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor. (§ 3 ch 258 SLA 1976)

**Sec. 08.01.110. Definitions.** In this chapter

(1) "board" includes the boards and commissions listed in § 10 of this chapter;

(2) "department" means the Department of Commerce and Economic Development;

(3) "commissioner" means the commissioner of commerce and economic development;

(4) "license" means any license, certificate, permit, or registration or similar evidence of authority issued by one of the boards listed in § 10 of this chapter;

(5) "licensee" means any person who holds a license;

(6) "occupation" means any of the trades or professions for which licensure is required by one of the boards listed in § 10 of this chapter. (§ 1 ch 59 SLA 1966; am § 40 ch 218 SLA 1976; am § 5 ch 258 SLA 1976)

**Effect of amendments.** — The first 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in paragraph (2).

The second 1976 amendment added paragraphs (3) through (6).

## Chapter 02. Miscellaneous Provisions.

### Section

- 10. Professional designation requirements
- 20. Limitation of liability for members of licensing boards

**Sec. 08.02.010. Professional designation requirements.** (a) A person licensed in the state as a chiropractor as defined in AS 08.20.220, a dentist as defined in AS 08.36.360, a medical practitioner or osteopath as defined in AS 08.64.380, a professional nurse as defined in AS 08.68.410, an optometrist as defined in AS 08.72.300(3), a registered pharmacist under AS 08.80, a registered physical therapist under AS 08.84, or a psychologist under AS 08.86, shall professionally identify

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himself by the use of appropriate letters or a title after his name which represents his specific field of practice. The letters or title shall appear on all signs, stationery or other advertising in which the person offers or displays his professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy under AS 08.64.380(2), or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and identifies himself by using the letters "M.D." or the title "doctor" or "physician" or any other title which tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist", "audiologist", "naturopath", or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of his noncompliance by his appropriate licensing board. If, after a reasonable time, with opportunity for a hearing, his noncompliance continues, the board may suspend or revoke his license or registration, or administer other disciplinary action which in its determination is appropriate. (§ 1 ch 6 SLA 1973)

**Sec. 08.02.020. Limitation of liability for members of licensing boards.** No person is liable for damages or other relief in an action by reason of his performance of a duty, function, or activity as a member of a licensing board or by reason of a recommendation or action of the board when the person acts in the reasonable belief that his action or recommendation is warranted by facts known to him or to the board after reasonable efforts to ascertain the facts upon which the action or recommendation is made. (§ 45 ch 102 SLA 1976)

## Chapter 03. Termination, Continuation and Reestablishment of Regulatory Boards

### Section

#### 10. Termination, continuation and reestablishment of regulatory boards

**Cross reference.** — As to review of the activities of agencies, boards and commissions, see AS 44.66.010 et seq.

**Editor's note.** — Section 1, ch. 149, SLA 1977, provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have contributed to a public disenchantment with the operation of state government, and that there is need for an effective and

regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

**Sec. 08.03.010. Termination, continuation and reestablishment of regulatory boards.** (a) Boards listed in this subsection have a termination date of June 30, 1979:

- (1) Board of Chiropractic Examiners (AS 08.20.010);
- (2) Board of Dental Examiners (AS 08.36.010);
- (3) State Medical Board (AS 08.64.010);
- (4) Board of Nursing (AS 08.68.010);
- (5) Board of Dispensing Opticians (AS 08.71.010);
- (6) Board of Examiners in Optometry (AS 08.72.010);
- (7) Board of Pharmacy (AS 08.80.010);
- (8) Board of Veterinary Examiners (AS 08.98.010);
- (9) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
- (10) Board of Nursing Home Administrators (AS 08.70.010);
- (11) Physical Therapy Board (AS 08.84.010).

(b) Boards listed in this subsection have a termination date of June 30, 1980:

- (1) Board of Public Accountancy (AS 08.04.010);
- (2) Board of Barber Examiners (AS 08.12.010);
- (3) Collection Agency Board (AS 08.24.011);
- (4) Board of Hairdressing and Beauty Culture Examiners (AS 08.28.010);
- (5) Board of Electrical Examiners (AS 08.40.010);
- (6) State Board of Registration for Architects, Engineers and Land Surveyors (AS 08.48.011);
- (7) Guide Licensing and Control Board (AS 08.54.010);
- (8) Board of Marine Pilots (AS 08.62.010);
- (9) Real Estate Commission (AS 08.88.011);
- (10) Board of Welding Examiners (AS 08.99.010);
- (11) Board of Governors of the Alaska Bar Association (AS 08.08.040).

(c) Upon termination, each board listed in (a) and (b) of this section shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities.

(d) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(e) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed four years. (§ 2 ch 149 SLA 1977)

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CHAPTER 24. BOARD OF  
HAIRDRESSING AND  
BEAUTY CULTURE EXAMINERS

Section

- 10. Submission of application
- 20. Time of examination
- 30. Additional requirements for licenses
- 40. Requirements for licenses without examination
- 50. Apprenticeships
- 60. Duties of instructor-operator and student instructor
- 70. Location of shops in private residence
- 80. Prohibition against employment of unlicensed operators
- 90. Notification to board of sale, lease or transfer
- 100. Approval of school of hairdressing and beauty culture
- 110. Plan and equipment requirements of schools
- 120. Sanitary rules and regulations
- 130. Curriculum requirements of school of hairdressing and beauty culture
- 140. Inspection of schools

12 AAC 24.010. SUBMISSION OF APPLICATION. (a) All applications shall be made under oath and all documentary evidence in support of the application, such as diplomas and foreign license, shall be verified or certified.

(b) The required fee must be submitted with the application.

(c) Applicants shall apply in writing to the secretary of the Board of Hairdressing and Beauty Culture Examiners.

(d) The board reserves the right to require additional proof of qualifications. (In effect before 7/28/59; am 2/64, Reg. 14; am 5/27/66, Reg. 21)

Authority: AS 08.28.120

12 AAC 24.020. TIME OF EXAMINATION. (a) Examination of applicants for licenses shall be given quarterly.

(b) The board shall give public notice of the date, place and time at least 30 days prior to examination.

(c) Additional examinations may be held at the discretion of the board if there are five or more applicants. (In effect before 7/28/59; am 2/64, Reg. 14; am 5/27/66, Reg. 21)

Authority: AS 08.28.120

12 AAC 24.030. ADDITIONAL REQUIREMENTS FOR LICENSES. (a) No person may be licensed as a manager-operator unless

(1) he is a licensed cosmetologist; and

(2) he has had one year practical experience as a licensed cosmetologist immediately prior to application.

(b) No person may be licensed as an instructor-operator unless

(1) he has an Alaska cosmetology license;

(2) he has had one year's practical experience; and

(3) he has engaged in the active practice of hairdressing and beauty culture for at least five years, or has completed 600 hours of student instructor training.

