

NEW MEXICO BOARD
OF
BODY ART PRACTITIONERS

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TRANSCRIPT OF PROCEEDINGS
RULE HEARING

May 7, 2018
9:05 a.m.

Held in the Main Conference Room of:
REGULATION AND LICENSING DEPARTMENT
5500 San Antonio Drive
Albuquerque, New Mexico

BOARD MEMBERS:

Benjamin Shaw, Chairman
Amy Ward
Bill Pullium
Michelle Pattin

ALSO PRESENT:

Marylou Poli, Assistant Attorney General
Lori Chavez, Assistant Attorney General
Richard Espinoza, Board Administrator, Boards and
Commissions Division
Kathy Ortiz, Deputy Director, Boards and Commissions
Division, RLD

REPORTED BY: DEBRA ANN FRIETZE, CCR #251
PAUL BACA COURT REPORTERS
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Albuquerque, New Mexico 87102

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1 this hearing. Copies of the proposed rules were also
2 posted on the Board's Internet Website at
3 www.rld.state.nm.us and were available by request to
4 anyone who requested them.

5 Now, may I remind everyone to sign the
6 attendance sheet when they enter. And I have signed an
7 attendance sheet warning. Once you get a chance, if you
8 have not signed it, please do.

9 Now, would the Board Administrator,
10 Mr. Richard Espinoza, will you call roll of the Board
11 members present for this hearing?

MR. ESPINOZA: Sure.

13 [Whereupon, roll was called, and Benjamin
14 Shaw, Billy Pullium, Amy Ward and
15 Michelle Pattin were present.]

16 THE CHAIR: Let the record show that
17 Assistant Attorney General Lori Chavez is present to
18 advise the Board. Also present are Richard Espinoza,
19 the Board Administrator for Boards and Commissions.

20 For the record, would the members of the
21 audience please introduce themselves and state their
22 affiliation? Now, I want to start on this end with
23 Ms. Sims. Please stand, state your name, your
24 affiliation, and then we'll move to the right and then
25 back and zig-zag.

1 THE CHAIR: Good morning everyone. This
2 hearing will come to order. My name is Ben Shaw. I'm
3 the Chairman for the Board of Body Art Practitioners. I
4 will be acting as the Presiding Officer for this rule
5 hearing.

6 The purpose of this hearing is for the
7 Board to receive public comments on the proposed
8 amendments to the Board's current rules. The Board
9 welcomes everyone present at this meeting.

10 This hearing is being conducted pursuant
11 to, and in accordance with, the provisions of the
12 New Mexico Body Art Safe Practices Act, NMSA 1978,
13 Article 17B, Section 61-17B-1 through 61-17B-18; the
14 Open Meetings Act, Article 15, Sections 10-15-1 through
15 10-15-4; and the Uniform Licensing Act, NMSA 1978,
16 Sections 61-1-1 through 61-1-33.

17 The New Mexico Lobbyist Regulation Act
18 regulates activities before boards and commissions and
19 rulemaking proceedings. Contact the Secretary of
20 State's Office for information and registration.

21 Public notice of this hearing was
22 advertised in the New Mexico Register and the
23 Albuquerque Journal. Copies of the proposed rules have
24 been available from the Board office since the notices
25 were published and are available to the public attending

1. MS. SIMS: My name is Crystal Sims. I
2 cofounded and co-own Evolution Body Piercing, which was
3 established in 1999. I have also been an educator for
4 the Association of Professional Piercers and the
5 National Safety Council speaking on preventing disease
6 transmission, first aid, CPR, and also business
7 practices, business documentation.

8 I have also been a member of the Board of
9 Body – sorry, Board of Barbers and Cosmetologists when
10 they regulated body art, and I serve on the Rule Change
11 Committee for the body art practitioners.

12 THE CHAIR: And thank you for speaking well
13 and clearly, but just another note to the audience.
14 Since we are having this recorded, please speak clearly
15 and slowly so she can hear you.

16 MS. GARDUNO: Hello. Good morning. My
17 name is Angelina Garduno, and I'm a member of the
18 public, so I'm attending as a public member. Thank you.

19 MS. MARQUEZ: Good morning. My name is
20 Claire Marquez, and I own DivineBeauty. I have a
21 State-approved curriculum. I have been training for the
22 past five years, I believe, or longer, and I am here.

23 DR. PACHECO: Eva Pacheco, MD, owner of
24 Belleza Med Spa.

25 MR. HALE: Good morning, Mr. Chairman,

1 members of the Board. My name is Jesse Hale. I'm an
2 attorney. I'm here on behalf of Dr. Pacheco. I'm
3 representing her.

4 THE CHAIR: Thank you.

5 MS. JAMESON: Hello. My name is Betty
6 Jameson. I'm also a member of the community and a spa
7 owner.

8 THE CHAIR: Thank you.

9 MS. MONTTOYA: Good morning. I'm Barbara
10 Montoya, and I'm a new graduate.

11 THE CHAIR: Thank you, Barbara.

12 MS. CADDELL: My name is Shonna Caddell. I
13 am a member of the community.

14 MS. SALAZAR: Hi. My name is Savanah
15 Salazar, and I'm a member of the public as well.

16 MS. HERNANDEZ: Tanya Hernandez, Assistant
17 Manager at Evolution Body Piercing and Tattoo.

18 MS. SLIGHT: Hi. Debra Slight. I've been
19 tattooing for 14 years, permanent makeup. I own Medical
20 Tattoo Center of New Mexico and Tan Rio and Med Spa.

21 MR. CORDOVA: My name is Carlos Cordova. I
22 am an artist at Archetype Tattoo. Thank you.

23 MS. MUND: My name is Meghan Mund, artist
24 at Archetype Tattoo.

25 MS. MOORE: Good morning. Chelsey Moore,

1 Exhibits admitted into evidence are
2 available for review by members of the public. However,
3 exhibits may not leave or be removed from the room.

4 After Mr. Espinoza offers exhibits and
5 their admission has been ruled upon, I will open the
6 hearing for comments from the audience. We will proceed
7 in numerical sequence through each proposed rule. We
8 will address only one rule at a time. However, you may
9 refer to other rules that reasonably relate to the rule
10 being discussed or which relate to your comments.

11 The Board of Body Art Practitioners does
12 not follow the Rules of Evidence, but shall, in the
13 interest of efficiency, reserve the right to limit all
14 testimony deemed irrelevant, redundant or unduly
15 repetitious. The decision as to whether such testimony
16 is irrelevant, redundant or unduly repetitious shall be
17 made by me, the Presiding Officer.

18 Now, may I have a show of hands from the
19 number of people who intend to testify or comment on the
20 proposed rules today? So we have 10 hands that went up.

21 Now in the interest of efficiency, we will
22 time these comments. Ten comments -- 10 people need to
23 speak, I'm imagining. We'll start with five minutes.

24 You'll have five minutes to speak on each topic.

25 Now I'm a Toastmaster, and I believe in

1 Archetype Tattoo.

2 MR. GUTIERREZ: Eddie Gutierrez, Archetype
3 Tattoo, artist.

4 MR. GALLEGOS: Aldo Gallegos, or Geraldo
5 Gallegos, Archetype Tattoo.

6 MR. WARD: Joe Ward, co-owner of A-OK
7 Tattoo in Roswell.

8 THE CHAIR: Awesome. That's everyone.
9 Well, thank you, everyone.

10 As I mentioned, this is a formal
11 proceeding, and a court reporter is present to record
12 the proceedings. The transcript will become part of the
13 rule hearing record. Therefore, when someone is
14 recognized to address the Board, that person is asked to
15 identify yourself for the record each time you address
16 the Board. So every time you stand to speak, please
17 state your name. That way, she can record it
18 efficiently. And also, if you can, please speak loudly
19 and clearly so she can also pick up your comments.

20 Now for the procedure. This hearing will
21 be conducted in the following manner: Mr. Espinoza will
22 present exhibits to the Board. I, as the Presiding
23 Officer, will rule on the admissibility of the exhibits
24 offered for admission after allowing questions from the
25 members of the Board.

1 timing things. So I'll have a timer set out today,
2 again to be fair. And when there's a green light, that
3 means you've reached your initial three minutes. The
4 yellow light will mean you have about a minute to wrap
5 it up, and the red light means stop. Makes sense and is
6 fair.

7 Now after a person has testified or offered
8 comment, I will permit the Board members to question
9 that person as well.

10 At the conclusion of this rule hearing, the
11 Board will hold its meeting where the Board members will
12 conduct discussions and take final action on the rules,
13 such as amending, adopting or tabling them.

14 This public hearing is now open.

15 Mr. Espinoza, at this time do you have any
16 exhibits to introduce into evidence.

17 MR. ESPINOZA: Chairman Shaw, I have the
18 following exhibits to enter into evidence:

19 Exhibit 1 is the Legal Notice published in
20 the New Mexico Register.

21 Exhibit 2 is the Legal Notice published in
22 the Albuquerque Journal.

23 Exhibit 3 is the notice sent to interested
24 parties.

25 Exhibit 4 is the notice sent to the

1 Sunshine Portal.
 2 Exhibit 5 is the notice sent to the
 3 Legislative Council.
 4 Exhibit 6 is the proposed amendments to the
 5 Board's rule, Part 1 of 16.36.1 NMAC, entitled General
 6 Provisions.
 7 Exhibit 7, proposed amendments to the
 8 Board's Rule, Part 2 of 16.36.2 NMAC, entitled Licensure
 9 Requirements.
 10 Exhibit 8, proposed amendments to the
 11 Board's Rule, Part 3 of 16.36.3 NMAC, entitled
 12 Requirements for Establishments.
 13 We're going to go ahead and jump to
 14 Exhibit 10, because Exhibit 9 was just an in-house memo
 15 that we introduced.
 16 So Exhibit 10 is the Thuc Nu Pham public
 17 comment.
 18 Exhibit 11 is Carmen Joe's public comments.
 19 Exhibit 12 is Claire Marquez's public
 20 comment.
 21 Exhibit 13 is another comment by Claire
 22 Marquez.
 23 Exhibit 14 is Angelina Garduno's public
 24 comment.
 25 Exhibit 15 is Betty Jameson's public

1 exhibit into the record. Upon admissibility, each
 2 exhibit will be marked and numbered and entered into the
 3 record. At this time, each proposed rule will be
 4 introduced in turn into the record.
 5 I open the floor to members of the audience
 6 for testimony and comments on each rule. Members of the
 7 Board may question each witness upon being recognized to
 8 speak. However, any discussion by the Board will be
 9 held during the meeting following.
 10 So for efficiency, I plan to go through
 11 each part section-by-section and by the letters of the
 12 actual changes. So in Part 1, we're making changes to
 13 some of the definitions. I'll only read out those that
 14 are being changed.
 15 Now, we will go down one-by-one, and I'll
 16 give a brief moment in between each one, giving the
 17 audience an opportunity to raise their hand, and then
 18 I'll call upon them and give them their turn to speak.
 19 That way, we can get through it and dissect it
 20 efficiently. So as an example, starting with 16.36.1.7,
 21 Definitions, we are changing C, Apprentice.
 22 Would anybody like to make comment?
 23 Hearing none, we'll move forward. D,
 24 Apprentice Sponsor. Mr. Hale?
 25 MR. HALE: Mr. Chairman, members of the

1 comment.
 2 Exhibit 16 is Tess DeGange's public
 3 comment.
 4 Exhibit 17 is Jesse Hale's and Eva
 5 Pacheco's public comments.
 6 Exhibit 18 is Kate, public comment.
 7 THE CHAIR: Thank you, Mr. Espinoza.
 8 Now, are there any questions from my Board
 9 members about these exhibits?
 10 THE CHAIR: Mr. Espinoza, that was 18
 11 total, correct?
 12 MR. ESPINOZA: There are 18 exhibits minus
 13 9, so 17 total.
 14 THE CHAIR: Exhibits 1 through 17 are
 15 hereby admitted. Exhibits 1 through 8 are admitted.
 16 Number 9 is not a part of the record, and Exhibits 10
 17 through 17 -- 18 are hereby admitted into the record.
 18 Mr. Espinoza, are there any other exhibits
 19 to enter into the record at this time?
 20 MR. ESPINOZA: Chairman Shaw, there are
 21 none.
 22 THE CHAIR: Any persons wishing to testify
 23 and to submit evidence with their comments shall do so
 24 when they are recognized to testify.
 25 Each document shall be introduced as an

1 Board, before I start, I'd like to ask where you would
 2 like the members of the public who comment to actually
 3 speak. Would you like us to --
 4 THE CHAIR: Mr. Hale, if we could just have
 5 you stand in your place.
 6 MR. HALE: And just another question before
 7 I continue. You've said five minutes. Are you allowing
 8 five minutes for each comment or on each rule?
 9 THE CHAIR: Yes, exactly. You have five
 10 minutes to speak on each one of the rules, so you have
 11 ample time. That way, you focus on that one particular
 12 rule, get what you need to say out there, and then when
 13 we move forward, you'll have more time to speak on the
 14 subject.
 15 MR. HALE: Thank you.
 16 Again, Mr. Chairman, members of the Board,
 17 Jesse Hale, attorney in Albuquerque, New Mexico. I'm
 18 here on behalf of Dr. Eva Pacheco, the owner of Belleza
 19 Med Spa, a licensed permanent cosmetics practitioner
 20 here in Albuquerque and also a state-licensed physician.
 21 I have two issues or two comments to make
 22 about the Board's proposed changes to the definition of
 23 apprentice sponsor. The first is that as currently
 24 proposed, the rule would require any apprentice sponsor
 25 to be a licensed professional, practicing for at least

1 five years. However, that definition does not make an
2 exemption for somebody in Dr. Pacheco's position, who is
3 also a state-licensed physician.

4 As the Board is aware, the statutory
5 definition of tattooing and arguing that the entire
6 Board's rules on the actual practice of tattooing or
7 permanent cosmetics practitioner would not apply to
8 somebody that is a state-licensed physician.

9 The state legislature, New Mexico
10 Legislature, in defining tattooing, exempted a
11 state-licensed physician from being under the guise of
12 what tattooing is. And therefore, we believe that
13 the -- and we'd ask the Board to make an amendment, and
14 I put this in my proposed -- in my comments to the
15 Board, which are part of the record.

16 I've suggested an alternative. That the
17 exemption for a licensed physician also apply in the
18 apprentice sponsor definition so that an apprentice
19 sponsor, somebody who has been licensed for five years
20 or is a state-licensed physician, that would allow
21 somebody like Dr. Pacheco to actually be the sponsor of
22 an apprentice. And I believe that would be consistent
23 with what the legislature has already determined.

24 I understand that the Board's main concern
25 is for public health and safety. However, I believe

1 control and accept full responsibility for the act
2 performed, evaluate and approve a procedure performed
3 before the client departs, and is capable of responding
4 immediately if any emergency should arise, it seems
5 entirely possible for a sponsor to actually be directly
6 supervising more than one apprentice at any time.

7 There are also concerns here with
8 limitations on new entrants into the market and into the
9 industry. By allowing -- by restricting any sponsor
10 from only sponsoring one apprentice at one time, it
11 would severely limit the amount of people who could
12 actually enter the industry and become a licensed tattoo
13 artist, become a body piercer, or become a permanent
14 makeup -- a permanent cosmetics practitioner.

15 I've mentioned this a few times in our
16 public comment, but when the Board is essentially
17 self-regulating, those concerns become problematic with
18 the federal antitrust laws. Thank you.

19 THE CHAIR: Thank you, Mr. Hale.

20 So before we open some questions, it's
21 going to be a yellow light. Just so you know, I'm
22 having issues with this sucker. So when you see the
23 yellow light, that means you get five minutes.

24 MR. HALE: Mr. Chairman, members of the
25 Board, it's a little difficult to see the actual color

1 that the New Mexico Legislature has already made it
2 clear that those concerns don't apply in the same way,
3 or at least in the same way, to a state-licensed
4 physician who has separate training outside of the body
5 art context, where they've been trained on how to safely
6 treat and perform services on a human body.

7 The other issue on this definition is
8 that -- and it relates to another proposed rule in
9 16.36.2.9A, limiting sponsors to only having one
10 apprentice at one time. For reasons of efficiency --
11 excuse me. For reasons of consistency with the Board's
12 definition of direct supervision, if you'll look at that
13 definition of direct supervision, it appears clearly to
14 allow a sponsor to actually have more than one
15 apprentice at one time safely, and also just in timing.

16 And we've proposed that the Board change
17 the proposed rule to -- instead of saying teaching one
18 apprentice -- teaching apprentice one-on-one, change the
19 definition of an apprentice sponsor to someone who
20 accepts responsibility to teach no more than two
21 apprentices at one time.

22 If you look at the definition, at least for
23 the proposed new definition of direct supervision, the
24 requirements are to be physically present in the
25 establishment throughout the performance of the act, or

1 from where I was standing. I don't know if it was the
2 angle or --

3 THE CHAIR: I'll work on that.

4 Before I open the -- before I open some
5 questions up to my Board, Mr. Hale, a quick question for
6 you: Would you let your doctor tattoo you?

7 MR. HALE: Mr. Chairman, I don't have any
8 tattoos. I've never even considered it, so I don't know
9 that I can answer that question.

10 THE CHAIR: Okay. I trust my doctor. If
11 she tells me anything that has to do with my body, I
12 believe her. But good God, I would not let her touch me
13 with a tattoo machine without any sort of training. So
14 that is the point that we're trying to get when it comes
15 to teaching someone how to tattoo.

16 Now of course, Dr. Pacheco and somebody
17 with a medical license is exempt from our regulation, so
18 they can do permanent cosmetics. You can teach
19 permanent cosmetics, you can do whatever you want within
20 your facility. The problem we have is we do not have the
21 ability to license any of your students unless you've
22 had five years of training.

23 Now, do I have any more questions from my
24 Board members before we move on to the next point?

25 MEMBER PATTIN: Mr. Chair, the only thing I

1 would like to comment on this particular area that
 2 you're referring to is you know, I read over all your,
 3 you know, proposed rules, the problems that you were
 4 having with them, how they were written, things like
 5 that. And you refer a lot to the guidelines of SPCP,
 6 which is the national organization for permanent makeup.
 7 And in some cases, you've referred to it as you like the
 8 hundred hours, you like some of the rules that the SPCP
 9 sets forth. However, when it comes to the these two
 10 areas, that's omitted.

11 So I would like to refer back to the SPCP
 12 and their guidelines and regulations. I'll read it
 13 right off here, because it's come up a couple of times,
 14 of course, so we might as well just address it for
 15 everyone to know and understand what they stand for.

16 So for the professional background, in
 17 order to be identified as a trainer through the SPCP,
 18 each trainer will have a minimum of five years'
 19 experience in the application of permanent cosmetics and
 20 a minimum of 300 procedures for those procedure types.

21 There are other, you know, requirements
 22 that are in with that, but that is set forth with the
 23 SPCP as what they recognize as a trainer. And that's
 24 softly where we've based those on there.

25 Also, you mention in the one-to-one if you

1 they have no formal position on this, and I do want to
 2 state that. But SPCP has traditionally supported those
 3 states which do require more hours or elements of
 4 training.

5 So I think it's important that we're
 6 consistent with this organization that we keep bringing
 7 up. Again, our guidelines and our rules can change for
 8 the State of New Mexico, but I don't think we should
 9 pick and choose what works conveniently for each
 10 individual. If we're going to look at it, we should
 11 look at the whole picture, and that's kind of what I
 12 wanted to say on that one.

13 THE CHAIR: Thank you, Ms. Pattin.

14 We'd like to potentially admit the SPCP
 15 reference you were just stating from and make it one of
 16 our exhibits, so Exhibit Number 19.

17 MEMBER PATTIN: Yeah, thank you.

18 THE CHAIR: I know there are a few more
 19 questions in the audience. And of course, for the ebb
 20 and flow, these questions will be directed to Mr. Hale
 21 about this particular rule or definition that we're
 22 going over. If it starts to veer off in other
 23 directions, we need to hone it back in so that we can
 24 move forward.

