

Report To The Mississippi Legislature



A Program Evaluation and Financial Compliance Audit of the State Board of Barber Examiners

July 14, 1998

State law provides the Board of Barber Examiners with authority to regulate the state's barbering profession. Because the board has not adequately regulated the profession, it cannot ensure the public that barbers have demonstrated the required knowledge and skills or that barbers consistently adhere to sanitary standards.

In the area of examination and licensure, the board does not consistently verify the completeness and accuracy of educational and training information submitted by licensure applicants. The board's testing process for barbers and barber instructors is not valid and reliable because it does not fully comply with recognized testing standards for professional regulatory boards. With regard to inspections and investigations, the board cannot ensure that its inspections are conducted on a regular basis and in a uniform manner because the board has not established formal policies and procedures for such inspections. Also, the board violates state law by its failure to adopt rules and regulations for the recording, investigating, and resolution of complaints against barber licensees.

The board has not adequately accounted for its funds because it has not collected or made timely deposits of license fees in a manner consistent with state law and has not followed all state regulations and accepted business practices in accounting for or safeguarding its fee collections. As a result, the board's administrator misappropriated approximately \$2,266 in board funds.

The PEER Committee

PEER: The Mississippi Legislature's Oversight Agency

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A standing joint committee, the PEER Committee is composed of five members of the House of Representatives appointed by the Speaker and five members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms with one Senator and one Representative appointed from each of the U. S. Congressional Districts. Committee officers are elected by the membership with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of three Representatives and three Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issue which may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, special investigations, briefings to individual legislators, testimony, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, and the agency examined.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

**A Program Evaluation and Financial Compliance Audit
of the State Board of Barber Examiners**

July 14, 1998

**The PEER Committee
Mississippi Legislature**

The Mississippi Legislature

Joint Committee on Performance Evaluation and Expenditure Review

PEER Committee

SENATORS
EZELL LEE
Chairman
HOB BRYAN
WILLIAM CANON
BOB M. DEARING
JOHNNIE E. WALLS, JR.



REPRESENTATIVES
TOMMY HORNE
Vice-Chairman
HERB FRIERSON
Secretary
WILLIAM E. (BILLY) BOWLES
ALYCE G. CLARKE
MARY ANN STEVENS

TELEPHONE:
(601) 359-1226

FAX:
(601) 359-1420

Post Office Box 1204
Jackson, Mississippi 39215-1204

Max K. Arinder, Ph. D.
Executive Director

OFFICES:
Professional Building
222 North President Street
Jackson, Mississippi 39201

July 14, 1998

Honorable Kirk Fordice, Governor
Honorable Ronnie Musgrove, Lieutenant Governor
Honorable Tim Ford, Speaker of the House
Members of the Mississippi State Legislature

On July 14, 1998, the PEER Committee authorized release of the report entitled **A Program Evaluation and Financial Compliance Audit of the State Board of Barber Examiners.**

A handwritten signature in cursive script, appearing to read "Ezell Lee", written over a horizontal line.

Senator Ezell Lee, Chairman

This report does not recommend increased funding or additional staff.

Table of Contents

Letter of Transmittal	i
List of Exhibits	v
Executive Summary	vii
Introduction	1
Authority	1
Purpose	1
Method	1
Overview	1
Background	3
Public Need for Regulation of Barbering.....	3
Public Health Need	3
Need for Competent Barbers.....	3
Barbering in Mississippi.....	4
Board of Barber Examiners.....	4
Adequacy of the Board of Barber Examiners in Regulating Mississippi’s Barbering Profession.....	6
Examination and Licensure	6
Qualifications of Barbers Licensed by the Board.....	6
Administration of Board Examinations.....	8
Inspection and Investigation	11
Routine Barber Shop Inspections.....	11
Investigation of Complaints Against Barbers and Barber Shops	15
Adequacy of the Board of Barber Examiners in Accounting for Board Funds and Developing Management Policies.....	17
Collecting, Accounting for, Depositing, and Safeguarding License Fees.....	17
Collection of Licensure Fees.....	18
Accounting for Board Revenues.....	18
Timely Deposit of Board Funds.....	20
Safeguarding of Board Assets.....	21
Policies and Procedures	22

Table of Contents (continued)

Conclusion	24
Recommendations.....	25
Appendix A. Standard Testing Practices in the Recommendations of the Council on Licensure, Enforcement, and Regulation (CLEAR).....	29
Appendix B. List of Selected Membership of the Council on Licensure, Enforcement, and Regulation.....	31
Appendix C. Use of National Barber Testing Services.....	32
Appendix D. Mississippi State Board of Health Sanitary Regulations Governing Barbering, Barber Shops, and Barber Schools and Policy Governing Barber Shops.....	33
Appendix E. Proposed Legislation Concerning the Board of Barber Examiners.....	36
Agency Response	39

List of Exhibits

1. Composition of Board of Barber Examiners and Statutory Duties.....5
2. Analysis of the Current Testing Practices of the
Mississippi State Board of Barber Examiners..... 12
3. Board of Barber Examiners' Fee Schedule as of July 1, 1998..... 19

A Program Evaluation and Financial Compliance Audit of the State Board of Barber Examiners

July 14, 1998

Executive Summary

Introduction

In response to citizen's complaints, PEER evaluated the operations of the State Board of Barber Examiners.