(c) Except that a person may be licensed as an instructor-operator by reciprocity if he holds a current instructor-operator license from a state whose requirements were substantially equal to those provided in AS 08.28.140 at the time the license was issued. (In effect before 7/28/59; am 2/64, Reg. 41; am 5/27/66, Reg. 21)

Authority: AS 08.28.040  
AS 08.28.110  
AS 08.28.180  
AS 08.28.120

12 AAC 24.040. REQUIREMENTS FOR LICENSES WITHOUT EXAMINATION. (a) An applicant who has a current license from a board of cosmetology in another state with less than 2,000 hours of training in an approved school of beauty culture shall be allowed credit for practical shop experience. He may be licensed without examination as follows:

(1) the training and experience must have been immediately prior to date of application and

(A) he has 1,500 hours of training and one year's experience in a licensed beauty shop; or

(B) he has 1,000 hours of training and two years' experience in a licensed beauty shop.

(b) Proof of practical experience must accompany the application for license or be furnished at the request of the board.

(c) Special consideration may be given to an applicant who can furnish proof of training in an advanced beauty culture school. (In effect before 7/28/59; am 2/64, Reg. 14; am 5/27/66, Reg. 21)

Authority: AS 08.28.130  
AS 08.28.140

**12 AAC 24.050. APPRENTICESHIPS.** Any hairdressing or beauty culture shop may train an apprentice in the art of hairdressing or beauty culture subject to the following conditions:

(1) All apprentices shall register with the secretary of the board;

(2) A shop may have one apprentice for each five operators or fraction thereof except that an apprentice who is training under the state office of Vocational Rehabilitation may train in any shop without regard to the quota imposed by this section;

(3) Apprentices shall be instructed in both theory and practical work. Theory shall be taught from a textbook or textbooks approved by the board;

(4) An apprentice shall complete 2,000 hours of instruction over a period not exceeding two years with not more than eight hours' instruction to be given in any single day;

(5) Upon completion of the prescribed course, the apprentice shall be eligible to take an examination given by the board. If the apprentice fails to pass the examination, he shall be eligible to take another examination;

(6) An apprentice shall complete his apprenticeship in the shop in which he was registered, except that the board may authorize an apprentice's transfer to another shop where good cause is shown;

(7) When an apprentice has interrupted his apprenticeship for a continuous period of one year, no credit will be allowed for apprenticeship instruction received prior to the interruption. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.090  
AS 08.28.120

**12 AAC 24.060. DUTIES OF INSTRUCTOR-OPERATOR AND STUDENT INSTRUCTOR.** (a) No instructor-operator may (in connection with his duties as an instructor at a licensed school) practice hairdressing and beauty culture upon members of the public, except when the work pertains directly to the instruction of students.

(b) A student-instructor in cosmetology shall be registered with the board upon enrollment in a registered school.

(c) A student-instructor shall not be permitted to instruct without a licensed instructor on the premises. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

**12 AAC 24.070. LOCATION OF SHOPS IN PRIVATE RESIDENCE.** (a) No shop may be opened and maintained in a private residence unless the shop is located in a separate room apart from the living quarters.

(b) The shop shall be properly equipped and shall be subject to inspection by the board and by the Alaska Department of Health and Welfare. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

**12 AAC 24.080. PROHIBITION AGAINST EMPLOYMENT OF UNLICENSED OPERATORS.** No manager or any other person in a position of authority shall employ an unlicensed operator. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.100

**12 AAC 24.090. NOTIFICATION TO BOARD OF SALE, LEASE OR TRANSFER.** In the case of a sale, lease or transfer of any school or shop, the seller, lessor or transferor shall notify the board of the transaction within 30 days of the sale, lease or transfer. The notice shall contain the name and address of the buyer, lessee or transferee. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

**12 AAC 24.100. APPROVAL OF SCHOOL OF HAIRDRESSING AND BEAUTY CULTURE.** No school of hairdressing or beauty culture may be approved by the board unless the school employs at least two licensed instructors, and upon approval, the school must keep on duty at least one full-time, licensed instructor for each 10 students during school hours. After enrollment of the first 20 students, the school shall employ one additional instructor for every 25 students. In addition to the foregoing requirements, such school shall teach the following minimum required operations for each student during the 2,000 hours training:

- (1) shampoos - 100
- (2) color rinses - 50
- (3) neck trims w/clippers - 50
- (4) haircuts - 200
- (5) manicures - 50
- (6) tweezer arches - 10
- (7) wax arches - 10
- (8) fingerwaves (flat) - 100
- (9) iron work - 150
- (10) scalp treatments - 25
- (11) facials (to be completed with make-up) - 25
- (12) cold waves - 60
- (13) heat permanents (blocking and wrapping) - 10

(14) henna packs - 5

(15) bleaches - 25

(16) hair tints - 25

(17) hairstyles - 300 (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

**12 AAC 24.110. PLAN AND EQUIPMENT REQUIREMENTS OF SCHOOLS.** (a) The plans for a proposed school shall be submitted to the board for approval. A representative of the board shall review the plans and inspect the premises for the purpose of determining:

(1) suitability of location

(2) suitability of school rooms including plumbing, ventilation, lighting and adequacy of floor space (basement rooms below ground level will not be approved);

(3) adequacy of layout;

(4) adequacy of equipment; and

(5) adequacy of provisions for licensed instructors.

(b) After all equipment has been installed the premises must be inspected by a representative of the board and thereafter approved by the board before a license will be issued.

(c) The minimum requirements for a school of beauty culture enrolling 25 students or less shall consist of the following items of equipment:

(1) 10 wefts;

(2) one vibrator;

(3) six curling heaters;

(4) eight block heads;

(5) one linen cabinet;

(6) four shampoo basins and trays

(7) 10 mirrors and 10 chairs;

- (8) one blackboard, 4' x 4' or equivalent;
- (9) eight sanitary receptacles;
- (10) eight dryers;
- (11) four facial chairs;
- (12) four dry sterilizers (lamps or equivalent);
- (13) one therapeutic lamp installed in such manner as to permit free use of operator's hands;
- (14) one permanent wave machine, croquinole (two complete sets of 32 each of rods, clips and felts), cold wave (four sets each consisting of 32 rods);
- (15) one tablet armchair or usable table for each student in theory class;
- (16) one beauty culture textbook for each student (book of questions and answers are not considered textbooks);
- (17) three types of iron (paper curl, marcel and straightening comb).

(d) In addition to the items of equipment listed in (c) the school shall have such supplies as wave sets, shampoo creams, hair tint, cloth towels manicuring tables with proper lighting, chairs for at least five students, available books on anatomy, physiology and hygiene, charts 24" x 24" or equivalent, on skin, bones, muscles, nerves, and circulatory systems, and other necessary items for instruction that the board may require.

(e) The proper placement of this equipment shall require at least 1,000 square feet of floor space, excluding office, cloakroom and reception room space. In the event that the student enrollment of any school increases, additional space and equipment may be required by the board. The number of students taught in a school of beauty culture at any one time shall be limited to one for every 15 square feet of space contained in the school subject to the following limitations: space occupied by offices and lavatories shall not be used in computing maximum number of students taught.