25 I believe there were a few hands raised in

1 want to be able to teach multiple people. It's very
 2 clear in there, as well that in the fundamental
 3 guidelines that they said forth, that trainers will not
 4 oversee multiple procedures simultaneously. The
 5 student-to-trainer ratio for all hands-on training must
 6 be one-on-one.

7 So I think it's important that if we're
 8 going to grab from a national organization bits and
 9 pieces, it's important that we look at the overall
 10 picture of what they're setting forth.

11 We as a board don't necessarily have to,
 12 you know, follow those regulations, even though they're
 13 nice guidelines and set higher standards for permanent
 14 makeup. But it's important that we look at all of that,
 15 as well as stating all over the place a minimum of 100
 16 hours.

17 And I have statements from the Executive
 18 Director of SPCP, because this has been brought to their
 19 attention about what we're doing here, and I have been
 20 in contact with them. I just want to quote this
 21 exactly, because I don't want to say anything that
 22 wasn't stated. So this is from an Executive Director of
 23 SPCP that reached out to me.

24 And they again want to reiterate that it's
 25 a minimum of 100 hours that they set forth. However,

1 the audience?

2 MS. GARDUNO: Yes. We would like --

3 THE CHAIR: Please state your name and your
 4 affiliation loudly and clearly prior to speaking.

5 MS. GARDUNO: Yes. My name is Angelina
 6 Garduno, and I would like to approach the Board
 7 regarding the same 16.36.2.8 Section D. It is
 8 recommended that the proposed Title 16, Chapter 36, Part
 9 2, Section D be amended, as it is an unrealistic
 10 expectation because --

11 THE CHAIR: One second, Ms. Garduno. I'm
 12 sorry, where are you at? We are currently --

13 MS. GARDUNO: I'm on the Section D,
 14 Permanent Cosmetic --

15 THE CHAIR: So 16.36.1.7D, Apprentice
 16 Sponsor?

17 MS. GARDUNO: Yes.

18 THE CHAIR: Okay.

19 MS. GARDUNO: It says, "Without inclusion
 20 of certain words, it leaves the sponsor obligated to any
 21 apprentice who may or may not desire to complete the
 22 program, or one who may be acting in malice of the
 23 sponsor."

24 The wording is not beneficial for the
 25 program or agreement between the sponsor and apprentice,

1 and meaning that it basically assumes liability to the
2 apprentice sponsor. That they cannot proceed with other
3 students unless their sponsor has completed and gotten
4 their licensure.

5 So I think that we shouldn't hold the
6 apprentice sponsor responsible for an apprentice
7 receiving their licensure. Thank you.

8 THE CHAIR: Thank you, Ms. Garduno. You
9 still have four more minutes to speak.

10 MS. GARDUNO: Well, that's just in regards
11 to this specific, so keep my time for the rest when I
12 approach. Thank you.

13 THE CHAIR: Well, we'll spread it out.
14 We'll allow the next public member and allow you to
15 speak again.

16 Try to keep it -- well, if there's only so
17 many people speaking, two times, three times is fine per
18 rule.

19 Ms. Marquez, you wanted to speak?

20 MS. MARQUEZ: I'll let him speak.

21 THE CHAIR: Okay.

22 Mr. Hale?

23 MR. HALE: Thank you, Mr. Chairman, members
24 of the Board. Again, Jesse Hale, attorney in
25 Albuquerque, New Mexico, on behalf of Dr. Eva Pacheco.

1 occurring at the same time.

2 I believe that there wouldn't be any issues
3 with overseeing -- I think that that limitation about
4 one procedure at one time -- overseeing one procedure at
5 one time would be consistent and it would make sense,
6 but it also would not be in conflict with two
7 apprentices to one sponsor that are recommending. Thank
8 you.

9 THE CHAIR: Thank you, Mr. Hale. I'd like
10 to state, Mr. Hale, of course we are in accordance with
11 our Rule 61 -- sorry, our Statute 61-17B-3(M). Of
12 course, all persons with medical licensure are exempt.
13 The only thing that the sponsorship requires is that
14 that practitioner has five years' experience. So we are
15 in accordance with it.

16 It's just the Board wishes that those who
17 wish to teach have a minimum of five years' training.
18 That's our stance. It's not that we are doing anything
19 opposite to what the statute states. Thank you.

20 MS. MARQUEZ: Claire Marquez, DivineBeauty,
21 and I am speaking in regards to 16.36.2.8D.

22 THE CHAIR: We're still on 1.1.7D,
23 Definitions.

24 MS. MARQUEZ: Right. "The apprentice must
25 remain under the direct supervision"

1 I just want to speak again only to address
2 some of the questions and responses to one of the
3 comments from Member Pattin. There are two things that
4 I believe I heard you raise. One was the fact that SPCP
5 defines -- has their own sort of internal guidelines for
6 defining a trainer as somebody who has over 300
7 procedures.

8 While I agree that I have cited to their
9 recommendations on the amount of hours for a person
10 to -- hours of training for a person to become a
11 permanent cosmetics practitioner, however, we've got a
12 definition in the State statute as it is that exempts a
13 licensed physician, such as Dr. Pacheco, from the Board.
14 We believe to be entirely consistent with that, to also
15 exempt that -- carry that same exemption over into the
16 sponsor provisions.

17 The other issue that I heard you raise was
18 that the society actually recommends against or cautions
19 against supervising more than one procedure at one time.
20 We actually agree with that.

21 I think what we're proposing is actually,
22 that you can have two apprentices at any one time, but
23 you can't actually directly supervise more than one
24 procedure at one given time. However, you would be able
25 to supervise more than one procedure if they're not

1 THE CHAIR: So right now we're under
2 apprentice sponsor means a person who is actively
3 licensed --

4 MS. GARDUNO: They're on Definitions.
5 You're on Definitions?

6 THE CHAIR: We're still on Definitions.

7 MS. MARQUEZ: Sorry.

8 THE CHAIR: Are there any more comments
9 about 16.36.1.7D?

10 Okay. The next change definition is L.

11 MS. SLIGHT: Hi. Debra Slight, Tan Rio and
12 Med Spa. I just have a question for Dr. Pacheco.

13 Now, I employ two MPs and an MD. So when
14 doing that, she claims responsibility when she is
15 governing over so that we don't have to go through our
16 LD or whatever. She takes responsibility for my spas.

17 At this point, if Dr. Pacheco is saying
18 that she would like to teach people and she'd like to
19 have a couple of people under her, at that point, is she
20 taking responsibility for them? And at that point, does
21 she have to -- at that point, you put them under your
22 malpractice so that you can -- I'm not understanding
23 why, if you don't have five years' experience as a
24 permanent makeup artist, how it's relevant for the MD
25 position. Because all of mine have to take

1 responsibility and put my staff on their malpractice to
2 cover the things that we do.

3 So is she going to do that for every
4 student that comes in, and is she going to be on
5 premises while every procedure is made, or is she just
6 overseeing? I just have some concerns or questions,
7 really, to see how that's going to work.

8 THE CHAIR: Okay. I appreciate your
9 questions.

10 Are there any more questions on apprentice
11 sponsor?

12 MR. GALLEGOS: Geraldo Gallegos, Archetype
13 Tattoo. I've been a licensed tattoo artist in the state
14 for 12 years now, and I'd just like to make a comment
15 for the record. In that time, with the things that I've
16 had to go through and learn, I don't think that anybody
17 without proper education in procedures should be allowed
18 to do that kind of procedure on anyone at all. It's
19 just immoral.

20 We can loophole all day, but the fact of
21 the matter is it shouldn't be done without the proper
22 training. It's just a comment from someone who's been
23 doing it for a very long time.

24 THE CHAIR: Thank you, sir.
25 Any more?

1 cosmetologist. But I still feel that that experience
2 has to be there for the safety of the public and those
3 that are paying for a service that they expect to be
4 well done.

5 So personally, I just had to speak on that
6 as, you know, a member of society as well. That's what
7 I wanted to say.

8 THE CHAIR: Thank you, Ms. Pattin.

9 MS. MARQUEZ: Claire Marquez, DivineBeauty.
10 I definitely agree in regards to the

11 minimum of five years. I think it is very important
12 that the person have experience before training other
13 individuals. One of the things here in regards to the
14 one-on-one, I know that many educators here in the past
15 have trained more than one student.

16 I do believe that if there were to be an
17 increase in hours, that the increase of students should
18 also be there, and I would say one to two students, as
19 well. This way, we are also able to bring more people
20 into the field of permanent cosmetics.

21 Another thing is since we were speaking in
22 regards to the Society, I believe, of Permanent
23 Cosmetics and their 100-hour requirements, along with
24 their one-on-one, I believe that there is a
25 contradiction with that for the reason being if you look

1 MEMBER PATTIN: Mr. Chair, can I speak
2 briefly on that?

3 THE CHAIR: Yes.

4 MEMBER PATTIN: Mr. Chair, I'm a
5 newly-elected Board member, and so some of this is new
6 to me. But what's not new to me is the permanent makeup
7 industry. I've been licensed in the State of New Mexico
8 since 2010. I'm also an educator, an approved sponsor
9 for the State, and I would not even consider teaching
10 within the first year of my practice. I'm still -- I'm
11 going to be honest -- at eight years, still learning.

12 The skin -- my students would attest to
13 that. You're still learning different things. You're
14 picking up new techniques. The industry is ever
15 changing. So for the safety of those people paying for
16 this particular service, they entrust that if you have a
17 license, that you've been educated. And for the
18 students, they're trusting that they're paying their
19 hard-earned money to a sponsor that is going to show
20 them and direct them into the proper way.

21 So having very little experience in the
22 field and in the skin, I feel that five years is very
23 appropriate for teaching, no matter what their
24 background, whether a physician -- as a great a
25 physician, you know, that you may be an esthetician, a

1 at their approved educators through them, you will see
2 that they have three-day trainings. And in their
3 three-day trainings, I believe that they are doing more
4 than one person. Of course, that is their guidelines.

5 What their guidelines are and what they are
6 doing are two different things. And that is the whole
7 thing in regards to the State of New Mexico. That's why
8 we're having legislation, so we have guidelines that we
9 stick with and just don't quote things. It happens, and
10 I know -- I'm not saying it's everybody in the Society
11 of Permanent Cosmetics, but I'm saying it does happen.

12 And what I'm trying to say here is that we
13 have to give the people the opportunity to come in and
14 not just say, oh, so I'm an educator. And in one month,
15 I have to give 255 hours, and I'm only able to teach one
16 person.

17 There's four educators in the state. And
18 if four educators in the whole entire state are unable
19 to teach more than one person, that means that these
20 people are going to start going to three-day courses,
21 and that they are going to start to do it in their
22 homes, and they are going to be able to do it anyway
23 because they want to do it, and we have to give them the
24 opportunity to be able to do it.

25 THE CHAIR: Thank you, Ms. Marquez.

1 Any questions about that from the Board?
 2 No? Okay. I think we're ready to move on.
 3 16.36.1.7 Definitions, K. I'm sorry, L.
 4 I'm sorry -- thank you very much.
 5 E, Aseptic. Any comments?
 6 Hearing none, L now, Client?
 7 M, Direct Supervision?
 8 Seeing none, O, Guest License?
 9 Q, Jurisprudence Examination?
 10 R, Military Service Member?
 11 T, Permanent Cosmetic Practitioner?
 12 Mr. Hale?

13 MR. HALE: Mr. Chairman, members of the
 14 Board, again Jesse Hale on behalf of Dr. Pacheco,
 15 Dr. Eva Pacheco, owner of Belleza Med Spa in
 16 Albuquerque. I have some comments on the Board's
 17 proposed added definition for a permanent cosmetics
 18 practitioner.

19 In our public comments that we submitted in
 20 advance of this hearing, we've proposed an alternative
 21 to the proposed definition that the Board has performed.
 22 And there are a couple of issues that we've raised here,
 23 but most principally is that the definition appears
 24 to -- and it's not clear if it's purposeful because I
 25 don't have access to information as to why the

1 definition was proposed the way it is.
 2 However, the way it is proposed now would
 3 limit a permanent cosmetics practitioner to only perform
 4 any services on a client's face. And most principally,
 5 this would limit a highly-needed and -- well, the highly
 6 sought-after procedure of areola restoration. That
 7 obviously is not on the face. And so we've proposed an
 8 alternative definition that would allow for areola
 9 restoration to be part of a permanent cosmetics
 10 practitioner's suite of services that they can offer.

11 And again, I'll go back to a couple of
 12 issues with this. The Board is made up of at least
 13 two -- well, two licensed tattoo artists. I'm not sure
 14 that there was a licensed permanent cosmetics
 15 practitioner on the Board when the proposed rules were
 16 being considered. I'm curious about the timing of that,
 17 and that's something I have question for the Board
 18 about. But with this proposed new definition, the only
 19 licensed body artists -- well, a tattoo artist would be
 20 able to perform an areola restoration otherwise, but a
 21 permanent cosmetics practitioner would not.

22 Again, there are issues, when a board is
 23 made up of members of the industry, that they are
 24 regulating their concerns about what the Supreme Court
 25 has termed -- the United States Supreme Court has termed

1 self-regulation. And when members of other industries
 2 self-regulate themselves and limit their own
 3 competition, it raises significant antitrust concerns,
 4 and we believe this definition presents such a concern.

5 There are other issues within the
 6 definition that we've raised just to make it clear as to
 7 what exactly a permanent cosmetic practitioner does and
 8 what permanent makeup is, and those terms were used with
 9 the input of my client, Dr. Pacheco. And those main
 10 changes are removing references to semipermanent and
 11 discussing permanent colorants actually as -- the
 12 placing of permanent colorants under the skin as being
 13 the definition of what a permanent cosmetics
 14 practitioner does.

15 This proposed definition relates back to
 16 the definition that we talked about earlier regarding
 17 apprentice sponsor without -- well, Dr. Pacheco, being a
 18 licensed physician, is free under the law right now to
 19 perform areola restoration treatments and would be
 20 permitted to perform an areola restoration even if this
 21 board were -- that the Board were to adopt this
 22 definition, it would limit the ability if she were able
 23 to have apprentices, to teach an apprentice how to do
 24 areola restoration, and then that apprentice goes on and
 25 wants to become licensed to actually perform areola

1 restoration themselves.

2 And that presents a problem again with
 3 the -- it's anticompetitive, but it also presents a
 4 problem with Dr. Pacheco's ability to attract potential
 5 apprentices to her training program. Thank you.

6 THE CHAIR: Thank you. Any questions from
 7 any Board members?

8 Mr. Hale, yes, we did have a permanent
 9 cosmetic representative on the Board during the rule
 10 changes when this definition was placed there.

11 Now my concern with allowing body to be in
 12 the definition of a permanent cosmetic practitioner is
 13 then we're allowing a permanent cosmetic practitioner to
 14 have the abilities of a tattoo artist. They are now
 15 able to tattoo anywhere on the body, which, I'm sorry,
 16 100 to 255 hours is not enough training for that.

17 Areola restoration, as we know, is the
 18 tattooing of pigment into the nipple or areola region of
 19 the female breasts, which are typically compromised
 20 regions that have undergone radiation treatment, are
 21 either postoperation or have had a mastectomy.

22 Restoring an areola or nipple takes
 23 precision and care. The skin can be sensitive, scarred
 24 and compromised. Not only will the practitioner need to
 25 know how to tattoo efficiently, but will need to have

1 the artistic ability to provide the patient or recipient
2 not only with a safe procedure, but an
3 optimally-appearing nipple. This requires some artistic
4 ability.

5 Now currently, as the rules have stated for
6 the last decade, in 16.36.2.16(E), under Permanent
7 Cosmetics Practitioners Curriculum, "A practitioner
8 performing areola restoration shall have completed a
9 training program approved by the Board," which we have
10 never had.

11 When we researched and asked the public and
12 our past permanent cosmetic representative to provide a
13 template to follow for an approved training program,
14 none were provided, so the Board has never had the
15 ability to approve an areola restoration training
16 program. Thus, areola restoration has never been under
17 the scope of permanent cosmetic practitioners, who are
18 only required to demonstrate proficiency with tattooed
19 eyeliner, lipliner and eyebrows.

20 So it is the Board's desire to allow areola
21 restoration to be performed by practitioners with a
22 medical license, or someone under the direct supervision
23 of someone with a medical license, or a licensed tattoo
24 artist who has been trained with over 1400 hours of all
25 skin types. This would fall under their scope of

1 practice. This is our stance when it comes to areola
2 restoration.

3 Ms. Marquez?

4 MS. MARQUEZ: I have actually at, I
5 believe, the last -- second-to-the-last meeting, I
6 actually did provide a curriculum in regards to areolas.
7 It was an advanced course that, of course, the people
8 would have to be licensed previously in permanent
9 cosmetics before taking the course, so it was an
10 advanced course technique.

11 Also, in regards to that, I believe the
12 Society of Permanent Cosmetics, as well as the
13 Micropigmentation Society, they all are teaching and
14 educating in areola restoration. This has been a
15 fundamental that has gone along with permanent cosmetics
16 since the beginning, I believe.

17 I believe that if you guys review it, and
18 also Michelle, Ms. Pattin, could as well, she would
19 have -- it is part of the permanent cosmetics field and
20 always has been.

21 I know that this is a new state regulation
22 and stuff like that, but I actually believe somewhere in
23 this -- the Safe Practices Act, it also did state in
24 here areolas previously. It's somewhere -- I'll have to
25 look through it right now.

1 But I think that if we are making it
2 difficult again for the students to be able to do these
3 procedures, they will still do these procedures, and
4 they will not do them accordingly to the state.

5 And that is the whole thing about creating
6 these new rules and regulations, is to try to make it
7 safe, and also to be able to make sure that they are
8 properly trained in these advanced techniques. And as I
9 mentioned, you have received my curriculum in regards to
10 areola restoration.

11 THE CHAIR: Thank you, Ms. Marquez. Yes,
12 we did receive your areola restoration curriculum, which
13 was not approved because we didn't have a template to
14 establish or guide -- or any guidelines to compare it
15 to.

16 Any questions from the Board for
17 Ms. Marquez?

18 MEMBER PATTIN: Just briefly, Mr. Chair,
19 members of the Board, since that was addressed directly
20 to me, I actually have their guidelines. And no,
21 areolas is not part of the fundamental. They actually
22 consider it to be an intermediate, which is after --

23 MS. MARQUEZ: Uh-huh, advanced.

24 MEMBER PATTIN: And advanced.
25 -- after the license and the training have

1 been completed.

2 I have personal experience of taking an
3 advanced course in this. I took three days -- amazing
4 trainer, fantastic -- I wouldn't even attempt it at this
5 point. These people, as Mr. Hale put in the packet, you
6 know, 40 pages of cancer research. And I appreciate
7 that, and a lot of information is great. It's
8 important. These women have already gone through so
9 much that it's such a disservice to them to have an
10 untrained qualified professional tattooing that.

11 I have a question for you, Ms. Marquez.
12 You submitted a curriculum. So is it your understanding
13 that -- what are the hours that you're proposing that
14 you would train for areola restoration? What are the
15 hours you're putting into that?

16 MS. MARQUEZ: I would definitely say over
17 100 hours and --

18 THE CHAIR: Let the record show that Claire
19 Marquez is speaking.

20 MS. MARQUEZ: Claire Marquez, yes.

21 To me, it's all about making a regulation
22 that is going to work for the State of New Mexico and
23 the individuals. Personally, I like to teach the
24 curriculum, the basic curriculum. However, if these
25 people -- if they're going to go to another state,

1 they're going to take a two-day course in areolas.
2 They're going to go back, and they will be performing
3 them illegally.