Overview

The Legislature created the Board of Barber Examiners in 1930 to regulate the barbering profession in Mississippi. The board is designed to meet the consuming public's expectation to be protected from the spread of infections and diseases while receiving acceptable barber services from competent and skilled professionals.

State law provides the board with authority to regulate the state's barbering profession. Individuals cannot practice barbering in Mississippi unless they are licensed by the board and shops cannot operate without a board license. Accordingly, individuals cannot teach at barber schools in the state without an instructor's license.

Although the board has established examination and inspection processes, these have not adequately regulated Mississippi's barbering profession. As a result, the board cannot ensure the public that barbers have demonstrated the required knowledge and skills or that barbers consistently adhere to sanitary standards.

In the area of examination and licensure, the board does not consistently verify the completeness and accuracy of educational and training information submitted by licensure applicants. The board's testing process for barbers and barber instructors is not valid and reliable because it does not fully comply with recognized testing standards for professional regulatory boards.

With regard to inspections and investigations, the board cannot ensure that its inspections are conducted on a regular basis and in a uniform manner because the board has not established formal

policies and procedures for such inspections. Also, the board violates state law by its failure to adopt rules and regulations for the recording, investigating, and resolution of complaints against barber licensees.

The Board of Barber Examiners has not adequately accounted for the board's funds or developed policies to manage the board's affairs. For example, the board has not collected or made timely deposits of license fees in a manner consistent with state law. The board has not accounted for or safeguarded its fee collections in accordance with state accounting regulations or accepted business practices. As a result, the board's administrator misappropriated approximately \$2,266 in board funds. With regard to agency management, the board has not established adequate management policies and procedures to assist it in regulating the barbering profession.

Recommendations

The following summarize PEER's legislative and administrative recommendations concerning the Board of Barber Examiners.

1. The Legislature should amend MISS. CODE ANN. § 73-5-1 to revise the method of appointment of the five members to the Board of Barber Examiners. The Governor should appoint three barber members, one appointed from each of the three Supreme Court Districts in the state, and two at-large board members.

One of the at-large board members should be a barber or barber instructor. The second at-large board member should be a consumer representative with financial management experience who is not a licensed barber or barber instructor or affiliated with the barbering business.

The section should prohibit the appointment of more than one board member who is an

- owner of or connected in any way with a barbering school. The section should also prohibit any school-affiliated board member from being involved in the development or grading of exams.
2. The Legislature should review the penalty provisions of MISS. CODE ANN. Section 73-5-29.
 3. The Legislature should amend MISS. CODE ANN. Section 73-5-17 by deleting the requirement that the board administer written, practical, and oral examinations to applicants. State law should require the board to administer examinations that measure job competency and are in compliance with professional testing standards such as those advocated by the Council on Licensure, Enforcement, and Regulation (CLEAR).
 4. The Board of Barber Examiners should ensure that each individual meets all statutory and regulatory requirements prior to receiving a barber license and that documentation of fulfillment of statutory requirements is on file.
 5. Should the Board of Barber Examiners elect to use the services of a standardized testing agency to develop examinations, the board should conduct a competitive bidding process for testing services and require testing agencies to submit proposals which document that they have complied with CLEAR's professional testing standards.
 6. The Board of Barber Examiners should request Board of Health officials to review and update the Board of Health sanitation regulations; review its policy position regarding inspections; officially adopt detailed inspection standards which describe the sanitation conditions that merit certain inspection ratings; conduct on-site training to ensure that inspectors consistently rate barber shops using the board-approved standards; review inspection status reports during its regular meetings; and develop a citation form for inspectors' use which outlines fines issued.
 7. The Board of Barber Examiners should develop regulations and maintain records for the processing, investigation, and resolution of complaints filed with the board, as required by MISS. CODE ANN. Section 73-5-7 (3).
 8. The board should request assistance from the Department of Finance and Administration (DFA) in establishing accounting and cash control functions, as provided for in CODE Section 27-104-3 (a) and (b). The Executive Director of the PEER Committee staff should refer a copy of this report to the DFA Executive Director.
 9. The board should follow state regulations for internal control of cash receipts, including timely depositing of funds; holding cash in secure areas; and maintaining a division of labor between personnel who receive, deposit, and account for cash.
 10. The board should deposit its funds into the Treasury by the second day after receipt as outlined in MISS. CODE ANN. Section 7-9-21.
 11. The board should properly enforce statutory penalties for past due license fees and refunding amounts to barbers which were charged in error after July 1, 1997.
 12. The Department of Audit should conduct a financial audit of the Board of Barber Examiners to determine that all funds have been accounted for.
 13. To control the licensing function properly, the Board of Barber Examiners should:
 - ensure that license forms are properly accounted for and safeguarded from theft and misuse;
 - using existing resources, develop a computerized license recordkeeping system to bill barbers for license fees due, issue timely past due notices, compute past due amounts, and maintain a complete account for each barber;
 - maintain an accurate list of active and inactive barbers, including contact information;
 - develop an updated barber handbook; and,
 - maintain annual statistics on barber licensing.

14. The Board of Barber Examiners should develop a policy manual which includes approved board policies and procedures for all programs and should keep the manual updated.