(f) The following equipment shall be issued to each student:

- (1) one shampoo cape;
- (2) two brushes;
- (3) one pair scissors;
- (4) one pair thinning shears;
- (5) one razor;
- (6) six combs (four fingerwaves, one rattail, and one haircutting);
- (7) one electric clipper (optional);
- (8) complete tools for manicuring; cuticle oil, cuticle remover, polish, emery boards, nipper scissors, pusher and brush; and
- (9) a carrying case of sufficient size to accommodate the materials used by the student. (In effect before 7/28/59; am 5/27/66, Reg. 21)  
Authority: AS 08.28.180  
AS 08.28.250

12 AAC 24.120. SANITARY RULES AND REGULATIONS. The rules and regulations of the Alaska Division of Public Health, as set forth in Title 7, Alaska Administrative Code, Sections 1250 and 1257, are hereby adopted by reference and incorporated herein as a part of these rules and regulations. All licensees shall comply with such regulations. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.280

12 AAC 24.130. CURRICULUM REQUIREMENTS OF SCHOOL OF HAIRDRESSING AND BEAUTY CULTURE.

(a) The school shall submit its proposed curriculum to the board, with the application for license. The curriculum must be approved by the board before the school is licensed. The curriculum shall provide for the use of a standard textbook approved by the board. The curriculum must include instructions on the statutes and regulations governing hairdressing and beauty culture in the State of Alaska.

(b) The curriculum shall provide for a course of at least 2,000 hours of instruction, with no more

than eight hours of instructions in any single day. The school shall, upon completion of the course by a student, issue a diploma and an academic achievement record. A copy of the academic record shall be transmitted to the board.

(c) All students shall register with the secretary of the board. It shall be the duty of the owner of each school to transmit in writing the name, age, address and the date of commencement of instructions of each student enrolled within 30 days after the student's enrollment. It shall also be the duty of the owner of each school to advise the secretary of the board, in writing, of the date of termination of instructions within 30 days after termination.

(d) There shall be a minimum requirement of 250 hours of theory study during the 2,000 hours.

(e) There shall be a minimum requirement of 350 hours of practice training.

(f) Schools must keep daily records of student attendance of all courses, and these records shall be open for inspection by any member of the Board of Hairdressing and Beauty Culture Examiners.

(g) Practice training shall consist of classwork and individual training in all subjects of each practice. All practice training shall be limited to actual practice by the student either on transformation or other devices, or on other students, for the purpose of acquiring the fundamentals and technique of such subjects.

(h) A school may make a reasonable charge for these services to persons other than student, but all services shall be of a clinical nature and under direct supervision of an instructor.

(i) School authorities shall give a student who leaves the school in good standing an "affidavit" indicating the number of hours of each type of instructions received. A student who wishes to transfer to another school must present the affidavit to the school authorities before credit may be given for past instructions.

(j) A student transferring from a school in another state may transfer his credits upon

presentation of a certified affidavit of records from the state cosmetology board of the other state, or upon other proof acceptable by the board.

(k) Where a student has interrupted his schooling for a continuous period of three years, no credit will be allowed for instructions received prior to the interruption. (In effect before 7/28/59; am 5/27/66, Reg. 21)

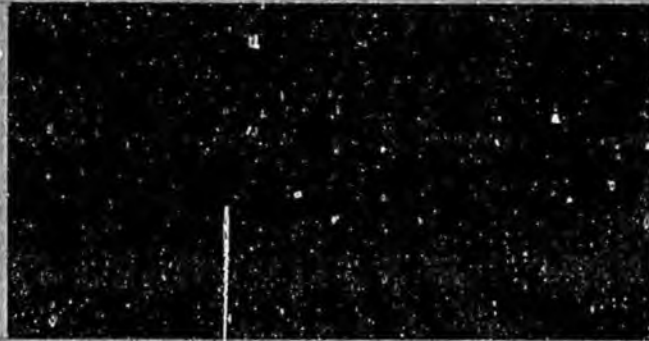
Authority: AS 08.28.180

12 AAC 24.140. INSPECTION OF SCHOOLS. Licensees shall permit any member of the board to inspect at any time during working hours. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

Christians Copy

**STATE OF ALASKA**



**DIVISION OF LEGISLATIVE AUDIT**  
Juneau, Alaska

A PERFORMANCE REVIEW  
OF THE  
BOARD OF HAIRDRESSING  
AND  
BEAUTY CULTURE EXAMINERS

June 11, 1979

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OF THE  
BOARD OF HAIRDRESSING  
AND  
BEAUTY CULTURE EXAMINERS

June 11, 1979

Commissioner of the Department  
of Commerce and Economic  
Development

Charles R. Webber

Deputy Commissioner of the  
Department of Commerce and  
Economic Development

Bertram L. Wagon

Members of the  
Board of Hairdressing and Beauty Culture Examiners

President  
Vice-President  
Secretary  
Member  
Member

Hester Pumphrey  
J. Rae Maness  
Ione M. Lambert  
Maria C. Dunham  
Dennis A. Millhouse

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION  
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION  
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811


August 3, 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 HAIRDRESSING  
AND  
BEAUTY CULTURE EXAMINERS

June 11, 1979



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

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## 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), a review of the Board of Hairdressing and Beauty Culture 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 Hairdressing and Beauty Culture 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; and
- (7) questionnaires sent to persons regulated by the Board.

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 regarding its effectiveness and accomplishments as required by AS 37.07.090.
- (2) The Division of Occupational Licensing has not adequately collected, recorded and maintained pertinent files and statistics relating to the Board to effectively and efficiently carry out its administrative responsibilities.

*manpower  
problem (\$)*

## ORGANIZATION AND FUNCTION

The Board of Hairdressing and Beauty Culture Examiners was created by the 1957 Session Laws of Alaska to serve in a regulatory capacity under the provisions of AS 08.28. The Board is charged with exercising general control over the vocations of hairdressing and beauty culture within the State. To accomplish this, the five member Board has been given authority to examine applicants, issue licenses, inspect shops and schools, investigate complaints, suspend or revoke a license, and promulgate rules and regulation necessary to enforce statutes.

The Board regulates beauty schools, school owners, instructors, students, beauty shop owners, managers and operators, demonstrators and consultants, manicurists, and apprentices. Qualifications for licensure include educational or apprenticeship requirements and passing score on a practical examination as well as a national written test prepared and scored by the Psychological Corporation. Out-of-State applicants holding a current valid license from another state or country may be licensed by endorsement in Alaska if they also meet minimum education and experience requirements.

## 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 oversight consideration. In debating these decisions, 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 Board of Hairdressing and Beauty Culture Examiners (hereinafter referred to as the Board) was created by the 1957 Session Laws of Alaska to serve in a regulatory capacity under the provisions of AS 08.28. The Board is charged with exercising general control over the vocations of hairdressing and beauty culture within the State. To accomplish this, the five member Board has been given authority to examine applicants, issue licenses, inspect shops and schools, investigate complaints, suspend or revoke a license, and promulgate rules and regulations necessary to enforce statutes.

