

Idaho Board of Barber Examiners

Board/Commission Members:

- Thomas E. Grimsman, Twin Falls - Chair
- K. Ryan Nave, Idaho Falls
- Mary E. Leonard, Boise – Public Member

Board/Commission Composition: The Board consists of three members: two (2) barbers and one (1) member of the public. Board members serve a term of three (3) years. [Idaho Code § 54-521](#).

Operating costs per licensee: \$36.44. This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal and investigative services.

Total number of licensees in Idaho on May 19, 2018: **1,063**.

For the Idaho Board of Barber Examiners, the **shortest time** from complete application to issuing a license for either an individual or shop was the **same day**. The **longest time** from complete application to issuing a license was **15 days**. The **average time** to licensure was **0.3 days**. Of all licenses, **96 percent** were issued the **same day**. The Board issued **161 licenses** between May 19, 2017 and May 19, 2018.

Note: All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [Idaho Code § 74-204](#).

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A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

		Statute <u>I.C. Title 54,</u> <u>Chapter 5</u>	Rule <u>IDAPA</u> <u>24.02.01</u>	*Policy	Application	Basis to Deny Issuance or Renewal	Fees
Barber	Issuance for Initial License	<u>I.C. § 54-506(2)</u> <u>I.C. § 54-512</u> (Endorsement)	<u>24.02.01.200</u> <u>24.02.01.250</u> <u>24.02.01.400</u> <u>24.02.01.350</u>	*	<u>Application</u>	<u>I.C. § 54-506(2)</u> <u>I.C. § 54-516</u>	<u>\$25 License</u> <u>\$80 Endorsement</u>
	Renewal Requirements	<u>I.C. § 54-515</u>		*		<u>I.C. § 54-515</u> <u>I.C. § 54-516</u> <u>I.C. § 67-2614</u>	<u>\$25</u>
Barber Stylist	Issuance for Initial License	<u>I.C. § 54-506(1)</u> <u>I.C. § 54-512</u> (Endorsement)	<u>24.02.01.200</u> <u>24.02.01.250</u> <u>24.02.01.400</u> <u>24.02.01.350</u>	*	<u>Application</u>	<u>I.C. § 54-506(1)</u> <u>I.C. § 54-516</u>	<u>\$25 License</u> <u>\$80 Endorsement</u>
	Renewal Requirements	<u>I.C. § 54-515</u>		*		<u>I.C. § 54-515</u> <u>I.C. § 54-516</u> <u>I.C. § 67-2614</u>	<u>\$25</u>
Barber Instructor	Issuance for Initial License	<u>I.C. § 54-506(3)</u>	<u>24.02.01.200</u> <u>24.02.01.501</u>	*	<u>Application</u>	<u>I.C. § 54-506(3)</u> <u>I.C. § 54-516</u>	<u>\$25</u>
	Renewal Requirements	<u>I.C. § 54-515</u>		*		<u>I.C. § 54-515</u> <u>I.C. § 54-516</u> <u>I.C. § 67-2614</u>	<u>\$25</u>

**All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

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		Statute I.C. Title 54, Chapter 5	Rule IDAPA 24.02.01	*Policy	Application	Basis to Deny Issuance or Renewal	Fees
Barber Stylist Instructor	Issuance for Initial License	I.C. § 54-506(5)	24.02.01.200 24.02.01.501	*	Application	I.C. § 54-506(5) I.C. § 54-516	\$25
	Renewal Requirements	I.C. § 54-515		*		I.C. § 54-515 I.C. § 54-516 I.C. § 67-2614	\$25
Establishment - Primary	Issuance for Initial License	I.C. § 54-501	24.02.01.200 24.02.01.450.01	*	Application	I.C. § 54-501 I.C. § 54-516	\$50
	Renewal Requirements	I.C. § 54-515	N/A	*		I.C. § 54-515 I.C. § 54-516 I.C. § 67-2614	\$30
Establishment - Contiguous	Issuance for Initial License	I.C. § 54-501	24.02.01.200 24.02.01.450.02	*	Application	I.C. § 54-501 I.C. § 54-516	\$50
	Renewal Requirements	I.C. § 54-515	N/A	*		I.C. § 54-515 I.C. § 54-516 I.C. § 67-2614	\$30
Barber College	Issuance for Initial License	I.C. § 54-507	24.02.01.200 24.02.01.500	*	Application	I.C. § 54-507 I.C. § 54-516	\$200
	Renewal Requirements	I.C. § 54-515		*		I.C. § 54-515 I.C. § 54-516 I.C. § 67-2614	\$200