The report contains detailed recommendations on pages 25 through 28.

For More Information or Clarification, Contact:

PEER Committee
P. O. Box 1204
Jackson, MS 39215-1204
(601) 359-1226
<http://www.peer.state.ms.us>

Senator Ezell Lee, Chairman
Picayune, MS (601) 798-5270

Representative Tommy Horne, Vice-Chairman
Meridian, MS (601) 483-1806

Representative Herb Frierson, Secretary
Poplarville, MS (601) 795-6285

A Program Evaluation and Financial Compliance Audit of the State Board of Barber Examiners

Introduction

Authority

The PEER Committee authorized a review of the Mississippi Board of Barber Examiners pursuant to the authority granted by MISS. CODE ANN. § 5-3-57 et seq. (1972).

Purpose

In response to citizens' complaints, PEER evaluated the operations of the State Board of Barber Examiners to determine whether the board's regulation of the barbering profession ensures that:

- barbers meet all necessary qualifications and competency requirements for licensure;
- barbers consistently comply with licensure and sanitary standards;
- consumer and barber complaints are investigated and resolved in a timely manner; and,
- statutory fees required of barbers are paid timely and properly recorded.

Method

In conducting this review, PEER reviewed state laws relating specifically to the operations of the Board of Barber Examiners and those relating to the state's financial management practices. PEER also interviewed board members and staff and reviewed the board's minutes and financial and administrative records. Also, PEER obtained information from professional testing experts regarding licensure examinations of regulatory boards.

Overview

The Legislature created the Board of Barber Examiners in 1930 to regulate the barbering profession in Mississippi. The board is designed to

meet the consuming public's expectation to be protected from the spread of infections and diseases while receiving acceptable barber services from competent and skilled professionals.

State law provides the board with authority to regulate the state's barbering profession. Individuals cannot practice barbering in Mississippi unless they are licensed by the board and shops cannot operate without a board license. Accordingly, individuals cannot teach at barber schools in the state without an instructors' license.

Although the board has established examination and inspection processes, these have not adequately regulated Mississippi's barbering profession. As a result, the board cannot ensure the public that barbers have demonstrated the required knowledge and skills or that barbers consistently adhere to sanitary standards.

In the area of examination and licensure, the board does not consistently verify the completeness and accuracy of educational and training information submitted by licensure applicants. The board's testing process for barbers and barber instructors is not valid and reliable because it does not fully comply with recognized testing standards for professional regulatory boards.

With regard to inspections and investigations, the board cannot ensure that its inspections are conducted on a regular basis and in a uniform manner because the board has not established formal policies and procedures for such inspections. Also, the board violates state law by its failure to adopt rules and regulations for the recording, investigating, and resolution of complaints against barber licensees.

The Board of Barber Examiners has not adequately accounted for the board's funds or developed policies to manage the board's affairs. For example, the board has not collected or made timely deposits of license fees in a manner consistent with state law. The board has not accounted for or safeguarded its fee collections in accordance with state accounting regulations or accepted business practices. As a result, the board's administrator misappropriated approximately \$2,266 in board funds. With regard to agency management, the board has not established adequate management policies and procedures to assist it in regulating the barbering profession.

Background

Public Need for Regulation of Barbering

Mississippi, along with forty-seven other states, has made the public policy decision that the practice of barbering should be regulated. (Alabama and New Jersey do not presently have laws that regulate barbering.) The regulation of barber services is based on the premise that the consuming public should be protected from the spread of infections and diseases and should receive acceptable service from competent and skilled professionals.

Public Health Need

Because the transmission of diseases through barber shops is possible, though unlikely, regulation of barbering services can serve to protect the public health. The primary possibility of disease transmission in barber shops would be through a barber using a razor or scissors contaminated with blood from one client on another client without disinfecting the instrument. Such use could result in the spreading of a virus, such as hepatitis or Acquired Immune Deficiency Syndrome, through an opening in a client's skin. A secondary health-related transmission would be the spread of lice, which is less of a public health risk than a nuisance.

Although the risk of spreading diseases through barber shops is low, the consuming public expects barbers to engage in safe practices to reduce the risks that do exist. The Legislature addressed these risks by enacting MISS. CODE ANN. § 73-5-7, which requires barber shops to abide by Board of Health sanitation regulations which include requirements to disinfect barber tools. The Board of Barber Examiners attempts to address these risks by requiring barber schools to train students on public health issues, such as sanitation, bacteriology, and hygiene, and testing students for sanitation knowledge on the board examination.

Need for Competent Barbers

While the consuming public selects barbers based on their personal satisfaction with services received, there is a general expectation that barbers who offer their services for a fee possess the basic skills and abilities to provide acceptable service. The Legislature warrants a barber's competence by requiring the board to license only those individuals who possess certain statutory qualifications and who successfully pass practical, oral, and written licensing examinations.

Barbering in Mississippi

MISS. CODE ANN. § 73-5-39 defines the profession of barbering in Mississippi as:

- shaving, trimming the beard, or cutting the hair;
- giving facial or scalp massages or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical devices;
- singeing, shampooing, coloring, or dyeing the hair or beard, or any chemical services pertaining to hair perms, hair color, or straightening; and,
- applying cosmetic preparations, antiseptics, powders, clays, or lotions to scalp, face, neck, or upper part of the body.

