



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

BRAD LITTLE
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Board Meeting Minutes of 4/17/2023

Board Members Present:	Debra J Thompson - Chair Merrilyn Cleland Geneal Thompson Thomas E Grimsman Wendy S Rucker John Murphy	Division Staff:	Kent Absec, Executive Officer Greg Loos, General Counsel Skip Liddle, Investigations Supervisor Allegra Earl, Licensing Supervisor Lindsay Guille, Licensing Specialist Christian Runnalls, Board Support Specialist
Board Members Absent:	Lindy High	Others Present:	Eric Nelson, Board Prosecutor

The meeting was called to order at 9:00 AM by Debra J Thompson.

Approval of Minutes

A motion was made and seconded to approve the 02/13/2023 minutes. The motion carried unanimously.

DIVISION BUSINESS

2023 Legislative Session: Mr. Absec presented a legislative update on House Bill 23, Senate Bill 1109, House Bill 74, Senate Bill 1023, and House Bill 206.

BOARD BUSINESS

NIC National Licensing Database Update: Mr. Absec shared details of the proposed National Licensing Database, which would include a national registry for licensing that every state Board can access. Mr. Absec stated that this would assist the licensing staff with detecting fraudulent licenses, comparing discipline in other states, and verifying out-of-state licenses.

Zero-Based Regulation: Mr. Absec restated the purpose of Zero-Based Regulation. The Board reviewed suggested updates designed to eliminate duplicative or outdated requirements, remove unnecessary barriers, and increase the ease of readability in its administrative rules. Mr. Absec stated that the language presented has not been shared with stakeholders, who will be provided an opportunity to provide written or verbal comments at a later date. Mr. Absec reminded the Board that the decisions made today are not final and that there will be additional opportunities to further discuss these changes at future Board meetings.

Rule 326.02 – Deletion of an Owner: The Board rewrote the rule for clarity. It now reads: “In a multiple ownership establishment, an owner may be deleted from the establishment license by delivering to the Board a signed statement by the person withdrawing and the remaining owner(s).”

Rule 502 – Educational Program Standards for Courses of Instruction: The Board deleted the rule as duplicative of Idaho Code § 54-5815, which covers public protection and safety standards for education.

Rule 800 – Unprofessional Conduct: The Board removed unnecessary language and rewrote the rule as “A licensee shall not engage in the following:”

Rule 800.04 – Use of Roll-on Wax: The Board added language to clarify that roll-on wax, except single-use roll-on wax cartridges are acceptable when they are limited to a single client service.

Rule 800.05 – Double-Dipping: The Board removed the last sentence of the rule as unnecessary.

Rule 800.06 – Reuse of Single-Use or Porous Items: The Board added language that clarified single-use items must be disposed of “in a general trash container” to reduce the reuse of single-use items.

Rule 800.09 – Disease Transmission Prevention: The Board removed “unless the licensee takes medically approved measures to prevent transmission of the disease” because cosmetologists are not trained to know what measures are medically approved.

Rule 850 – Inspection of Establishments, Schools and Facilities: The Board deleted the opening paragraph and subsection 01 as duplicative of Idaho Code § 54-5818. The Board kept subsection 03 for enforcement purposes. The majority of subsection 02 was deleted as guidance for the Board that is unnecessary for the rules. The language in subsection 02 stating that a “C” classification is an unacceptable level of compliance that will require reinspection was added to subsection 03.

Rule 851.01 – Premises: The Board removed the “All establishments must be maintained in an orderly manner, to be safe and comfortable to the operators and patrons.” as subjective.

Rule 851- Safety and Disinfection for Establishments and Schools: The Board removed the preamble paragraph because it was clumsy, had no enforceability, and was redundant of the same rule.

Rule 851.04 – Single-Use and Porous Instruments: The Board changed the title to Single-Use, Porous, and Prohibited Instruments for enforcement purposes. The word “waste” was changed to “trash” for clarity.

Rule 851.05 – Waxes and Waxing Services: The Board simplified “solutions or compounds” to “products.” The Board added subsections a. and b. to 05 in condensed language stating that “waxes, paraffin, and products must be portioned out for each patron in a container, or dispensed in a manner that prevents contamination of the unused supply. All portions used on a patron must be disposed of immediately following use.”

Rule 851.06 – Makeup Services: The Board removed this rule as redundant of Rule 852.