4 So what I'm trying to propose is that we
5 create -- the State of New Mexico creates this -- I'm
6 sorry, what was that again, Mr. Shaw, that you said?
7 That we didn't have anything to go --

8 MEMBER PATTIN: A template.

9 MS. MARQUEZ: That we create a template to
10 be able to offer that. Because as I mentioned, people
11 are going to still learn it, and they're going to do it,
12 and they're not going to be doing it legally. And we're
13 trying to create a legal way to make it right.

14 THE CHAIR: Thank you, Ms. Marquez.

15 Ms. Ward?

16 MEMBER WARD: Just a comment in response to
17 that.

18 We already do have a way to currently
19 train, and they can do it legally through the tattoo
20 curriculum. And again, I'm going to back up Mr. Chair
21 with that in that's what we think is sufficient that
22 they need, at least the 1500 hours.

23 Now, if you have a license in a different
24 profession, we do allow for you to apply some of those
25 hours to a different apprenticeship. So they would not

1 rules would be able to use crossover hours, and it's
2 under our crossover section.

3 MS. MARQUEZ: Where is that located, the
4 crossover hours?

5 MEMBER WARD: It's already in our --

6 THE CHAIR: We will be getting to that
7 point. It's in there.

8 MEMBER WARD: You have it probably in your
9 hand, if you picked up the --

10 MS. MARQUEZ: I did.

11 MEMBER WARD: Thank you.

12 THE CHAIR: Ms. Sims?

13 MS. SIMS: Mr. Chair, members of the Board.
14 Crystal Sims, speaking on behalf of the Rule Change
15 Committee.

16 Ms. Marquez makes some excellent points,
17 and I would like to just state for the record that this
18 Board and this Rule Change Committee not only had the
19 Board-making decisions, but there are board
20 administrators and board directors that kind of oversee
21 everything that the Rule Change Committee does.

22 We were directed that if we were to include
23 areola restoration, we would have to make an entire
24 other section for areola restoration. And being that
25 there were some impending changes that needed to be made

1 have to go underground, they would not have to be
2 illegal. They could do it the right way if they chose
3 to put sanitation and actual experience first, and we do
4 have a way for them to do that.

5 MS. MARQUEZ: So may I comment on that?

6 THE CHAIR: You have a comment back to
7 Ms. Ward?

8 MS. MARQUEZ: Yes.

9 Ms. Ward, in regards to --

10 THE CHAIR: Let the record show that Clair
11 Marquez is speaking.

12 MS. MARQUEZ: In regards to that, are you
13 saying because I'm a licensed electrologist and I
14 have -- it is one of the hardest in regards to
15 histology. My background is in skin and the different
16 layers of skin, because that is what electrologists do.
17 We penetrate needles into the skin and create electrical
18 current to kill hair follicles.

19 So are you saying that I would be able to
20 be granted credit for that in the apprenticeship because
21 of my history in histology?

22 MEMBER WARD: No. Only under the body art
23 licenses, which would be body piercing, tattooists or
24 permanent cosmetics. It doesn't branch beyond that. We
25 can only give rules for that. So anybody under our

1 right away, they felt like it was not an efficient use
2 of the Board's time or the Rule Change Committee's time
3 to try and put the amount of hours it would take to make
4 a complete other section. That is something that could
5 potentially happen in the future, but our Rule Change
6 Committee was directed not to address that at this time.
7 Thank you.

8 THE CHAIR: Thank you, Ms. Sims.
9 Sir?

10 MR. GALLEGOS: Mr. Chair, members of the
11 Board, Geraldo Gallegos, professional tattoo artist as
12 Archetype Tattoo.

13 Just again as a comment from a professional
14 who's been in the industry a long time, I do want to
15 reiterate that if we're going to be trying to work
16 harder at creating a new section for areola restoration,
17 then we should not be making things easier for people
18 who aren't willing to work harder to go through the
19 hours to do things the right way to be licensed under
20 the body art practitioner license and be able to do the
21 things that they want to do.

22 I also want to reiterate that regardless of
23 a physician's ability to do areola restoration, they
24 cannot teach it without having the proper education and
25 being licensed for five years.

1 THE CHAIR: Thank you, Mr. Gallegos.

2 MR. VALVERDE: My name is Cesar Rene
3 Valverde, with CZER Tattoos and Art in Rio Rancho,
4 New Mexico.

5 I just want to make a comment about the
6 competitiveness or the attempt to try and draw away any
7 business. As a tattoo artist, I personally don't have
8 any interest in performing cosmetic tattooing because
9 for one, I don't stock or carry the proper equipment to
10 perform that, nor do I have any interest in drawing that
11 business away from somebody who would rather have -- or
12 has the appropriate training. For one, I don't put
13 makeup on. I'm not a female. I don't have that
14 experience in me, so I don't pursue that type of
15 business. I don't even invite it into my shop.

16 So for those practitioners that are really
17 looking into regulating this in the proper fashion, I
18 really support that. What I don't support is improper
19 training or the application of pigment with needles into
20 the skin without the proper training.

21 As a ten-year-plus tattooer myself, and
22 only have ever been licensed in the State of New Mexico,
23 I personally feel -- I'm even barely, at ten years,
24 really getting a grasp on tattooing. And so 150 hours
25 is nowhere near a sufficient the amount of time or

1 MR. HALE: The Board has been presented --
2 thank you for sharing that. I understand that the Board
3 has been presented with at least two curriculum
4 proposals for teaching the areola restoration treatment
5 by Jeanine McTasney. My understanding is that those
6 curriculum -- that the curriculum has never been
7 approved. I don't think that the reaction to that from
8 the Board should be to eliminate the potential
9 altogether. And that's what the Board is doing by
10 changing the definition of permanent cosmetic
11 practitioner.

12 As an alternative to the -- as an
13 additional alternative to the alternative that I
14 suggested in my public comment, I would suggest that the
15 Board allow for a permanent cosmetic practitioner to
16 perform areola restoration, and that the Board and the
17 Rules Committee go through the process of making sure
18 that there is in the regulations a training program, as
19 it has done with the other disciplines under the Board's
20 purview, to make sure that there is an actual curriculum
21 or training program or template, as Mr. Chairman is the
22 term he used, to make sure that a permanent cosmetic
23 practitioner has that additional training in addition to
24 the fundamental training that's within the regulations.

25 I don't think that the reaction to the

1 experience on a dermalogic level to understand how
2 that's going to happen, especially when you are talking
3 about areolas with compromised cellular structure.

4 Because you're not going to know what to
5 expect, at 150 hours, what that areola is going to do
6 when bam, ink is blowing out underneath the skin and
7 such. And again, we're talking about cancer patients.
8 They have already been through enough. And then to have
9 an unqualified inexperienced individual performing these
10 procedures is just going to be salt on the wound. I
11 personally would not want to be part of any of that, and
12 that's all.

13 THE CHAIR: Thank you, sir.

14 Mr. Hale?

15 MR. HALE: Mr. Chairman, members of the
16 Board, Jess Hale on behalf of Dr. Eva Pacheco, owner of
17 Belleza Med Spa. I just want to address a couple of
18 things.

19 Mr. Chairman, you were mentioning that the
20 current regulations allow for a permanent cosmetic
21 practitioner to be licensed to perform areola
22 restoration, provided they've gone through a
23 Board-approved curriculum; is that correct?

24 THE CHAIR: It is in the rules, but we do
25 not have a board-approved curriculum.

1 Board not feeling like they've received the adequate
2 input from the public on what kind of training
3 requirements should be in there. I don't think that the
4 reaction to that should be: Well, we're going to only
5 allow tattoo artists to do this procedure, especially
6 when the current law allows for it." Effectively what
7 the Board is doing is taking this procedure away from a
8 segment of the industry.

9 And again, we've spoken a lot about
10 particularly women who have suffered through breast
11 cancer and may have had a mastectomy. And that's the
12 number one clientele basis for permanent -- for areola
13 restoration. And obviously, we have to be very
14 concerned about the safety of those individuals. We
15 also have to be very concerned about the limitation of
16 the availability of the service to those people.

17 I've included information about this in my
18 public comments about the rise not only in the breast
19 cancer rate, but also the rise in the incidents of women
20 who have undergone double mastectomies. This is an
21 increasing number of the public that needs these
22 services.

23 And with the Board coming in and going even
24 further than what they do right now by not approving any
25 curriculum submissions to eliminate the procedure

1 altogether not only presents competitive concerns, but
2 the real-world impact of that anticompetitive -- of
3 those anticompetitive measures are going to be felt by
4 the individuals who need the service. It's just the way
5 markets work. You spread out the availability of it.
6 It could be reduced costs and so on and so forth.

7 So I think as a proposed alternative to
8 again my proposed alternative definition would be to
9 ensure that it's allowed, provided that the licensee has
10 actually gone through the necessary training to do the
11 areola restorations. Thank you.

12 THE CHAIR: Thank you, Mr. Hale.

13 Does anyone on the Board want to comment?

14 THE CHAIR: No questions?

15 I would just like to remind or reiterate
16 what Ms. Sims said. That due to the amount of time we
17 had with these current rules and some really important
18 pending rules that need to be amended, areola
19 restoration was removed to be basically reviewed and
20 create a more effective way to license it.

21 As you mentioned, we don't have a template.
22 Some have been submitted, but we have nothing to compare
23 it against. That's what we asked for from the public a
24 year ago, and we never received that to create as our
25 template that we would use.

1 Now moving forward after this rule hearing,
2 of course, we'll have more opportunity to look at our
3 rules and to eventually address the areola restoration
4 issue.

5 I saw a hand in the back.

6 MS. SLIGHT: Debra Slight, Tan Rio Med and
7 Spa.

8 I kind of disagree on the fact that we
9 don't have enough people to perform these procedures.
10 At Medical Tattoo Center, I have Brian Everett, and I
11 have quite a few tattoo artists that do areola
12 restorations, and they are licensed tattoo artists. I
13 do -- so I don't see where there's a shortage of that.

14 I do know that if you look around the
15 United States, some of the top tattoo artists are doing
16 areola restorations. And they're doing it for MD
17 Anderson, they're doing it for Loma Linda -- we're doing
18 it all over the place.

19 Now a solution for this is let's come up
20 with a curriculum for areola restoration. However, at
21 this point, you're saying that you can't teach for five
22 years. So instead of saying we're going to teach an
23 areola class, why don't we open it up to those of us
24 that have been doing it long enough to teach and that
25 have the experience? I'm not saying for every class

1 that is going on. It has been puppy-milled through the
2 last few years, so I disagree.

3 Earlier, somebody had said that well, there
4 was classes of more than one person. Yeah. I've been
5 contacted by several of those people that come to me and
6 say, "I'm licensed. I have an idea of what I'm doing."
7 And I referred them to the Attorney General's Office,
8 because they're paying \$8,000 for a class.

9 So at this point, why don't we just say,
10 Okay, there are several of us that have at least five
11 years' experience. And why don't we tack that on there
12 and say, 'You have to go to a continuing education
13 class, but you're not going to teach this. You can do
14 it, but you're not going to teach it,' to somebody that
15 has had less than a five- or six-year program"? You
16 know, that seems viable to me.

17 And yes, the fact that Ms. Pacheco is a
18 doctor, and she can do this, she knows, but how are you
19 going to cover your students two at a time to know this?
20 You've got to have some experience behind it. Thank
21 you.

22 THE CHAIR: Thank you, ma'am.

23 MEMBER PATTIN: Mr. Chair?

24 THE CHAIR: Yes?

25 MEMBER PATTIN: I have a couple of

1 questions. I'm not sure who -- do I direct all the
2 questions to you, Mr. Hale, can I ask Dr. Pacheco?

3 MR. HALE: If I can answer the question,
4 I'll try to answer. But if Dr. Pacheco is in a better
5 position to answer, then I'll ask her to answer.

6 MEMBER PATTIN: So a couple of questions,
7 and I briefly asked Ms. Marquez the same thing. She
8 said over 100 hours. So in your training -- because
9 from my understanding, you're interested in teaching; is
10 that correct?

11 DR. PACHECO: Yes. The Board has already
12 approved my curriculum.

13 MEMBER PATTIN: For basic. I'm asking for
14 areolas. Are you interested in teaching areolas?

15 DR. PACHECO: Yes, I am.

16 MEMBER PATTIN: So what was your experience
17 in, your training experience? How many hours were
18 devoted to that particular craft?

19 DR. PACHECO: I've trained about 15 hours
20 in the areola.

21 MEMBER PATTIN: You trained 15 hours for --

22 DR. PACHECO: For areola.

23 MEMBER PATTIN: Okay. And you would feel
24 comfortable teaching that after 15 hours?

25 DR. PACHECO: Well, I mean there's plans

1 for it in the future. They're telling me right now it's
2 in the works.

3 MEMBER PATTIN: Okay. So how much
4 additional training do you feel that you would need in
5 order to teach an appropriate areola class? How many
6 hours would you --

7 DR. PACHECO: I think that's -- we're all
8 perpetual students. I don't say that we don't learn
9 forever. I mean we could be in the market for 20 years
10 and always learn. But what particular arena are you
11 talking about?

12 MEMBER PATTIN: So what the public is
13 asking for us as Board members is to sit and spend very
14 time-consuming hours to put together this curriculum.
15 So what I'm asking for is feedback. Ms. Marquez said
16 100. The gentlemen in the back, they stated -- Ms. Ward
17 stated 1400.

18 So what are you proposing that would be an
19 appropriate advanced class? How many hours in order for
20 us to look at that, is what I'm saying. We need a
21 guideline, you know, for what you guys are asking for.

22 MR. HALE: If I could just ask a clarifying
23 question?

24 Are you asking how much additional time in
25 the training -- how much additional time would a trainer

1 do the potential hours look like for an areola
2 restoration curriculum?

3 MR. HALE: Thank you, Mr. Chairman. I
4 apologize. Maybe I wasn't asking my question. That's
5 what I was asking. I was trying to get at what you were
6 asking.

7 I think Dr. Pacheco, she can correct me if
8 I'm wrong, suggested 20 hours of additional training in
9 the curriculum.

10 DR. PACHECO: That's what I took. I mean
11 I'm not saying that there's not -- that you can't modify
12 it.

13 I know you've taken your class. What did
14 you take?

15 MEMBER PATTIN: I actually took a three-day
16 advanced class, and it wasn't enough. She was amazing,
17 and I got great tips. But working on the skin, that
18 structure, learning the different surgeries, the
19 different machines, different pigments, it's not
20 something I would tackle any time soon without further
21 education on that.

22 DR. PACHECO: I agree with that, and I
23 don't jump into anything. When I do something, I take
24 above and beyond, so that was the first round. Until I
25 feel better about it, I'll probably do some more. So I

1 or potential sponsor need before they can teach areola
2 restoration, or are you asking how much additional
3 training an individual licensee or actual practitioner
4 would need in order to perform the actual service?

5 MEMBER PATTIN: Well, if you'll look at the
6 rules, in order to teach in the State of New Mexico, you
7 have to be an approved sponsor. So what would an
8 approved sponsor with an approved areola class need in
9 order to prepare for it to be sufficient for you?

10 MR. HALE: Again, I'm not sure I can answer
11 your question. But the requirements are -- well, as
12 they would be proposed, the requirements would be that
13 somebody be a professional for five years before they
14 can teach or sponsor anyone.

15 I think the issue comes down to whether or
16 not there is sufficient training programs or curriculum
17 in the apprentice programs to teach a future
18 practitioner on the procedure.

19 I don't know how to answer your question
20 about what additional time somebody would need in order
21 to teach --

22 THE CHAIR: As Board members, we need to
23 have to create hours. We have to designate hours to
24 certain areas for education.

25 I think what Ms. Pattin is asking is: What

1 agree with that.

2 I don't have an answer for you, but I know
3 that it varies. So if I could hear the input from the
4 other people in the room.

5 THE CHAIR: I'll hand it back.

6 MS. VALVERDE: Yvonne Valverde, I'm at
7 CZER's also, Tattoos and Art. I'm a consumer of
8 permanent ink in the skin. As a consumer, I have very
9 sensitive skin.

10 It's taken my husband over ten years -- and
11 he's not the only person I get tattooed by. I've gotten
12 tattooed by some really big-name professional artists.
13 My skin acts differently in every situation.

14 Being 15 hours she said she had of
15 education, would she know what my skin is going to do
16 if, say, the skin is very thin there and I have a
17 blowout, would she -- I'm going to her as a consumer,
18 expecting her to know what's going to happen or what
19 kind of outcome I will have after it's done. Do you
20 know what it mean?

21 I've had tattoos that my husband has done,
22 and the outcome has been different than the one before.
23 And that's ten years of experience, thousands and
24 thousands of hours. I would be afraid as a consumer to
25 go to someone who I thought was licensed and

1 professional who knew what they were doing, and then
2 have an outcome that wasn't right.

3 What is she going to do to fix that or to
4 make that right, being only 15 hours? That kind of
5 scares me as a consumer. I would want her education to
6 be that of an artist, 1400 hours.

7 I did cosmetology classes. That's 1600
8 hours of education on just hair. Do you know what I
9 mean? That's a little concerning as a consumer of
10 pigment in the skin. Thank you.

11 THE CHAIR: Thank you, ma'am.

12 MS. MARQUEZ: Claire Marquez, DivineBeauty.
13 I just actually looked up the Society of Permanent
14 Cosmetics in regards to their advanced training and
15 curriculums. And here their -- this is a society that
16 is well known all over the country. And right here as
17 well, it does say 100-hour requirements, advanced
18 programs, camouflage, repigmentation, three years'
19 experience required to be able to do this. So there are
20 regulations in regards to that, and it being part of --
21 it is already in the permanent cosmetics.

22 Why would we take it out when it is already
23 in there? And in that way, like I'm saying, yes, people
24 can go to tattoo artists, or people can go the people
25 who are properly trained in permanent cosmetics. We are

1 MS. CHAVEZ: What institute were you
2 referring to about the training?

3 MS. MARQUEZ: It is the Society of
4 Permanent Cosmetics for --

5 MS. CHAVEZ: Oh, the Society of --

6 MS. MARQUEZ: Yes. Thank you.

7 THE CHAIR: Thank you.
8 Sir?

9 MR. CORDOVA: Mr. Chairman, members of the
10 Board, Carlos Cordova, Archetype Tattoo, tattoo artist.

11 I do feel, as a tattoo artist, it's not a
12 competitive thing that we're looking to -- we're not
13 looking to encroach on these places. I do feel that you
14 should be licensed in what you are doing. I feel that
15 this would be opening a back door, as well as a loophole
16 to doing harm.

17 Where does it stop, and how far are you
18 going to go? If we're doing scalp, we're going to start
19 covering blemishes, we're going to start tattooing this.
20 Then you get comfortable in feeling I could do this, I
21 could this. Well, if you're going to do that, then
22 follow the five years. Be licensed in what you're going
23 to teach. Be five years, be licensed in permanent
24 cosmetics, be licensed in tattoo artist. If you're
25 going to do the things that's going to put tattoo

1 all working together here to be able to support the
2 people who need these treatments. So I do not think it
3 should be limited to people who have the advanced
4 knowledge and are able to do these procedures.

5 One more thing also that was mentioned -- I
6 believe she mentioned it -- in regards to scalp
7 pigmentation. Scalp pigmentation right now is really on
8 the forefront of the beauty industry. We have tattoo
9 artists doing it, and we have permanent cosmetics
10 artists doing it as well. It is implanting pigment into
11 the scalp area to make it appear like more hair. That,
12 I also believe, should be a part of this because without
13 it saying here, the scalp pigmentation is similar to the
14 eyebrow hair. So I believe that we also need to -- it
15 is a form of enhancing a hairlike feature on people's
16 face?

17 And also, there is another treatment that I
18 have actually proposed for the State to review, which is
19 in regards to scar treatments, which is a form of dry
20 needling. So dry needling, what it does is it actually
21 softens scars. So instead of implanting pigment, it is
22 actually just dry tattooing through the area. I believe
23 people are still going to do it, and I believe that we
24 should really consider as well -- oh, sorry. But it is
25 part of it, what I think people are going to do.