Board of Barber Examiners

Created by the Legislature in 1930, the Board of Barber Examiners has authority, through MISS. CODE ANN. § 73-5-1 et seq. (1972), to regulate the barbering profession in Mississippi. Individuals cannot practice barbering in Mississippi unless they are licensed by the board and shops cannot operate without a board license. Accordingly, individuals cannot teach at barber schools in the state without an instructor's license.

As illustrated in Exhibit 1, page 5, MISS. CODE ANN. § 73-5-1 (1972) defines membership of the board and establishes qualifications for such membership. Section 73-5-3 allows the board to elect from its membership a president and secretary. State law provides that the secretary may receive an annual compensation in the amount of \$28,000 if the secretary works full-time on the business and clerical work of the board. Should the secretary not be available to work full-time for the board, state law provides that the board may hire an administrator to handle administrative matters of the board. (Prior to FY 1998, the board's secretary worked full-time for the board. During FY 1998, the board employed its first administrator.) State law also allows the board to employ three inspectors, one from each of the state's three Supreme Court districts, to make periodic inspections of all barber shops throughout the state. (The board's current inspectors work on a part-time basis, one day per week.)

The board's revenues are derived primarily from barber and instructor license examination fees, barber and barber shop licensure fees and penalties, and barber instructor and barber school licensure fees and penalties, as provided for by state law. Typically, the board collects and expends approximately \$100,000 each fiscal year.

Exhibit 1

**Composition of Board of Barber Examiners
and Statutory Duties**

Membership

Statutory Requirements

- five members appointed by the Governor from each of the state's five congressional districts
- each member required to be a practical barber and qualified voter
- each member required to have been engaged in the practice of barbering in Mississippi for at least five years immediately prior to the time of appointment and required to be a person of good moral character

*Current Membership by Congressional Districts
and Date Term Expires*

First	Stanley McKee	June 30, 2001
Second	Oswald Jones	July 1, 2000
Third	Clinton Brock	June 30, 2001
Fourth	Jacqueline Sullivan	July 1, 2000
Fifth	Robert Raybourn	July 1, 2000

Statutory Duties of Board

- administer board examinations to candidates for barber and barber instructor licenses
- ensure that licensed barbers have obtained specific education and training through the establishment of rules and regulations for operation of barber schools and licensee applications
- inspect barber shops for licensing violations and violations of the Board of Health's sanitation regulations
- process, investigate and resolve complaints against barbers, shops and schools

SOURCE: MISS. CODE ANN. Sections 73-5-1, 3, 11, 15, 17, and 33 and the Secretary of State's Office.

Adequacy of the Board of Barber Examiners in Regulating Mississippi's Barbering Profession

Regulatory boards have a responsibility to function on behalf of the consuming public, who pay fees for services received from regulated professionals. Performance of a regulatory board can be deemed to be adequate if the board: determines the qualifications of individuals seeking to be licensed; tests the qualifications of those individuals using valid and reliable methods; inspects licensees' compliance with licensure requirements, using uniform and consistent methods; and, protects the interests of consumers by investigating and resolving complaints against licensees.

The Board of Barber Examiners' examination and inspection processes do not result in adequate regulation of Mississippi's barbering profession. As a result, the board cannot ensure the public that barbers have demonstrated the required knowledge and skills or that barbers consistently adhere to sanitary standards.

As stated in the board's FY 1999 strategic plan, the "mission of the Board of Barber Examiners is to benefit all citizens of Mississippi by protecting the public in their efforts to obtain services in hair care." Although the board has established examination and inspection processes to accomplish its strategic plan, such processes have not resulted in the adequate regulation of Mississippi's barbering profession, as detailed in the following sections.

Examination and Licensure

Qualifications of Barbers Licensed by the Board

- ***Because the Board of Barber Examiners does not consistently verify the completeness and accuracy of educational and training information submitted by licensure applicants, the board cannot ensure that all applicants meet the statutory qualifications to be licensed.***

MISS. CODE ANN. § 73-5-11 and 15 establish specific requirements to ensure that individuals receive the proper education and training to be eligible to be licensed as barbers in Mississippi. The Board of Barber Examiners has the responsibility of determining each applicant's compliance with requirements of state law prior to allowing the applicant to sit for the examination and issuing a license to the applicant to practice as a barber.

PEER reviewed fifty randomly selected barber files of individuals licensed between January 1997 and April 1998. (By drawing this sample at

random, PEER met one criterion for a scientific sample [random selection]. Because of time constraints and PEER's intention only to arrive at a general assessment of the board's verification process, PEER chose to limit the size of this sample to fifty. As a result, the sample is not large enough to permit precision or confidence in generalization of specific statistical results from the sample to the general population of 165 files created during this period.)

PEER's review of the fifty files showed that the board generally obtains from applicants the educational and training information required by state law but does not ensure that such information is complete and accurate. The board's failure to verify the information limits its ability to ensure that only those applicants who possess the proper statutory qualifications receive a license to practice as a barber, as illustrated below.

