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NEVADA STATE BARBER'S HEALTH and SANITATION BOARD

Minutes – October 17, 2021 – Business Meeting//Public Workshop

President Toby Chavez called the meeting to order on Sunday, October 17, 2021, the time was 12:46 P.M. at The Art of Barber's School, located at 3528 S. Maryland Parkway, Suite 204, Las Vegas, Nevada.

Board members present were President Toby Chavez, Vice President Joseph Foley, Mr. Royal Byron, and, Secretary/Treasurer Antinette Maestas.

No public comment.

The agenda was reviewed and approved as posted. Mr. Foley made a motion to approve the agenda and Mr. Byron seconded. All in favor, Motion Passed.

New Business

Schedule Instructors Exam - Ms. Maestas was asked by President Chavez if there were any applicants for the Instructor's Exam. Ms. Maestas stated there were 2 applicants. Ms. Maestas stated that she had checked with the Proctors and they are available November 15, 2021. Mr. Byron asked if he could comment on this item before calling for a vote. Mr. Byron states why we are using NIC as our testing company. Ms. Maestas states that in 2017 the statute was changed that we must use a National testing Company for the Boards Instructor examination. Mr. Byron wants to know how the Board knows if the Proctors are qualified. Mr. Byron states that he reached out to NIC and he was told that Nevada does not use NIC. Ms. Maestas states that the Board has used NIC since 2017. Ms. Maestas explained by statute what is required for the instructors to be tested on. Mr. Foley asked if NIC has ever proven that the proctors were not qualified to administer the examination. Ms. Maestas stated that no there has never been anything to show the proctors not being competent. Mr. Byron states that he does not feel that the Board should vote on this item until further investigation is done on this agency. He does not feel that one person should make the decision for what company is used. Ms. Maestas stated for the record she is not the one that chose NIC. Ms. Maestas states that the Board chose NIC as the testing company per NRS 643.1777. That regulation was changed in 2017 that the Board must use a National testing Company. Mr. Foley made a motion to schedule the instructor's examination on November 15, 2021. Mr. Byron seconded the motion; all was in favor and Motion Passed.

Grant Secretary/Treasurer permission to schedule Instructor's Exams. – Ms. Maestas states that when she receives an application for an Instructor examination she has to wait until the next business meeting to be able to get permission to schedule the examination and it is making these applicants have to wait. President Chavez stated he did not see a problem with Secretary scheduling the examination. Mr. Foley made a motion to allow Secretary/Treasurer to schedule instructor's examinations. Mr. Chavez seconded the motion, there were no Nay's but Mr. Byron stated he was neutral. Motion Passed.

Grant Secretary/Treasurer permission to approve all applications except for Barber Schools. – Ms. Maestas states that in the past the Secretary/Treasurer has always approved application but, Mr. Byron has told her not to approve them until they are run before him and the Board. Ms. Maestas stated that she needs clarity on this matter so that she knows how to handle this matter moving forward. Ms. Maestas states that this is only on applications. Mr. Foley made a motion to allow the Secretary/Treasurer to approve all applications except for Barber Schools. Mr. Chavez seconded the motion. Under discussion Mr. Byron asked what happens when an individual finds fraud. He does not feel that it should be left up to one individual to approve everything. Ms. Gwen Braimoh stated that in most Boards the Secretary/Treasurer is a Board member. Ms. Maestas states that the language in statute is the Secretary/Treasurer and they may or may not be a Board member. Ms. Maestas stated the statute in NRS 643.030 number 3. President Chavez and Mr. Foley voted yes and Mr. Byron voted neutral.

Workshop on NAC updates. – Mr. Chavez stated that he has nothing. Mr. Foley talked about NAC 643.290. Mr. Foley would like to see this gone. Ms. Maestas states that this is the form that is used for a barber shop that is owned not by a licensed barber. Mr. Foley states that he wants to strike that and he has no other changes.

Mr. Byron – NAC 643.660 – Minimum number of hours of instruction. Mr. Byron wants to see that this is enforced. Mr. Byron states he does not have a change he just wants to see it enforced. Mr. Chavez states that the schools should be keeping track of this. Mr. Byron says that this is not being enforced. Ms. Maestas states that she knows that these schools are keeping track, and at the end of the 1500 hours, the school owner signs a graduation letter and swears that the student has performed these services. Ms. Gwen Braimoh states that she feels that the number of services should be removed. Mr. Marcus Allen states that the schools are keeping track of these services now, and what is the sense of turning in these services on a monthly basis. Mr. Allen states that the services should stay but maybe add the word mannequin to the language. That some of the services can be performed on a mannequin.

