

MINUTES

ASSEMBLY
GOVERNMENT AFFAIRS
February 28, 1977
8:00am

MEMBERS PRESENT: Chairman Murphy
Mr. May
Mr. Craddock
Mr. Jeffrey
Mr. Mann
Mr. Moody
Mr. Robinson
Mrs. Westall
Mr. Jacobsen

GUESTS PRESENT: Bruce Arkell, State Planning Coordinator
Larry Hunt, Barber's Legislative Chairman
Elmo Martinelli, Barbers' Board
Kenneth Shaddy, Barbers' Board
James Threet, Barbers' Association
Lee Walker, State Board of Cosmetology
Dorothy Feeney, State Board of Cosmetology
Charles Azcarta, Cosmetology Schools

Chairman Murphy called this meeting to order at 8:05am and explained that this meeting was to discuss the sections of A.B.278 which pertain to the Barbers' Health and Sanitation Board and the State Board of Cosmetology.

ASSEMBLY BILL 278

Bruce Arkell, State Planning Coordinator, told the committee that the sections of the bill which pertain to the Barbers and Cosmetologists begins on page 95 of the bill and goes through page 116. What he recommended in his study was that the State Board of Health assume all of the health and sanitation duties of both boards, that both remain to handle the original licensure for the Health Divisions for individuals in both professions and that the regulation and control of the schools be transferred to the Postsecondary Institutional Authorization Commission. He referred to a copy of a letter, attached as Exhibit 1 which contains a summary of the problems and also a tentative budget for the operation outlined above. The study showed that the Health Division could assume the health and sanitation functions and maintain the level of service provided for about \$9,000 less per year. He also mentioned the amendments that he had presented at the meeting of February 23 which made some clarifications of the authority of each board and fixed some conflicting sections.

Ms. Lorrdales Sebbas, Owner and Director of Prater Way College of Beauty, referred to a letter, Exhibit 2, and explained her support of the sections in the bill which pertain to Cosmetologists.

Senator Lee Walker, representing the State Board of Cosmetology, told the committee that under this proposed bill we are expanding government in areas where it ought not be. It will make it more costly and cumbersome. The Division of Health would have to have

additional employees with expertise in these fields. He stated that the power of the Board does not need to be eroded by injecting the Division of Health.

Chairman Murphy asked if there would be any opposition to having a member of the public on the Board of Cosmetology. He was told by Senator Walker that he had no problem as long as the public member did not have anything to do with the licensing process.

Chairman Murphy asked why the qualifications of the Board members state that they must be 25 years of age. He was told that there was not a definite reason for this, that a person had to be 18 years old to take the exam.

Assemblyman Mann asked Mr. Bruce Arkell about complaints that have been received regarding the testing procedure. He was told that under the testing procedure of both boards approximately 25% fail, and that that is not unusual for testing.

Assemblyman Jeffrey asked Mr. Arkell if this bill was drawn because of abuses in the past. Mr. Arkell said that this bill was to make the boards more accountable to their members and to the public.

Assemblyman Robinson asked Sen. Walker if A.B.278 was really the answer to the problem, would it result in better training and less cost to students, and better quality of operators. Senator Walker told him that he did not think putting the Board of Cosmetology under the auspices of the Division of Health that it would help.

Assemblyman May suggested that the committee add a public person to the Board and leave the rest the way it is presently.

Chairman Murphy asked if the Barbers could afford to have a member of the public on their board. He was told no, but that if the requirement that the Health Officer be on the board be repealed then the public member could take his place. It was added that the Health officer has not attended any meetings in 16 years. Chairman Murphy then asked if the Cosmetologist could afford to have a member of the public on their board. He was told that their dues would have to go up to afford this new member.

Assemblyman Jeffrey asked if since this was a technical board, why put a member of the public on it. Mr. Arkell told him that since these boards are essentially involved with the protection of the public in one form or another it is consistent to have public involvement in decision making rather than just the profession. The public member can participate in the basic standard setting, license revocations, and complaints procedure even if they aren't qualified to participate in the licensure procedure.