The primary purpose of a regulatory board is to protect the public. This is most often accomplished by licensure. In order to justify licensing of cosmetologists and hairdressers, it is necessary to determine if:

1. The unlicensed practice of cosmetology poses a serious threat to the health, safety, or economic well-being of the consuming public;
2. potential users can be expected to possess the knowledge needed to evaluate the qualifications of those offering the service; and
3. benefits to the public clearly outweigh any potential harmful effects, such as a decrease in the numbers of cosmetologists or higher cost of service, created by regulation.

Services rendered by cosmetologists include two areas of potential harm to the public:

1. Spread of infectious disease; and
2. improper use of chemicals.

The Commissioner of the Department of Health and Social Services (H & SS) is charged with promulgating rules and regulations establishing standards of cleanliness and sanitation in connection with the operation of any cosmetology establishment (AS 18.05.040). Under this authority, H & SS representatives inspect schools and shops to enforce sanitation requirements and control the spread of contagious diseases. Therefore, it is unnecessary for the Board to become involved in this area of public protection.

Chemicals used in cosmetological establishments vary from mild shampoos to stronger formulas for permanent waves and hair coloring. These products for professional users are manufactured in states other than Alaska. Their sale and interstate distribution is controlled by the Department of Health, Education and Welfare, Public Health Service, Food and Drug Administration (FDA). The labeling of such products contains ingredients, instructions for use and precautions to be observed. Most manufacturers have persons on their staff, oftentimes entire departments, who specialize in product liability to ensure that their product labels comply with Federal regulations and can be read and understood by ordinary individuals. Thus, if a cosmetologist, licensed or unlicensed, followed the instructions and precautions on the label of professional cosmetics, the potential harm to the consumer would be minimal.

*NOT TRUE w/r  
Professional  
Chemicals*

In answer to our inquiry regarding complaints or investigations, the FDA, Seattle Field Office, replied that their infrequent needs for investigation reveal that, almost without exception, any adverse effects suffered would be due to sensitivity or allergy type reactions and that this is particularly true for products more commonly used in beauty salons, such as hair dyes and permanent wave products. Here again, products likely to cause sensitivity or allergic reactions caution the user to patch test the product on the consumer prior to application.

To further help resolve the question of whether or not the practice of hairdressing and beauty culture needs regulation, we examined the complaints filed with the Alaska Department of Commerce and Economic Development, Division of Occupational Licensing (OL). Since 1974, 94 complaints have been filed with OL; only 5% were consumer complaints and, of these, only one alleged physical injury. The majority of complaints (44%) were filed by licensed practitioners against others operating without a license; none of these alleged physical harm to customers of unlicensed practitioners. Thus, the nature of these complaints indicates that the unlicensed practice of cosmetology poses a minimal threat to the health, safety, or economic well-being of the consuming public.

There are alternative forms of regulation other than licensure which are appropriate when the threat of life, health, safety and economic well-being is relatively small and other forms of legal redress are available to the public. These include registration without pre-entry screening, registration with minimum standards as a pre-requisite, and certification requiring minimum standards.

*Alternatives  
to the  
Board.*

In summary, we conclude that the Board of Hairdressing and Beauty Culture Examiners should be allowed to terminate on June 30, 1980, and that licensure of cosmetologists and hairdressers be discontinued.

If the Board is not terminated and/or licensing is continued, then the following recommendations should be considered.

## FINDINGS AND RECOMMENDATIONS

Findings and Recommendations No. 1 through No. 8 are addressed to the Board of Hairdressing and Beauty Culture Examiners. Finding and Recommendation No. 9 is addressed to the Division of Occupational Licensing (OL) and should be read in conjunction with "A Performance Review of the Division of Occupational Licensing, Department of Commerce and Economic Development, October 30, 1978" issued under separate cover.

### Recommendation No. 1

The Board should seek legislation to require that two of the five Board members be public members and to limit Board member service to not more than two consecutive three year terms.

AS 08.28 created a Board of Hairdressing and Beauty Culture Examiners composed of five members appointed by the Governor. Four members must have been licensed in the State for five years as an operator, manager-operator or owner-operator; one member must have been licensed for three years as an owner of, manager of, or instructor in a licensed beauty school. Members serve a term of three years and at the pleasure of the Governor; there is no limit on the number of terms a member may serve. Two of the present Board members have served more than two terms; one member has served more than three terms.

Although regulation of the practice of cosmetology was instituted to meet a public need, that is, to protect the health, safety and economic welfare of Alaskans, there is no member of the public represented on the Board. A review of the Board minutes since 1975 shows that no members of the public have been present at the meetings.

Limiting appointments to two consecutive terms and including public members in the Board make-up would permit a broader spectrum of professional background with increased opportunities for new members and ideas and would provide a point of view otherwise absent on a board composed solely of license holders.

### Recommendation No. 2

The Board should inspect all licensed beauty schools on a regular basis; violations and complaints should be investigated promptly.

AS 08.28.040 provides that the Board may inspect schools to exercise general control over the vocations of hairdressing and beauty culture within the State.

There are four beauty schools licensed in Alaska; three are located in Anchorage, the fourth is in Fairbanks. The Board annually inspects the three schools in Anchorage, but the school in Fairbanks has not been inspected since 1976. The Board should consistently exercise its inspection prerogative.

*Why?*  
Numerous complaints, both written and oral, against one particular school in Anchorage have been directed to the Board since 1972. Inspections by the Board have indicated that the majority of these complaints were valid and have revealed further violations by the school owner. Individual Board members have verbally requested investigations by the Division of Occupational Licensing (OL). OL has not acted upon these requests in a timely manner.

The Board should inspect all schools uniformly; and deficiencies noted should be referred to OL in writing.

Recommendation No. 3

*See Appendix*  
The Board should allow apprenticeships in any hairdressing or beauty culture shop which meets the requirements of 12 AAC 24.050.

It is the policy of the present Board not to allow an apprentice to train in a shop which is located in a town where there is a beauty school. According to the minutes of the May, 1978 Board meeting, the policy exists "to protect (beauty) schools".

This policy violates the intent of the law and is discriminatory. It was adopted to protect a segment of the regulated occupation rather than to serve the best interest of the public. Furthermore, it may be construed as restricting entry into the practice of cosmetology.

Recommendation No. 4

The Board should revoke a previous resolution which amounts to invasion of privacy.

On May 17, 1978 the Board unanimously passed a motion instructing the Division of Occupational Licensing (OL) to send a copy of each student's examination results to the beauty school the student attended. OL subsequently complied with these instructions.

To send the beauty schools results of individual students' examination scores serves no useful purpose that could not be served as well by examination statistics without names.

To avoid violation of the students' privacy, the Board should revoke that resolution or amend it to the extent that examination statistics without names be made available to all the beauty schools. OL should not release individual scores without written permission of the student.

Recommendation No. 5

The Board should take formal action to authorize OL to issue licenses.