****All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.***

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B. Applications and Renewals Denied, May 19, 2017 – May 19, 2018

Refusal to Issue Initial License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

Refusal to Renew License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

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C. Disciplinary Actions in the Last Five (5) Years

The Idaho Board of Barber Examiners received **109 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **36 complaints were closed** by the Board with no disciplinary action; **67 resulted in disciplinary action**; **1 remained under investigation**; and **5 were pending legal review**.

***The detail provided below is only for disciplinary action closed between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action. The Board's full [disciplinary action information](#) is available online.*

Case No.	Date of Final Action	Action Taken	Statutory Basis	Summary of Factual Basis
BAR-2018-10 BAR-2018-11	5/2/2018	Settlement Order	I.C. §§ 54-516(7) and (8); and 54-519(1)	Respondent practiced with an expired license.
BAR-2018-8 BAR-2018-9	3/12/2018	Settlement Order	I.C. §§ 54-513(1) ; 54-516(7) and (8); and 54-519 (7)	Respondent operated and practiced in an establishment with an expired license.
BAR-2018-23	3/12/2018	Settlement Order	I.C. §§ 54-516(7) and (8); and 54-519(1)	Respondent practiced with an expired license.
BAR-2018-12	3/12/2018	Settlement Order	I.C. §§ 54-516(7) and (8); and 54-519(1)	Respondent practiced with an expired license.
BAR-2018-1	3/12/2018	Final Board Order	I.C. §§ 54-513(1) ; 54-516(7) and (8); and 54-519 (7)	Respondent operated and practiced in an establishment with an expired license.
BAR-2018-21	1/16/2018	Suspended	I.C. § 7-1406 – Family Law License Suspensions Act	Department of Health and Welfare, Child Support Services - Order of License Suspension.
BAR-2018-20	1/16/2018	Suspended	I.C. § 7-1406 – Family Law License Suspensions Act	Department of Health and Welfare, Child Support Services - Order of License Suspension.
BAR-2018-22	1/6/2018	Suspended	I.C. § 7-1406 – Family Law License Suspensions Act	Department of Health and Welfare, Child Support Services - Order of License Suspension.