- *Twenty of the fifty files (40%) did not contain information to verify that the applicants possessed a high school education or its equivalent.* Section 73-5-11 (1) requires a person to possess a high school education or its equivalent to be eligible to enroll at a barber school approved by the board. Because the Board of Barber Examiners only requires barber school instructors to submit student permit applications on which they state whether applicants have graduated from high school, the board has no documentary evidence in its files. Documentation such as a copy of a high school diploma or transcript is necessary to verify an applicant's graduation from high school, successful completion of a General Educational Development (GED) program, or satisfactory completion of the ability-to-benefit examinations approved by the U. S. Department of Education.
- *Five of the fifty files (10%) did not contain sufficient evidence to verify that the applicants had completed at least 1500 hours of barbering instruction.* Section 73-5-11 (2)(c) requires a person to complete not less than 1500 hours of instruction at a barber school approved by the board to be eligible to be licensed. Two of the barber files reviewed by PEER contained no information to document the barbers' completion of 1500 hours of instruction. Other files were missing monthly reports submitted by barber schools to support the applicants' completion of the required instruction.
- *None of the applications in the fifty files (100%) were signed by the applicants swearing that they had met the statutory qualifications for licensure.* Section 73-5-15 requires applicants to complete an application form containing an oath swearing that the applicants comply with state law requirements for licensure. Because the board's application form only requires a barber instructor to check a block indicating that the applicant has received 1500 hours of barbering instruction, applicants are not required to comply with state law by attesting to their qualifications prior to sitting for the board's examination. The board's practice of accepting an

instructor attestation rather than the applicant's creates a potential conflict of interest. In the interest of graduating students and assisting them in becoming licensed, barber school instructors could fraudulently attest that applicants had received the required number of hours of instruction and were qualified to sit for the board's examination. Requiring applicants to swear personally that they had met all qualifications for licensure could prevent some, if not all, applicants from declaring themselves eligible to sit for the board's examination when they were not.

- *Seven of the fifty files (14%) did not contain applicant photographs which the board could use to verify the identity of individuals who sat for the licensure examination.* Section 73-5-15 requires applicants to provide the board with two signed photographs at the time they apply to sit for the board's examination. One photograph is attached to the application and the other is returned to the applicant to be presented when the applicant appears for examination. Seven of the files reviewed by PEER did not contain the required photographs. Therefore, the board had no documentary evidence to ensure that the applicant who appeared to sit for the examination was the person who made application for the examination after completing all of the statutory requirements for licensure.

- *Two of the fifty files (4%) did not contain evidence to verify that the applicants had taken and passed the licensure examination, although the board issued licenses to the applicants.* Section 73-5-11 (2)(d) requires an applicant to pass an examination conducted by the board to be eligible to be licensed. Two of the barber files reviewed by PEER did not contain the examinations taken by the applicants and scored by the board as proof of the applicants' successful completion of the examination. After researching the reasons why the files were incomplete, the board administrator acknowledged to PEER that one of the two individuals should not have been licensed as a barber because the applicant had not successfully passed the board's examination.

Administration of Board Examinations

- ***The Board of Barber Examiners regularly administers written, oral and practical tests to barber applicants as required by MISS. CODE ANN. § 73-5-17. However, the board's testing process is not valid and reliable because it does not fully comply with recognized testing standards for professional regulatory boards.***

MISS. CODE ANN. § 73-5-17 requires the Board of Barber Examiners to conduct examinations of barber applicants not less than three times a year, with examinations of barber instructors being conducted at times and

places selected by the board. The board's examination process for barbers must include both a practical demonstration of barbering skills and a written and oral test. The examination process for barbers must address the subjects usually practiced in a licensed barber shop. The examination process for barber instructors must include subjects deemed by the board to be necessary to determine an applicant's fitness to be a barber instructor.

Although the Board of Barber Examiners periodically conducts examinations of barbers and barber instructors, the board's testing process is not valid and reliable because it does not fully comply with recognized testing standards for professional regulatory boards. As a result, the board cannot ensure that it is licensing individuals who possess the knowledge, skills, and abilities to be licensed as a barber or barber instructor.

Board's Current Testing Practices

As required by state law, the Board of Barber Examiners administers both written and practical/oral examinations to barber and barber instructor applicants. The board's written barber examination consists of one hundred multiple-choice questions primarily copied from a barber textbook (Milady's *State Exam Review for Professional Barber-Styling*). The written barber instructor examination consists of forty-five multiple choice and five short essay questions. Board members grade the multiple-choice sections of the barber examinations based on an answer key provided in the textbook. Board members grade the short essay questions based on their own personal barbering knowledge and skills--i.e., there are no standard answers for the short essay questions. Although board members who own barber schools are allowed to participate in the grading of examinations, they are required to certify that they have not graded the tests of their own students.

Board members conduct the barber and barber instructor practical examinations in Jackson. The practical examinations consist of the applicants' demonstrations of color, shampoo, perm, hair styling, and haircuts on live models. Board members conduct the oral examinations during the practical examination by asking the applicants questions pertaining to the barbering demonstrations of hair color and permanent-waving. The board does not inform applicants in advance how they will grade the practical and oral barbering demonstrations (e.g., applicants are not informed about the percent of the total score which will be assigned to each of the different barbering techniques being tested.)