Between July 1, 1976 and December 31, 1978, OL issued 467 new licenses to cosmetologists and others regulated by AS 08.28 without formal approval of the Board as required by AS 08.01.050.

Since the Board has prescribed minimum licensing requirements, OL has followed the procedures of having a License Examiner approve the license application based on the pre-established requirements.

To comply with the intent of AS 08.01.050, the Board should pass a resolution authorizing OL to issue licenses to applicants meeting minimum requirements.

Recommendation No. 6

The Board should establish goals and quantifiable objectives which would permit performance evaluation by the legislative and executive branches.

In order to show how the Board has provided positive benefits to the public, the membership should establish objectives describing what the Board seeks to accomplish during a specific budget year. To be most effective, these objectives should be capable of measurement and include numerical targets which serve to measure actual accomplishments to stated target accomplishments.

A survey of the members showed that this Board, as a group, does not have a clear idea of its goals and objectives. The Division of Occupational Licensing (OL) established its own overall budget goals and objectives; however, the budget documents do not include goals or objectives for individual boards.

Alaska Statute 37.07.090 requires each agency, board or commission to submit a performance report no later than September 1 for the preceding fiscal year. OL has not, in the past, required the Board to comply with this statute. Without quantifiable objectives, the Board cannot comply with this statute. Without performance data, neither the Governor's Office nor the Legislature can evaluate the effectiveness of the Board.

**Sec. 37.07.090. Performance reporting.** (a) Each state agency shall submit a performance report to the division no later than September 1 for the preceding fiscal year. These reports shall be in the form prescribed by the division after consultation with the legislative finance division, and shall include

(1) an identification of the objectives intended for the program and the problem or need which the activities and operations of the board, commission or program is intended to address;

(2) an assessment of the degree to which the original objectives of the program have been achieved expressed in terms of performance, effects, or accomplishments of the program and of the program or need which it was intended to address;

(3) a statement of the performance and accomplishments of the program in each of the last four completed fiscal years and of the costs incurred in the operation of the program;

(4) a statement of the number and types of persons affected by operation of the program;

(5) a summary statement, for each of the last three completed fiscal years, of the number of personnel employed in carrying out the program and a summary of the cost of personnel employed under contract in carrying out the program;

(6) an assessment of the effect of the program on the economy of the state;

(7) an assessment of the degree to which the overall policies of the program, as expressed in regulations adopted by the agency, board or commission and its decisions, meet the objectives of the legislature in establishing the program; and

(8) an analysis of the services and performance estimated to be achieved if the life of the agency, board or commission were to be continued.

(b) The division shall summarize the performance reports and forward copies to each member of the legislature. (§ 1 ch 188 SLA 1970; am § 5 ch 95 SLA 1971; am § 6 ch 149 SLA 1977)

**Effect of amendment.** — The 1977 amendment deleted "statements concerning" following "legislative finance division, and shall include" in the second sentence of subsection (a) and substituted present paragraphs (1) through (8) for former paragraphs (1) through (4) in that sentence.

**Editor's note.** — Section 1, ch. 149, SLA 1977, provides: "The legislature finds that the substantial increase in the number of state agencies, boards and commissions, and the proliferation of rules and regulations which each has adopted have

contributed to a public disenchantment with the operation of state government, and that there is need for an effective and regular system of scrutiny of the programs and activities of all agencies, boards and commissions. The legislature further finds that the establishment of a system for periodic review by the public and the executive and legislative branches of certain state agencies, boards and commissions will help the governor and the legislature to determine the need for the continued existence of each of the agencies, boards and commissions."

Recommendation No. 7

The Board should establish procedures for the conduct of its business.

During our review of Board proceedings we noted that:

- A. Minutes were not always complete and had not been signed by the Board president; none of the minutes on file with OL were approved.

Minutes are the official public record of the proceedings of a Board meeting and the only means a Board has to formally state its actions. Therefore, it is essential that all minutes be accurate, properly signed and approved.

- B. The Board does not observe parliamentary procedures for the conduct of meetings. Board meetings have been held without notifying all members and publishing agendas; and a single Board member has taken independent action for which the entire Board is responsible.

Meetings conducted without observing parliamentary procedures reduce the effectiveness of the Board. Independent action by a single Board member does not necessarily represent the will of a majority of the Board. Action for which the entire Board is responsible should be decided by a majority of the Board in compliance with the intent of AS 08.01.030.

|| The Board ~~should~~ <sup>MUST</sup> improve formal minutes and adopt standard parliamentary procedures for the conduct of meetings.

Recommendation No. 8

The Board should review existing statutes, rules and regulations and seek appropriate revision where necessary.

As a part of our examination we reviewed the statutes and regulations governing cosmetologists and hairdressing to determine if these laws were obsolete, vague, or unduly restrictive. We also reviewed the Board's activity concerning promulgation of rules and regulations.

Examples of findings follow:

- A. Regulations do not define the minimum licensing requirements for school owner, owner-operator, shop operator only, demonstrator or consultant, and manicurist.

schooling for a continuous period of three years, no credit will be allowed for instructions received prior to the interruption. (In effect before 7/28/59; am 5/27/66, Reg. 21)

Authority: AS 08.28.180

- B. AS 08.28.080 states that the Board shall adhere as closely as possible to rules, regulations and standards prescribed and recommended by the "Allied Cosmetology Council of State Board, Schools, and Shops". There is no such organization today; Board members and employees of the Division of Occupational Licensing (OL) were unaware of any such rules, regulations and standards.
- C. The Board has been applying curriculum requirements of beauty schools, 12 AAC 24.130.(K) as a criteria to determine if applicants have 2,000 hours of schooling required by AS 08.28.110. The Attorney General recently rendered an opinion that 12 AAC 24.12.(k) is not applicable to operator licensing requirements.
- D. The Board approved some changes in its rules and regulations in May, 1978. OL subsequently prepared an initial draft of the revised regulations and forwarded them to the Board for action at the August meeting. No action was taken at the August or November meetings.
- E. Hairdressing laws impose 22 categories of fees (including original license and biennial renewal). Nine categories have not been changed since they were established in 1957 (22 years); two categories haven't been increased for 20 years; and nine other categories haven't been increased for 11 years.

*Get a copy of this →*

Based on 1977-78 figures, the annual cost to taxpayers for operating the Board was \$15,000 over and above license revenue. The licensed profession should adequately contribute to the cost of operating their Board. The Board should review the existing license fees, determine to what extent the Board should be self-supporting, and seek legislation to increase fees in line with current economic conditions.

AS 08.28.040 provides that the Board shall exercise general control over the vocations of hairdressing and beauty culture within the State. This cannot be done effectively if the statutes or rules and regulations are obsolete, vague and can be inconsistently applied. Currently, applicants are unable to determine if they meet minimum qualifications and the potential exists for discrimination by the Board and/or OL. When the Board has reviewed and approved changes in statutes or rules and regulations, it should act promptly to seek the necessary legislation to effect these changes.

Recommendation No. 9

OL should maintain operating statistics in licensing, examinations, and related license examiner workload.