1 artists as defined by the Board, then you should be
2 licensed in it. Sorry. Thank you.

3 THE CHAIR: Thank you, sir.

4 Ma'am?

5 MS. JAMESON: Hi, Betty Jameson. So I'm on
6 the opposite end of all of this. I have actually been
7 doing microblading for the last three years. I have no
8 interest in all the other things that it's getting
9 lumped in with, and I'm just wondering, where is all
10 this going to leave me?

11 Because three years ago, we didn't have
12 microblading training in New Mexico. It was not being
13 regulated. And now I'm looking at having to get a
14 permanent makeup license and learn a whole other
15 technique that I have no interest in. I don't want to
16 do areolas, I don't want to do the scalp, I don't want
17 to do eyeliner.

18 I've done over 200 microblading procedures.
19 I'm fully licensed and insured through my board. So I'm
20 just trying to figure out -- I'm listening to all of
21 this, and I understand what the PMU license is
22 umbrellaed, what's being umbrellaed under that.

23 So to understand this correctly,
24 microblading is now being put into that category,
25 correct?

1 THE CHAIR: Correct.
 2 MS. JAMESON: So I'm just trying to figure
 3 out where I fall into all of this in regards to
 4 everything that's happening right now.
 5 THE CHAIR: Any questions?
 6 Ms. Ward.
 7 MEMBER WARD: May I ask who you're
 8 licensed -- you said you were licensed?
 9 MS. JAMESON: Well, I'm a licensed
 10 esthetician, and I own my business.
 11 So three years ago, when I wanted to start
 12 offering microblading, there was no training being
 13 offered in New Mexico, so I did have to go out of state.
 14 And I agree with her, four days, three days and anything
 15 is not enough, so I continued. I did another
 16 hundred-hour program.
 17 I would say like maybe just in the last
 18 year, I'm finally at a place where I am 100 percent
 19 comfortable with the procedure itself. I don't even
 20 think that the hundred hours we do here is sufficient.
 21 I don't understand how you could learn to tattoo
 22 somebody's eyelids, lips and submit 10 photos and now
 23 you have a license.
 24 But at the time I wanted to offer
 25 specifically the microblading not using a machine, not

1 doing permanent makeup, so there weren't any options in
 2 New Mexico.
 3 MEMBER WARD: Does the Board of
 4 Estheticians actually license for microblading?
 5 MS. JAMESON: Well, no one has been
 6 licensing for it. I've been referred -- my board has
 7 referred me to this board. And for the last three
 8 years, this board has referred me to my board. So
 9 nobody has wanted to deal with it.
 10 MEMBER WARD: So microblading, as I
 11 understand it, has always been under our provisions.
 12 I hear what you're saying, that in the last
 13 few years the answer you got from the office -- I
 14 understand what you're saying. But because it is the
 15 tattooing of eyebrows, it is -- and I'm going to refer
 16 to Michelle, if she would like to correct me on that, it
 17 is covered because we include eyebrow tattooing and
 18 pigmentation.
 19 Technically, it does define microblading,
 20 although I understand that microblading isn't done with
 21 a machine, but --
 22 MS. JAMESON: It's also not permanent, and
 23 it's also categorized differently by my insurance. So
 24 even with my insurance, I did not have to provide a
 25 permanent license, which is Marine Agency, which insures

1 lots and lots of permanent makeup artists, tattoo
 2 artists, salons and body piercers.
 3 MEMBER WARD: And I'm not speaking to
 4 anything, but what the Board understands is what our
 5 covering is, so it does actually include it. And I'm
 6 sorry that in the past it was misunderstood that it
 7 didn't, but it is an eyebrow tattoo.
 8 MS. JAMESON: Well, the terminology has now
 9 changed from permanent, semipermanent, temporary.
 10 Semipermanent and temporary were not -- you're amending
 11 the term of permanent cosmetic practitioner and
 12 including new verbiage, which is semipermanent and
 13 temporary. That is not what it has said for the last
 14 three to five years, so it was not covered under that
 15 because it's not permanent.
 16 And I know that for a fact, because I have
 17 clients coming back after two or three years, and almost
 18 all of it is completely gone. It is not --
 19 MEMBER PATTIN: Almost all of it?
 20 MS. JAMESON: Yeah. Well, I'm sorry. It's
 21 only been three years.
 22 THE CHAIR: One person at one time, please.
 23 Do you want to speak on this topic with
 24 this individual, or do we want to move forward?
 25 MEMBER PATTIN: There is a lot that I would

1 love to speak to on this topic. But in order to stay in
 2 line with where we're working, I think we need to stay
 3 focused on T, which states what a permanent cosmetic
 4 practitioner is. And then as we head down to tattooing,
 5 we can address more of this. I have a lot that I'd like
 6 to say about the comments that were made there, but I'd
 7 like to stay on topic.
 8 I do believe semipermanent and temporary
 9 should be taken out of the definitions. I've said that,
 10 you know, at the last meeting, the meeting before. My
 11 understanding is it's in statutes, so it's going to take
 12 a bit of a process. But that is something I'm
 13 personally going to work on because I don't believe in
 14 temporary or semi.
 15 I believe that pigment is put into the
 16 skin, and it will be there. Will it exfoliate out? You
 17 know, for those who, you know, who are educated in
 18 permanent makeup, will it exfoliate out? Absolutely.
 19 But you are permanently putting particles in the skin
 20 that will always remain one year, two years, three
 21 years, four years. So I disagree with that. That's
 22 something I'm going to work really hard on changing.
 23 But repigmentation, camouflages put in there and, you
 24 know, the wording changed to placing pigment under the
 25 skin.

1 We're going to talk a little bit about that
2 in a different definition, where it says epidermis. I
3 believe that needs to be changed, as well, but I think
4 we need no stay on topic about that.

5 THE CHAIR: Any more questions from the
6 Board for Ms. Jameson?

7 Hearing none, Ms. Sims, you had your hand
8 up first?

9 MS. SIMS: Crystal Sims again speaking on
10 behalf of the Rule Change Committee. I just wanted to
11 address this because I was on the Board of Barbers and
12 Cosmetologists at the time that microblading was brought
13 to their attention.

14 As she said, a few years ago, there weren't
15 options for it in New Mexico. And I did serve on the
16 Board of Barbers and Cosmetologists when it came to
17 their attention that a vast number of people were
18 starting to offer the service without training,
19 believing that their esthetician license would cover
20 them.

21 At first, that board did not know what to
22 do with that because it really isn't defined in any of
23 the definitions as an esthetician. But it wasn't
24 defined in any of the definitions as tattooing, either.
25 Specifically, microblading was and it is similar, in

1 it's a stone from the backyard or a machine or a hand
2 tool, you're tattooing. And if you're continuing to do
3 that, you're working illegally in the State of
4 New Mexico, not meeting the requirements.

5 I have an issue with that because there's a
6 lot of people that work really hard to get the proper
7 licensing and practice they need for that. Words --
8 3d60 embroidery eyebrows have now come out. Are we to
9 write everything in the rules that people are going to
10 come up with tattooing? We cannot do that. So we have
11 to lump it together and fall behind what -- if there is
12 any instrument, whether it's a hand tool or a machine,
13 any device that is putting pigment into the skin is
14 defined as tattooing and needs to be regulated.

15 THE CHAIR: Thank you, MEMBER PATTIN.

16 Any more questions from the Board for
17 Ms. Sims?

18 Hearing none, Ms. Garduno, you had your
19 hand up?

20 MS. GARDUNO: Mr. Chair and members of the
21 Board, I motion to table the definition of T, Permanent
22 Cosmetics Practitioner. I motion that we table it and
23 do not put this to print until we can all come to the
24 agreement of what a permanent cosmetics practitioner is
25 and what services they are able to provide. Thank you.

1 that it is depositing ink into the skin.

2 We were asked at that time to write it into
3 the Body Art Regulations because the Board of Barbers
4 and Cosmetologists felt it was dangerous, that it was
5 unregulated. And they felt that it should be regulated
6 somewhere, and that is how this proposed change kind of
7 got that definition added.

8 THE CHAIR: MEMBER PATTIN, do you have a
9 question for Ms. Sims or comment?

10 MEMBER PATTIN: Mr. Chair, since we're on
11 that topic, thank you.

12 I'm not sure why there was ever any
13 confusion. The definition for tattooing means the
14 practice of depositing pigment into the skin. Why would
15 it ever be questioned?

16 A hand tool is not a new device to
17 permanent makeup. I can speak for some professionals in
18 this room that have been using a hand tool soft tat
19 method in their practice for years.

20 So when this word came about, why was there
21 special treatment? I mean it's defined in tattooing, so
22 why was there ever any question about that? I don't get
23 it.

24 So in my opinion, if you're putting in
25 pigment with the purpose -- with any hand tool, whether

1 THE CHAIR: Thank you.

2 Ma'am?

3 MS. SLIGHT: Debra Slight, with Tan Rio Med
4 Spa.

5 I've been using the hand tool method since
6 2004, and they have branded it microblading. It is
7 permanent makeup. You can do it a couple of different
8 ways. I think that tattooing is tattooing. Two
9 weekends ago, we had somebody come through at one of the
10 hotels, and they certified seven people for
11 microblading.

12 Well, when I called to go to the class to
13 say, "What are you doing here," just to see how they
14 were certifying people, it is your responsibility to
15 find out what your state laws are. They didn't say it.
16 They texted me, they emailed me, and that's about it.
17 It's tattooing.

18 Shelby, I saw your hand. You've been doing
19 this forever. What is your opinion on this?

20 THE CHAIR: Thank you. Let me restart the
21 time real quick.

22 MS. SLIGHT: I mean Shelby's been doing
23 this. What does she have to say?

24 THE CHAIR: Yes?

25 MS. HOHSFIELD: Mr. Chairman, Shelby

1 Hohsfield, Lorenzo's Salon. I have been in her position
2 before with a different subject. You were on the Board
3 with me with eyelash extensions.

4 I'm a permanent makeup artist. They said
5 eyelash extensions were something an esthetician could
6 only do, even though it was never written, specifically
7 those words. I've battled this for forever. The fact
8 of the matter is when you're trying to go through
9 something like this, you do have to go through the
10 proper channels.

11 Now I'm on the other side of this. Now
12 microblading has become the biggest thing. It's
13 tattooing. It is tattooing. It stinks for you that it
14 wasn't written before. It's great that things are
15 coming out like it is, but this is our biggest issue
16 right now with the Board.

17 And I'm asking you, too, Richard: What are
18 we going to do about this? Because we're making all
19 these changes for permanent cosmetics, but they mean
20 nothing right now, because everybody is just going to
21 these courses over the weekend, and they mean nothing.
22 So we're having an incredibly difficult time getting
23 anybody to even come through our program on 100 hours,
24 and now we're going to bump it to 255.

25 Why I think that's great is because it

1 told a whole classroom full of estheticians, "This is
2 what you need to do." And all of them looked at me
3 like, "What, are you serious?"

4 Nobody realizes this is the proper channels
5 that need to happen right now. That's my concern, is
6 that the Board is -- the Board of Barbers and
7 Cosmetologists doesn't seem to be doing what they need
8 to do to educate their people as to what's required.

9 MEMBER WARD: Can I clarify?

10 THE CHAIR: Please.

11 MEMBER WARD: Mr. Chair, just to clarify,
12 because you answered quite a bit, but I just want a
13 little bit more.

14 Are you concerned with these people that
15 are going to hotels and training not specifically you as
16 a licensed permanent cosmetologist training; are you
17 worried about the other training? Are you proposing
18 there should be some kind of regulation of any training
19 of that?

20 MS. HOHSFIELD: I think that would help a
21 ton, because they're not approved, right? I mean
22 there's approved Board -- people who are approved by the
23 Board that actually teach it for New Mexico. These
24 companies are huge companies. I mean they're worldwide
25 huge companies that are coming to teach it, and there is

1 needs to happen. I'm worried about what the Board of
2 Barbers and Cosmetologists is doing about all the
3 estheticians microblading and actually making them go
4 through the proper channels. This is our biggest
5 concern right now as permanent makeup artists for sure.

6 THE CHAIR: Thank you.

7 Any questions?

8 MEMBER WARD: Mr. Chair?

9 THE CHAIR: Ms. Ward?

10 MEMBER WARD: Are you worried about the
11 people teaching it, the channels they'd go through to
12 teach it, or are you worried about just anybody who
13 takes the class, how they're going to apply their
14 training, or what -- is your concern more the trainers?

15 MS. HOHSFIELD: Shelby Hohsfield, Lorenzo's
16 Salon. My biggest concern right now is that every
17 esthetician in New Mexico thinks they can go take a
18 microblading course and get certified and do it legally
19 in New Mexico, and the Board of Barbers and
20 Cosmetologists is not doing anything about it, as far as
21 I understand. That's my concern. Not the concern for
22 us as trainers. I think the concern for us as trainers
23 is convincing people this is something you need to do.

24 I actually went and spoke at the Aveda
25 Institute twice in this last couple of months. And I

1 nothing to tell them that they can't. I mean that's
2 fine. But the people who are then training through the
3 course aren't going through the proper channels.

4 THE CHAIR: Any other questions for
5 Ms. Hohsfield?

6 Ms. Garduno?

7 MS. GARDUNO: Mr. Chair and members of the
8 Board, it seems that she's talking about the difference
9 between certifications and licensure. So these
10 certification courses are being offered.

11 As far as reciprocity is concerned, I've
12 done these certification courses only to find out that
13 none of them gave me the ability to be licensed. So
14 then I have to -- it's harmful because these people are
15 spending their money to learn certification, only to be
16 unlicensed and for their certification to not even count
17 towards their licensure.

18 So I think that we need to have something
19 in there that maybe those hours can be credited towards
20 licensure because that's time and money that these
21 practitioners and students are spending in order to
22 learn this practice. Thank you.

23 THE CHAIR: Thank you, Ms. Garduno.

24 Any questions from the Board?

25 MEMBER WARD: Mr. Chair?

1 THE CHAIR: Ms. Ward?
 2 MEMBER WARD: Did you say you took a class
 3 on that?
 4 MS. GARDUNO: Yes.
 5 MEMBER WARD: Did they have you use
 6 needles?
 7 MS. GARDUNO: We used microblades, yes.
 8 MEMBER WARD: Did you touch a human
 9 subject?
 10 MS. GARDUNO: No.
 11 MEMBER WARD: Was there education on how to
 12 dispose of the sharps?
 13 MS. GARDUNO: Yes.
 14 MEMBER WARD: I guess my question would be
 15 maybe to the Chair then, after that.
 16 So is it illegal for someone to train with
 17 needle use? Because we have regulation for how they can
 18 use a needle for tattooing.
 19 THE CHAIR: Of course.
 20 MEMBER WARD: Okay. Thank you.
 21 THE CHAIR: Thank you.
 22 A hand way back in the back?
 23 MR. GALLEGOS: Geraldo Gallegos, tattoo
 24 artist, Archetype Tattoo. I think that I heard someone
 25 say that when they contacted the company, they said that

1 suckered. You should have done your homework."
 2 But what I don't feel is these people
 3 should be coming in here and taking people for a ride on
 4 a public level, you know, because we're not going to get
 5 away from people doing things illegally. People are
 6 always going to find a way to do things the crooked way
 7 and do it unethically.
 8 I feel it's the power of the Board. The
 9 Board has the power to be able to tell these people that
 10 come into our county, our state, our city and try and
 11 take people for a ride and prey on these people, those
 12 people need to have some kind of consequence or be
 13 stopped from offering these services and taking people
 14 for a ride and instead, maybe offer information, whether
 15 it be on the Board's Website or something, or resources,
 16 so that people know what are the proper channels. Make
 17 those resources available or market them. Make them as
 18 public as possible so that people know hey, if this is
 19 what you want to do, this is the place to go.
 20 Because unfortunately, a lot of people --
 21 not even with a tattoo apprenticeship, I get asked
 22 frequently, "What do I need for my apprenticeship?
 23 Where do I go to? Who is in charge of that?" And then
 24 once I start breaking it down, then the attitude is
 25 totally different.

1 you have to do your own research to find out what your
 2 board permits. And at that point, you've taken a class
 3 and you've spent your money on it without doing your
 4 research to find out that it's not going to work for
 5 you? It's not really like exemptible, in my eyes.
 6 I feel like that's your fault. I really
 7 apologize. But in laymen's terms, if you don't weigh
 8 in, you don't wrestle. You've got to pay to play.
 9 THE CHAIR: Thank you, sir.
 10 Questions for Mr. Gallegos? Sir?
 11 MR. VALVERDE: Cesar Rene Valverde with
 12 CZER's Tattoo and Arts. Members of the Board, my thing
 13 with what's going on there, I firmly believe that people
 14 that do come in and are trying to do any type of
 15 certification in anything relevant or relative to our
 16 line or relative to the Board of something that is
 17 regulated under that umbrella, especially when it's
 18 being marketed, mass marketed or being offered as a,
 19 "Hey, come in. We're going to certify you and train
 20 you," these companies, these people are preying on the
 21 less knowledgeable, the more naive. And yes, naive.
 22 Because if you don't do your homework, then that makes
 23 you naive. You should have done your homework.
 24 And yeah. Again, like my colleague said
 25 here, my peers have said, "If you got suckered, you got

1 So that's what separates the people that
 2 belong in the industry and the people that don't and
 3 the people that are willing to make the effort and take
 4 the measures to be in their field of work. Thank you.
 5 THE CHAIR: Thank you.
 6 I have one comment. Our comments are
 7 definitely appreciated. But if they're going to be
 8 repeating anything, let's not be unduly repetitious.
 9 So does anyone have any comments about this
 10 particular topic?
 11 MS. MARQUEZ: Claire Marquez, DivineBeauty.
 12 In regards to again, permanent cosmetics practitioners,
 13 MEMBER PATTIN did say that she actually thought that
 14 semipermanent and temporary should be taken out.
 15 I believe that this should be tabled until
 16 it has properly really gone through, because we're
 17 trying to pass something that --
 18 THE CHAIR: Ms. Garduno already stated
 19 that -- thank you very much -- that she wanted to table
 20 this topic.
 21 MS. MARQUEZ: Oh, yes. But I understand
 22 that. However, since that's stated, MEMBER PATTIN did
 23 say that she thought that these should be taken out. So
 24 I'm just wondering what are you going to do about that?
 25 THE CHAIR: Thank you very much,

1 Ms. Marquez.

2 It's time for our comments. You'll be
3 listening to us discuss these rules in the regular board
4 meeting after the rule hearing.

5 MEMBER PATTIN?

6 MEMBER PATTIN: Mr. Chair, before we move
7 on, I just briefly wanted to touch base, since it's in
8 this category of semipermanent. I think this kind of
9 goes back to Ms. Jameson's Exhibit 16.

10 In her responses to, you know, what her
11 experience has been for entering into the permanent
12 makeup world and industry, it stated very clearly, you
13 know, semipermanent -- and this would be a question for
14 you because you're scratching the top layers of the
15 epidermis. That's why you feel it would be
16 semipermanent. And that's one of the reasons why it's
17 confusing in here and should be taken out.

18 But semipermanent really shouldn't be
19 addressed in permanent makeup because of that. And I
20 feel like by saying that, it's not allowing the public
21 to make educated decisions as far as if this is the
22 process for them or not.

23 And so you stated that there in your
24 statement, but then you also stated that it's a gray
25 area for microbladers because you're strictly using a

1 regulating this when you are offering this training in
2 New Mexico. \$7,500 was the quote that I got when I
3 called your office for five days of training. We're
4 over here arguing about three-day classes, weekend
5 classes. You offer five days, two more days. That's
6 it.

7 This is a very weird interaction because in
8 theory, we're in competition with one another. When I
9 called you three years ago, you weren't offering
10 microblading training. Now you are. And now you're
11 questioning me when I just -- this is -- I don't
12 understand how this is professional or ethical.

