

BOARD OF BARBERING, COSMETOLOGY & ESTHETICS



MINUTES of June 15, 2020

The June 15, 2020 meeting of the Board of Barbering, Cosmetology, & Esthetics convened at 9:23 a.m. with the following members present:

Holly Rodrigues, Manicurist Member, Chair
Jeanne Chappell, Cosmetology School Owner Member
Joshua Craggy, Barber Member
Sarah Partridge, Public Member
Kassie Dubois, Esthetician Member
Kimberly Hannon, Cosmetologist Member

Absent: Dana Pierce, Owner of Tanning Facility Member

PUBLIC MINUTES

ADMINISTRATIVE

It was determined that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governors Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically

1. The Board voted to approve the public minutes of May 20, 2020 on a motion from Kassie Dubois with a second by Jeanne Chappell. A roll call vote was taken and the motion passed unanimously.
2. Rules:
 - a. The Board voted on a motion from Jeanne Chappell with a second by Kassie Dubois to approve Bar 700 which were conditionally approved by the Joint Legislative Committee on Administrative Rules. A roll call vote was taken and the motion passed unanimously.
 - b. It was not possible to do a quick turnaround of Bar 700. The Board will consider adoption at their July meeting.
 - c. The Board discussed licensing of high school apprentices and the challenges of the legal requirement to collect a social security number for child support purposes of individuals holding a license. There is most likely a statutory change necessary to fix the problem. The Board voted on a motion from Jeanne Chappell with a second by Holly Rodrigues to table further discussion on this topic and have Attorney Thomas Broderick gather information and bring back that information and any proposals to the July. A roll call vote was taken and the motion passed unanimously.

- d. The Board reviewed an e-mail from Anne Dalton in which she talks about the law requiring that dip acrylic powder be placed in a separate container for each client and that any leftover product is to be discarded. She further explains that she has been learning from clients that nail technicians are not abiding by the law. Ms. Dalton described a referral she received where a client had anal warts on her fingers after dipping in the “communal” jar and others have suffered from infections due to this practice. She believes that it is impossible for the inspectors to regulate the use of acrylic powder and catch the bad actors that is why she believes the product should not be allowed in salons in New Hampshire. The Board voted on a motion from Kassie Dubois with a second by Jeanne Chappell to respond to Ms. Dalton expressing that they understand her concerns and they have not received any complaints from the public with regards to bad outcomes from the use of the acrylic powder. Under Bar 302.07(c)(7) it states:

“(7) Creams and other semi-solid substances shall be removed from containers with a clean spatula or similar article without allowing such implements to come in contact with the patron. Containers of cream, powder and other toilet preparations shall be covered when not in use; and”

The Board will place information on dip acrylic powder and its proper use on their web site page titled “Frequently Asked Questions”.

A roll call vote was taken and the motion passed unanimously.

Law:

- a. HB 1416 authorizing certification for microblading of eyebrows which would amend RSA 314-A:2 and 6 – **Sponsor Representative McGuire and 4 others – Voted February 19, 2020 Ought to Pass in the House.**
 - b. HB 1367 – relative to out-of-state applicant’s occupational licensure or certification – Pam New President of the NH Cosmetology Association is requesting that the Board provide their position on the bill. The Board voted on a motion from Jeanne Chappell with a second by Holly Rodrigues to respond that the Board does not support this bill based on the fact that they currently have regulations addressing reciprocity that allows for mobility between other States to the State of NH and it is working well. The Board of Barbering, Cosmetology and Esthetics should be exempt from this bill. A roll call vote was taken and the motion passed unanimously.
3. The Board reviewed documents submitted by Katrina Albrecht, Client Success Manager at Prometric SMT that provided an update of changes to the NIC Practical Examinations for the safety of the examiners and the candidates. The Board voted on a motion from Jeanne Chappell with a second by Holly Rodrigues to respond that the Board is happy with the changes being made and that they do not choose any of the 3 optional choices. A roll call vote was taken and the motion passed unanimously.
 4. The Board reviewed the Board of Barbering, Cosmetology and Esthetics – Preliminary Quarterly Financial Report provided by the Office of Professional Licensure and Certification. This was informational.

5. Schools:

- a. Molly Chase sent the Board an e-mail in which she expresses her concerns regarding Board regulation of post-secondary schools and high school's programs. The regulations require post-secondary schools to follow NACCAS while high schools must follow the SAU educational requirements. The areas of concern are the amount of remote education allowed for each program type and the amount of hours that a student can transfer from the high school program to the post-secondary program. Ms. Chase would also like to see the high school programs licensed by the Board on their web site just like the post-secondary school programs are listed. The Board voted on a motion from Holly Rodrigues with a second by Joshua Craggy to respond that the Board apologizes for not including high school programs in the emergency orders that are effective during the Governors State of Emergency. The Board's emergency schools have allowed NH schools to administer up to 100% of education online including administering tests, and offering practical training. With regards to transferring hours between high schools and post-secondary schools the Board does not regulate the transfer of those hours it is up to the receiving school to determine what they will accept. When we return to usual times, the non-emergency laws would stand for the distance education portions of training for both secondary and post-secondary schools. A petition to change the rules or laws would be something to take up when the current emergency orders expire. The Board will look into adding high school programs to the web site if it is allowed under the law. A roll call vote was taken and the motion passed unanimously.
- b. The Board reviewed the NACCAS – Notice of Commission Action dated May 22, 2020. It was noted that a NH school had an action taken against it and that the school was addressing the allegations and were in compliance with that action. This report was informational.
- c. The Board reviewed the NACCAS – Notice of Commission Action dated May 29, 2020. It was noted that schools in Texas were reducing the number of hours required to complete a program was going from 1500 hours to 1000 hours. This report was informational.
- d. The Board discussed the American Institute of Hair which is closed because of the pandemic. If a student is having issues with regards to this closure they should make a formal complaint to the Board. If any complaint is filed, it will be addressed under non-public unless formal action is taken at which time it will become public.

6. The Board was informed that the Office of Professional Licensure and Certification was being relocated. There is not a specific location at this time. The Board will be updated as more information is obtained.

ADJOURN: on a motion by Holly Rodrigues with a second by Jeanne Chappell, the motion to adjourn at 2:20 p.m. carried in the affirmative.

Minutes respectfully submitted by Tina M. Kelley, Board Administrator

06/15/20

Motion to commence non-public session:

On the motion of Kimberly Hannon with a second by Sarah Partridge, the Board, voted to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and noting that such a non-public session is authorized by RSA 91-A: 3, II (c), RSA 91-A: 3, II (e), RSA 91-A: 5, IV, *Lodge v. Knowlton*, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

NON-PUBLIC SESSION:

[Minutes kept separately]

Motion to keep minutes of non-public session confidential:

Upon the motion of Jeanne Chappell with a second by Joshua Craggy, the Board voted to withhold and seal the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A: 3, III on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a Board member and to render the proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.