



State of New Hampshire
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF LICENSING AND BOARD ADMINISTRATION
Board of Barbering, Cosmetology and Esthetics
7 Eagle Square, Concord, NH 03301-2412
Phone: 603-271-2152

PUBLIC MINUTES
Monday, March 20, 2023

The March 20, 2023, Board meeting was called to order at 9:10 a.m. at 7 Eagle Square, Concord, NH with the following members present:

Jeanne Chappell, Chair, School Owner Member
Joshua Craggy, Barber Member - Absent
Kimberly Hannon, Vice Chair, Cosmetologist Member
Sarah Partridge, Public Member
Donna Woodsom, Esthetic Member
Talia Wilson, Senior Board Administrator
Teresa Boyer, Board Administrator
Elizabeth Eaton, Board Counsel

The below times are notated for breaks taken by the Board
10:53am – Returned at 11:15am
11:51am – Returned at 11:58am

MINUTES

The Board approved the public minutes of February 13, 2023, and March 13, 2023, as submitted on a motion from Sarah Partridge and seconded by Jeanne Chappell, with Kimberly Hannon abstained the motion passes with a roll call vote.

HEARINGS

Cozy Nails – Adjudicatory
Hearing Continued

Paull Nails – Adjudicatory
Hearing Continued



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Soft Touch – Adjudicatory

Hearing Continued
Hearings Officer: Shane Goulet
Hearing Counsel: John Garrigan
Respondent: Liem Duong

Hearing commenced at 9:31 am. Hearings Officer Shane Goulet asked the Licensee if he understood the proceeding or if he thought he would need an interpreter. The Licensee indicated that he felt comfortable enough to proceed. However, after further questions from Hearing Counsel and Hearing Officer it was determined that the Licensee would benefit from an interpreter. Therefore, the hearing was continued and will be rescheduled at a date when an interpreter can be made available.

Hearing closed at 9:47 am.

C-Gloss – Adjudicatory

Hearings Officer: Shane Goulet
Hearing Counsel: Marissa Schuetz
Witnesse(s): Sandra Hodgdon
Shannon Avery
Respondent: Cindy Ho

Hearing commenced at 9:47 am. Attorney Marissa Schuetz requested that the submitted findings of fact be entered in lieu of full witness testimony. Shane Goulet Hearings Officer approved the request. Sandra Hodgdon, and Shannon Avery testified that the information contained in the findings of fact were true and accurate to the best of their knowledge. Ms. Ho testified that staff clean after every client. Sarah Partridge asked Ms. Ho if she could tell the Board what the shop uses for products to disinfect. Ms. Ho stated she did not know the name of the products. Kimberly Hannon asked if Ms. Ho if she knew the difference between cleaning, sanitation, and disinfection and she said she did not know the difference and would have to learn. Hearing closed at 10:16 am.

ENFORCEMENT

None



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NEW BUSINESS

Applications

None

Pending Legislation

A.HB644 - Relative to Regulating barbers, cosmetologists, and estheticians

B.HB409 - Relative to Non-Resident Licensure

C.HB2

Board Counsel Elizabeth Eaton review the above pending legislation with Board. It was explained that the language in HB2 did indicate that 2 Board positions would be eliminated. One being School owner member and the other Tanning Facility owner, resulting in the Board going from 7 members to 5. On a motion by Kimberly Hannon and seconded by Sarah Partridge the Board voted to have Board Counsel submit an opposition letter to HB2 highlighting that each member brings a perspective relative to their specialty that helps ensure public safety.

Rule/Statute Clarification Request

A.Micro - Channeling

Micro - Channelings within scope and review Aqua Gold procedure

The Board reviewed a request asking if the procedure known as Aquagold was within the scope of practice. On a motion by Jeanne Chappell and seconded by Sarah Partridge the Board voted that this was not within scope per Bar 302.07 (q)(12) for the use of pins in the device.

*On a motion by Jeanne Chappell and seconded by Sarah Partridge the Board voted there would not be a blanket determination over micro-channeling and the Board will review each request individually to determine scope based on the device being used.

B. On-Line Education

The Board reviewed a request from Dover High School to offer 325 hours online. On a motion by Jeanne Chappell and seconded by Sarah Partridge the Board voted to deny this request because it was determined that online education is for post-secondary schools only per Bar 301.03.



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C. Electric File Certification

The Board reviewed an inquiry from Manchester School of Technology asking if an instructor gets nail drill certification can they then offer electric file certification in their program. On a motion by Kimberly Hannon and seconded by Jeanne Chappell the Board voted to send MST a response explaining the instructor would have to get certified then the program would have to submit a curriculum for the electric file certification which would have to be approved by the Board before implementing.

LAWS AND RULES

A. Bar 100s

Kimberly Hannon was updated that OPLC rules coordinator Tina Kelley presented the initial proposal of Bar 100 at the March 13, 2023 meeting and that the Board discussed that there are additional definitions that may need to be added. Donna Woodsom will be prepared for the April meeting to have possible definitions for Class I and Class II devices, while Jeanne Chappell will have a definition for School Instructor. The Board as a whole will think about what other definitions they may want to add.

Motion to commence 1st non-public session: 10:17am

On the motion of Jeanne Chappell, seconded 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.

Motion to commence 2nd non-public session: 12:42pm

On the motion of Jeanne Chappell, seconded 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



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(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.

Motion to keep minutes of non-public session confidential:

Upon the motion of Sarah Partridge, seconded by Kimberly Hannon, the Board voted to withhold and seal all the minutes of the proceeding 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.

Adjournment

Jeanne Chappell made a motion to adjourn at 1:35pm Kimberly Hannon seconded; motion passes with a roll call vote.