The Division needs relevant facts and statistics for evaluating the performance of its personnel and Board activity. Many past statistics have not been collected and maintained, such as:

- ①. Number of beauty schools, school owners, instructors, students, beauty shop owners, managers and operators, demonstrators or consultants, manicurists and apprentices licensed each year and in the past;
2. number of persons requesting applications and number of applicants denied licensure due to lack of qualification;
3. number of persons taking the practical and written examinations and number of applicants failing;
4. number of complaints against the Board or the regulated occupation received; number investigated and final disposition;
5. correspondence workload of license examiner; and
6. number of complaints or criticisms about the performance of OL support staff.

It is to the advantage of the Division to keep these records in order to support its budget request, evaluate its personnel and keep the Board informed of its progress. Feedback from the Board and the public should be encouraged to determine if staff performance is adequate.

ANALYSIS OF PUBLIC NEED

Limited Analysis

★ The following analysis indicates both positive and negative aspects of Board activities as they relate to the public need factors defined in the "Sunset" law. This analysis is not intended to be comprehensive in nature, but addresses those areas we were able to cover within the scope of our review.

I. The extent to which the board, commission or program has operated in the public interest.

1. The Board has promulgated rules and regulations to exercise general control over the vocations of hairdressing and beauty culture within the State. However, our review showed that some of these rules and regulations are vague, obsolete and can be inconsistently applied.

*which ones (?)*  
→

2. The Board does not allow apprenticeships in any town where a beauty school is located. This policy was adopted to protect a segment of the regulated occupation rather than to serve the best interest of the public.

*protected special interest groups*  
→

3. The Board does not consistently exercise its inspection prerogative. One beauty school has not been inspected since 1976. In addition, the Department of Health and Social Services is charged with inspecting schools and shops to enforce sanitation requirements, so it is unnecessary for the Board to become involved in this area of public protection.

4. The Board has invaded the privacy of beauty school students by sending a copy of each student's examination results to the school he/she attended.

II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

*Lack of*  
→

1. The Division of Occupational Licensing (OL) has not provided investigative support to the Board, thereby rendering ineffective the Board's powers of revocation and suspension of licenses.

## ANALYSIS OF PUBLIC NEED

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- which ones (?)*  
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*special interest groups →*
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II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

- look at →*
1. The Division of Occupational Licensing (OL) has not provided investigative support to the Board, thereby rendering ineffective the Board's powers of revocation and suspension of licenses.

2. The high turnover of License Examiners in OL has resulted in decreased efficiency in the administrative and licensing support furnished the Board.
3. The Board is not self-supporting; cost to taxpayers of operating the Board for FY 1978 was \$15,059.
4. OL has not maintained updated records and statistics for Board use.
5. The Board has not developed and reported program plans and performance information required by AS 37.07.090
6. The Board does not follow parliamentary procedures for the conduct of meetings. Formal Board minutes are not all approved and ratified.
7. The Office of the Governor has not made appointments and/or reappointments to the Board in a timely manner.

*See page 12  
of this  
audit.*

III. The extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

1. As a result of the pipeline impact, the Board initiated action leading to legislation easing restrictions on licensed cosmetologists from other states to practice in Alaska.

IV. The extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

1. The Board has not established formal procedures to encourage reporting by interested persons.

V. The extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

1. OL has not published notice of Board meetings and examinations 30 days in advance as required by AS 08.01.050 and 12 AAC 24.020.

↓ NOT REQUIRED

**Sec. 08.01.050. Administrative duties of department.** (a) The department shall provide the following administrative and budgetary services when appropriate:

- (1) collect fees and issue receipts;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection of applicants as determined by the board;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examination;
- (7) arrange space for holding examinations;
- (8) notify applicants of results of examinations;
- (9) issue licenses and certificates or temporary licenses or certificates as authorized by the board;
- (10) issue duplicate licenses or certificates upon proof by the licensee of loss of the original and payment by the licensee of a fee of \$2;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain current a register of licenses;
- (13) answer routine inquiries;
- (14) maintain files relating to individual licensees;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ secretarial help when needed;
- (18) perform other services which may be requested by the board;
- (19) provide investigative services to the boards established under chs. 20, 32, 36, 64, 68, 71, 72, 80, 84, and 86 of this title, for the purpose of assisting those boards in matters of professional discipline.

(b) The form and content of a license, authorized by a board listed in § 10 of this chapter, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned. (§ 1 ch 59 SLA 1966; am § 1 ch 102 SLA 1976; am § 39 ch 218 SLA 1976; am § 2 ch 258 SLA 1976)

**Effect of amendments.** — The first 1976 amendment added paragraph (19) of present subsection (a).

The second 1976 amendment substituted "Department of Commerce and Economic Development" for "Department of Commerce" in the introductory paragraph of present subsection (a).

The third 1976 amendment designated the provisions of this section as subsection (a), and in that subsection, substituted

"department" for "Department of Commerce" and "when appropriate" for "for the boards" in the introductory language and inserted "by the licensee" in two places in paragraph (10). The amendment also added subsection (b).

While none of the amendments gave effect to the others, this section is set out as it appears in ch. 258, SLA 1976, with the inclusion of paragraph (19) of subsection (a) added by ch. 102, SLA 1976.

2. The Board has no public members nor is there any documentation to indicate that members of the public attend Board meetings.

VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.

- (#) 1. OL does not provide adequate investigative support to the Board as required by AS 08.01.050.

*which school (2) (?)*

The Board and OL have not followed through on numerous complaints against one particular beauty school filed over a period of seven years.

3. Two complaints against the Board were filed with the Ombudsman, and were promptly investigated.

VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

1. The Board promulgated rules and regulations to permit licensure by endorsement with other states meeting the minimum requirements of Alaska.

2. The Board does not approve all licenses prior to issuance as required by AS 08.01.050.

3. The Board administers a practical examination and a national written examination to candidates four times a year. However, OL has not adopted regulations describing how an examination is to be conducted (AS 08.01.080), nor have License Examiners been present to proctor all examinations.

VIII. The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

1. The Department of Administration, Division of Equal Employment Opportunity (EEO), has not established affirmative action requirements for boards and commissions in the State of Alaska.