Recognized Testing Standards for Professional Regulatory Boards

Since the examination process is an important role of regulatory boards, PEER researched licensure and assessment literature and found that the Council on Licensure, Enforcement, and Regulation (CLEAR) provides standard professional testing practices for regulatory boards. In summary, these standards address test development; test administration; statistical analysis and research; scoring and reporting; and, examination security. (See Appendix A, page 29, for further details regarding each of these areas.) Although these standards have been formalized and disseminated by CLEAR, they are consistent with testing practices advocated by other national organizations, such as the American Education Research Association, the American Psychological Association, and the National Council on Measurement in Education.

CLEAR's testing practices serve to develop valid and reliable examination procedures for regulatory boards. A regulatory board should have documentation of the development and standardization of the procedures and rationales utilized in the examination processes to provide evidence of valid and reliable testing. Valid testing is essential for the board to maintain that occupational performance standards are measured and complied with for licensure. Reliable testing allows regulatory boards to license consistently those applicants who are determined competent for professional practice.

In order to ensure that its testing practices are valid and reliable, the Board of Barber Examiners should adhere to standard testing practices

The Council on Licensure, Enforcement, and Regulation (CLEAR)

CLEAR is an international association with over four hundred members which serves to improve the quality of professional regulation to enhance public protection. (Appendix B, page 31, shows a selected portion of CLEAR's regulatory membership.) CLEAR's standard testing practices provide practical assistance to regulatory board members to aid in licensing competent applicants.

CLEAR is an affiliate organization of the Council of State Governments, which provides information and other services to government officials to aid in management and policy decisions.

SOURCE: Council on Licensure, Enforcement, and Regulation (CLEAR) and the Council of State Governments

such as those advocated by CLEAR. As shown in Exhibit 2, page 12, the board's examination process does not fully meet the standards for professional testing. Specifically, prior to developing its examination, the board did not analyze the skills an individual should possess to ensure that the examination tested for the presence of such skills. The board's process fails to provide test administration information, such as grading procedures, to applicants. Also, the board does not statistically analyze test results to determine which examination questions need revision. Board members receive no training in the scoring of the examinations. Finally, the board's examination process does not address the security of the test documents prior to and after the examination is administered.

If tests are not valid and reliable, the board may license incompetent applicants or deny competent applicants the opportunity to begin practice. Without documentation of testing practices, the board is unable to justify current testing and may be subject to potential lawsuits by candidates who have been restricted from practice.

The Board of Barber Examiners has discussed using a national testing service beginning in July 1998 to develop and score its written barber and barber instructor examinations. Assuming that the chosen testing service complies with standard testing practices, the board's use of a national examination could address the problems with the board's current written examinations, as detailed in Exhibit 2. The two primary national testing services are National Assessment Institute, Inc., and the National-Interstate Council of State Boards of Cosmetology, Inc. The board entered discussions with the National Assessment Institute, but has not made efforts to conduct a competitive bidding process for the lowest and best bid. (Appendix C, page 32, lists states that contract with the National Assessment Institute or National-Interstate Council of State Boards of Cosmetology for barber examination development).

Inspection and Investigation

Routine Barber Shop Inspections

- ***Although the Board of Barber Examiners routinely inspects barber shops for compliance with licensure and sanitary standards, the board has not established formal policies and procedures for such inspections. As a result, the board cannot ensure that inspections are conducted on a regular basis and in a uniform manner.***

MISS. CODE ANN. § 73-5-3 authorizes the board to employ three inspectors, one from each of the state's three Supreme Court districts, to make periodic inspections of all barber shops throughout the state. State law also requires the inspectors to file with the board written reports of their findings and recommendations. Also, CODE § 73-5-7 states that any

Exhibit 2
Analysis of the Current Testing Practices of the Mississippi State Board of Barber Examiners

Standards	Actions Needed to Meet Testing Standards	Did the Board Follow the Professional Testing Standards?
Test Development	<ul style="list-style-type: none"> •analyze skills and knowledge required for barber competency •ensure test includes questions on each necessary barber skill •set a valid passing score based on entry-level knowledge and skills •develop oral, practical, and essay exams with standard answers that can be consistently graded 	<p>Partially.</p> <p>Actions Taken The board reviewed barber school and board member test suggestions and reviewed barber and barber instructor textbooks for information on required skills.</p> <p>Standards Not Addressed The board could not document that it had fully analyzed barber skills, tested each necessary barber skill, established a valid passing score, or developed standard answers for essay and practical/oral tests to ensure consistent grading.</p> <p>Effect Because the board did not base the tests development on the necessary skills needed to be a barber, the board cannot ensure that it has consistently licensed competent barbers knowledgeable in sanitation and barber skills. Also, the board's use of the Milady textbook questions in its examinations may have violated copyright laws.</p>
Test Administration	<ul style="list-style-type: none"> •provide applicants with detailed information on testing times and dates, test content, test site conditions, grading procedures, and disclosure of test scores to applicants •develop a written plan for accommodating candidates with disabilities which complies with the 1990 Americans with Disabilities Act 	<p>Partially.</p> <p>Actions Taken The board sent letters to the candidates informing them of testing times and dates, conducted informal briefings prior to the tests, and dealt with accommodations for candidates with disabilities on a case-by-case basis. The board also selected an appropriate testing facility and had a sufficient number of proctors present for each test administration.</p> <p>Standards Not Addressed The board did not inform candidates of the detailed subject categories which would be included on the test, the test format, administration policies and procedures, scoring method, or rules on reporting test scores. The board also did not document standard test administration procedures or accommodations for candidates with disabilities.</p> <p>Effect Because the board does not adequately prepare applicants for testing, the board may be unnecessarily restricting applicant access to the field of barbering. Lack of test preparation could hinder applicants from performing at their optimal testing level.</p>