NAC 643.240 – Agreement for leasing a barber's chair. Mr. Byron NAC 643.240 – Mr. Byron would like to see this regulation taken out completely.

NAC 643.060 – Qualifications of barbers licensed in foreign countries. – Mr. Byron feels that the number of hours should be increased from 250 to 500. After much discussion, it was decided since the law reads at least 250 hours and that would be to the school after evaluation if there should be more hours.

Ms. Maestas – States she would like to make a few suggestions to the Board.

Ms. Maestas states under NRS 643.174 Personal Appearance before the Board to open a School. There is no Regulation on this statute. She would like to see the Board write a regulation with specifics on what they want provided to the Board.

NRS 643.176 #2 – Continuing Education – Ms. Maestas states that #1 you need to write a Regulation on the 16 hours of continuing Education. #2 write what continuing education will be accepted.

NAC 643.025 – 2. #4 License by Endorsement – Ms. Maestas states that she would like to see a change it is saying that they have to have 2 individuals sign notarized affidavit. She would like to see the shop owner / manager or 5 years tax returns verifying their occupation.

NAC 643.450 – Instructor’s Examination – Ms. Maestas states she would like to see the twice a year taken out. The language will need to be figured out.

NAC 643.736 – Courses for Cosmetologists – Ms. Maestas states that this regulation does not say what happens if the student does not finish in 75 days? Something needs to be written. NAC 643.120 states what happens to an apprentice if they do not finish within 1 year. Ms. Gwen Braimoh states that she feels that the Board should put something in place that states that the hours expire, and then she states hours should not expire.

NAC 643.780 – Fines - #4 – Ms. Maestas states that the fines need to be changed. In statute it states the fines for 643.190 are \$1000, \$1500, and \$2000. This just needs to be changed to coincide with the statute.

Mr. Byron asked to please explain NRS 643.177 #4 if there are 40 students and only 20 chairs how does the math work. Ms. Maestas states that it’s up to the school how they set up their schedule. If the school has 2 sessions and 20 go in the morning and 20 go at nights. The 20 students would always have a chair. Mr. Foley tried to explain to Mr. Byron that 20 students per session times 2 sessions is 40 students. Ms. Gwen Braimoh states that the law states during instruction. Ms. Gwen Braimoh states that the word mannequin being added in NAC 643.660 would solve this.

Ms. Gwen Braimoh would like to look at NRS 643.110. Ms. Maestas read the NRS to her and the Board cannot change that because of it being a statute. Ms. Braimoh feels that law needs to be changed.

Ms. Gwen Braimoh asked if NIC is not testing on the quality of the service, why the Board is testing on practical. Ms. Maestas states that the Instructors exam has 3 portions. They are testing on teaching a theory lecture, and a demonstration lecture, and the written. Ms. Braimoh asked if you are a licensed Cosmetologist Instructor, you go to barber school and become a barber, why do you have to go back to barber instructor training. It was explained that using the NIC test, the written is the same test for barbers and for cosmetologist, but the practical portion is totally different. Mr. Byron states that he feels that Instructors should serve an internship. Ms. Braimoh states that maybe the Board should look at maybe the Board should look at lowering the hours for instructors. Mr. Foley states that proctoring exams he sees Crossovers testing struggle the most with shaving. He feels that a barber needs to go to instructor training to be able to teach.

Mr. Allen feels that NAC 643.660 needs to be looked over. Mr. Allen also states there should be a NAC written to go with NRS 643.177 #4 and define what instructions are.

Ms. Gwen Braimoh wants to look at adding a NAC for reciprocity for instructors. She would like to have the AG look over this matter.

Mr. Byron asked if the Attorney General be in attendance at the next meeting.

President Chavez asked the Secretary read the list that was decided on. It was read as follows. Write NAC to clarify NRS 643.174 and NRS 643.176.

NAC 643.660, NAC 643.240, NAC 643.025, NAC 643.450, NAC 643.736, NAC 643.780.