Mr. Merlon Anderson, Commission on Postsecondary Institutional Authorization, told the committee that he liked the idea of having the Cosmetology Schools under their authority. He said that the schools would have to be charged a license fee of \$200 instead of the current \$600 charged by the Board of Cosmetology. He said that 5 of the school owners had come to him and asked that they be put under the jurisdiction of CPIA.

After a short recess, Chairman Murphy asked if anyone wished to speak in favor of the sections of A.B. 278 which related to Barbers. No one came forward. Then he asked for opponents to come forward.

Mr. Elmo Martinelli, Mr. Larry Lund and Mr. Kenneth Shady came forward and presented testimony to the committee. A copy of their statement is attached as Exhibit 3. They also told the committee that if the Barbers' Board was abolished, it would leave Nevada as the only state without a Barbers Board. They told the committee that if a public member is added then they would have to get a license fee increase.

Chairman Murphy asked if they would oppose putting Barber's schools under the authorization of CPIA (Nevada currently has no Barber schools, this is a hypothetical question concerning the future). He was told that they did oppose this, that they also opposed the term limitations and that they would like the Health Officer off of the Board. They suggested an interim study on this subject.

Chairman Murphy asked Mr. Merlon Anderson what was the logic behind CPIA licensing schools that directly relate to private industry, such as gaming schools, etc. He was told that since the number of such schools has increased drastically in the last few years, and because of the diploma mills, etc. his commission was formed to put the schools under some sort of watchful eye.

COMMITTEE ACTION

Mr. Mann moved that the committee amend the sections of A.B. 278 regarding the Cosmetologists and Barbers in the following ways and then have no further consideration of those sections.

- 1) Limit members to two consecutive terms
- 2) Remove the 25 year old age requirement to serve on the board and make it a "qualified elector".
- 3) Remove the state health officer and have him replaced with a consumer member on the Barbers Board and also allow them to raise their fees to not more than \$15.
- 4) Place the Barbers and Cosmetologist schools under the CPIA, making sure that the barbers apprenticeship program does not fall into this category.

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Mr. May seconded the motion for purposes of discussion. After the discussion the motion was amended to not include the first provision relating to term limitations and then to specify on provision 4) that private commercial Barber and Cosmetologist schools be under CPIA.

Mr. Craddock seconded the amended motion. The motion passed with Mr. Jacobsen voting no and Mr. Moody not voting as he had not been present during most of the hearing. The other members voted aye.

There being no further business to come before the committee, the meeting was adjourned at 11:02am.

Respectfully submitted,



Kim Morgan, Committee Secretary

January 5, 1977

Miss Beverly Carlino
Board of Cosmetology
1700 E. Desert Inn Road, Suite 410
Las Vegas, Nevada 89109

Dear Miss Carlino:

As discussed on December 20th, the following is a modified proposal concerning the State Barbers' Health and Sanitation Board and the State Board of Cosmetology for submission to the 59th Nevada Legislature. I would appreciate your distributing the enclosed copies to the individuals in attendance at the meeting. Also enclosed are line item budgets to support the modified proposal.

As I indicated at the meeting, I am prepared to consider further modifications to the proposal if you can show that (1) the figures are incorrect, (2) the level of services will be reduced, or (3) if you can provide another alternative approach that will resolve the problem identified in this letter.

Problems:

1. This State Barbers' Health and Sanitation Board was created in 1929 and the State Board of Cosmetology in 1931 to protect the public health. The statutory structure used in both cases to accomplish this end was to provide a mechanism for the two professions (through representatives on the Boards) to regulate themselves. In both cases, the general public has not had an opportunity to participate in the decision making other than as a complainant or adversary. I do not believe this to be adequate involvement in decision making by the individuals the Board was created to protect.