Statistical Analysis & Research	<ul style="list-style-type: none"> •analyze test results to determine which test questions need revision to ensure the test is measuring appropriate knowledge and skills 	<p>No.</p> <p>Standards Not Addressed The board did not use statistical analysis or research in the development or review of the barber and barber instructor examinations.</p> <p>Effect Because the board does not statistically analyze testing results for revisions, the board cannot ensure that the test accurately reflects the skills and knowledge needed to be a barber.</p>
Scoring & Reporting	<ul style="list-style-type: none"> •ensure that tests are graded and tests results are reported to students in a fair and uniform manner 	<p>Partially.</p> <p>Actions Taken The board scores multiple choice sections of the examinations uniformly, requires that three board members agree on giving a failing grade on the practical/oral examinations, reports test results privately, and informs failing candidates of retake procedures.</p> <p>Standards Not Addressed The board has not been trained to score the barber instructor short essay questions and the practical/oral examinations in a uniform manner. The board does not have written procedures to ensure the candidates due process relating to test scoring concerns.</p> <p>Effect Because the board members are not trained to grade tests on a consistent basis, the overall scores of the examinations are not defensible. This could result in potential lawsuits concerning the limited access to barbering practice.</p>
Examination Security	<ul style="list-style-type: none"> •ensure secrecy of test questions in advance •maintain test materials in secure locations •ensure students have no access to tests during printing, storage, transportation, and distribution 	<p>Partially.</p> <p>Actions Taken The board requires examinees to present photo identification prior to testing for comparison with file photos to verify identity. The board administers more than one version of each examination to address the concern of test disclosure.</p> <p>Standards Not Addressed The board does not adequately document the procedures used to ensure examination security. Board members who are owners of barbering schools have access to the examinations' contents through the grading process and through the board's office files. The board also does not have procedures for the canceling or rescheduling of examinations upon discovery of a breach in test administration security.</p> <p>Effect Because the board allows barber school owners access to the examinations, the board cannot guarantee that test confidentiality is maintained. As a result, the board cannot assure that all students passing the test have demonstrated they have mastered the skills necessary to be a barber.</p>

Note: Appendix A, page 29, provides detailed explanations of the standards for barber and barber instructor testing.
SOURCE: PEER analysis of the Barber Board's current testing practices in comparison to standard testing practices. The test practices listed above summarize the recommendations for board members developed by the Council on Licensure, Enforcement, and Regulation (CLEAR), which is affiliated with the Council of State Governments.

member of the board shall have the authority to enter and inspect any barber shop or barber school at any time during business hours. Generally, the board's inspection process requires enforcement of the Board of Health's sanitary guidelines for barber shops. (See Appendix D, page 33.)

The board's inspectors are part-time employees, working only one day each week to determine whether shops are in compliance with licensing and sanitary regulations. Unwritten board policy requires the inspectors to inspect the state's approximately 1,300 barber shops twice each year. Inspectors mail completed inspection forms for the previous month to the board's office on a monthly basis.

Although the Board of Barber Examiners complies with state law by having its inspectors inspect barber shops for compliance with licensure and sanitary standards, the board has not established formal policies and procedures to ensure that inspections are conducted on a regular basis and in a uniform manner. The board's lack of inspection policies and procedures has resulted in the following deficiencies.

*The board does not ensure that all barber shops are inspected on a regular basis--*The board allows its inspectors to perform their duties independently within their assigned regions with only limited supervision from the board or board administrator. Although the board has an unwritten policy that each barber shop should be inspected twice each year, the board has no oversight procedures, such as monitoring of the monthly reports submitted by inspectors, to gauge the frequency of such inspections. As a result, the board cannot determine the number of barber shops inspected within a given period or whether its inspectors are performing their duties as expected.

*The board has not developed inspection criteria to ensure that barber shops are inspected consistently--*Board inspectors utilize a one-page form to rate a barber's personal appearance and a shop's work area, including sterilization method; work stand; lavatory; tools; linens; dusters; mugs and brushes; and, chairs. Although inspectors provide a rating of "A" (excellent), "B" (fair), or "C" (bad and must be improved) for each inspection category, the board has not established specific criteria for inspectors to use in measuring a shop's performance in each area inspected--i.e., standards to assist inspectors in knowing when to assign one rating versus another. As a result, inspectors rely on their personal judgment to determine which rating should be assigned to each category. Because the board has not established inspection criteria (and because the board trains its inspectors on-the-job, rather than formally), it is possible for inspectors to rate barber shops differently and inconsistently.

Based on the inspection results for 1996, 1997, and 1998, the board appears to be using its inspection process primarily to determine which barbers or barber shops have not renewed their licenses, rather than to determine compliance with sanitary guidelines. During this period,

inspectors assigned only fourteen “C” ratings to barbers or barber shops for noncompliance with sanitary requirements. Because the board has no standards regarding follow-up inspections, barbers or barber shops could be cited for sanitary or other violations and continue operating without taking any corrective action.