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Case No.	Date of Final Action	Action Taken	Statutory Basis	Summary of Factual Basis
BAR-2018-19	12/20/2017	Suspended	I.C. § 7-1406 – Family Law License Suspensions Act	Department of Health and Welfare, Child Support Services - Order of License Suspension.
BAR-2018-18	12/20/2017	Suspended	I.C. § 7-1406 – Family Law License Suspensions Act	Department of Health and Welfare, Child Support Services - Order of License Suspension.
BAR-2018-16	12/20/2017	Suspended	I.C. § 7-1406 – Family Law License Suspensions Act	Department of Health and Welfare, Child Support Services - Order of License Suspension.
BAR-2018-2 BAR-2018-3	11/13/2017	Settlement Order	I.C. §§ 54-516(7) and (8); and 54-519(1)	Respondent practiced with an expired license.
BAR-2018-4	8/23/2017	Suspended	I.C. § 7-1406 – Family Law License Suspensions Act	Department of Health and Welfare, Child Support Services - Order of License Suspension.
BAR-2017-6 BAR-2017-7	7/10/2017	Settlement Order	I.C. §§ 54-501 ; 54-515 ; 54-516(7) and (8); and 54-519(1)	Respondent operated an establishment with a suspended license and practiced with a suspended license.
BAR-2017-2	7/10/2017	Final Board Order	I.C. §§ 54-516(7) and (8); and 54-519(1)	Respondent practiced with an expired license.
BAR-2017-13 BAR-2017-14	7/10/2017	Settlement Order	I.C. §§ 54-501 ; 54-515 ; 54-516(7) and (8); and 54-519(1) and (7)	Respondent operated an establishment with an expired license and practiced with an expired license.
BAR-2017-11	7/10/2017	Consent Order	I.C. §§ 54-516(7) and (8); and 54-519(1)	Respondent practiced with an expired license.
BAR-2016-21 BAR-2016-22	7/10/2017	Final Board Order	I.C. §§ 54-501 ; 54-515 ; 54-516(7) and (8); and 54-519(1) and (7)	Respondent operated an establishment with an expired license and practiced with an expired license.
BAR-2016-18	7/10/2017	Consent Order	I.C. §§ 54-516(7) and (8); and 54-519(7)	Respondent operating an establishment with an expired license.
BAR-2016-15 BAR-2016-16	7/10/2017	Consent Order	I.C. §§ 54-513(1) ; 54-516(7) and (8); and 54-519(7)	Respondent operated and practiced in an establishment with an expired license.

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Case No.	Date of Final Action	Action Taken	Statutory Basis	Summary of Factual Basis
BAR-2016-14	7/10/2017	Consent Order	I.C. § 54-516(1)	Respondent was convicted of felony DUI.
BAR-2017-15	6/19/2017	Suspended	I.C. § 7-1406 – Family Law License Suspensions Act	Department of Health and Welfare, Child Support Services - Order of License Suspension.

D. Changes or Attempted Changes in the Last Five (5) Years to Eliminate Barriers to Entry

Law and Rule

Session	Legislation or Rule	Summary
2014	Docket No. 24-0201-1301	<p>This rule change eliminates continuing education requirements for licensed barbers and barber stylists; licensees no longer need to complete 20 hours of continuing education prior to renewing their license. The Board also removes the grandfather provision, as it is no longer applicable.</p> <p>Impact: Reduces regulation. The Board determined that continuing education is not necessary for public health and safety. Continuing education is also costly and difficult for licensed instructors to obtain, and the elimination of continuing education does not significantly impact the profession.</p>
2015	Docket No. 24-0201-1401	<p>In Idaho, an individual must be licensed to practice as a barber or barber stylist, and generally must practice in a licensed shop for sanitation reasons. There are two types of shop licenses – primary and contiguous licenses. A primary license is required for a shop owner, and it allows the shop’s employees to work without obtaining their own license. A contiguous shop license is required for individuals to lease space from a shop owner; they are considered independent contractors operating their own business and must comply with independent contractor laws.</p> <p>The original rules were created by the Board, in consultation with the Department of Labor and the Industrial Commission, to protect the independent contractor status of practitioners leasing work space. The original rules required a contiguous license owner to describe their physical work space when applying for licensure. A barber needed a license for each contiguous workstation within the same shop. The shop owner was required to provide updates whenever there was a change to a contiguous license space. If a licensee moved their workstation within the same shop, they were required to apply for a new license and the shop owner had to provide an updated diagram.</p>

Law and Rule (continued)