13 MEMBER PATTIN: Mr. Chair, let me answer
14 those questions for you so I can make it a little more
15 clearer on --

16 MS. JAMESON: You're also questioning the
17 language that's in the paperwork you've given to all of
18 us. This is your suggestion for how to change the
19 language, and you're questioning it up there. You're
20 questioning the verbiage that's used in here when this
21 was provided to us by your Board.

22 MEMBER PATTIN: I agree with you, with your
23 statement. This was written prior to me coming on this
24 Board, so these are things that we are addressing, which
25 are written statutes.

1 hand tool.

2 My question, Ms. Jameson, to you would be
3 is upon, you know, researching and looking at and trying
4 to, you know, process your comments, I went to your
5 Website. And it shows that you are promoting what's
6 called microshading now; is that correct?

7 MS. JAMESON: Yes.

8 MEMBER PATTIN: So are you using a machine
9 in your salon?

10 MS. JAMESON: No, I'm using a hand tool.

11 MEMBER PATTIN: So on your Website it
12 states microshading is used with a hand tool or a
13 machine. Is that incorrect information that you have on
14 your Website?

15 MS. JAMESON: We're not using a machine --
16 I'm not using a machine.

17 MEMBER PATTIN: Just to let you know, that
18 does show on your Website, is that service being
19 offered. Therefore, once you begin introducing --

20 MS. JAMESON: I'm very uncomfortable with
21 the fact that you offer education. You're the highest
22 priced in Albuquerque, and you're sitting on the Board.
23 It's very strange to me.

24 Going back to what her lawyer stated about
25 self-regulation, it's very strange to me that you are

1 MS. JAMESON: So everything is changing now
2 because of your opinion?

3 MEMBER PATTIN: No. And that's --

4 MS. JAMESON: That's what it sounds like.

5 MEMBER PATTIN: Just to be clear, I joined
6 this board as a non-biased. These hours and these
7 increased hours affect me as well.

8 MS. JAMESON: Well, you'll be able to
9 charge even more than \$7,500 when you add on --

10 MEMBER PATTIN: First --

11 THE CHAIR: Only one person speaking at one
12 time, please. And when you do speak, please state your
13 name, Ms. Jameson.

14 MS. JAMESON: All right, I will.

15 MEMBER PATTIN: I'm not going to sit up
16 here and justify how I run my business with you. I'm
17 here to go --

18 MS. JAMESON: But you're asking me to
19 justify how I run my business to you.

20 MEMBER PATTIN: Based on your exhibit that
21 you had presented to the Board.

22 MS. JAMESON: Yes, because I have
23 questions. I've been calling this Board with questions
24 for three years. I was told, "Sorry that our Board told
25 you the wrong thing." I have been calling and calling.

1 My calls are never returned. I leave messages that are
2 never returned.

3 I have an out-of-state school who has
4 submitted their curriculum two months ago, never got a
5 response. I can't get an answer from anybody about
6 anything. And then to hear people in the crowd saying,
7 "Oh, you got suckered," I came to your Board repeatedly
8 for guidance and got zero.

9 I even met with Ben Shaw over a year ago to
10 talk to him about the fact that this wasn't being
11 regulated. I have been going out of my way -- I'm here
12 right now, exposing myself and my business and what I'm
13 doing. So obviously, I am trying to do the right thing
14 here. But you're on my Website, reading things, asking
15 me questions, so now this is starting to feel slightly
16 personal, like you are directing this at me. And maybe
17 it's because of in my email, I mentioned you and your
18 work --

19 MEMBER PATTIN: No --

20 MS. JAMESON: No?

21 MEMBER PATTIN: -- I didn't take any
22 offense to that whatsoever because it's not --

23 MS. JAMESON: It seems that you did.

24 MEMBER PATTIN: It's not correct
25 information, so I didn't take anything personal.

1 I'm looking at what you submitted to us,
2 and I'm asking questions to clarify. You're not the
3 only one that has been frustrated with the microblading
4 process.

5 So I'm asking you because in your
6 statement -- I'm basically asking questions based on
7 what you did in the exhibit. I'm not attacking you --

8 MS. JAMESON: Okay. So what is it that you
9 would like me to answer?

10 THE CHAIR: Let's get a clear question and
11 then a clear answer, so we can make some sense, please.

12 MEMBER PATTIN: You know what? I'll table
13 this. I don't feel like it's going to go anywhere.

14 MS. JAMESON: Thanks.

15 THE CHAIR: Okay. Are there any more
16 comments on the definition of Permanent Cosmetic
17 Practitioner, T?

18 On to U, SDS. Any comment?

19 Hearing none, we'll move to X, Special
20 Event.

21 Hearing no comment, we'll move on to Z,
22 Supervising Licensee.

23 Moving on to Definition B, Veteran?

24 Moving down to 16.36.1.8 -- I'm sorry .9 --
25 it seems that we have added a line on A, Official Board

1 issued upon entry of the Establishment. Any comment?

2 Nope. Backing up, 16.36.1.8C, we did add
3 in the word "altered." Any comment on that?

4 Moving forward to 16.36.1.9A, comments,

5 Moving on to E, "A special event license
6 shall be posted where clearly visible upon entry of the
7 event."

8 And then in 16.36.1.10, we have struck C,
9 "Operators and body artists engaged in the body art
10 business before the effective date of the Body Art Safe
11 Practices Act shall have 180 days from May 16th, 2008,
12 to comply with licensure requirements," any comments?

13 That would be the completion of Part 1.

14 Let's move on to Part 2. Now, Part 2 is completely
15 repealed or replaced, so we're going to have to go
16 through it in its entirety.

17 Who needs a five-minute break, a show of
18 hands?

19 Okay. We'll take a five-minute break, and
20 be back at 10:55 sharp.

21 [A recess was taken from 10:52 a.m. to
22 11:12 a.m.]

23 THE CHAIR: Welcome back everyone. Let the
24 record show that Assistant Attorney General MaryLou Poli
25 has arrived at 11:12 a.m. to replace Lori Chavez to

1 advise the Board.

2 Picking up where we left off, we were just
3 cracking Part 2. Now, as I mentioned, this has been
4 completely repealed or replaced, so I will be going
5 through it in its entirety. I will not be reading each
6 and every word, but breaking it up in similar sections,
7 as we did before. I will read and take a moment.
8 That's your opportunity to raise your hand, and then
9 I'll call on you, and it's your time to speak.

10 Starting with 16.36.2.8A, Application

11 Forms. One?

12 Two?

13 Hearing no comments, moving on to B,
14 Photographs.

15 C, prior to licensure?

16 D, an apprentice must remain?

17 MS. GARDUNO: Members of the Board and
18 Chair -- Chairperson, members of the Board, Angelina
19 Garduno. I do have in Part 2 of the licensure
20 requirements, Section 16.32.2.8D, "An apprentice must
21 remain under the direct supervision of his or her
22 sponsor until all requirements have been met and a
23 practitioner's license has been issued by the Board in
24 the particular area of licensure the applicant is
25 seeking."

1 I'm proposing to amend this article,
2 Section D, as it is an unrealistic expectation because
3 it assumes a sponsor liable to the apprentice. Without
4 any inclusion of certain words, it leaves a sponsor
5 obligated to an apprentice who may or may not desire to
6 complete the program, limiting them to -- limiting the
7 apprentice sponsor to no longer be able to take on more
8 students. So I think that we need to revise Section D.
9 Thank you.

10 THE CHAIR: Ms. Garduno?

11 MS. GARDUNO: Yes?

12 THE CHAIR: What would you suggest?

13 MS. GARDUNO: I suggest that we remove
14 Section D. It doesn't hurt nor -- it just needs to be
15 removed. I don't even advise that we amend it. It just
16 need to be removed.

17 THE CHAIR: Any other questions from the
18 Board members for Ms. Garduno?

19 Did I see a hand in the back?

20 Sir?

21 MR. GALLEGOS: Geraldo Gallegos, Archetype
22 Tattoo. In the past, with the apprentices that have
23 become unresponsive or not willing to complete their
24 task, it's been up to the sponsor to go ahead and let
25 the State know and terminate the sponsorship, which I

1 Salon. The first time you said it, you didn't include,
2 "The license has been issued." The second time, you
3 did.

4 I feel like it needs to not have, "License
5 has been issued," but that all requirements have been
6 met, or it has been terminated. Right? Because it can
7 take up to a month before a license gets issued, which
8 means during that time you can't take on another
9 sponsorship if there's a lax in time for them to be able
10 to take their testing and get their license.

11 So it's once all of the -- everything has
12 been completed or its been terminated.

13 THE CHAIR: Seems fair. That didn't
14 actually get put in the license.

15 Okay, any more comments on 16.36.2.8D?

16 Now on to E, Renewal of body art apprentice
17 license.

18 On to 5, Electronic signatures.

19 Moving on to 16.36.2.9, Sponsor License
20 Application for Body Art Tattoo, Piercing-Scarification,
21 or Permanent Cosmetics, A.

22 Mr. Hale?

23 MR. HALE: Mr. Chairman, members of the
24 Board, Jesse Hale, attorney here on behalf of Dr. Eva
25 Pacheco, owner of Belleza Med Spa.

1 don't think is a problem. I think that's how it should
2 be done.

3 You should be responsible for the person
4 that you're licensed to teach. If you're going to go
5 through and put in a curriculum, get your license
6 approved, take the person on, have them every single
7 day, you're already doing enough hard work.

8 It's not that hard to call the State and
9 tell them it's over with. So I do think it needs to
10 stay. I don't agree with it being left out.

11 THE CHAIR: Thank you, sir.

12 Ms. Sims?

13 MS. SIMS: Mr. Chair, members of the Board,
14 Crystal Sims speaking on behalf of the Rule Change
15 Committee. What if we changed the verbiage to say
16 something to the effect of: Until all requirements have
17 been met or the apprenticeship has been terminated?

18 THE CHAIR: Would you repeat that, please?

19 MS. SIMS: I'm not sure exactly what I
20 said. All the requirements have been met, and the
21 practitioner license has been issued, or the
22 apprenticeship has been terminated.

23 THE CHAIR: Thank you.

24 Ms. Hohsfield?

25 MS. HOHSFIELD: Shelly Hohsfield, Lorenzo's

1 My comments on 16.36.2.9A of the proposed
2 rule changes are consistent with some of my comments
3 earlier about the limitation of one apprentice for any
4 sponsor at any given time.

5 I don't want to belabor the point, but
6 again, the issue here is that under the terms of the
7 proposed definition of supervision, there's no way --
8 there's no reason why a practitioner wouldn't be able to
9 directly supervise more than one apprentice at any given
10 time, so long as they are again fitting within the
11 requirements of direct supervision and actually directly
12 supervising all the procedures that the apprentice is
13 performing. If there's not an issue, as long as the
14 practitioner or sponsor is not trying to directly
15 supervise two procedures going on at the exact same
16 time, it would still be able to fit within the
17 requirements of direct supervision.

18 And the rest of the requirements under the
19 definition of directly supervise don't limit the ability
20 of a sponsor to be able to have two apprentices at any
21 given time.

22 Our suggested change to this is included in
23 my public comments. However, just to summarize it, we
24 would change the language to reflect that a licensee may
25 be approved to sponsor no more than two tattoo body

1 piercing, scarification or permanent cosmetic
2 apprentices at a time.

3 Again, it doesn't seem clear to me -- I
4 haven't heard anything or I haven't seen reference to
5 anything as to why one-to-one was chosen. I understand
6 that there are concerns about safety and ensuring that
7 there is actually direct supervision.

8 But again, as I've said, a sponsor should
9 be able to directly supervise more than one person at a
10 given time. Limiting it down to one, as opposed to two,
11 would be again just limiting the amount of entrants into
12 the market and a board made up of active market
13 participants eliminating their competition by new
14 entrants into the field.

15 We believe that it's entirely possible and
16 consistent with safety and public health for a sponsor
17 to have more than one apprentice at any time. Thank
18 you.

19 THE CHAIR: Thank you, Mr. Hale.

20 It is the Board's stance, made up of
21 Governor-appointed subject matter experts in our
22 respective fields, that the optimal way to train an
23 apprentice in the fine crafts of body art, whether it be
24 tattooing, permanent cosmetics or body piercing, be a
25 one-on-one relationship.

1 Any questions for Ms. Sims?

2 Is there any other comment?

3 Hearing none --

4 MS. GARDUNO: I second that. Can I second
5 that?

6 MR. HALE: Apologies. When you were
7 scanning the room, I didn't have my arm up. Again,
8 Jesse Hale on behalf of Dr. Pacheco.

9 Again, I'll just -- there seems to be maybe
10 confusion as to what is being required of a sponsor and
11 an apprentice and how a sponsor -- and that's leading to
12 some disagreement about whether a sponsor could have
13 more than one apprentice at a given time.

14 It seems that people believe that the
15 educational or theory aspects of the training program or
16 the apprentice program could be taught to more than one
17 person at a time. There doesn't seem to be any
18 disagreement on that. However, the one-to-one
19 requirement for actual application.

20 And again, if we're talking about the
21 direct supervision requirements that a practitioner or
22 sponsor needs to physically be present in the
23 establishment throughout the performance of the act;
24 order, control and accept responsibility for the acts
25 performed; evaluate and improve the procedures performed

1 The intricacies and precision required to
2 perform a craft optimally cannot be compromised by
3 dividing a sponsor's attention while guiding their
4 apprentice, not to mention the sponsor's responsibility
5 to their apprentice, ensuring that the training process
6 isn't compromised.

7 By a just show of hands, how many members
8 of the public believe that more than one apprentice is
9 possible at a time? Please raise your hands.

10 Let the record show four hands have risen.

11 By a show of hands, how many believe that
12 only one apprentice should be trained at any one time?

13 THE CHAIR: Let the record show 12 hands
14 were raised.

15 Are there any questions from my Board or
16 Mr. Hale regarding the one apprentice?

17 Okay. Ms. Sims?

18 MS. SIMS: Crystal Sims, speaking on behalf
19 of the Rule Change Committee.

20 Mr. Chair, members of the Board, since you
21 asked for a show of hands, I would just like to state
22 for the record that I believe that theory could be
23 taught in groups. However, I believe that practical
24 should be one apprentice to one sponsor.

25 THE CHAIR: Thank you.

1 before the client departs the care setting; and is
2 capable of responding immediately if any emergency
3 should arise.

4 There doesn't seem to be any reason why a
5 sponsor wouldn't be able to be directly supervising an
6 apprentice while they're performing a procedure or doing
7 any other aspect of the apprentice program, and then
8 also being physically present at a different time for a
9 different apprentice also going through those things.

10 And I will just say that I would encourage
11 the Board not to take the show of hands from the members
12 of the public that were all actually able to be here
13 today as reflective of the actual perception overall in
14 the community or among the industry about what is proper
15 and what is not proper.

16 And again, if we're talking about maybe
17 there's a difference in what procedures or what portions
18 of the apprentice program a sponsor would actually need
19 to be with just that apprentice, and I'm talking about
20 in an actual given time over the course of a year, then
21 I would encourage the Board to add some clarification
22 language to the rules to reflect that because again,
23 there's a conflict between what's required in direct
24 supervision and the one-to-one requirement, but there's
25 also some, it seems to me, to be some confusion as to

1 what a sponsor would actually need to be in a one-on-one
2 setting for. Thank you.

3 THE CHAIR: Thank you, Mr. Hale.

4 I would just like to add to talking about
5 being able to take on a one-on-one apprentice at a time,
6 in an optimal scenario, sure. They could schedule it
7 just right to pay attention to one apprentice one day,
8 and then pay attention to another one the next day. But
9 if we put it in the rules and we allow two apprentices
10 at a time, then we open up the possibility for many
11 issues of somebody trying to manage two apprentices
12 simultaneously, and that's what we're taking into
13 account.

14 Any other questions for Mr. Hale? Sir, in
15 the back.

16 MR. SHIREY: Mr. Chair, members of the
17 Board, my name is Eric Shirey at Archetype Tattoo.
18 Personally, I've been through an apprenticeship, a long
19 one, a hard one. It is a big deal, and it takes a lot
20 of commitment from not only the apprentice, but also the
21 sponsor to be there.

22 Having more than one person, two people --
23 who knows, make it two. You may be able to make it
24 three, four or five -- that is spreading yourself so
25 thin that to give someone a proper apprenticeship is

1 Any questions from the Board for
2 Mr. Gallegos?

3 Hearing none, any more comments on -- yes?

4 MS. MARQUEZ: Claire Marquez, DivineBeauty.
5 So in regards to having one apprentice at a time, I
6 definitely think Crystal Sims, as well as Ms. Pacheco's
7 attorney, in regards to having more than one for the
8 reason being is that there is a total of four educators
9 for permanent cosmetics in the state.

10 If we are going to be upping the hours to
11 255 hours, that is not -- we are not going to be able to
12 take on any apprentices. And those apprentices that are
13 wanting to learn permanent cosmetics are going to be
14 going to be going to a certification course just so they
15 will be able to do it, and they will be doing it
16 illegally.

17 I believe that we have to find a way that
18 we are able to maybe have the theory and a the practice
19 separated if it is the one-on-one. I do believe it has
20 to be the one-on-one for the procedure. However, we are
21 doing 10 procedures a week.

22 People say, "I don't know how you could
23 have someone that has only done 10 procedures be
24 fantastic. I have numerous pictures of my students'
25 work, and I can actually prove how they can be wonderful

1 just unrealistic at that point.

2 It's very important to just have that
3 one-on-one connection with your sponsor just for
4 personal growth and to do a proper good job, in my
5 opinion. Thank you.

6 THE CHAIR: Are there any questions for
7 Mr. Shirey?

8 Hearing none, sir?

9 MR. GALLEGOS: Gerald Gallegos, Archetype
10 Tattoo. From my experience as an apprentice sponsor,
11 you do it the right way.

12 What some parties may not understand is
13 that it doesn't end at the end of the day when the
14 tattoo shop closes. You're responsible for that
15 person's health, well-being, their family, their future,
16 their responsibilities to the law and how they represent
17 you.

18 To do it honorably and to do it ethically,
19 I think that you have to that connection of one-on-one.
20 Spreading yourself amongst more than one person is doing
21 them a disservice and doing the industry a disservice.
22 Also there is, to my understanding, only one of license,
23 no certificate or group theory or anything like that, so
24 it seems like that would be irrelevant.

25 THE CHAIR: Thank you, sir.

1 in one week. The thing is if we are to allow other
2 people to get into the field, we cannot corner the
3 market and not be able to allow others to be able to
4 become part of this.

5 So I am saying I believe that we should go
6 ahead and make some amendments to change this because
7 for the theory part, we can actually work with them
8 book-by-book. It's study time. It's going through it
9 all. However, for the physical procedures, I do believe
10 that it should stay the one on the one. However, we're
11 not going to be able -- four educators are not going to
12 be able to take on what people are needing, and that is
13 they're going to need an educator to get licensed with
14 the State of New Mexico.

15 They're going to be calling you, the State,
16 and saying, "Hey, I can't even get in with anybody.
17 What do I do?" So I'm just saying that we need to find
18 a solution for this. Rather, it is go down in the hours
19 and up the procedures or whatever or, you know, find a
20 happy medium. Because the way that it is presented
21 right now is unrealistic, and it's going to take -- it's
22 going to make the State liable for a lot of people that
23 are going to start doing illegal actions.

