

Acting Chairman Chaney called the meeting to order at 5:10 p.m. with the following members present:

PRESENT: Vice Chairman Chaney
Mr. Bergevin
Mrs. Ham (arrived late)
Mr. Mello
Mr. Nicholas
Mr. Thompson

ABSENT: Mr. Bennett, Chairman

Please see attached guest register for guests present.

A.B. 441 - Makes various changes in law relating to cosmetology.

Acting Chairman Chaney explained to those present that there has been a bill introduced in the Senate (SB 366) dealing with the same subject that has a lot of the same language in it that AB 441 does. SB 366 has now been passed out the the Senate Commerce Committee and has gone through most of the legislative processes. It was his intent to request that the two bills (that is, AB 441 and SB 366) be combined into one bill - SB 366 which will make passage much easier, being that it is so late in the Session. As he explained, if we were to process AB 441, it must come from this committee, go to the Floor of the Assembly for second and third reading and then go over to the Senate and begin the process all over. Thus, he has requested Mr. Jeffrey Eskin, Deputy Attorney General representing the Board of Cosmetology, to do some research on combining the two bills and appear before the committee to explain the amendments. He then introduced Mr. Eskin and Mrs. Dorothy Wells, President of the Nevada State Board of Cosmetology.

Mr. Eskin proceeded through both bills, explaining what sections would be retained in SB 366 and which would be moved over from AB 441. The following questions were asked during the process:

On Section 13, requiring continuing education: Mr. Mello pointed out that there has been a considerable amount of opposition expressed on this section and he wanted further discussion on that point. He suggested a much more specific definition of "continuing education" such as, are hair shows to be considered as part of that education; will demonstrations done by manufacturers be considered, etc. Matters which should be of concern in drafting this legislation is whether there will be additional charges for the continuing education programs required and, additionally, is there someone in that field that will profit by the continuing education. There were differing opinions from the members in the audience that are involved in the field with the general consensus being that there are charges for the educational programs.

Mrs. Wells, President of the Nevada State Board of Cosmetology, emphasized that there is a definite need for continuing education due to the new products that are being introduced; this is simply to protect the safety and health of the public. Mr. Mello asked if the new products were not being used until the education had been given and was advised that the products were in use prior to the instruction and are being used without proper education. He pointed out that this is, then, continuing education "after the fact".

Discussion was held on the addition of Section 17 to SB 366 which deals with the increase of travel expenses to entitled board members from \$25 per day to \$50 per day, with Mr. Mello expressing concern over the \$50 amount. Mr. Eskin explained that the funds come from fees that have been collected from the licensees and do not come from the State's General Fund. He feels this is in line with what other boards are doing and that this would include room and board. He explained that right now they are paying \$40 per day (\$22 for room and \$18 for board). Mr. Mello pointed out that \$50 is above the rate the state has approved for their employees and asked who votes on this appropriation. Mr. Eskin stated that the Board does the setting of funding but they had held legislative hearings at which time anyone could speak on any issue.

Mr. Mello referred attention to page 4 of AB 441, again, on the salary of the Board members and stated he had no problem with that, but is concerned with the \$50 per day and suggested that research be done to see what we are doing in that area on the other state boards. Additionally, this bill calls for \$50 per day, plus actual expenses for transportation while traveling on business. He feels that language is too broad and questioned why it isn't the same language as that adopted for the state employees. Mr. Eskin concurred in that language and proposed using, "the expenses authorized to state employees or officers" as we know what that is: \$18 per day lodging, \$10 dinner, \$4.50 lunch and \$3.50 for breakfast, plus mileage on the least costly form of transportation. It was agreed by the committee members that language should be put into the bill.

Section 41 was pointed out as being one of the most important sections in AB 441 and should be added to SB 366, as far as the Board is concerned as it provides for the inclusion and expansion of the Board's ability to discipline violations of the Chapter. Right now the Board has sole authority to revoke and suspend licenses, that is people who are practicing as school owners or instructors or cosmetologists. They would like to increase the ability of the Board to also provide for the imposition of a fine not to exceed \$1,000 and also to include the cost of investigation and hearings not to exceed \$1,000. They were also to include probation and a letter of reprimand which is not included in the draft but they do want in the bill. Mrs. Wells pointed out that Section 40, subsection 2 has a

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misprint in line 26 wherein "September 1st" should read "July 1st".