2. The State Board of Health, created in 1911 declared supreme in all non-administrative health matters of the State (NRS 439.150). Although the Board of Health has approved the regulations of the State Barbers' Health and Sanitation Board and the Board of Cosmetologists, and is ultimately responsible for the adequacy of these regulations, the Health Board does not have the ability to enforce the regulations. Without the ability to enforce regulations, regardless of their adequacy,

I do not believe the public health is adequately protected. Further, without the ability to enforce regulations they are responsible for, the system is not accountable.

3. Discussions with persons versed in regulatory programs also leads me to believe that it may be questionable whether either of the boards, as constituted under existing statutes, have the necessary legal authority to perform the inspections that are currently being conducted.

Modified Recommendations:

Based upon the various meetings held on this matter, the enclosed legislation will be modified to contain the following provisions:

1. The Nevada Health Division will assume all responsibilities of the State Barbers' Health and Sanitation Board and the State Board of Cosmetology, including performing inspections, establishing standards, issuing licenses, establishing budget within the limitations of the statutory license fees, employing staff, and other administrative duties.

2. The composition of the State Barbers' Health and Sanitation Board will be modified to have three members rather than four because the Health Officer will no longer be necessary as a member under the proposed organization. The State Board of Cosmetology will continue to have five members. There will be no members of the general public added as members to either board.

3. The State Barbers' Health and Sanitation Board and State Board of Cosmetology will perform all licensing exams for their respective fields and recommend approval or denial to the Health Division. The Health Division will be responsible for issuing all the licenses, for both practitioners and establishments, but will not be able to issue a license if denial is recommended by the appropriate board.

4. The State Barbers' Health and Sanitation Board and the State Board of Cosmetology will be advisory to the Health Board on license revocation matters.

5. The boards will be responsible for recommending establishment or modification of licensure standards to the Health Board.

I believe these changes should satisfy the desire of your boards to maintain its composition as entirely "professional" boards and yet provide the necessary accountability and public access through the Health Board.

In addition, the previously mentioned budget sheets indicate that it will be a more cost effective program while at the same time maintaining the current level of service. Our figures indicate that inspections can be conducted at all cosmetology establishments at the current level with increases in barber shop inspections to at least once every two months with an initial savings in FY 77-78 of over \$9,000.

I appreciate the interest the boards have shown in this matter.
Should you have any further comments on this matter, please feel free to
contact me at your convenience.

Sincerely,

Bruce D. Arkell
State Planning Coordinator

BDA/cc

Enclosures

PROPOSED BUDGET

Salaries:

	<u>Salary</u>	<u>Salary Cost</u>	<u>Total</u>
Clerk Typist (20.5)	7,416	1,340	8,756
Sanitarians (30.1)	10,960	1,777	12,737
	10,960	1,777	12,737
	10,960	1,777	<u>12,737</u>
			46,967
			6,000

Per Diem and Travel:
Operating:

Office Supplies	1,000	
Postage	650	
Telephone (local)	850	
Telephone (long dist.)	780	
Printing	600	
Advertising, Hearings, etc.	400	
Rental of Office Space	<u>2,551</u>	
		6,831

Support of Examination Boards:
Assumptions:

Cosmetology

1. 9 meetings per year
2. All five (5) members attend
3. Three (3) travel from Reno to Las Vegas
4. All meetings last two (2) days

Travel	205
Salary	400
Per Diem	<u>161</u>
	766
	<u>x 9</u>
	<u>6894</u>

Barbers

1. 6 meetings per year
2. All three (3) members attend
3. Two (2) travel from Reno to Las Vegas
4. All meetings last two (2) days

	136
	240
	<u>107</u>
	483
	<u>x 6</u>
	<u>2898</u>

9792 9,792

Annual Operating Budget

69,590

One Time Expenditures

Office Equipment:	1 Secretary Unit	1,420
	3 Executive Units	<u>2,580</u>

4,000

Total State Expenditures -- Year 1

73,590

Average Operating Expenditures (last 5 years)

Cosmetology	66,591
Barbers	12,319

78,910

Average Revenue (last 5 years)