Rule 851.07 – Nail Services: The Board removed all subsections in the rule and rewrote the rule for clarity and conciseness to state: “All pedicure bowls, basins, tubs, internal piping, drill bits, and pumps must be cleaned and disinfected prior to each use as directed by the manufacturer.”

Rule 851.08 – Water Supply and Hand Washing: The Board retitled this “Hand Washing”, removed unnecessary and subjective language, and rewrote the rule to state “Operators and student shall wash their hands with running water and soap and single-use towels prior to providing service to any patron. When hand washing is not practical, hand sanitizer of at least seventy percent (70%) alcohol may be used.”

Rule 851.09 – Restroom Facilities: The Board deleted language regarding hand washing as redundant of subsection 08.

Rule 851.10 - Safety: The Board retitled the rule “Animals.” The first aid language was moved to rule 851.01 and the reference to the U.S. Department of Justice Regulations’ definition of service animals and disabilities was deleted as unnecessary.

Rule 851.11 – Licenses and Classification Cards: The Board deleted the first sentence as redundant of Idaho Code § 54-5803.

Rule 852 – Safety and Disinfection for Retail Cosmetics Dealer Facilities and Makeover or Glamour Photography Businesses: The Board removed the citation of Chapter 58, Title 54, Idaho Code as unnecessary.

Rule 852.06 – Water Supply and Restroom Facilities: The Board deleted the rule as redundant of Rule 852.

Rule 852.08 – Licenses and Classification Card: The Board removed the first sentence as redundant of Idaho Codes §§ 54-5812 and 54-5814.

Licensing Report: Ms. Earl presented the licensing report to the Board.

Executive Session

A motion was made and seconded to enter executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. The vote was: Ms. Cleland, aye; Ms. G. Thompson, aye; Mr. Grimsman, aye; Ms. Rucker, aye; Mr. Murphy, aye; and Ms. D Thompson, aye. The motion carried unanimously.

A motion was made and seconded to exit executive session. The motion carried unanimously. No decisions were made in executive session.

Discipline

A motion was made and seconded to negotiate a Stipulation in case number BCB-2022-272 and to allow the Board chair to sign on behalf of the Board. The motion carried unanimously.

A motion was made and seconded to negotiate a Stipulation in case numbers BCB-2023-298/299 and to allow the Board chair to sign on behalf of the Board. The motion carried unanimously.

A motion was made and seconded to negotiate a Stipulation in case numbers BCB-2023-77/78 and to allow the Board chair to sign on behalf of the Board. The motion carried unanimously.

A motion was made and seconded to negotiate a Stipulation in case numbers BCB-2023-120/121 and to allow the Board chair to sign on behalf of the Board. The motion carried unanimously.

A motion was made and seconded to negotiate a Stipulation in case numbers BCB-2023-100/101 and to allow the Board chair to sign on behalf of the Board. The motion carried unanimously.

A motion was made and seconded to negotiate a Stipulation in case numbers BCB-2023-115/128 and to allow the Board chair to sign on behalf of the Board. The motion carried unanimously.

A motion was made and seconded to close case number I-BCB-2023-109. The motion carried unanimously.

A motion was made and seconded to close case number I-BCB-2023-95 with an advisory letter. The motion carried unanimously.

A motion was made and seconded to close case numbers I-BCB-2023-115/132 with an advisory letter. The motion carried unanimously. Ms. D Thompson was recused.

A motion was made and seconded to negotiate a Stipulation in case number I-BCB-2023-134 and to allow the Board chair to sign on behalf of the Board. The motion carried unanimously.

A motion was made and seconded to approve the signed Stipulation in case number BCB-2023-14 and to allow the Board chair to sign on behalf of the Board. The motion carried unanimously.

A motion was made and seconded to approve the Notice of Violation and Settlement Order in case numbers: BCB-2023-66; BCB-2023-67; BCB-2023-68; BCB-2023-69; BCB-2023-70; BCB-2023-71; BCB-2023-72; BCB-2023-79; BCB-2023-80; BCB-2023-81; BCB-2023-82; BCB-2023-83; BCB-2023-84; BCB-2023-85; BCB-2023-87; BCB-2023-88; BCB-2023-94; BCB-2023-95; BCB-2023-96; BCB-2023-97; BCB-2023-99; BCB-2023-114; BCB-2023-116; and BCB-2023-117 and to allow the Board chair to sign on behalf of the Board. The motion carried unanimously.

Adjourn

There being no further business, the meeting was adjourned at 2:20 PM.

The next meeting is on 05/22/2023.