



State of Idaho

Division of Occupational and Professional Licenses Idaho Barber and Cosmetology Services Licensing Board

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Minutes of 6/26/2023

Board	Debra J Thompson - Chair	Division	Anne Lawler, Bureau Chief
Members	Merrilyn Cleland	Staff:	Greg Loos, General Counsel
Present:	Geneal Thompson		Emily Rough, Board Support Specialist
	Thomas E Grimsman		Lindsay Guille, Licensing Specialist
	Wendy S Rucker		
	John Murphy		
	Lindy High		

The meeting was called to order at 2:30 PM by Debra J Thompson.

Zero-Based Regulation: The Board reviewed a document from general counsel with suggested changes to the rules. The changes approved are as follows:

Rule 010.02 – Clinical Services or Clinical Work: This was removed as the same plain meaning of the phrases as used in licensure statutes and rules.

Rule 010.05 – Facility: This was deleted because this definition is narrower than what is in statute.

Rule 07 – Patron: This was removed as the same plain meaning of the term as used in licensure statutes and rules.

Rule 08 – Record of Instruction: This is duplicative of Idaho Code § 54-5817 and was deleted.

Rule 350 – Fees: The fee table was updated to reflect only fees that are charged by the Board and aligning the fee type titles with the names of the licenses are issued.

Rule 301.01.b – Original Barber License: Idaho Code § 54-5816 sets endorsement requirements, so this was deleted as unnecessary to list in rule.

Rule 301.02.b – Original Barber Stylist License: Idaho Code § 54-5816 sets endorsement requirements, so this was deleted as unnecessary to list in rule.

Rule 301.03.b & e. – Original Cosmetologist License: This is a school requirement and will be moved to the school program section for easier readability.

Rule 301.03.f – Original Cosmetologist License: Idaho Code § 54-5816 sets endorsement requirements, so this was deleted as unnecessary to list in rule.

Rule 301.04 – Original Electrologist License: Idaho Code § 54-5816 sets endorsement requirements, so this was deleted as unnecessary to list in rule.

Rule 301.05.e – Original Esthetician License: Idaho Code § 54-5816 sets endorsement requirements, so this was deleted as unnecessary to list in rule.

Rule 301.06 – Original Nail Technician License: Due to this section not being an additional license it will be moved to the school program section. Subsection b was removed as duplicative of Idaho Code § 54-5816.

Rule 309 – Qualifications for Instructor License: Idaho Code § 54-5816 sets endorsement requirements, and § 54-5810 covers the months required for teacher courses and credits, so this was deleted as unnecessary to list in rule.

Rule 311 – Approved Examinations: This rule was simplified to only identify the approved examination. Idaho Code § 54-5810 already requires that applicants must pass the Board approved exam, so all other language was deleted as unnecessary.

Rule 325 – Licensure and Operation of Primary and Contiguous Establishments: This is duplicative of Idaho Codes §§ 54-5803 and 54-5804(1)(a) and was deleted.

Rule 325.01 – Primary Establishment License: Idaho Code § 54-5821 states that all licensees are subject to annual renewal, so this was removed.

Rule 325.02.a – Contiguous Establishment License: This is duplicative of Idaho Code § 54-5803 and was deleted.

Rule 325.02.b – Contiguous Establishment License: This was moved to the new licensure requirements section of the rules.

Rule 325.02.d – Contiguous Establishment License: This was moved to the new practice standards section of the rules.

Rule 325.04 – Businesses Other Than a Licensed Establishment or Facility: Idaho Code § 54-5804 sets the parameters for a home business and the Board does not have statutory authority to further restrict those parameters, so this was deleted.

Rule 326.03 – Transfer of Ownership: This was deleted because it does not provide due process to licensees.

Rule 326.06 – Licensee Status: This was moved to the new Rule 100.04.a. under licensure requirements.

Rule 327.01.c – Retail Cosmetics Dealer License: The Board deleted “as defined in rules” as unnecessary.

Rule 500.05.c – Clinical Work: This was deleted as duplicative of Rule 500.07.c.

Rule 550.01 – Apprentice Registration and Apprenticeships: Subsections 01.a.-01.c. were deleted as duplicative of Idaho Code § 54-5810(4). Subsections 01.d. and 01.e. were deleted as items that can be requested on the application without being listed in rule.

Rule 550.03 – Supervision: The Board does not have statutory authority to set ratios, consequently this was deleted.

Rule 550.04.b – Recordkeeping: To align with Idaho Code § 54-5815, this was changed to clarify that the Record of Instruction Form is required of the establishment, not the instructor.

Rule 550.04.c – Recordkeeping: This was deleted as duplicative of Idaho Code § 54-5817.

Rule 710.08 – Safety and Disinfection: This was deleted as duplicative of Idaho Code § 54-5804(2)(c)(ii) and so was deleted.

Rule 800 – Unprofessional Conduct: This section was moved to practice standards as a more appropriate location.

Rule 850.03 – Reinspection: This rule was deleted as covered by Idaho Code § 54-5818 excluding the majority of subsection 03, which was retained for enforcement.

Rule 851.09 – Restroom Facilities: The majority of this was deleted as duplicative of location and accessibility requirements that are already in rule. Cleaning was added to subsection a.

A motion was made and seconded to approve the draft rules, with corrections made from today, as Proposed Rules, and to post them in the August Administrative Rules Bulletin. The motion carried.

Adjourn

There being no further business, the meeting was adjourned at 3:04 PM MT.

The next meeting will be on 08/14/2023.