Cosmetology	68,249
Barbers	11,883

80,132

Barbers

<u>Year</u>	<u>Revenue</u>	<u>Expendi ture</u>
1972	9,996	12,324
1973	10,829	10,691
1974	12,355	11,283
1975	12,752	12,028
1976	13,483	15,269
<hr/>		
Total	<u>59,415</u>	<u>61,595</u>
Average	<u>11,883</u>	<u>12,319</u>

Cosmetology

<u>Year</u>	<u>Revenue</u>	<u>Expendi ture</u>
1972	66,849	59,509
1973	68,349	62,755
1974	66,156	79,833
1975	66,568	71,201
1976	73,323	59,655
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Total	<u>341,245</u>	<u>332,953</u>
Average	<u>68,249</u>	<u>66,591</u>

Prater Way College of Beauty

1627 PRATER WAY
SPARKS, NEVADA 89431
PHONE: 358-5384

February 25, 1977

Nevada Legislature
Senate Chambers
401 S. Carson
Carson City, Nv. 89710

Government Affairs Committee - Members in Senate & Assembly

Chairman and Members:

In regards to the remarks of Mr. Bill Stafford, Past President of Councils of State Boards, of last Wednesday, February 23rd; Mr. Raggio asked the question if he knew if other States had Cosmetology schools controlled by State Educational Commissions such as CPIA? Mr. Stafford's remark was that all Cosmetology schools are with State Board of Cosmetology. There is in the state of California, a 1821 Council that I am a director on and their functions are much the same as CPIA of Nevada. I called Dr. James Dunn, Executive Secretary of Cosmetology Accrediting Commission in Washington D.C. He told me there are numerous states that have Vocational schools controlled by these types of Commissions and in this way, all vocational schools in a state have the same requirements. I personally prefer being able to have the advantage of the knowledge that CPIA can give us, particularly in the Educational area of Curriculums and lesson plans and methods of teaching. These are areas the Board of Cosmetology really is'nt too well informed on.

Pg. 107 line 5 644.203 It shows to delete the word (approved) and should be amended to read Licensed. This really would only be considered a correction in the wording.

Pg. 112 lines 4 thru 7 644.400 2 Are shown to be deleted. I'd like to see this remain as it is because it does tell us, schools must have courses of practical and theory or technical instruction and again CPIA can give us a lot of assistance in this area.

Pg. 112 lines 41 & 44 644.400 4 & 5A We must keep the word licensed in. By deleting the word licensed, some schools would pull in anyone as Instructors and this is a controlling factor that anyone teaching in a school of cosmetology must be licensed Cosmetologists and have had the additional training for instructing in a beauty school.

Pg. 113 line 7 Sec.351 644.420 & 644.425 Are concerned with demonstrators and issuing permits. I feel that should be left to the Cosmetology Boards decision, they are familiar with these areas.



K. R. SHADDY, Vice-President
4509 Mayflower Lane
Las Vegas, Nevada 89107

A. B. DANIELS, President
153 South Maine
Fallon, Nevada 89406

E. H. MARTINELLI, Secretary
1535 Clemson Road
Reno, Nevada 89502

NEVADA STATE BARBERS HEALTH AND SANITATION BOARD

February 15, 1977

Assemblyman Pat Murphy
Nevada Legislative Building
Carson City, Nevada 89701

Dear Assemblyman Murphy:

In behalf of the members of this board, I have been asked to write to all the Legislative Representatives to go on record as apposed to AB 278.

You will be asked soon to consider the "reform, reorganize" Bill AB 278. It has been said that Mr. Bruce Arkell has meet with the Barbers and Cosmetologists and has made changes, from his original recommendation of repealing both boards, to the present form of AB 278, which, he said, should be acceptable to both all barbers and cosmetologists.

This is not true. AB 278 would not just make changes in the working of both boards, but would indeed "strip" the boards of all authority to regulate their profession, except for examination of applicants for licenses.

The boards would no longer be able to set standards for our professions, but would only be asked to make recommendations to another Agency, the State Health Division.