24 THE CHAIR: Thank you, Ms. Marquez.
25 Any questions from the Board?

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1 So Ms. Marquez, your concern would be that
2 you just want to be able to take on more students at a
3 time?
4 MS. MARQUEZ: My concern is if the hours go
5 up, that we are not going to have -- my concern is when
6 the hours go up, there's going to not be any apprentice
7 sponsors to sponsor these people because not very many
8 people have an approved curriculum with five years'
9 experience, is what I'm saying. And I'm saying that we
10 to have find a solution that we will be able to allow
11 people to come into this market. That's what I'm
12 saying.
13 THE CHAIR: Any questions before we go to
14 the next comment?
15 Sir?
16 MR. GALLEGOS: Geraldo Gallegos, Archetype
17 Tattoo. I disagree with Ms. Marquez. I think people
18 have been cutting corners and operating illegally since
19 tattooing first started. It doesn't make it right, and
20 it doesn't mean that the State should bend over
21 backwards to cater to them when they're not willing to
22 do the proper avenues that everyone has.
23 Also, it's not the State's fault,
24 responsibility or problem that only four people are
25 willing to do the certification to become educators. So

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1 I don't think that the rules should be amended because
2 there aren't enough people who are willing to do their
3 part to become an educator. Just because there is more
4 demand than there is supply doesn't mean that the State
5 steps in to change the rules.
6 THE CHAIR: Thank you, Mr. Gallegos.
7 Any questions from the Board for
8 Mr. Gallegos?
9 Hearing none, Ms. Slight?
10 MS. SLIGHT: Debra Slight, Tan Rio Med Spa.
11 I know of three different people like myself that will
12 submit curriculums. The problem is we're not going to
13 do this until we figure this out. I'm not going to
14 write four curriculums. I'm not going to write -- let's
15 settle on the hours. Then people will step up to the
16 plate and be able to -- 250 hours, great. I'll submit a
17 curriculum. Now you're up to six. You know, if you've
18 got three more people, now we're up to nine.
19 I don't see that this is an issue. I don't
20 think it's been an issue yet.
21 THE CHAIR: Thank you, Ms. Slight.
22 Any questions for Ms. Slight from the
23 Board?
24 Hearing none, are there any more comments
25 on 16.36.2.9A?

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1 Hearing none, let's move on to B,
2 Photographs.
3 C, Upon approval of application.
4 D, Upon completion of apprenticeship
5 program.
6 E, The apprentice will receive
7 notification.
8 F, Renewal of body art apprentice sponsor
9 license.
10 G, Electronic signatures.
11 Moving on to 16.36.2.10, Application for
12 Body Art Tattoo, Piercing-Scarification, or Permanent
13 Cosmetic Practitioner License, A.
14 Moving on to B, Photographs.
15 C.
16 D.
17 E, Electronic signatures.
18 Now on to 16.36.2.11, Application for Body
19 Art Operator Establishment License, A.
20 B.
21 C.
22 D.
23 Or E.
24 Moving on to 16.36.2.12, Proof of Current
25 Immunizations. Are there any comments?

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1 Hearing none, we'll move on to 16.36.2.13,
2 Proof of Completion of Training Program, A.
3 B.
4 Or C.
5 Moving on to 16.36.2.14, Body
6 Piercing-Scarification Apprenticeship Training and
7 Examination Requirements, A.
8 B.
9 C.
10 Moving on to 16 -- oh, I'm sorry.
11 Ms. Sims?
12 MS. SIMS: Sorry. Mr. Chair, members of
13 the Board, Crystal Sims on behalf of the Rule Change
14 Committee. Just a note that septum is misspelled. This
15 is in 16.36.2.14C(4)(vi).
16 THE CHAIR: And would you please spell it
17 correctly?
18 MS. SIMS: S-e-p-t-u-m.
19 THE CHAIR: If there are no other changes,
20 let's move on to 16.36.2.15, Tattoo Apprenticeship
21 Training and Examination Requirements, A.
22 B.
23 MS. POLI: There's an error in the draft.
24 It's comments errors that 16.36.2.15 is missing the
25 letter C. So for today's discussion, we'll talk about

<p style="text-align: right;">Page 98</p> <p>1 it how its -- as it's written, but we'll fix the</p> <p>2 letters.</p> <p>3 So right now the letter that's missing is</p> <p>4 C. So that everybody can follow along, we'll just talk</p> <p>5 about it as written and correct it.</p> <p>6 THE CHAIR: Okay. C is missing, so we</p> <p>7 can't make a comment on it.</p> <p>8 D.</p> <p>9 Or E.</p> <p>10 No comments about tattooing.</p> <p>11 Now on to 16.36.2.16, Permanent Cosmetic</p> <p>12 Training and Examination Requirements.</p> <p>13 MEMBER WARD: And I'm sorry. Can I ask a</p> <p>14 question on E?</p> <p>15 THE CHAIR: Yes.</p> <p>16 MEMBER WARD: If I have any comments on the</p> <p>17 small errors, we'll do that later, correct?</p> <p>18 THE CHAIR: We can discuss that at the</p> <p>19 Board meeting.</p> <p>20 MS. GARDUNO: Mr. Chair, before we begin, I</p> <p>21 would like to pass out some of these copies of the NIC</p> <p>22 National Micropigmentation Written Examination</p> <p>23 Requirements.</p> <p>24 THE CHAIR: The Board will accept the NIC</p> <p>25 paperwork as Exhibit 20.</p>	<p style="text-align: right;">Page 100</p> <p>1 through the sections -- or should I wait as we do that?</p> <p>2 THE CHAIR: So we're on 16.36.2.16A. Do</p> <p>3 you want to go through this section?</p> <p>4 MS. GARDUNO: Yeah. So basically, Section</p> <p>5 A is to complete 255 hours of board curriculum,</p> <p>6 Section B is a minimum of the 10 following procedures at</p> <p>7 60 hours; Section E is an introduction to permanent</p> <p>8 cosmetics at 10 hours; Section F is Professional</p> <p>9 Standards and Client Care at 20 hours; Section G is</p> <p>10 Office Setup at 10 hours; Section H, Disinfection and</p> <p>11 Sterilization is 100 hours; Section I, Client</p> <p>12 Preparation, 10 hours; Section J, Color Pigment and</p> <p>13 Pigment Theory, 10 hours; Section K, Skin Anatomy, 10</p> <p>14 hours; Section L, Machine Needle Theory, 10 hours; and</p> <p>15 Business Setup, 5 hours.</p> <p>16 I believe that the allocation of these time</p> <p>17 allotments do not -- they do not coincide with what</p> <p>18 people should be trained with. And I just would really</p> <p>19 like to reiterate that whoever has written this, to</p> <p>20 follow the guidelines here. This is the national</p> <p>21 guideline.</p> <p>22 I would like to thank you for your time,</p> <p>23 and I will sit down now.</p> <p>24 THE CHAIR: Thank you.</p> <p>25 So a quick few questions. This NIC</p>
<p style="text-align: right;">Page 99</p> <p>1 [Exhibit 20 admitted.]</p> <p>2 MS. GARDUNO: Mr. Chair, of the Board and</p> <p>3 members, I would like to approach the Board in regards</p> <p>4 to Title 16, Occupational Professional Licensing,</p> <p>5 Chapter 36, Body Artists and Operators. Basically</p> <p>6 16.36.2.16.</p> <p>7 I would like to approach the members that</p> <p>8 we amend this chapter -- all of Chapter 2 -- all of</p> <p>9 Section 2 of this. Right now, us being in permanent</p> <p>10 cosmetic training, and reasons being that</p> <p>11 microbiology -- if you can follow along on the NIC</p> <p>12 worksheet here, I think that our rules and regulations</p> <p>13 for permanent makeup, aesthetics and -- it should be</p> <p>14 added. It should follow this National Micropigmentation</p> <p>15 Examination.</p> <p>16 This here, it's missing pathology,</p> <p>17 microbiology, and it's missing a lot of terminology that</p> <p>18 is highly important for safety practices not only for a</p> <p>19 practitioner, but for the general public at large.</p> <p>20 Also, I would like to add -- re-add the 40</p> <p>21 hours with Board-approved practitioner to the 255 hours</p> <p>22 of the completed curriculum. And then I would also like</p> <p>23 to recommend that the Board review their examination</p> <p>24 requirements and the time -- the allotted times that</p> <p>25 they have set. For instance, section -- are we moving</p>	<p style="text-align: right;">Page 101</p> <p>1 guideline, is this -- isn't this given to you when you</p> <p>2 submit a student to take this test?</p> <p>3 MS. GARDUNO: It is provided. But I don't</p> <p>4 believe that what's written in the requirements are</p> <p>5 actually following the guidelines for the national</p> <p>6 testing theory. It's missing scientific concepts, and</p> <p>7 it's missing micropigmentation procedures. And most</p> <p>8 importantly, where most students are failing are in the</p> <p>9 cause and response to treatment, consequences, side</p> <p>10 effects, and complications.</p> <p>11 This is really important to me because</p> <p>12 we're dealing with people's faces.</p> <p>13 THE CHAIR: Definitely.</p> <p>14 MS. GARDUNO: So I think that before we</p> <p>15 even proceed to go any further with this, it needs to be</p> <p>16 tabled.</p> <p>17 THE CHAIR: One thing, just to -- thank</p> <p>18 you -- and to make this statement about, when somebody</p> <p>19 submits curriculum, we do not require or have them copy</p> <p>20 and paste the curriculum off of the Website. They have</p> <p>21 to create their own. You as educators are given this as</p> <p>22 an outline to follow so you can create your curriculum</p> <p>23 to follow this and submit it and have it approved by the</p> <p>24 Board.</p> <p>25 This is a basic outline for you to</p>

1 generally follow. You don't have to use exactly what's
2 here. We just need to cover some of these sections in
3 your curriculum.

4 MS. GARDUNO: When microbiology is left out
5 of procedures that deal with the face, it's something
6 that the State needs to reconsider.

7 THE CHAIR: No, no, still put microbiology
8 in your curriculum.

9 MS. GARDUNO: I'm not dealing with a
10 curriculum. I'm dealing with what is written in your
11 rules and regulations and what is proposed in the new
12 proposed changes. And I think that the changes that are
13 recommended are for the worst and not for the better.
14 And I believe that if you just left it as is, it covered
15 the immunizations, microbiology and safety. It is
16 omitted in the new proposal.

17 THE CHAIR: One more question just for
18 clarification. You mentioned increasing 40 hours to 55?

19 MS. GARDUNO: No. Actually, it is struck
20 from Section A. So as it states, A, "The permanent
21 cosmetic professional applicant shall have completed a
22 255 hour board approved curriculum and shall perform
23 under the direct supervision of the board approved
24 practitioner. An approved basic fundamental curriculum
25 shall include the following requirements."

1 What you guys did was strike, "A minimum of
2 40 hours shall include the following departments."

3 I'm motioning to re-add, "The 40 hours
4 shall include the following requirements."

5 THE CHAIR: Plus the 255?

6 MS. GARDUNO: I'm motioning to re-add the
7 40 hours of one-on-one time with an apprentice sponsor
8 because that has been removed.

9 THE CHAIR: Okay.

10 MEMBER PATTIN: I'm sorry, Mr. Chair, I'm
11 a little unclear with that. So the full 255 should be
12 with your apprentice? So you're saying only 40 of
13 that --

14 MS. GARDUNO: I'm thinking only of the
15 40 -- well, you have removed the, "A minimum of 40 hours
16 shall include the following requirements." You struck
17 out the 40 hours of classtime with an approved sponsor.
18 So I'm motioning that you re-add the 40 hours.

19 MS. MARQUEZ: And remove --

20 MS. GARDUNO: I think that you should add
21 back the 40 hours with the instructor.

22 MS. MARQUEZ: Hands on.

23 MS. GARDUNO: Hands on.

24 THE CHAIR: Are there any more questions
25 for Ms. Garduno and the Board?

1 Are there any other comments?

2 MR. HALE: Mr. Chairman, members of the
3 Board. Again, Jesse Hale on behalf of Eva Pacheco,
4 owner of Belleza Med Spa here in Albuquerque. My main
5 comment on the proposed Rule 16.36.2.16 is in Section A
6 with respect to the additional 155 hours of training and
7 apprentice program that the Board's proposed rule with,
8 in part, on permanent cosmetics practitioners.

9 I believe that the -- well, the proposed
10 rule would more than double, almost triple the current
11 requirements under the regulations. And the only
12 justification that I have seen is on the Board's Website
13 where it states that this is done for health and safety
14 reasons.

15 That's not enough justification for the
16 increase in hours, particularly when you're talking
17 about more than doubling the hours, and in light of the
18 fact that the Board is also reducing the amount of hours
19 that a tattoo artist must go through in their training
20 program by 100 hours, from 1500 to 1400. They're also
21 reducing the hours for body piercers.

22 And again, without the justification, it
23 doesn't appear that there's a reason for the increase in
24 hours, or at least a reason that's specifically tailored
25 to the increase. If you consider that in light of the

1 Society of Permanent Cosmetic Professionals, SPCP, which
2 has been discussed a few times today, their
3 recommendation is a training program of at least 100
4 hours. I understand it says, "at least." However, at
5 least 100. That doesn't translate then into 255, which
6 is more than double.

7 Now I understand that if the Board were to
8 retain the hours requirement as is, there would probably
9 need to be some restructuring of the actual curriculum
10 as written in the proposed rules to reduce the amount of
11 hours.

12 I think that's -- it's important to look at
13 those actual provisions, and I'll relate back to a
14 comment I had earlier about the one-on-one requirement.
15 I looked through that curriculum. There's only a
16 portion of it being the actual procedures that would
17 even -- can even theoretically require a sponsor to be
18 directly with that one apprentice at any time. The rest
19 of the requirements are all educational in nature. Even
20 the 100 hours for the sterilization and immunizations,
21 it's -- we've used the word theory. I mean it's
22 educational. It's not hands-on, something that the
23 apprentice would be required to do.

24 So I think the -- if you look at that 255
25 hours as required under the proposed rules, even if the

1 Board were to adopt that, it doesn't make sense to then
2 also require that there only be one apprentice at any
3 given time, particularly when the current requirements
4 don't actually require that one-on-one, or any
5 limitation on the apprentice at all.

6 And again, I've mentioned this a few times
7 today, but I'll mention it again. The Board is
8 self-regulating. And when the Board is -- the members
9 of the Board are active market participants, there needs
10 to be special concerns about what they're doing to limit
11 competition in the fields that they actually participate
12 in.

13 And I'll go back to something else that I
14 mentioned, too, about the actual Board membership. "The
15 Board is required to have a permanent cosmetic
16 practitioner on the Board." I understand that there
17 wasn't somebody on the Board when these proposals were
18 being discussed. I think that's an important concern
19 and raises some risks for these rules to be enforceable,
20 so I think that should be considered as well. Thank
21 you.

22 THE CHAIR: Thank you.

23 MEMBER PATTIN: Mr. Chair, Mr. Hale, I just
24 wanted to briefly mention that even though it's 100
25 hours of disinfection and sterilization, it doesn't

1 somebody to be teaching more than one person at any
2 time.

3 THE CHAIR: Thank you, Mr. Hale. To be
4 clear, Michelle Pattin was on the Board during the rule
5 change process when it came to these specific changes to
6 permanent cosmetics. She did have a hand in writing
7 them and did agree about the increase of time.

8 Now the increase is due to a concern that
9 the Board has that 100 hours is not a sufficient time to
10 proficiently teach an apprentice how to inject pigment
11 into the human face. Compared with other body arts, I'm
12 sure, tattooing and body piercing, permanent cosmetics
13 requires fewer places to procedurally work limits of the
14 face. But the equipment, cross-contamination
15 prevention, sterilization techniques, office setup, all
16 these are very similar, very parallel.

17 Now, currently it's 1500 hours of training
18 for a tattoo artist and 1500 hours for a body piercer.
19 If you remove those 1000 hours of practical, you still
20 have 500 hours of training. We're asking for 255.
21 That's half of that. Now, we could legitimately and
22 logically ask for that 500 hours to keep it consistent
23 with the Board.

24 I have a letter, Exhibit 15, from Teresa
25 DeGange, and she wrote, "To whom this may concern. I'm

1 necessarily only have to pertain to theory, because it's
2 continued to be covered during hands-on, so not 100 of
3 that would be specifically just learning from a computer
4 or through a book. Those additional hours can be
5 accounted for while the apprentice is working on their
6 subjects because it's continually being discussed, trays
7 set up, tear down, safety, sanitation.

8 So just to clarify within that, it's not
9 just theory. It would continue during hands-on
10 practical.

11 THE CHAIR: Mr. Hale?

12 MR. HALE: I just would like to respond
13 quickly. That's not what the regulations say. We're
14 trying to go off of what the proposed rules would say.
15 And I think it's important that if what actually is
16 going on in the curriculum that the Board is approving
17 on an individual basis, that's not specifically laid out
18 in the regulations -- that's what I'm going off of is
19 what's there in the proposed rules and what would be
20 required.

21 And I think if what you're saying is in the
22 real world, the curriculum isn't exactly this. I don't
23 know that it changes the fact that what the regulations
24 require that an apprentice go through doesn't fit with
25 the direct supervision requirements, and would allow for

1 writing this letter in reference to the increase of
2 hours for the permanent cosmetic course. I am all for
3 it. After taking the week-long course here in
4 New Mexico, I still have so many questions. The idea
5 that I should understand everything I need to know to
6 start a business in one week is ludicrous. We are
7 learning the human anatomy, skin tones, and the actual
8 practice of cutting into the body via a practice pad,
9 and then on to a human being all in the course of one
10 week. Each section should be one week. By the time you
11 are just starting to understand one subject, they jump
12 into another. There should be time allowed naturally
13 for this process. We are marking the face. The
14 schooling is expensive to begin with. It's incredible
15 that there is no internship, no one guiding you on those
16 first solo tattoos. I do think that longer hours for a
17 permanent makeup technician is a necessity for the
18 safety of the persons being worked on."

19 So it's not a matter of us -- competition
20 or hours. It is making sure that you're not permanently
21 messing up someone's face.

22 MS. SIMS: Mr. Chair, members of the Board.
23 I am Crystal Sims, speaking on behalf of the Rule Change
24 Committee. I would first like to take responsibility
25 for the fact that the NIC guidelines were not compared

1 to the current permanent cosmetic examination
2 requirements.

3 As a member of the Rule Change Committee, I
4 should have looked at that more closely. We did defer
5 to the Board member who is a permanent cosmetic licensed
6 professional and educator to draft this portion of the
7 rules, and I do believe that some updates should
8 probably be made -- well, should be made in order to
9 correlate a little better.

10 I'm sure the fact that microbiology is not
11 listed here was just an unfortunate oversight, but
12 something that the Board does expect to see in a
13 curriculum when somebody is submitting a curriculum in
14 order to be able to teach.

15 I would like to speak also to the fact that
16 the reduction in hours for body piercing and tattooing
17 had to do with those of us who have had apprentices,
18 realizing that the hours that went down in both sections
19 by 100 hours were theory hours, and that had to do with
20 the fact that we could not find enough material to speak
21 for 200 hours on that type of theory. It just wasn't
22 out there. That is why those hours are reduced.

23 The reason that the hours were reduced in
24 body piercing only for practical is because of the
25 amount of time it takes to perform a body-piercing

1 someone's face that can be washed off. And yet, we are
2 allowing people to put makeup on someone's face that
3 cannot be washed off with 100 hours of training, as
4 opposed to 600 hours of training.

5 It was the strong feeling of the Rule
6 Change Committee that there needs to be less of a
7 discrepancy between tattooing and permanent cosmetics.
8 They're very similar, although permanent cosmetics deals
9 with only certain areas of the face.

10 It felt as though an increase of hours,
11 while it is more than doubled, it is still a fraction of
12 the percentage of hours required to be a piercer, a
13 fraction of the percentage of hours required to put
14 makeup on that can be washed off. And that is why the
15 Rule Change Committee felt that these hours were
16 appropriate.

17 THE CHAIR: Thank you, Ms. Sims.

18 Do we have any questions from my Board
19 members for Ms. Sims?

20 Ma'am?

21 MS. SALAZAR: Mr. Chairman, the Board, I'm
22 Savanah Salazar. I'm an esthetician and permanent
23 makeup artist. I just have a statement really to say I
24 took a training course for permanent makeup in
25 September, which was 100 hours, and we did work, I would

1 procedure compared to the amount of time it takes to
2 perform a tattooing procedure.