~~Mr. Eskin stated that from a legal point of view, from a point of view of negotiation and resolving complaints that have come into the Board, probation, letter of reprimand and a fine are very important tools and would certainly resolve many disputes before they meet to look at the question of revocation or suspension.~~ Mr. Mello asked what the Board has been doing on complaints that have come before the Board and was advised that the complaints have eventually resulted in probation, particularly for minor violations. This Board is very conscious of the power it has to end someone's profession and rarely is a license revoked. Mr. Mello stated that, if this bill is passed, the Board will have even greater power and he felt the proposed fine of \$1,000 was too high. In response to an additional question from Mr. Mello, Mr. Eskin listed the other state boards he represents and outlined some of the allowable fines for them, i.e., the Chiropractic Board has a fining provision of \$500 and they have proposed fine for up to \$100 for misleading advertising etc., the Dispensing Optician Board is proposing a fining provision but he is not aware of what amount they are proposing. Mr. Mello asked that Mr. Eskin research this request to determine where the proposed \$1,000 fine came from.

Mr. Thompson asked for an explanation on the letter of reprimand that is provided for in this measure and was advised that, from a practical standpoint, it is preferable in any information hearing, particularly if the violation is minor and the intent is to serve as a warning, just to simply reprimand someone for violating the chapter so that they are put on notice on the violation so they have a record. Mr. Thompson interjected that anything that is progressive should have an end - you can't simply give a reprimand without having some end result. Mr. Eskin pointed out that you must have some type of action to take between doing nothing and suspension of the license, and a letter of reprimand is a good start. If someone has, for example, five letters of reprimand then a suspension of his license would be justified. Mr. Thompson reiterated his earlier comments that there has to be some standard established or people would be given different treatment. For example, one person could have 10 letters of reprimand and still have a license while another person could have his license suspended after receiving only two letters. He suggested that they include a provision enumerating what action can be taken after set levels of reprimands; that is, perhaps, after three letters of reprimand an automatic review of the license holder. Mr. Eskin stated they could do that if they have the authority to use the letter of reprimand, by their own regulations.

Acting Chairman Chaney repeated his intentions of having the two bills combined into one bill (the Senate Bill) and will have further review by the committee at that time. He then opened the meeting to hear testimony from the audience.

Mr. Dave Purcell, owner of a salon in Reno, spoke first referring to various sections in the bill. First, page 4, line 19 (AB 441) ~~will have a problem if they delete "anyone who is connected directly or indirectly with any school of cosmetology or who was connected while previously serving as a member of the board."~~ The schools of cosmetology represent 1% of their industry and yet we would be opening up a can of worms where the schools or the owners of the schools could control the entire industry within a very short period of time if they could get appointed to the board because they would be teaching, they would be examining and then they would be controlling the industry. He urged that that portion not be deleted.

Next on page 5, line 22 "inspects schools of cosmetology and cosmetological standards to insure compliance with statutory requirements and adopted regulations of the board". He objected to the last sentence in the area as he feels they would run the chance of having 6 or 7 people in a shop inspecting every week and it would cause a lot of problems. He cited cases where his shop was criticized by one inspector for having wooden floors and the next inspector came in with an opposite view point.

Page 5, line 44, "allowing a member or authorized employee of board to review the student training etc." He does not feel that they have that right in a private school.

On page 7, line 19 he called attention to the provision they have where the board wants to delete service of at least 2 years as a junior operator and put in service of at least 3600 hours in not less than two years. Further down on lines 33 and 34 he finds that a little discriminatory because they are taking hairdressers and cosmeticians at 1800 hours and doubling them to get a license outside a school yet the law calls for an electrologist can either go to school for 1000 hours or go into a salon for 1000 hours. He feels that is discriminatory to require they go to 3600 hours. He pointed out that the State Board said, as a rule and regulation, that a person learning the practice of hair dressing-cosmetician, in a salon, had to double the number of hours they spent in school; they arbitrarily made it 3600 hours, where the law has always read two years. For many years, the law has read 1000 hours for an electrologist and, basically, in his opinion that is a more dangerous field and yet they allow them, in 1000 hours, to practice.

Page 10, line 1 says "if a cosmetologist fails to pay their fees by October 1st . . ." - the fees are due July 1st and he does not see any reason to give them the 90 days benefit. If the fees are due, they should be paid when due.

His next comment was relating to the provision on page 11, line 48 where it requires that a "school of cosmetology must have at least

two instructors present and teaching at any time while the school is open". He feels that works a hardship on schools with a small amount of students as it does not take into account that one instructor could be in the restroom, lunch or coffeebreak. He does not feel that is fair to the smaller schools, and he does know of cases where citations have been issued to schools that had those circumstances.

Page 12, top of the page where it says, "every instructor be a licensed cosmetologist" and if we read cosmetologist, that means a manicurist could become an instructor by going to a school, completing 350 hours, staying around the school and be a student instructor for another 1000 hours and we do not have any right, at the present time, to test the instructors so they would have an instructor's license. In his opinion, that would mean that manicurist's would be licensed to instruct in hair or anything else. Mr. Eskin stated that they are interested only in licensing individuals in the field in which they are qualified and does not feel this would be any problem, but would be indicated on the license itself through regulations.