Session	Legislation or Rule	Summary
	Docket No. 24-0201-1401 (continued)	<p>The rule changes also clarify inspection and sanitary rules for the Board, making sanitary requirements for shops consistent with cosmetology rules.</p> <p>Impact: This significantly reduces the burden on shop owners, licensees, and Board staff. This rule change simplifies and clarifies the licensing process by allowing the contiguous shop to be located anywhere within the primary shop. A licensee may move their workstation anywhere within the primary shop without filing new licensing paperwork. This streamlined process was worked on by licensees, the Board, and other agencies to help ensure the independent contractor status is still maintained.</p>
2017	RS 24942 House Bill 139	<p>This RS was proposed by the Board of Cosmetology and the Board of Barber Examiners. It would have accomplished the following:</p> <ul style="list-style-type: none"> • Combine the Board of Barber Examiners and Board of Cosmetology. • Reduce the minimum hours of instruction required for an electrology license from 800 to 600 hours. • Allow the Board to count the relevant instructional hours in one profession toward the required instructional hours in another profession. • Eliminate permit requirements and create an exemption for out-of-state licensees to allow them to demonstrate or teach for up to two weeks without an Idaho license. • Eliminate permit requirements and create an exemption for students and apprentices to allow practice without charge to the public under direct supervision of an instructor. • Modernize language regarding a barber’s exclusive right to shave a patron’s face. • Clarify that eyelash extensions are within the scope of practice of cosmetology. <p>The Board’s RS did not get a hearing. Instead, the proposal was used as the basis for House Bill 139, which added the following:</p> <ul style="list-style-type: none"> • A reduction of the minimum hours of instruction for a cosmetology license from 2,000 to 1,600 hours, and a barber-stylist license from 1,800 to 1,600 hours.

Law and Rule (continued)

Session	Legislation or Rule	Summary
	<p>RS 24942 House Bill 139 (continued)</p>	<ul style="list-style-type: none"> • Requiring 250 hours of instruction for a licensed cosmetologist to obtain a barber or barber-stylist license. • A provision allowing the Board to backdate a license if reinstated within 90 days of its expiration. • An exemption for businesses owners and employees who do limited demonstrations of retail thermal styling equipment on potential customers. • An exemption for event styling which included applying makeup, hair styling, and the use of thermal styling equipment on customers at events such as weddings, dances, parties, and recitals. • A provision for licensees to perform event styling outside a licensed establishment. <p>House Bill 139 passed the legislature. Attached is the Governor’s veto message.</p>
2018	<p>Senate Bill 1324</p>	<p>After the 2017 legislative session, the Board met with parties who were involved in House Bill 139 to assist with drafting a bill for the 2018 legislative session. Subcommittees and interested parties collaborated with legislators on Senate Bill 1324.</p> <p>Senate Bill 1324 accomplishes the following:</p> <ul style="list-style-type: none"> • Combines the Board of Barber Examiners and Board of Cosmetology. • A licensed cosmetologist only needs an additional 100 hours of instruction for barber or barber-stylist license. • Reduces the minimum hours of instruction required for a cosmetology license from 2,000 to 1,600 hours, and reduces apprenticeship hours from 4,000 to 3,200 hours. This does not require any cosmetology school to change its curriculum; schools may choose to teach more than the minimum 1,600 hours. • Reduces the minimum hours of instruction for barber-stylists from 1,800 to 1,500 hours. • Reduces the minimum hours of instruction required for an electrology license from 800 to 600 hours.

Law and Rule (continued)

Session	Legislation or Rule	Summary
	Senate Bill 1324 (continued)	<ul style="list-style-type: none"> • Creates a new certificate for individuals performing makeup artistry who do not want to practice the full scope of cosmetology or esthetics. The certificate requires 100 hours of instruction in makeup artistry, including safety and infection control. Instruction may be from a variety of sources. • Allows a licensee to perform certain services for compensation outside a licensed establishment, such as hair styling and makeup application at a wedding venue. A demonstration permit is no longer required to perform such services. • Creates a retail thermal styling equipment dealer registration that allows employees of a company selling such equipment to do limited demonstrations on potential customers. • Exempts out-of-state licensees whose work is related to theatrical or visual arts production from State licensing requirements. • Expands exemptions for students and out-of-state licensees who are in Idaho to demonstrate or teach. • Allows an out-of-state applicant to obtain an Idaho license through endorsement if the applicant has practiced one year out of the last three years. <p>Impact: This bill reduces the number of hours required to obtain a cosmetology, barber-stylist, and electrology license, provides a pathway to practice makeup artistry without a full cosmetology license or esthetics license, and creates additional opportunities for licensees to work outside a licensed establishment.</p>