3 A body-piercing procedure by an apprentice
4 can easily be performed, beginning to end, in 30
5 minutes. Even if we said we were going to allow an hour
6 for consultation and things like that, we still have 800
7 hours, which means that's 800 procedures that someone
8 has to do -- or someone would do if they were practicing
9 every hour of practical before they got their licensure
10 when our rules clearly state 150 is the amount of
11 procedures that we need to do. The hours just don't --
12 the hours just didn't add up, so we reduced those.

13 On to the fact of permanent cosmetics and
14 the increase in hours. I'm not a permanent cosmetic
15 professional, so we did defer to the member of the Board
16 who is a permanent cosmetic professional in looking at
17 these hours.

18 What I can say, though, is that having
19 served on another board, my contributions to this
20 conversation were that the Board that I served on was
21 the Board of Barbers and Cosmetologists.

22 In order for someone to perform makeup in
23 the state for compensation, they need an esthetician's
24 license. That means they have to go through 600 hours
25 of training in order to be able to put makeup on

1 say, like every second very thoroughly. I did feel like
2 I kind of, you know, knew what I was talking about, but
3 I definitely did not have the confidence or like really
4 knew what I was doing, and I don't think I would have
5 continued it.

6 But in my situation, I was actually hired
7 and was able to work with my sponsor for, you know,
8 another month or two. And by then, I really did get the
9 practice that I think our profession deserves, so I'm
10 definitely for the extended hours. And I think, you
11 know, it would do us all justice.

12 THE CHAIR: Thank you.

13 Any questions for Ms. Salazar?

14 MR. SHIREY: Mr. Chair, members of the
15 Board, Eric Shirey, Archetype Tattoo. It sounds like
16 the only reason to reduce hours are to pump out more and
17 more people. That's not a very good argument. I'm also
18 talking about the Board members having a personal, you
19 know, feeling about certain things or make certain
20 moves. I mean what's more important than pumping out
21 several apprentices is public safety.

22 When she talked about, you know, biology
23 not being included, you know, it's probably more
24 important than technique and stuff like that. Yeah, I
25 just don't think it's a good argument.

1 THE CHAIR: Thank you.
 2 Any questions for Mr. Shirey or the Board?
 3 Ms. Marquez?
 4 MS. MARQUEZ: Claire Marquez, DivineBeauty.
 5 So I actually think that it would be a great idea to
 6 increase the hours. However, I do feel that we should
 7 be able to take on one more apprentice, that way we
 8 don't block people from being able to come into this
 9 industry if there are not enough trainers.
 10 I definitely think the hours could go up.
 11 However, I believe that the new proposed rules and
 12 regulations are not coherent with what we are trying to
 13 do. And what we are trying to do is for them to get
 14 licensed. In the State of New Mexico, they have to be
 15 able to pass this national micropigmentation exam.
 16 This exam is the key to being able to get
 17 licensed, period. If they are unable to pass this test,
 18 then their training was for nothing. Then the time --
 19 everything was for nothing. However, if we were to be
 20 able to put these fundamentals into the curriculum, into
 21 what you're trying to pass here, I think that that could
 22 work. However, at this time this is not feasible for
 23 the national written test, which is the license that
 24 people need to pass to get the license for the State of
 25 New Mexico.

1 There are also very important matters that
 2 are missing here, such as consequences and side effects.
 3 Number one is safety. I don't see one word of safety
 4 here. I do not see safety marked in here, and I believe
 5 that should be one of the basic rules.
 6 In regards to -- also, we are missing
 7 scientific concepts, micropigmentation procedures,
 8 causes and responses. I actually have, according to the
 9 Professional Credential Services -- and I believe you
 10 guys all have this as well on page 5. This is how we
 11 are doing. This is how we should actually be able to
 12 build our curriculum on as educators. That we are
 13 training them to be able to pass the test, along with
 14 being able to do the correct procedures. That's what I
 15 have to say.
 16 THE CHAIR: Thank you, Ms. Marquez.
 17 MS. MARQUEZ: Thank you.
 18 THE CHAIR: Just a quick clarification
 19 question. Are you saying that it's more important to
 20 pass this test than to do the procedure --
 21 MS. MARQUEZ: I am saying that the test and
 22 the procedures go hand in hand.
 23 THE CHAIR: Thank you.
 24 Mr. Hale?
 25 MR. HALE: Jesse Hale on behalf of Dr. Eva

1 Pacheco, owner of Belleza Med Spa in Albuquerque. I
 2 just want to respond to a couple of comments that the
 3 Board members made, and a representative from the Rule
 4 Committee made. First is the comparison to other boards
 5 and what they might require, and that the proposed rules
 6 for a permanent cosmetic practitioner is a fraction of
 7 what is required for tattoo artists.
 8 I think those are not appropriate issues to
 9 be comparing to what's required for the permanent makeup
 10 practitioner. We need to be -- the Board needs to be
 11 looking specifically at what is required for the -- what
 12 is needed for the practice in the industry that's being
 13 regulated. I have not reviewed the requirements for
 14 what an esthetician needs to become licensed. They may
 15 be far more than is actually necessary to regulate that
 16 industry.
 17 What I'm saying is that that issue doesn't
 18 impact whether or not the Board's requirements for a
 19 permanent cosmetic practitioner are appropriate or
 20 required. Likewise, the Board referred to their own
 21 considerations, that they felt that 100 hours wasn't
 22 enough. It seems clear that the Board doesn't feel that
 23 the 100 hours are enough because they're proposing to
 24 expand the hours to 255 hours.
 25 I'm suggesting that there needs to be --

1 well, I'm not suggesting. There needs to be something
 2 more beyond what the Board just feels that there needs
 3 to be. There needs to be evidence that the 100 hours is
 4 not enough, evidence that the 100 hours isn't preparing
 5 practitioners to be licensed in the community. That's
 6 the piece that's missing when you start to look at these
 7 requirements of expanding to 255 hours, limiting the
 8 amount of apprentices.
 9 When there's not empirical evidence to show
 10 that that is actually necessary in order to regulate the
 11 industry to protect the public, rather than a feeling of
 12 the Board, you start to run into concerns that the
 13 decisions are essentially arbitrary and aren't backed up
 14 by the kind of evidence that they need to back up these
 15 changes in order for them to be proper changes. Thank
 16 you.
 17 THE CHAIR: Yes?
 18 MEMBER PATTIN: Mr. Chair, I have a
 19 question for Mr. Hale/Dr. Eva Pacheco. So you're
 20 looking for evidence, as some has been stated here
 21 today, that should go for evidence. And then also, the
 22 RLD and the Board for the past couple of years, since
 23 it's become a board, a body art board, has received
 24 public comments that the hundred hours wasn't enough,
 25 both from graduated students and members of the public.

1 So that is a basis of where this discussion
2 came about was the overwhelming response of graduated
3 students that didn't feel well-prepared to tattoo into
4 the skin. I mean to me, it's kind of what we're here
5 for is to listen to the public and listen to the people.
6 That's kind of our evidence for you.

7 Beyond that, that's kind of what we're here
8 for is to listen to the safety and what people are
9 comfortable with.

10 THE CHAIR: Thank you, Member Pattin.

11 And again, so much -- it's not so much a
12 feeling, Mr. Hale, as we do have very similar machinery,
13 very similar equipment, very similar tools. We have
14 very similar sterilization procedures, we use various
15 similar sterilization equipment.

16 I think there's a lot of parallels in there
17 that do not reveal -- that are quite substantial and do
18 need to be -- not just taught once in one day. They
19 need to be taught repetitiously because repetition is
20 the mother of all skill. That's how you engrain it and,
21 actually, have to utilize it.

22 As the practitioner mentioned in the back,
23 she had done her training and felt ill-prepared, but
24 then in another month, she felt more prepared. That is
25 a legitimate tangible point.

1 Ms. Sims?

2 MS. SIMS: Mr. Chair, members of the Board,
3 Crystal Sims speaking. I would like to pose this
4 question: I know that when I was a board member, there
5 were also issues with people being unable to pass the
6 examination, and I believe that that would be an
7 indication of not enough training as well. I don't know
8 if that's an ongoing problem, but it was in the past.

9 THE CHAIR: Thank you, Ms. Sims. I believe
10 we can pull that information and review that at a future
11 board meeting and see how permanent cosmetic
12 practitioners are doing.

13 MS. MARQUEZ: It's actually --

14 THE CHAIR: You do have it?

15 MS. MARQUEZ: We actually do have that for
16 you, if you'd like to see.

17 THE CHAIR: Was this an exhibit,
18 Ms. Marquez?

19 MS. GARDUNO: This is in Exhibit 15 from --
20 let me just make sure I have the exhibit number
21 correctly. This is in regards to Claire Marquez's
22 Exhibit 12 and/or Exhibit 13. I think that we already
23 provided these.

24 May I approach you, please?

25 THE CHAIR: Sure.

1 MS. GARDUNO: Okay. So right here is just
2 the statistics on the pass/fail rate. Right now we're
3 at a 56 percent pass rate.

4 THE CHAIR: So it would seem that we're --

5 MEMBER PATTIN: So Mr. Chair, members of
6 the public, I think that's more of a reason why we need
7 increased hours because they're not prepared, right?

8 MS. GARDUNO: Members of the Board, I agree
9 with increasing hours. However, I disagree with
10 limiting the -- there's only four apprentices. And
11 basically -- four apprentice sponsors, excuse me. And
12 basically, you're only allowed to train under one of
13 four people in which they all price gouge -- not all. I
14 should take back my use of words. But there is a huge
15 price gouge going on, and it's a gentrification system.

16 I think there should be an ability for more
17 people to succeed. Thank you.

18 THE CHAIR: Are there any more questions or
19 comments?

20 MEMBER PATTIN: I'd like to comment on
21 that. I actually took the exam eight years ago, so I
22 think there's two factors. I had mentioned this to the
23 Board already about relooking at the exam. I do not
24 feel it's a very well-written exam, in my opinion.

25 So I think there are two factors: Maybe

1 there's not enough time that's spent on that, as well as
2 the way that the exam is written. Because we are
3 focusing on the face and in our teachings, that's what
4 we were doing. And there were some questions on the
5 exam that pertained to body. I'm sure there's members
6 who have taken that exam that can speak on that as well.

7 THE CHAIR: Is it the same comments?

8 MS. GARDUNO: Yes, it's in response. But
9 basically -- so where we're at right now is that these
10 rules are not regulated, and I think we just need to
11 review them a little bit more. But I agree with what
12 you're saying.

13 The national theory exam you guys have
14 voted for to use only supports seven other states, and
15 that's including the US territory of Puerto Rico. So
16 only seven out of 51 are using this test. So maybe
17 thinking about other national theory exams could be a
18 potential as well. Thank you.

19 THE CHAIR: Thank you.

20 There's a hand right here that's been up
21 for a while.

22 MS. CADDELL: Shonna Caddell. I'm a
23 permanent makeup artist, and I'm also a massage
24 therapist. Taking this course, I did it before all of
25 this stuff and hours were changed, so I was able to take

1 it with somebody else. There was two of us who trained
2 way before any of all of this came about. It was nice
3 to have somebody to talk to. However, it was very
4 difficult to be able to sit there while you're tattooing
5 and have to stop what you're doing so your instructor
6 can go to the next person and you're sitting there with
7 your client just exposed like, okay, I'm not ready to go
8 back go the skin yet. So I'm sitting there, waiting so
9 she can attend to the next person so they can be
10 comfortable to do what they're doing so they can go on
11 and then come back to me and have to go on.

12 So I'm all for the up-changing to do the
13 one-on-one because it's appropriate. It's the way it
14 should be, and it's a standard that I think we should
15 hold. We should be proud of it, and we should not try
16 to fight it. And along with the test, there was a lot
17 of questions on there that I thought I was very
18 comfortable with because of the way I studied for it.
19 But there was a lot of questions on there that did not
20 pertain to permanent makeup.

21 I'm a massage therapist, and there was a
22 questions on there that pertained to a syndrome in the
23 arm and I'm like, how would anybody know this? I knew
24 it because I'm a massage therapist, but how would
25 anybody else know it? Therefore, you know, I think

1 Dr. Eva Pacheco of Belleza Med Spa. A couple of things.
2 You pointed to evidence that there are people here
3 saying that the programs are not long enough. I'm also
4 presenting evidence by Dr. Pacheco saying that 100 hours
5 is enough.

6 As somebody who is also not only licensed
7 by the Board to be a permanent cosmetic practitioner but
8 also a licensed physician, she believes that the hundred
9 hours is enough. So you at least do have -- to the
10 extent that the Board considers they evidence that the
11 255 hours is needed, there is competing evidence.

12 Another thing, the pass-rate of these
13 exams. Again, I don't think that this was made part of
14 the prehearing record. But there's also been discussion
15 here today that this exam may not be a great exam. So
16 it's difficult to take the pass rate of that exam, some
17 representation of whether or not the requirements of 100
18 hours are sufficient to prepare somebody to be a
19 permanent cosmetic practitioner licensed by the State of
20 New Mexico.

21 Finally, I would like to know what the
22 current pass rate is for examinations for tattoo artists
23 and for body scarification and for body piercers as
24 well.

25 MS. GARDUNO: Members of the Board, I

1 there should be a relook at the test to pertain more to
2 us and not so much an overlook of, you know, tattoo
3 artists, because they have a specific way of doing
4 stuff. And there's questions that I had no idea about
5 because I'm not going on to the arm or to any other
6 parts of the body that those questions that were asked.
7 Thank you.

8 THE CHAIR: Thank you. Are there any
9 questions for her?

10 I do believe we could take a look at other
11 exams or be able to contact NIC and tell them we need to
12 review the test in order to approve it.

13 MEMBER PATTIN: Mr. Chair, I proposed this
14 prior to being on the Board. The SPCP actually has a
15 very well-written exam. In order to become what they
16 consider a CPCP, I had to take this exam. I had to
17 study, I had to know. I passed it, but it was a very
18 well-written exam. I reached out to them, and they do
19 offer this exam to states for that.

20 I'm not saying it's an easy test, but
21 well-prepared. It was a very well-written exam. So I
22 would love to share that information to the Board on
23 that.

24 THE CHAIR: Mr. Hale?

25 MR. HALE: Again, Jesse Hale on behalf on

1 did --

2 THE CHAIR: One second.

3 A quick question from the Board. This is
4 for Dr. Pacheco.

5 How long have you been a permanent cosmetic
6 practitioner?

7 MS. PACHECO: Over a year.

8 THE CHAIR: Over a year. Thank you.

9 Ms. Garduno, did you have any --

10 MS. GARDUNO: Yes. I just wanted to
11 comment on the pass rate of the -- the other ones have
12 100 pass rates. As far as the tattooing, the piercing,
13 the national exams have 100 percent pass rates.

14 THE CHAIR: 100 percent?

15 MS. GARDUNO: It's in the statistics in the
16 link that was included. There are the statistics on all
17 the other exams that are taken in the state.

18 THE CHAIR: Thank you.

19 Are there any questions for -- in the back?

20 MR. GALLEGOS: Geraldo Gallegos, Archetype
21 Tattoo. I would just like to bring to the record's
22 attention that the tattoo test is very hard, and most
23 people do not pass on the first try. But we are very
24 proud of ourselves when we work harder to do it. So
25 maybe you guys should take that into conversation as

1 well.

2 THE CHAIR: Thank you.

3 MEMBER PATTIN: Mr. Chair.

4 Thank you for your public comment on this
5 particular area about the increased hours for
6 disinfection and sterilization of the hundred hours to
7 meet the gap between tattooing, piercing and permanent
8 makeup.

9 I would agree that there are some words
10 that are missing, but the context is there. It's just
11 worded differently. I think, for instance, we'll break
12 them down one by one. Safety, the word safety, you're
13 right, is not in there. Should it be added? I agree.
14 I think it should be in there. It should state safety,
15 disinfection and sterilization. However, it hasn't been
16 omitted. Safety, actually is covered.

17 And members of the public, Ms. Sims, who
18 really specializes in this can touch on this. Safety is
19 covered in the use of SDS sheets, that's safety. Safety
20 is also covered in operations, maintenance and
21 instrument storage. That's safety. Presterilize single
22 use, safety; proper needle handling and disposal,
23 safety. What else is in there? Proper handling of
24 device needles and pigments, that's all safety. So even
25 the word safety was not put in there. And if that makes

1 So if that, you know, appeases the public
2 to add more elaboration on that, it's something we can
3 look at. But by no means was it less important when we
4 were going over these extended hours that safety and
5 microorganisms, immunization, you know, wasn't less
6 important because these particular words were written
7 any different. Our main goal is to make sure that, you
8 know, safety is covered a little bit more.

9 THE CHAIR: I just want to add to that
10 about proof of current immunization. Immunization is
11 still on our section. It's 16.36.2.12.

12 MS. MARQUEZ: DivineBeauty, Claire Marquez.
13 In regards to it, what is written is what people know.
14 So if this is not written, then people are not going to
15 know what safety is because that should be under the
16 definitions, along with the proposed rule change.

17 If a layman gets this and then they go
18 through here, they are not going to know themselves,
19 where is the safety here, because they are not in the
20 business. They have not been trained in the business.

21 I believe this needs to be revised to -- I
22 believe that this rule change needs to be revised for
23 the reason being safety does need to just be alone.
24 Yes, it's going to go in all of this but without that,
25 they're not going to have the knowledge. Microbiology,

1 members of the public more comfortable, I agree, we
2 should add that. But it definitely was not omitted when
3 we were talking about the outline of these 255 hours.

4 Microbiology, the word, again has been
5 omitted, which should be added back in there. But
6 microbiology, you know, is basically -- the study is a
7 branch of science that deals with microorganisms. So
8 underneath the section of disinfection and
9 sterilization, number one is definition of terms.

10 The definition of disinfection is the
11 process of cleaning something in order to destroy the
12 bacteria of microorganisms. Sterilization is the
13 process of making something free from bacteria or living
14 microorganisms, so the word was taken out. And I can
15 see where maybe that was confused, but it's,
16 nonetheless, any less important.

17 And the increased 100 hours allows you to
18 go over these more than what was previously put into,
19 you know, the 100 hours. Safety, micro -- immunization.
20 I mean it's covered in disinfection and sterilization.
21 Six, Hepatitis B vaccination. Could that be more
22 elaborated? Sure.

23 Underneath immunizations, there was only
24 two categories, and it talks about the types of shots
25 that we need to protect ourselves.

1 without that, they are not going to have the knowledge
2 because they don't know, oh, well microbiology goes with
3 this, this or this. They are not going to know that.

4 In the past rules, those were there.
5 Safety, microbiology, all of these things were there.
6 And what I am wondering is why did we change what was
7 and not broken to re-change everything instead of add to
8 the rules that are working for the State.

9 These rules have been working for the State
10 for -- I don't know. How long, Crystal? How long have
11 we been using the rules that you have written?

12 MS. SIMS: 2008.

13 MS. MARQUEZ: So since 2008, the State and
14 everybody else has been following these guidelines. Now
15 in 2017, things need to be revised. However, things
16 need to be added and not just taken out. I believe that
17 some of the things that we have already in existence are
18 better than the proposed rule change.

19 I believe that we can add things. However,
20 I believe that we are actually -- we are actually not --
21 what do they say? Don't break something --

22 THE CHAIR: Don't fix what's not broken.

23 MS. MARQUEZ: Yeah, exactly. And that's
24 exactly what I mean here. I mean let's not do that.
25 Let's work with what is and add to it, the hours and

1 everything like that.

2 I think this is going to take a little bit
3 more time. I don't think that we can just go in and
4 throw this out there without all of us, without all of
5 you, without the public, without all of us finding a way
6 that it's going to work.

7 THE CHAIR: Thank you, Ms. Marquez. I
8 appreciate your concern for health and safety. And of
9 course, you know the Board has to approve every
10 curriculum that comes through. So if they are missing
11 any of these elements, our permanent cosmetic
12 representative would see that and deny that curriculum.
13 And if they don't have those particular things in it,
14 they're a layman and don't understand, then they
15 shouldn't be a sponsor.

