

Chairman and Committee Members:

My name is Kris McDonald. I have been a licensed cosmetologist, specializing in nail care, for the past 21 years.

I have been a booth renter in various salons and I am the Past Vice-President of the National Cosmetology Association of Montana.

I am currently the President of the Montana Salon and Spa Association. This Association consists of licensed cosmetologists, barbers, nail techs, and estheticians coming together to improve the professionalism of the Cosmetology business. I am here today to share the Association's concerns and opposition of this Bill.

Of course, our main focus is on the health and welfare of the elderly individuals receiving cosmetology services. Because of this focus, we want to have services, beyond those of basic hygienic care, to be performed only by licensed cosmetology professionals in a room that is licensed for those specific services.

To suggest that a room be established that is unlicensed with unlicensed individuals performing these services would be a total injustice to the elderly and quite frankly, this Association is disturbed by the thought of what could take place if no guidelines or restrictions are placed upon this room and individual.

If a room looks like a salon, salon equipment is placed in it, and cosmetology services are performed in it, then by all means, this room should be treated as such and therefore be licensed as a salon. If the salon is licensed, then the inspectors from the State Board of Barbering and Cosmetology can come into that room and make sure strict guidelines and regulations about disinfection and sanitation are followed.

It will be assumed by the elderly client, that if services are performed in a setting that resembles a beauty salon will be done so by a licensed professional. Nowhere will it be stated that an unlicensed person is the one actually performing the services. Law requires a licensed cosmetologist, to display his or her professional license at the workstation.

The vagueness of this Bill does not allow for any kind of restrictions or guidelines to be placed upon the room or individual performing the services. If this Bill were to be passed as written, then the inspectors will be unable to enforce the current rules and regulations that we, as licensed professionals, must follow. Without this enforcement, it sickens me to think about what could happen to the elderly clients.

Some of the devastating things that could happen when performed by an unlicensed person are:

1. An elderly person is burned by a curling iron that is set at too high a temperature.
2. A diabetic or a person taking Coumadin is cut while having his or her nails trimmed.
3. An elderly person is chemically burned from a perm, hair color or bleach application.
4. Dirty implements are used because of the lack of disinfection and sanitation rules.

5. Diseases are passed from one individual to another through the sharing of unsanitized tools and implements.

This Bill does not even address the liability issue. As a licensed cosmetologist, I am responsible for carrying liability and malpractice insurance. Who will be liable for the unlicensed room and the unlicensed individual performing cosmetology services when something goes wrong?

Several State Board of Cosmetology members and the members of this Association believe that family members and nursing professionals should be able to perform basic hair care and grooming services in the individual's room. Anything beyond that should be performed by a licensed, professional and educated cosmetologist in a licensed salon. We believe that volunteers that are not licensed should be prohibited from performing these services.

I want to clarify to everyone that the members of the State Board of Cosmetology have never supported this Bill because this Bill is not specific enough and too vague.

The homebound law allows a licensed cosmetologist to leave his or her salon and go to the individual's place of residence and perform cosmetology services if that person is unable to leave. Can the individuals who live in the nursing homes and assisted living facilities actually count this as their place of residence?

Yes, they sleep, receive mail, eat and watch TV etc. in these facilities. However, they are not allowed to paint their rooms any color they want, they must eat their meals at a specific time in a common dining room, they may not remodel their room to their liking nor are they able to change a light bulb without maintenance coming in. And unlike in their former homes, they are limited in their activities and decision-making abilities about their place of residence. They are not allowed to just come and go from these facilities as they would their own personal home.

So in fact, is this really their true place of residence? Every aspect of the lives of the elderly is controlled by the facility.

In closing, I would once again like to stress to you that the Montana Salon and Spa Association believes that the elderly clients should receive cosmetology services, beyond that of everyday hygienic care and grooming, performed in a licensed salon by a licensed professional cosmetologist. Therefore, we ask you to vote down this Bill or suggest a rewrite to incorporate specific guidelines to address the protection of our senior citizens in a cosmetology setting.

Thank you for listening to our concerns.

If you have any additional questions for me, I may be reached at (406) 490-8867 or at [jkakk5150@msn.com](mailto:jkakk5150@msn.com).

Chairman and Committee Members.

DATE 3-7-07

BILL No. H.B. 255

**My name is Darlene Battaiola and I oppose House Bill 255.**

I have been a licensed cosmetologist for 35 years, an instructor for 32 years, a past Salon Owner, a current Booth Renter, and since 1983, an owner of the Butte Academy of Beauty Culture Inc. I am Past President of the National Cosmetology Association of Montana and have held numerous national positions.

I truly feel that the implications of this bill go far beyond what the sponsors intended.

Once an unlicensed salon/shop environment is set up, then it will assume to be a salon/shop. If a person is taken to this room they will think they are being taken to the Beauty Salon, and that those individuals that do hair know what they are doing and that they are probably a licensed professional, unless a family member is doing them.

It would seem to me that at this juncture in these people's lives that this one basic need, to allow them to look good and feel good about themselves, by being offered professional services in a safe well maintained licensed salon/shop environment is the least that should be made available to them. How do we protect their rights to receive professional services that ensure their safety?

I have heard that the cost of licensing a salon/shop is too much for these facilities to pay. I find this ludicrous. The initial fee is \$150.00 for inspection and license, then \$50.00 for renewal. In a facility where the "residents" are often charged \$5000.00 per month or more per person, makes \$50.00 for a license renewal seem trivial.

Are these facilities really a residence?

A residence, to me, is a domestic living situation, in which the people living there make decisions for themselves and carry out the day-to-day tasks to insure the well being of all that live there without other outside assistance or direction, in other words independent.

This certainly is not the case here. Every facet of the lives of the people living in these facilities is controlled in one manner or another by a federal, state, local or an administrative entity.

If one of our family members were living in one of these facilities, could we even give them an aspirin, or change a light bulb as we would in their home residence? Can the person residing there choose the color of their room? And on and on.

How will passage of this bill affect other licensed professionals and licensed trades when we can redefine residence as easily as this?

There are many things that I can choose to do in my "residence" that are not under the control or supervision of Boards and other agencies. Where will it stop?

I apologize that I was not able to appear before you today, but I was unable to reschedule the Practical Testing that I must oversee at the Butte Academy of Beauty Culture. I may be reached at: (w) 406-723-8565, 782-6297, (h) 494-7673, (c) 490-8565 or email [paulbat@bigskyhdsd.com](mailto:paulbat@bigskyhdsd.com)

Thank you for your consideration of my written testimony.

Darlene Battaiola