IX. The extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

1. Please refer to the previous section, Findings and Recommendations.

APPENDIX A

BOARD OF HAIRDRESSING AND  
BEAUTY CULTURE EXAMINERS  
REVENUES COMPARED WITH EXPENDITURES  
Fiscal Year 1978  
(UNAUDITED)

Revenues (See Schedule 1 and Note 1)	\$ 21,907
Expenditures (See Note 2)	<u>(36,966)</u>
Deficit of Revenues Over Expenditures	<u>\$ (15,059)</u>

Schedule 1  
Types of Revenue

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
<u>Schools:</u>		
Registration and initial license fee	\$500	With application for license Biennially
Biennial renewal	\$200	
<u>School Owner, Instructor-Operator, and Demonstrator or Consultant:</u>		
Registration and initial license fee	\$ 40	With application for license Biennially
Biennial renewal	\$ 30	
<u>Operator and Manicurist:</u>		
Registration and initial license fee	\$ 15	With application for license Biennially
Biennial renewal	\$ 10	
<u>Owner Only-Beauty Shop, Owner-Operator and Manager Only:</u>		
Registration and initial license fee	\$ 25	With application for license Biennially
Biennial renewal	\$ 20	
<u>Apprentice or Student:</u>		
Registration and one year permit fee	\$ 5	With Student Enrollment Certificate Annually
Annual renewal	\$ 3	

Schedule 1 (Continued)  
Types of Revenue

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
<u>Examination Fee</u>	\$ 15	10 days prior to examination
<u>Investigation Fee</u>	\$ 25	With application for licensure by endorsement

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Note 1

A significant portion of the revenue is license renewal fees due June 30 of odd numbered years. This causes revenue collections to be unequal from year to year. Therefore, we calculated an average of the revenues collected in fiscal years 1977 and 1978 to report a more accurate representation of annual revenues compared with annual expenditures for Fiscal Year 1978.

Note 2

Expenditures include those made by Board members, such as per diem and travel, plus an allocated percentage (estimated) of the total administrative cost of OL. Expenditures do not include those which other departments, such as the Department of Law, may have incurred in assisting the Board or OL.

APPENDIX B

ADMINISTRATIVE STATISTICS (Note 1)

Current Licenses At October 1978  
(Note 2)

Operator	1,139
Owner-Operator	229
Manager Operator	219
Instructor-Operator	39
Owner Only-Beauty Shop	18
Manicurist	13
Operator-Instructor-Owner	12
Operator-Instructor-Manager	3
Owner-Demonstrator	1
Operator-Owner-Manager	1
Operator-Owner-Demonstrator	1
Operator-Manager-Demonstrator	1
School Owner Only	1
School Owner-Operator-Instructor	<u>1</u>
<u>Total Current Licenses, per Directory</u>	<u>1,678</u>

New Licenses Issued in Calendar  
Years 1977 and 1978 (Note 3)

	<u>1977</u>	<u>1978</u>
Operator	153	204
Manager-Operator	21	16
Owner-Operator	5	5
Owner Only-Beauty Shop	5	8
Manicurist	3	9
Instructor-Operator	6	1

New Licenses Issued in Calendar  
Years 1977 and 1978 (Note 3) (Cont'd)

	<u>1977</u>	<u>1978</u>
Demonstrator	2	-0-
School Owner	<u>1</u>	<u>-0-</u>
<u>Total New Licenses Issued</u>	<u>196</u>	<u>243</u>

Two hundred and forty-one of the above licenses were issued by endorsement from other states or countries.

Board Meetings - Calendar Years 1976,  
1977, 1978

Number of Meetings held	<u>12</u>
Average Number of Meetings per year	<u>4</u>

Examinations - Calendar Years 1976,  
1977, 1978

Number of examinations administered	<u>12</u>
Average number of examinations per year	<u>4</u>

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Note 1

There are no current statistics available for students taking examination and pass/fail ratio nor for number of licenses renewed.

Note 2

This data was summarized from the Board of Hairdressing and Beauty Culture Examiners Directory published by OL in October, 1978.

Note 3

This data was obtained from a log of new licenses issued maintained by OL.

APPENDIX C

QUESTIONNAIRE SENT TO BOARD MEMBERS

See Note 1  
Number of Responses

1. What are the goals and objectives of the Board?
  - a. *To better the hairdresser and cosmetology profession.* 2
  - b. *To better the testing.* 2
  - c. *To monitor internal practices of the profession in order to safeguard public interests.* 1
  - d. *To update statutes.* 1
  - e. *To see that students are wel. trained.* 1
  - f. *To promote continuing education.* 1
  
2. How does the Board measure its progress in meeting its goals and objectives?
  - a. *By input from members of the profession and the public.* 1
  - b. *By the well trained students we examine.* 1
  - c. *By improvements seen in grades on written and practical examinations.* 1
  - d. *By examining complaints.* 1
  - e. *By reevaluating past decisions and reviewing post actions.* 1
  - f. *By reviewing the actions of other Boards.* 1
  - g. *By conducting public interviews.* 1

		<u>Number of Responses</u>		
		<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
3.	<u>Do you believe the Board's meetings are conducted in a professional, business-like manner?</u>	2	2	-0-

Please comment:

		<u>Number of Responses</u>		
a.	No. We need a good set of guidelines.		1	
b.	No. Many members do not follow parliamentary procedures to advance their views.		1	
c.	Yes. Except when a member does not follow parliamentary procedures.		1	
d.	Yes. No comment.		1	

		<u>Number of Responses</u>		
		<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
4.	<u>Should the taxpayers help pay for the Board through appropriations from the State?</u>	2	2	-0-

Please comment:

		<u>Number of Responses</u>		
a.	No. Board should be self-supporting		2	
b.	Yes. We as a Board, are used primarily to test (applicants), thereby protecting the consumer.		1	
c.	Yes. No comment.		1	

5.	<u>What are your general duties and responsibilities as a Board member?</u>			
a.	Administer examinations.		4	
b.	Inspect schools.		3	
c.	Consider changes in the field, including laws and regulations.		2	

Number of Responses

- d. Hold meetings. 2
- e. Help out-of-state operators obtain licenses. 1
- f. Check complaints from students and operators. 1
- g. Inspect shops. 1
- h. Answer inquiries. 1

6. What are the limits of your authority?

- a. As outlined in State statutes. 3
- b. The authority of the Board is restricted because procedures for the conduct of meetings have not been established. 1

7. What do you feel should be part of the code of conduct for Board members?

- a. Act in a professional manner at all times. 1
- b. Set an example (as a leader) for everyone connected with or interested in hairdressing. 1
- c. Maintain high standards and remember that he/she represents the State. 1
- d. Maintain professional objectivity and eliminate personal bias and prejudice. 1
- e. No comment. 1

Number of Responses  
Yes    No    No Opinion

8. Do you feel that the support you get from the Division of Occupational Licensing (OL) is adequate?

4       -0-       -0-

Why or Why not?

	<u>Number of Responses</u>	
a. Yes. But OL should have more authority.		1
b. Yes. They proctor exams, answer questions and send supplies.		1
c. Yes. But if License Examiner position were upgraded, maybe the turnover wouldn't be so frequent and our paperwork would be done.		1
d. Yes. No comment.		1

	<u>Number of Responses</u>		
	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
9. <u>Should the number of years a Board member may serve on the Board be limited?</u>	1	3	-0-
If yes, how many years for 1 term? <u>    3    </u>			
How many terms? <u>    2    </u>			

	<u>Number of Responses</u>	
10. <u>Why were you selected to serve on the Board?</u>		
a. Qualified and available to serve.		3
b. No comment.		1
11. <u>What are the differences between barbering and hairdressing or cosmetology?</u>		
a. Cosmetology is a much more technical, intensive area.		1
b. Barber schools do not teach all the subjects taught in beauty schools and do not require as many hours.		1
c. Hairdressers have more training in chemical work, sets, and comb-outs.		1
d. Hairdressers use chemicals.		1
12. <u>What are the similarities between barbering and hairdressing or cosmetology?</u>		
a. Serving personal appearance.		1

	<u>Number of Responses</u>
b. Meeting the public and cutting hair.	1
c. Haircutting and skin care.	1
d. Haircutting and health regulation.	1

Number of Responses  
Yes    No    No Opinion

13. Could the Board of Barber Examiners be effectively combined with the Board of Hairdressing and Beauty Culture Examiners?      2      2      -0-

Why or why not?