We recognize that the State Health Division is paramount in health matters, but it is also true that they know nothing about barbering and cosmetology.

Both professions recognize that there is always room for change, but it must be one of improvement, and AB 278, as concerned the barbers and cosmetologists, would not accomplish any streamlining of Government, but would rather muddy the waters and make it much harder for the General Public to seek help.

The general public would have, not just one but three boards and agencys to deal with for help when needing help, if this bill should become law.

We can, in no way, see that this bill would be of benefit to the people of Nevada or State Government and would set our professions back the 50 years that we have strived to up grade ourselves from the pool hall and back porch establishments that use to exist.



K. R. SHADDY, Vice-President
4509 Mayflower Lane
Las Vegas, Nevada 89107

A. B. DANIELS, President
153 South Maine
Fallon, Nevada 89406

E. H. MARTINELLI, Secretary
1535 Clemson Road
Reno, Nevada 89502

NEVADA STATE BARBERS HEALTH AND SANITATION BOARD

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As barbers and cosmetologists, we would be expected to continue to pay for a license to practice our profession, but would have no real input or authoritative word to its future direction. It is like "taxation with out true representation".

It has also been said, by Mr. Arkell, that this bill would not monetarily effect the general fund. This again is not true. There are several things that Mr. Arkell has overlooked that would be of additional cost and would not be supported by the license and examination fees of barbers and cosmetologists.


So we ask that you consider this bill with great care and that you can find yourself in support of our cause.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth R. Shaddy".

Kenneth R. Shaddy
Vice-President

March 1977

sun	mon	tue	wed	thu	fri	sat
<p>FEBRUARY</p> <p>S M T W T F S</p> <p>1 2 3 4 5</p> <p>6 7 8 9 10 11 12</p> <p>13 14 15 16 17 18 19</p> <p>20 21 22 23 24 25 26</p> <p>27 28</p>	<p>APRIL</p> <p>S M T W T F S</p> <p>1 2</p> <p>3 4 5 6 7 8 9</p> <p>10 11 12 13 14 15 16</p> <p>17 18 19 20 21 22 23</p> <p>24 25 26 27 28 29 30</p>	<p>1 AB 332 ACR 9 338</p>	<p>2 AB 17 SB 41 87 agr 25 26</p>	<p>3 AB 278 Mining Advisory only AB 330 331 350 228</p>	<p>4</p>	<p>5  Full Moon</p>
<p>6</p>	<p>7 AB 17 SB 25 AB 360 AB 263 SB 86 SB 114 AJR 17</p>	<p>8 No meeting Sub com work</p>	<p>9 AJR 25 AB 316 AB 340 AB 155 AB 156 agr 26</p>	<p>10 Work session on 278</p>	<p>11 AB 84 AB 154 AB 156 AB 245 AB 321 AB 373 SB 179</p>	<p>12  Last Quarter</p>
<p>13</p>	<p>14 AB 225 AB 372 AB 419 AB 422</p>	<p>15 AB 272 SB 35 AB 105 SB 330 4-7-AB 356 Rm 131</p>	<p>16 AB 172 AB 111 SB 171 AB 329 SB 55 AB 437</p>	<p>17 AB 401 AB 411 AJR 323 St. Patrick's Day</p>	<p>18 AB 218 SB 237 AB 42 AB 43 AB 244 AB 434</p>	<p>19  New Moon</p>
<p>20</p>	<p>21 No Meeting</p>	<p>22 AB 425 AB 441 agr 36 CB 372</p>	<p>23 AB 229 AB 438 AB 439 AB 440 AB 443 AB 445</p>	<p>24 water meters AB 485-6pm Reno</p>	<p>25 AB 278</p>	<p>26</p>
<p>27  First Quarter</p>	<p>28</p>	<p>29 SB 62 AB 485 agr 25 AB 488 SB 269 AB 465</p>	<p>30 AB 487 AB 503 AB 511 agr 1 AB 430 SB 166</p>	<p>31 AB 301 AB 522 AB 147 AB 545 AB 164</p>		