Mr. Purcell's next comment addressed page 13, lines 12 through 19 and he objected to that language. He explained that it is much harder for the board to take away his license than it is to fine him; he would have pretty good recourse to the courts in case of lose of a license, but he would have no recourse if they try to fine him. Additionally, he agreed with Mr. Mello that the \$1000 fine is way out of line; most of the violations are very minor and to have the authority to revoke a license or impose a \$1000 fine is a considerable amount of power for an appointed board.

Mr. Mello asked who is the appointing authority for this board and how are names selected? He was advised by Mr. Erskin that the Governor makes the appointments and Mr. Purcell said the selections were made through recommendations sent to him by individuals, or by the individual themselves expressing an interest in serving as a member.

The following individuals all testified in opposition to the provision requiring the continuing education, that is Section 13:

- Mr. Allen Montechelle, Hair Transformers
- Mr. David Clark, Main Event Salon
- Ms. Paulette Gochie, Headmaster
- Mr. Joe Wolff, Main Event
- Ms. Goergee Brazil, Headmaster

Their testimony was, as has been indicated previously, that they are presently involved with continuing education through their salons, both by management and through sales persons from the product manufacturers. They attend hair shows and see demonstrations at that

time, of new products they will be using.

~~At the conclusion of the testimony, Mr. Mello moved that Section 13 be deleted from AB 441 and that the provision for continuing education be deleted from the bill resulting in the combination of AB 441 and SB 366; motion seconded by Mr. Thompson and carried unanimously.~~

Ms. Bernice Riggs, who stated she has held practically every office in the association and the the accreditation on the Cosmetology Board, explained that the salesmen who come into the beauty salon are not licensed beauticians, but are salesmen. As far as education is concerned through the board, they set forth education for instructors of the cosmetology schools and they are set forth through the community college or university. She supports the Section 13 provision and urges that it be kept in whichever bill is processed.

Testifying next was Mrs. Christine Giusti, owner of two salons. She testified that one of the problems is not with educating the licensed cosmetologist but reverts back into the schools. She has people come into her salons who are not capable of working as a cosmetologist and are, apparently, not getting their basic training in the schools.

Acting Chairman Chaney explained that they were going to try to combine the two bills and would, in light of the motion just adopted, delete Section 13, and after reprinting, the committee will have an opportunity to review it in its anticipated form.

A.B. 329

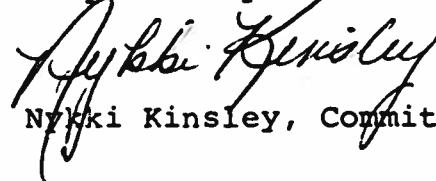
Summary - Amends provisions for physical examination of pupils in schools.

Mr. Thompson advised those present that he has discussed a proposed amendment with Mrs. Cafferata (Amend. No. 652, attached as Exhibit I) and she has agreed with the suggested change. He asked for committee action on the bill, as amended.

Mr. Mello moved to adopt Amendment No. 652 to A.B. 329, amend and do pass, as amended; seconded by Mr. Thompson and carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Nykkie Kinsley, Committee Secretary

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION	SENATE ACTION	Assembly	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to Assembly	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No. 329	Joint
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Resolution No.	
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	BDR 34-1101	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by Committee on Health and Welfare	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>		
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>		

Amendment No 652



Amend section 1, page 1, by deleting line 2 and inserting:
 "092.420 1. During the first 2 months of the school year,
 qualif-".

Amend section 1, page 1, line 15, by deleting "separate and".

Amend section 1, page 1, by deleting line 21 and inserting:

"(a) For visual and auditory problems, in kindercarten and at
 least two other grades of the elementary schools," *GRADE*

Amend section 1, page 1, line 23, after "schools;" by inserting
 "and".

Amend section 1, page 2, by deleting lines 1 through 10, and
 inserting:

"(b) For scoliosis, in at least one grade of the middle schools
 or junior high schools.

2. Every effort must be made to examine each child who is newly
 enrolled in the district during the school year."

Amend section 1, page 2, line 11, after "problem" by inserting
 "or physical defect".

Amend section 1, page 2, line 15, after "problem" by inserting
 "or has shown evidence of a physical defect".

Amend section 1, page 2, line 18, by deleting "authorities" and
 inserting:

"nurse".

To: E & E
 LCB File
 Journal
 Engrossment: ✓
 Bill

Exhibit I 242

DS:smc Date: 4-22-81
 Drafted by.....

Amend section 1, page 2, line 28, by deleting "[4." and inserting "[4.] 6.".

Amend section 1, page 2, line 33, by deleting "subsections 1 and 2." and inserting:

"[subsections 1 and 2.] this section."

Amend section 1, page 2, line 34, by deleting "5.] f." and inserting:

"[5.] 7.".

Amend section 1, page 2, line 35, by deleting "teacher (,)" and inserting:

"[teacher,] school".

