



1721 East Broadway • Tempe AZ 852  
Phone 480.784.4539 • Fax 480.784.49  
www.azboc.g

## ARIZONA STATE BOARD OF COSMETOLOGY

### Legislation Committee Meeting Minutes

June 18, 2010

**TIME:** 12:00 p.m.

**PLACE:** 1721 East Broadway, Tempe Arizona, 85282

### CALL TO ORDER AND ROLL CALL

Committee members present:

Gary Begley  
Karla Clodfelter  
Thom Kasch

Also in attendance:

Donna Aune  
Bridget Harrington  
Theresa Bunch  
Penny O'Dell  
Nancy Lease  
Isabell Calleros

### COMMITTEE BUSINESS \*, \*\* AND \*\*\*\*

A. Approval of Committee Minutes from April 15, 2010.

MOTION by Thom Kasch to approve minutes as written. MOTION SECONDED by Karla Clodfelter.  
MOTION CARRIED.

B. Discussion, Consideration and Possible Action on Proposing Legislation regarding Protection of Terms found in A.R.S. § 32-501 including:

- Aesthetician
- Aesthetics

- Cosmetologist
- Cosmetology
- Nail Technician
- Nail Technology

The following suggestions were made to consider regarding the protection of industry terms: keep the list as is and add disclaimers; add the spelling of esthetics as the industry uses both; define the use of term medical aesthetics; and define clinical aesthetics. Terms that might be considered for protection include stylist, manicurist, pedicurist, facialist and hairdresser. Also, the protection of any other terms that indicate practice in the profession.

Bridget Harrington, Assistant Attorney General, presented examples of wording from other Boards regarding protection of their terms.

A posting on the Board’s website of frequently asked questions including terms definitions could be helpful to achieve clarity in the use of the terms.

C. Discussion, Consideration and Possible Action on Proposing Legislation regarding 1 – 11, Legislative Changes

The following suggestions and conclusions were reached by the committee:

**1. Supboena Power – Add to A.R.S. §32-573**

Assistant Attorney general, Bridget Harrington, advised the Committee that the Board needed two statutory changes here. First would be the ability to issue subpoenas and second would be the ability to discipline a licensee who failed to comply with a subpoena (A.R.S. §32-572(A)(9)).

**2. Repeal 60 day Notice Requirement for Personal Licenses – A.R.S. §32-518(B)**

Not necessary and a financial burden to the Agency.

**3. Require IP and Law Review Classes for all reciprocity Licenses – A.R.S. §32-513**

Suggested to outsource the testing to schools and let them teach and charge for the test; the controlling of test content may become a problem and curriculum would have to be defined. However, testing of applicants for these classes would give them appeal rights which could make additional problems. If put into law the curriculum and testing would need to be “as defined by the Board”.

Remove A.R.S. §32-513(b) which states: “The person graduated from a school that offers a cosmetology, aesthetics or nail technology course substantially similar to the requirements of this state and passed the board approved cosmetology, aesthetician or nail technician examination.” This does not apply anywhere.

Revise the law to include to take and complete the Infection protection class and the Law review class as defined by the Board and submit a Certificate of Completion.

Research online testing capabilities.

**4. Cease and Desist Authority – Add to A.R.S. §32-573.**

This becomes an appealable agency action and committee agreed to remove from the list.

**5. Expand Definitions of Cosmetologist, Nail Tech, and Aesthetician – A.R.S. §32-501**

Basic clean up of the definitions.

**6. Remove Requirement that Board Meet Every Month – A.R.S. §32-503**

After a discussion that a monthly Board meeting was , in fact, prudent, this item will be deleted.

**7. Increase Fee Caps A.R.S. §32-507**

Due to increased costs over time the fees need higher caps. Assistant Attorney General, Bridget Harrington, will do research on the legal limits. Possibly caps can be changed to 3 times their existing amounts, noting that this is the cap and not necessarily what the fee will actually become.

**8. Clarify Notification Requirement when Selling a Salon or School – Who is required to Notify the Board and within What Time frame? A.R.S. §32-545 and A.R.S. §32-552.**

Clarification need to given to new and old owners, sellers and buyers, as to notification requirements of the transaction with a definite time frame.

**9. Allow Board to Use Costs for Training, Include Attorney Fees and Costs – A.R.S. §32-573(G)**

Delete from list.

**10. Term Limits**

Increase terms to 5 years and 2 terms maximum.

**11. Fraud and Deceit, Aiding and Abetting Unlicensed People (Selling License) Letting Someone Work on Your License – A.R.S. §32-572(A)(3)**

Separate violations are needed for clarity and add “hiring a person to act as a cosmetologist”.

Add to list record keeping for schools for 5 years.

**D. Discussion, Consideration & Possible Action on Regulation of Laser Technicians Pursuant to A.R.S. § 32-501 et seq. and A.R.S. § 32-3231 et seq.**

The point was made that of trying to coordinate with other related agencies so that all have the same information and requirements. One big issue is that when a person is trained, how to know what training they actually received and are they really qualified. If one is to receive an Arizona license then they need to be trained in one of our schools.

**ADJOURN**

MOTION by Thom Kasch to adjourn the Committee Meeting. MOTION SECONDED by Karla Clodfelter. MOTION CARRIED.

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\* **LEGAL ADVICE WHERE APPLICABLE – A.R.S. § 38-431-03 (A) (3)**

\*\* **PERSONNEL MATTERS – A.R.S. § 38-431.03 (A) (1)**

\*\*\* **CONFIDENTIAL MATTERS – A.R.S. § 38-431.03 (A) (2)**

\*\*\*\* **PENDING LITIGATION – A.R.S. § 38-431.03 (A) (4)**