

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
STATE OF NEW HAMPSHIRE
DIVISION OF HEALTH PROFESSIONS
BOARD OF BARBERING, COSMETOLOGY, & ESTHETICS

121 South Fruit Street
Concord, N.H. 03301-2412

Telephone 603-271-3608 · Fax 603-271-3950

DAVID GROSSO
Executive Director

LINDSEY COURTNEY
Division Director



**BOARD OF BARBERING, COSMETOLOGY, & ESTHETICS
PUBLIC MINUTES OF DECEMBER 16, 2019, MEETING**

The December 16, 2019, meeting of the Board of Barbering, Cosmetology, & Esthetics (the “Board”) convened at 9:29 a.m. at the Office of Professional Licensing and Certification, 121 South Fruit Street, Concord, New Hampshire with the following members present and eligible to vote:

Holly Rodrigues (HR)
Dana Pierce (DP)
Sarah Partridge (SP)
Kassie DuBois (KD)
Jeanne Chappelle (JC)
Kim Hannon (KH)

Absent: Joshua Craggy (JSC)

Others in Attendance:

Lindsey Courtney, OPLC Director, Division of Health Professions (LBC)
Tom Broderick, Rules Attorney (TB)
Beulah Green, Inspector (BG)
Sandra Hodgdon, Inspector (SH)

- 1. Approve Public Minutes of the November 18, 2019, Board Meeting.** Upon motion by KD, with a second by DP, the Board voted unanimously to accept the minutes as written.

HR confirmed that there would be a quorum for the January 15, 2020, meeting.

2. Correspondence

A. Elizabeth Grady. HR stated that this was more of an issue for the medical board. HR believes this has to go to the Board of Medicine. SP agrees and would like to know more. Discussion ensued regarding non-ablative laser technologies and who is permitted

to perform this service. HR recommended that the Board invite someone from Elizabeth Grady and someone from the Board of Medicine to come to the next meeting to discuss. Upon motion by SP, with a second by JC, LBC will ask the board administrator for the Board of Medicine and will send a letter to Elizabeth Grady inviting them to the next board meeting.

B. Tonjia Glasscock. KH stated that the rules clearly state that an individual does not require a license if someone cannot leave their home. HR noted that Ms. Glasscock also wants to do traveling parties. KH noted that Ms. Glasscock does not have a license of any kind and is still advertising services. HR stated this issue should go to APU for investigation. Upon motion by HR, with a second by KH, the Board voted unanimously to refer the matter to APU for an investigation.

C. NIC-Leadership Changes. Discussion ensued regarding the NIC notice, including personnel changes. NFA on this agenda item.

3. 2020 Legislation. LBC reviewed draft legislation with the Board. HB 1260 is intended to reclassify a violation of the Board's practice act from a misdemeanor to a violation. The Board discussed that it did not approve of this legislation. LBC will follow the legislation and keep the Board apprised.

4. Other Public Matters of Importance.

HR noted that the Board had received notification regarding compliance with a prior order of the Board. SH presented the issue regarding the AD matter. The Board discussed next steps as AD continues to practice without a valid license. The Board also discussed whether it could take action against the shop owner. The Board decided to discuss the matter with Board Counsel.

The Board recessed at 9:46 a.m. and reconvened at 9:47 a.m.

LBC noted she had received a question from Nashua North High School. It would like to start a barbering program and would like to know if it needs to be re-inspected, or if it may use the cosmetology space. The Board agreed that Nashua North needed to go through the process to open a barbering program.

LBC noted that this question was different from the issue pertaining to social security numbers for students in high school seeking an apprentice license. The Board was not aware that LBC was working with DHHS on this issue so LBC provided an update to the Board. HR stated the Board should speak with Board Counsel on this issue. The Board decided to discuss the matter with Board Counsel.

5. Non-Public—authorized by RSA 91-A:3, II(c), and the Board's executive and deliberative privileges. Pursuant to RSA 91-A:3, upon motion by SP, with a second by KD, the Board voted to conduct a non-public session because public disclosure may render a proposed action ineffective or adversely affect the reputation of a person other than a Board member.

The Board recessed for a meeting with legal counsel at 10:27 a.m. for the purpose of obtaining legal advice and reconvened into public session at 10:38 a.m.

Upon motion by JC, with a second by HR, the Board voted unanimously to issue a notice of hearing to Adam DuPaul for non-compliance with the Board order, issue a Notice of Hearing to the shop owner for permitting a non-licensed individual to work at the shop, and to send investigative materials received to law enforcement.

The Board recessed for a meeting with legal counsel at 10:41 a.m. for the purpose of obtaining legal advice and reconvened into public session at 10:49 a.m. Pursuant to RSA 91-A:3, upon motion by HR, with a second by JC, the Board voted to conduct a non-public session because public disclosure may render a proposed action ineffective or adversely affect the reputation of a person other than a Board member.

At 11:09 a.m., HR moved to go out of non-public session and into public session, which was seconded by SP. The Board voted unanimously in favor of the motion.

6. Rules Review, Tom Broderick (11:09). TB introduced himself to the Board. TB stated the Board held its public hearings in October. The next step is to vote on final proposals. The Rules will then go to JLCAR.

There are two sets of rules. As to the first, JLCAR had a few minor changes and comments. Upon motion by HR, with a second by DP, the Board voted unanimously to approve the final proposal of the rules as edited. TB noted that the rules would be placed on JLCAR's agenda for January. He did not see a problem with the rules being approved.

As to the Mobile Barbershop Rules (700s), TB noted that there were a few more comments. The Board reviewed JLCAR's comments and edits with TB. As to 701.01(a), TB changed the definition to match the statutory definition. Other changes were editorial in nature. TB noted that, as to 701.02(e), JLCAR had concerns regarding the wording and ADA. The board administrator met with the Governor's Commission on Disability, which suggested language. The Board reviewed the draft language and agreed with the comment as drafted.

The Board next discussed the requirement that the mobile barbershop be in good repair. Discussion ensued regarding wording, and whether the requirement was necessary given Department of Safety governs inspection of vehicles. The Board decided to omit that requirement.

The Board next discussed the requirement that a licensee have a permanent address. Discussion ensued regarding requiring a mobile barbershop to have a permanent address. HR noted that the inspector needs to know where the vehicle is located so she can inspect the vehicle. Discussion ensued about how the inspector would know the location of the mobile barbershop. The Board noted the requirement that the licensee provide an itinerary to the board office regarding where the mobile barbershop would be located. Discussion ensued regarding people living in RV homes that are also mobile barbershops. SH inquired what the consequences would be if someone does not comply with the requirement to provide an itinerary. Discussion ensued regarding changes in itinerary and the alternative option of

providing a GPS tracking device. The Board wished to retain the requirement of notifying the board office of changes in itinerary.

TB noted JLCAR had questions regarding the rule's requirement that the mobile barbershop comply with codes of municipalities. Discussion ensued regarding city inspection requirements. The Board decided it could strike the requirements as those are covered by other state and local laws and regulations.

JC noted the rules took away the requirement that a booth rental needs to have an additional inspection inside a non-mobile rental spot. The rules are fine as is. The rules also omit the "good professional character" requirement because it is duplicative.

Upon motion by JC, with a second by HR, the Board voted unanimously to approve the final proposal of the rules, as amended.

At 11:48 a.m., pursuant to RSA 91-A:3, upon motion by HR, with a second by SP, the Board voted to conduct a non-public session because public disclosure may render a proposed action ineffective or adversely affect the reputation of a person other than a Board member.

Meeting adjourned at 11:58 a.m.