16 MS. MARQUEZ: I have something to say.

17 THE CHAIR: Is it repetitious to things
18 you've already said?

19 MS. MARQUEZ: No. What I have to say is
20 that what I'm saying is so somebody picks up the book,
21 the New Mexico State book, okay? They are just getting
22 to understand it for their jurisprudence test. The
23 jurisprudence test is based off of this book. And if
24 they are unable, because they are laymen, and it's not
25 in the definitions, then yes, we are setting up failure.

1 Basically, it's safety.

2 So I just wanted to clarify it for the
3 record and to point out what we think you're talking
4 about.

5 MS. GARDUNO: I retract my statement. But
6 I would like to -- oh, yeah. B, Section 2, overview of
7 different types of machines and devices. And then
8 Section L, machine and needle theory. Wouldn't they be
9 together? Shouldn't they be included with each other?

10 MS. POLI: Just for the record, those are
11 exactly the same two that I just delineated --

12 MS. GARDUNO: Yes, Section 2.

13 MS. POLI: Right.

14 And if Member Pattin can respond, if that's
15 okay?

16 THE CHAIR: Yes.

17 MEMBER PATTIN: Mr. Chair, that's exactly
18 what it states, overview. So there's not a lot of hours
19 that are allotted to that. It's introduction into
20 permanent cosmetics and overview of the different types
21 of hand tools and machines that are out there.

22 The additional hours that are allocated in
23 L are going in -- to deeper. Therefore, most of the
24 safety is in -- that particular area is safety, as we've
25 have been talking about. Operation, handling, storage,

1 THE CHAIR: Thank you very much.

2 Well, that covered virtually the entirety
3 of 16, but I will quickly just run through it one more
4 time. 16.36.2.16A.

5 B.

6 C.

7 D.

8 E.

9 F.

10 MS. GARDUNO: Mr. Chair?

11 THE CHAIR: Which one?

12 MS. GARDUNO: I would like to talk about E
13 and L. They both have the same -- I'm sorry. I don't
14 have the actual verbiage, but it's reiteration. It
15 talks about needle theory, and then it talks about
16 proper -- is it L and K?

17 MS. MARQUEZ: I don't have the --

18 MS. POLI: If I may, Mr. Chair?

19 Ma'am, this might help you. E says
20 introduction to permanent cosmetics is 10 hours,
21 requiring history of tattooing as it applies to
22 permanent makeup and an open view of the different
23 machines and devices, whereas L says machine/needle
24 theory for 10 hours, but it goes into more depth:
25 Operation and maintenance, instrument storage.

1 groupings, configurations, so it's going more elaborate.
2 So that's an overview introduction.

3 Now this is breaking it down deeper in
4 order to understand the instrument that we're actually
5 tattooing in the skin is very important to spend time
6 on.

7 MS. GARDUNO: And they're both at 10 hours,
8 correct?

9 MEMBER PATTIN: Yes.

10 THE CHAIR: Are there any questions for
11 Ms. Garduno?

12 MS. HOHSFIELD: Shelby Hohnsfield, Lorenzo
13 Salon. I just have a quick question for you on
14 clarification on this. Crystal had said that possibly
15 some wording maybe needed to be added or whatnot in
16 there. Is that something -- if you could just clarify.

17 Is that something that would happen after this is
18 already possibly approved, and then those things would
19 be added, or what is the process of something like that?

20 MS. POLI: Mr. Chair, members of the Board.
21 I'll make my comments specifically to you. The
22 rulemaking process, any amendments to the proposals. So
23 in other words, any changes that we make to these 10
24 changes, the law allows the Board to make changes to
25 these proposals if they're within the scope.

1 So I don't know is the answer to your
2 immediate question. But more generally speaking is
3 maybe we might be able to add specific language. But
4 what I'm hearing so far is probably it will be a
5 secondary rule change in the future to refine what takes
6 place today, assuming that there is some kind of
7 conclusion today.

8 Does that answer your question?

9 MS. HOHSFIELD: Maybe. So you're saying
10 that it could get approved, but then there would be a
11 secondary thing that would change it, or that it
12 wouldn't get approved and that it would be changed
13 later?

14 MS. POLI: So it depends. If there are
15 changes that the Board wants to make to any section, and
16 those changes would be outside the scope of what's
17 contemplated, then no changes would be made. The other
18 option is that the changes, as contemplated, like as
19 written today or as proposed written -- I want to be
20 sure and use the right language to be followed.

21 We just said the rules that I'm talking
22 about, the ones that are on today's table, if those are
23 amended, or if those are accepted today, and the Board
24 knows that they want to refine it, but the act of
25 refining it goes beyond the scope of what we're

1 because it's within the 100 hours in disinfection and
2 sterilization.

3 I'm wondering if we could maybe add in,
4 "Discuss microbiology and acceptable forms of
5 sterilization," perhaps just to get that word in there
6 and try and keep it within the scope without adding any
7 lines. Do you think that would be something that would
8 be possible?

9 MS. POLI: Mr. Chair, members of the Board,
10 Ms. Sims, maybe. I want to thank you for -- this is to
11 everybody. Do you see how specific of a recommendation
12 that she's made? That's what's really helpful.

13 So now the Board is going to have this note
14 when they go into the discussion part to see if we can
15 add it in, so we'll be able to answer your question
16 later today. But it's pretty specific, and I like that.
17 Thank you very much for that.

18 MEMBER PATTIN: Thank you.

19 THE CHAIR: Thank you, Ms. Sims.

20 Any questions for Ms. Sims?

21 Hearing none, let's move -- we stopped at
22 16.36.2.16E. Let's move to F.

23 G.

24 H.

25 MS. MARQUEZ: We have something to say in

1 contemplating, then it would be refined later. We would
2 go through the whole process that we're doing today to
3 make that refined.

4 I think that is a more accurate answer,
5 just kind of watching that that's probably what's going
6 to take place. So I think that for you, that's what you
7 want to know is, are they -- is it going to be now or
8 later, and it's probably going to be later, probably.
9 But we're going to have to see.

10 I'm happy to answer more rulemaking
11 questions at any time, if you have them, okay?

12 MS. HOHSFIELD: Okay, thank you.

13 THE CHAIR: Are there any more questions
14 for Ms. Hohsfield?

15 Ms. Sims?

16 MS. SIMS: Mr. Chair, members of the Board.
17 Crystal Sims, speaking on behalf of the Rule Change
18 Committee. What I'm wondering is -- and this is a
19 question also for our legal counsel, is if it would be
20 possible to, for example, in 16.36.2.16H, Letter 2 --

21 MS. POLI: One second to get there.

22 MS. SIMS: Sorry.

23 MS. POLI: Go ahead.

24 MS. SIMS: This says, "Discuss acceptable
25 forms of sterilization." And I'm mentioning this

1 regards to --

2 MS. GARDUNO: In regards to Sections G and
3 M of 16.36.2.14.2, the office versus business setup.
4 Should they both be included in the same thing?

5 MEMBER PATTIN: Mr. Chair?

6 So office could be defined in many
7 different ways, from tattoo artist to permanent makeup
8 artist, how they define their work space. They can be
9 defined as studio, shop, workstation -- I don't know if
10 there's any fancy names that are out there that people
11 use for their work space, and so office is very general.
12 Could maybe that word be, you know, open to
13 interpretation?

14 But that particular section that has 10
15 hours allotted to that is mainly going over New Mexico
16 establishment requirements that are important once they
17 receive their license, that they have a safe environment
18 that they're working out of. General equipment: Table,
19 chair, work space, it's your space. What do you call
20 your --

21 THE CHAIR: Establishment.

22 MEMBER PATTIN: Establishment? Okay,
23 establishment. Yeah, that would be the same. It's
24 different from -- you stated what, M, right, business?
25 So business would be a section that's less hours because

1 you're preparing your apprentice for legal requirements,
 2 insurance liability, New Mexico laws and regulations,
 3 which they need to know, of course, as well as the
 4 jurisprudence exam, business setup, social media, things
 5 like that. So business is different than office. I
 6 could see where maybe that would be confusing for some.
 7 But once again, this is an outline of educated
 8 professionals.

9 When you submit your apprentice, you can
 10 word it however you would like due to your experience,
 11 due to how you want to train, with what materials you
 12 want to train. As long as they meet within the
 13 New Mexico guidelines, you can change it however you
 14 want. You can use whatever verbiage you choose to with
 15 your apprentice.

16 THE CHAIR: Thank you.
 17 Any more comments on G?

18 MEMBER WARD: I just have a general
 19 comment.

20 THE CHAIR: Sure.

21 MEMBER WARD: Just a reminder and a
 22 repetition of what you said at the beginning,
 23 specifically for the recorder's needs. The sign up
 24 there, just go ahead and read it. But when you are
 25 called upon, you need to do what the sign says,

1 THE CHAIR: Yes.

2 MS. POLI: He's is required, as the
 3 presiding hearing officer, to rule on any evidence
 4 coming before him or motions made before him. And what
 5 my perception is, which is what I -- the advice that I
 6 gave to him is that you are unintentionally making a
 7 motion, that it is a public comment with a request.

8 But he's required to rule on a motion,
 9 which his ruling is not to make a decision on it.
 10 Because really, you're making -- be sure that you --
 11 correct me if I'm wrong here. You're making a request
 12 via public comment to make a change, right?

13 MS. GARDUNO: Ms. Poli and members of the
 14 Board, Angelina Garduno. I'm making a request via
 15 public comments because my comments have not been
 16 responded to and/or accepted. I didn't even know if
 17 anyone ever received my emails let alone processed them.
 18 So yes, they have become public comment.

19 MS. POLI: I'm glad you brought that up.
 20 Thank you.

21 Just so that you know, all of the -- so
 22 that everybody knows, anything that was received via
 23 email, mail or in any way at all during the public
 24 comment period -- for example, if you emailed -- which
 25 these were the instructions that we gave, if you emailed

1 otherwise she can't get you as a record. So if you want
 2 what you're saying to matter, please do that. Sorry
 3 it's so many comments. But you know, every time it
 4 helps her.

5 THE CHAIR: Thank you, Ms. Ward.
 6 So let's move on to H.
 7 I.

8 MS. GARDUNO: Mr. Chair and members of the
 9 Board, Angelina Garduno. So I would like to motion for
 10 Section H, disinfection and sterilization, to be struck
 11 as follows -- and to cover the sterilization and
 12 disinfection theory. I basically just copied and pasted
 13 from another segment, which covers microbiology,
 14 microorganisms of the skin, factors that influence the
 15 growth of microorganisms. So Section H, I just want to
 16 motion it. I don't want to go -- I want to like show
 17 you I provided everything. But I just want to show how
 18 motion H appears so that it can equal 100 hours.

19 THE CHAIR: So Ms. Garduno, you did make a
 20 motion. And although this is a hearing, we're not
 21 making a motion right now. So I'm not hearing any
 22 motions. So we're not going to rule on that, but thank
 23 you for your information and your comments.

24 MS. POLI: Mr. Chairman, members of the
 25 Board, if I can just clarify that?

1 anything to the Administrator, Richard Espinoza --
 2 Richard, did you forward those to the Board members?

3 MR. ESPINOZA: Yes, that's one of the...

4 MS. POLI: So that you didn't get a
 5 response, I apologize for that. I could see where --
 6 because it's through email, like a response. It was
 7 kind of the --

8 MS. GARDUNO: Or even like a hey, got it
 9 would have sufficed.

10 MS. POLI: Like that's a great idea going
 11 forward, you know, if we're not overloaded with them,
 12 but I can see where you'd feel that way. So under the
 13 law, the Board Administrator provides all of this
 14 information to the Board members. I would ask them to
 15 review all the information prior to the hearing.

16 So I want you to know that everything
 17 submitted was given every review by everyone.

18 MS. GARDUNO: Thank you.

19 MS. POLI: And it will remain a part of the
 20 permanent record, okay?

21 MS. GARDUNO: Thank you.

22 THE CHAIR: Any further discussion on H?
 23 I?

24 J?

25 K?

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1 L?

2 M?

3 N?

4 MR. HALE: Mr. Chairman, members of the

5 Board, Jesse Hale on behalf of Dr. Eva Pacheco. I have

6 a -- I don't know if it was a drafting error on N, but

7 as proposed, N would seem to leave it up to the Board's

8 discretion as to what the exam and passing score would

9 be for a permanent cosmetic practitioner. It's in

10 conflict with the proposed Rule 16.36.2.10C, which would

11 require a score of 75 percent or more.

12 So I just want to make sure -- I would

13 recommend that there be consistency and that Section N,

14 that we're discussing right now, be adjusted

15 accordingly.

16 THE CHAIR: Thank you, Mr. Hale. I agree

17 with you. I do think that was just a grammatical error,

18 and we will definitely look at that.

19 Ms. Ward?

20 MEMBER WARD: I don't know if you were here

21 at the last meeting, but when they were proposed, we did

22 discuss that. We all said the same thing as you there.

23 If it is not included here, we will hold that

24 accountable. So that is something that we already are

25 considering for when we have a discussion.

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1 THE CHAIR: Thank you.

2 Any more discussion on N?

3 Hearing none, moving on to 16.36.2.17,

4 Special Event, Mobile Body Art and Guest License

5 Requirements, A.

6 B.

7 C.

8 D.

9 E.

10 Or F. Hearing none, we'll move on to

11 16.36.2.18, Expedited Licensure, Military Service

12 Members, Spouses and Veterans. Yes?

13 MS. GARDUNO: Mr. Chair, members of the

14 Board, my name is Angelina Garduno. So in 16.36.2.17,

15 the license renewal, where is that in the current

16 proposed bill? Because in 16.36.2.7, as is, it stands

17 about license renewal, and it's not in the proposed

18 rules.

19 MS. POLI: Mr. Chair, if I may?

20 THE CHAIR: Yes.

21 MS. POLI: I think what you're asking is:

22 Why did the Chair mention 2.17; are there proposed

23 changes? Was that the question?

24 MS. GARDUNO: My question is: License

25 renewal has been moved and replaced with special events,

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1 mobile body arts, and guest license requirements.

2 My question is: Where has license renewal

3 been moved to?

4 THE CHAIR: So we did move it, and it is

5 actually in 16.32.2.10, Application for Body Art,

6 Tattooing, Body Piercing-Scarification, and it's D,

7 Renewal Practitioner License. So the verbiage was just

8 moved to another section.

9 MS. GARDUNO: Thank you.

10 MEMBER WARD: I apologize. It's 2.11, I

11 believe. I think you said 2.10.

12 THE CHAIR: I added 2.10.

13 MEMBER WARD: The section starts at the

14 bottom of page 2.11. There you go. It's the last line

15 of the page.

16 THE CHAIR: Oh, okay. You're right,

17 correct.

18 MEMBER WARD: Perfect.

19 MS. POLI: So it's at 16.36.2.11D?

20 THE CHAIR: Yes.

21 Back to expedited licensure, military

22 service members, spouses and veterans, A.

23 B.

24 C.

25 D.

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1 16.36.2.19, Expired license, A.

2 B.

3 C.

4 Or D.

5 16.36.2.20, Crossover hours?

6 Seeing none, 16.36.2.21? Obviously, we're

7 not going to leave with big questions marks. That

8 section should be titled Applications. There's a 1 and

9 then a 2. Then B, Photographs?

10 MEMBER WARD: The section has question

11 marks? Oh, I'm sorry. The section that has question

12 marks, I don't know if it's my time to bring this up,

13 but I guess I'll respond to her. I believe that the

14 Application section is already 2.8. I think this is 100

15 percent ibid, and it's going to be struck.

16 That was the NOA I sent most recently to

17 you guys. I'm not sure -- you could correct me on that,

18 but I believe that 2.8 might be --

19 THE CHAIR: Can we save this for the

20 meeting?

21 MEMBER WARD: Yes. Thank you.

22 THE CHAIR: B, Photographs?

23 C, Group training.

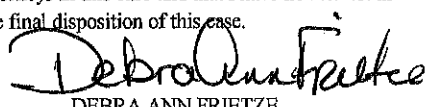
24 Or D.

25 16.36.2.22, Reciprocity, A.

1 Or B.
 2 We won't worry about taking another break
 3 because Part 3 is one page.
 4 Everyone pull out their Part 3, 16.36.3.8,
 5 Requirements for establishment. And in here we have
 6 removed the stricken-out lines and have added, "from any
 7 other business or nonbusiness using floor-to-ceiling
 8 walls and doors. Rooms where body art procedures occur
 9 shall be free of debris or any other safety hazards and
 10 should not be used for storage"? .
 11 No comment.
 12 Moving on to B. We struck the first line
 13 and added in, "Establishments located within or at a
 14 private residence must meet zoning requirements. An
 15 establishment located in or at a private residence shall
 16 meet establishment requirements as stated in 16.36.3.8."
 17 Any comment?
 18 Moving to C. We have removed "which" and
 19 added "that"; removed "wipeable" and added "clean,
 20 non-porous and washable," and added, "which shall be
 21 maintained with an EPA registered disinfectant."
 22 Any discussion?
 23 Hearing none, moving on to E. We've
 24 removed procedure room. "Small animals confined to a
 25 cage or aquarium are allowed only outside a room," and

1 added, "as defined in the Americans with Disabilities
 2 Act," and added, "Aquariums are allowed, but not within
 3 a procedure room."
 4 Any discussion?
 5 Well, if there's no discussion, then --
 6 MS. SIMS: You skipped D.
 7 THE CHAIR: I skipped E?
 8 MS. SIMS: I think you skipped D.
 9 THE CHAIR: Oh, sorry. In D, we added the
 10 word "adequate." Is everybody good with that?
 11 Has everyone here had an opportunity to
 12 sign our attendance sheet? Now also, as a request by
 13 Deb, our recorder, make sure that your name is spelled
 14 clearly and legibly, as well as your establishment, so
 15 that way she can document it properly.
 16 MR. ESPINOZA: Chairman Shaw, I ask
 17 admission of the attendance sheet as Exhibit 21.
 18 [Exhibit 21 admitted.]
 19 THE CHAIR: Do the Board members have any
 20 questions?
 21 Then Exhibit 21 is hereby admitted into the
 22 record.
 23 THE CHAIR: The comments submitted and the
 24 discussions heard during the rule hearing will be
 25 considered and may be discussed further by the Board

1 when it holds its meeting immediately following this
 2 rule hearing. The Board will vote on the proposed rules
 3 at that time.
 4 Any rules adopted by the Board will be
 5 filed at State Records and Archives in accordance with
 6 the State Rules Act and New Mexico Register publication
 7 deadlines. The adopted rules become effective 30 days
 8 after they are filed at the Records and Archives, unless
 9 otherwise noted, at the end of a section.
 10 I would like to thank all the Board members
 11 and everyone else present here for their participation
 12 and attendance today.
 13 Let the record show that this hearing was
 14 adjourned at 12:55 p.m.
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1 STATE OF NEW MEXICO.
 2 COUNTY OF BERNALILLO
 3
 4
 5
 6 CERTIFICATE OF COURT REPORTER
 7
 8 I, DEBRA ANN PRIETZE, New Mexico Certified
 9 Court Reporter No. 251, do hereby certify that I
 10 reported the foregoing proceedings in stenographic
 11 shorthand and that the foregoing pages are a true and
 12 correct transcript of those proceedings that were
 13 reduced to printed form by me to the best of my ability.
 14 I FURTHER CERTIFY that the Reporter's
 15 Record of the proceedings truly and accurately reflect
 16 the exhibits, if any, offered by the respective parties.
 17 I FURTHER CERTIFY that I am neither
 18 employed by nor related to any of the parties or
 19 attorneys in this case and that I have no interest in
 20 the final disposition of this case.
 21 
 22 DEBRA ANN PRIETZE,
 23 Certified Court Reporter
 24 New Mexico CCR No. 251
 25 Date of CCR Expiration: 12/31/2018

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