Additional Barriers Eliminated/Opportunities Provided

Date	Barriers/Opportunities	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p>I.C. § 67-2620 For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration. Boards may also expedite applications, including military spouse applications.</p> <p>I.C. § 67-2602A Additionally, if a licensee already holds an active Idaho license and are on active duty in the United States Armed Forces, that license will remain active without renewing it for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</p>
2015	I.C. § 67-2614	<p>Sets the reinstatement fee to \$35 and eliminates the requirement that, in addition to the reinstatement fee, the licensee has to include payment of the license fees for all of the years the license has been expired. It also clarifies the continuing education required to reinstate.</p> <p>Impact: Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduces barriers to reentry in two ways. For those whose licenses have been expired for less than five (5) years, it eliminates the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency.</p>

Additional Barriers Eliminated/Opportunities Provided (continued)

Date	Barriers/Opportunities	Summary
2011	Docket No. 24-0201-1001	<p>This rule change eliminates the requirement for endorsement applicants to take the jurisprudence examination prior to licensure. Instead, applicants sign an affidavit swearing they have fully reviewed, understand, and will abide by Idaho’s laws and rules.</p> <p>Impact: This allows the Board to process endorsement applications in timelier manner, while ensuring an applicant’s knowledge of germane laws and rules is current.</p>
2010	House Bill 459	<p>House Bill 459 clarifies the qualifications for a barber instructor license and creates qualifications for a barber-stylist instructor license. In addition, the bill raises the student/instructor ratio for schools from 15 students to 20 students per one instructor.</p> <p>This legislation also removes members of the Idaho Board of Barber Examiners from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I.C. § 59-509.</p>

E. Assessment of Public Interest

In order to safeguard public health, safety and welfare, barbers and barber-stylists are licensed professionals in the State of Idaho (I.C. [§ 54-501](#)). Clients place their health, safety and welfare in the hands of barbers and expect standards of safety. Barbers can put themselves and their clients at risk if infection control guidelines are not followed. Under certain conditions, infectious organisms may be transmitted from client to client and result in the spread of disease. This is why safe practice within the field of barbering is critical to public health.

Modern barbers utilize a variety of skills in their profession. In addition to learning the specific skills of their trade, licensed barbers and barber-stylists are educated and trained in the principles of infection control, proper use of disinfectants, and sanitation procedures to minimize the threat infections.

Through their education, licensed professionals study basic sciences, properties of the skin, hair, and scalp; basics of electricity; and science-based infection control, among other subjects. They gain knowledge of standard procedures to deal with viruses and diseases that are typically encountered in barbershops and associated with services provided by barbers and hair stylists.

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F. Recommendations for Improvement, Modification, or Elimination of Requirements

1. Recommend rules to the new Board in response to [Senate Bill 1324](#), which combines the Board of Barber Examiners and the Board of Cosmetology. Such rules shall be based upon:
 - Public protection
 - Eliminating barriers to employment
 - Portability of licenses

2. Re-evaluate the structure of license fees and fines.

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Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho Board of Barber Examiners respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
 - ✓ Protect the public. (*I.C. § 54-501*)
 - ✓ Portability of licensure. (*I.C. § 54-512*)
 - ✓ Eliminate barriers to entry to work. (*SB 1324; see Section F*)
 - ✓ Do away with unnecessary regulation. (*SB 1324; elimination of continuing education requirements; see Section F*)
 - ✓ Modernize licensure and regulatory requirements. (*SB 1324; see Section F*)

- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
 - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*N/A*)
 - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*exams are offered year-round*)
 - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*I.C. § 54-516*)
 - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*exams are offered year-round and can be taken prior to completion of education*)
 - ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*continuing education not required*)
 - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*see early examination response above*)