	<u>Number of Responses</u>
a. No. Responsibilities and training of each group are so different.	1
b. No. Barbers need more training in basic hairdressing and chemical work; hairdressers need training in shaving.	1
c. Yes. It would be to the advantage of both professions.	1
d. Yes. But, only if barbers could upgrade to hairdressing requirements.	1

Four Responses  
#1    #2    #3    #4

14. If combination of the two boards is considered, how should such a combined Board be made up?

For example:

A. <u>How many members?</u>	5	7	5	No Opinion
B. <u>How many hairdressers?</u>	3	3	3	No Opinion
C. <u>How many barbers?</u>	1	3	2	No Opinion
D. <u>How many members from the public?</u>	1			No Opinion None

Other comments:

Number of Responses

- a. No barber is qualified to examine a hairdresser or cosmetology student. 1
- b. Laws would have to be changed. 1
- c. No comments. 2

Number of Responses  
Yes   No   No Opinion

15. Should a person having any ownership in a beauty school or barber school be allowed to serve as a Board member?      3      1      -0-

Why or why not?

Number of Responses

- a. Yes. They are often the most experienced persons available. 1
- b. Yes. To act as liaison between schools and Board. 1
- c. Yes. School owners have a great interest in the profession. 1
- d. No. There is a great chance that a school owner would consider his/her own best interest rather than the profession as a whole. 1

Number of Responses  
Yes   No   No Opinion

16. Do you know of any instance where a patron was physically harmed because of an error made by a hairdresser?      3      1      -0-

Please explain (no names need be mentioned):

Number of Responses

- a. Yes. Hair was burned off by chemicals. 1
- b. Yes. Two patrons lost all their hair by bleach; one patron sued because of an infected finger. 1
- c. Yes. Several instances of chemical burns and similar accidents noted. 1

Number of Responses

- d. *No, not physically. A hairdresser did not have enough study in chemicals, mixed wrong products which caused breakage of hair. Patron was furnished with a wig.*

1

Number of Responses  
Yes    No    No Response

17. Have you ever directed any complaints to an agency such as:

A. <u>Division of Occupational Licensing, Department of Commerce and Economic Development?</u>	4	-0-	-0-
B. <u>Alaska's Ombudsman?</u>	-0-	1	3
C. <u>Alaska's Attorney General's Office?</u>	1	1	2
D. <u>Consumer Affairs Offices?</u>	-0-	-0-	4
E. <u>Better Business Bureau or similar agency?</u>	1	-0-	3
F. <u>Member of Board of Hairdressing and Beauty Culture Examiners?</u>	2	-0-	2
G. <u>Other (please specify)? Human Rights Commission</u>	1	-0-	3

18. What was the final disposition of your complaint (please indicate agency handling your complaint)?

<u>Agency</u>	<u>Disposition</u>	<u>Number of Responses</u>
Division of Occupational Licensing	unresolved	2
Board	unresolved	1

Number of Responses  
Yes    No    No Opinion

19. Do you feel that any changes should be made in the way complaints are handled?

3      1      -0-

Please explain:

Number of Responses

- a. Yes. Occupational Licensing should be more involved. 1
- b. Yes. Let the Board member know the disposition, because the complainant wants to know. 1
- c. Yes. We need more help for the Investigative Unit (in OL) so they can follow through on complaints. 1
- d. No. No comment. 1

Number of Responses  
Yes No No Opinion

- 20. Does the Board in any way influence the prices charged for services? -0- 4 -0-

How? No comments or comments not relevant.

Number of Responses  
Yes No No Opinion

- 21. Are you aware of any discriminatory practices involving licensing or investigations by the Board? 1 3 -0-

If so, please explain:

Number of Responses

- a. Yes. There are too many to list. 1
- b. No. No comment. 3

Number of Responses  
Yes No No Response

- 22. Should apprenticeships be allowed in areas where beauty schools are located? 1 3 -0-

Why or why not?

Number of Response

- a. No. Apprenticeship amounts to slave labor, without the benefit to the student of qualified instruction. 1
- b. No. It would hurt the beauty schools. Apprenticeship should be allowed in outlying areas where there are no beauty schools. 1

Number of Responses

- c. *No. It's good for students to learn with other students. However, we should have apprenticeships in outlying areas since Alaska is a large State with only 4 beauty schools, making it hard for some to attend.* 1
  - d. *Yes. As long as they're properly educated, it doesn't matter where.* 1
23. If an applicant can pass both the written and practical examinations, why is it necessary to have other training?
- a. *Examinations are merely back-up spot checks in addition to the lengthy supervised course of study that is required for a truly competent operator.* 1
  - b. *Students need 2000 hours for a good start, but for more advancement an operator must continue training and study.* 1
  - c. *To keep up on new products, methods and styles; to protect the consumer.* 1
  - d. *It is necessary for an educated person to show an uneducated person what to do.* 1

Number of Responses  
Yes    No    No Opinion

24. Would the public suffer harm if hairdressers were not required to have a license?    4    -0-    -0-

Please discuss:

Number of Responses

- a. *Helps to insure proper training and competence.* 1
- b. *Many people, ex-students or ex-operators, without proper training would do beauty work in their homes and the public would suffer.* 1
- c. *Some students would do only the portion (of cosmetology) he/she liked and wouldn't have a rounded education. This would not help the consumer when he/she needs a service.* 1

Number of Responses

d. *You must be educated to handle the chemicals used in cosmetology.*

1

Number of Responses

Yes    No    No Opinion

25. Is the written examination a fair test of what a hairdresser should know to be a competent practitioner?

3    -0-    1

Please explain:

*Comments were a positive restatement of question.*

26. Should a hairdresser be required to keep current with the profession by:

A. Continuing education courses?

4    -0-    -0-

B. Periodic reexamination?

-0-    2    2

Please comment:

Number of Responses

a. *Hairdressers and operators should be required to have continuing education to renew license.*

2

b. *Continuing education is needed because products and techniques are constantly changing.*

1

c. *Continuing education is to the advantage of both hairdresser and consumer.*

1

Number of Responses

Yes    No    No Opinion

27. Are the rules and regulations adopted for conduct of practice adequate in the area of (please answer yes or no and add your comments):

3    1    -0-

A. Licensing?

Number of Responses

a. *No. Rules and regulations need revision.*

1