The board has not developed a citation form to issue to barbers or barber shops found to be in noncompliance with state laws or regulations-- State law allows the Board of Barber Examiners to refuse to issue, suspend definitely or indefinitely, or revoke licenses of barbers or instructors for violations of state laws or board regulations. Although the board would take such action as a result of inspections of barber shops, the board has not developed a citation form for notifying barbers or instructors of the board’s punitive action against them. The board discussed creation of a citation form during its July 13, 1997, meeting, but has not developed or implemented the form.

Investigation of Complaints Against Barbers and Barber Shops

- ***The Board of Barber Examiners violates state law by its failure to document the resolution of all complaints and by its failure to adopt rules and regulations for the recording, investigating, and resolution of complaints against barber licensees.***

MISS. CODE ANN. § 73-5-7 (3) states that the Board of Barber Examiners shall adopt rules and regulations establishing a procedure for the processing and investigation of complaints filed with the board. State law requires the board to keep records of all complaints, with such records indicating action taken by the board on the complaints. The Board of Barber Examiners violates these laws because it has not adopted rules and regulations for the recording, investigating, and resolution of complaints against barber licensees, as illustrated below.

- *Recording of complaints--*Although the board uses a form to document information from complainants (primarily received by telephone), the board does not maintain a master record or log of such complaints. The board cannot determine whether complaints are resolved in a timely manner because no central information source documents all complaints with the date received, nature of violation, date investigated, and filing of an investigatory report by an inspector.
- *Investigation of complaints--*The board has not developed methods for the investigation of complaints. Board officials contend that the board’s investigatory methods range from telephoning the licensee involved in the complaint to conducting a formal board hearing. However, the board has not approved policies to dictate which method will be used under certain circumstances.

- *Resolution of complaints*--Because the board does not maintain a complaint log and does not file telephone complaint forms in a central location, the board cannot determine whether all complaints filed against licensees are investigated and resolved. PEER attempted to, but could not, reconcile the board's limited complaint records with the board's minutes for calendar year 1996 to April 1998 to document resolution of complaints. In practice, the board does not routinely review complaints at its board meetings. In fact, none of the complaints documented in the board's files were referred to in the minutes. Also, some minutes contained references to complaints for which there was no documented resolution. Also, one half of the complaints in the board files contained no indication that the complaints had been resolved, even though MISS. CODE ANN. Section 73-5-7 (3) requires board records to "indicate the action taken on the complaints."

For example, the board's January 21, 1996, minutes document that board personnel were to investigate certain complaints against unnamed barbers in Cleveland, Mississippi, who were practicing without licenses. Board files do not contain information regarding this complaint. Neither the board minutes nor files document resolution of this complaint.

Adequacy of the Board of Barber Examiners in Accounting for Board Funds and Developing Management Policies

In order to protect their assets, organizations develop systems of internal control based on generally accepted auditing standards. As part of its control system over state agencies, the Legislature has enacted financial management laws and authorized the Department of Finance and Administration (DFA) to establish policies and procedures for the protection of state agency assets.

Collecting, Accounting for, Depositing, and Safeguarding License Fees

The Board of Barber Examiners has not collected or made timely deposits of license fees in a manner consistent with state law. Also, the board has not accounted for or safeguarded its fee collections in accordance with all state accounting regulations or accepted business practices, thus allowing the board administrator to misappropriate approximately \$2,266 in board funds.

As presented in the following sections, the Board of Barber Examiners failed to adhere to state regulations and generally accepted internal control procedures by not ensuring that the administrator collected the correct licensure fee amounts, properly accounted for and safeguarded board revenues, and deposited cash on a timely basis. As a result, the board fostered an environment of poor internal control which allowed its administrator to misappropriate approximately \$2,266 in Barber Board funds for personal benefit. (Although the administrator took personal responsibility for the unaccounted-for funds, many of the conditions which led to the loss existed at the board office long before the individual was hired as administrator in October 1997.)

*PEER's audit test detected the board administrator's misappropriation of funds--*PEER performed an audit test of the board's accounting records from February to April 1998 to determine whether the board had been making bank deposits on a timely basis. In conducting this test, PEER was unable to locate documentation that certain cash amounts totaling \$771 had been deposited into the board's bank account. The board's accounting records did not show that specific cash receipts had been recorded. After PEER requested the administrator to explain the missing records, she acknowledged to PEER that the receipts were unaccounted for because she had used the money herself rather than properly recording the amounts. As a result of the PEER audit test, the administrator also admitted to the board president that she had misappropriated a total of \$2,266. (Subsequent to these events, the administrator [who is no longer employed by the board] returned \$741 to the State Treasury and has stated that she intends to repay all of the money as she is able.)

Collection of Licensure Fees

Because the board does not bill licensees to collect renewal fees, approximately \$35,000 in renewal fees were uncollected as of April 22, 1998-- As illustrated in Exhibit 3, page 19, state law allows the board to collect licensure fees to support the board's operations. Although the board has a computerized roster of licensed barbers and barber shops, the board does not utilize this information to track license payments and bill licensees for renewal amounts (as is done by other regulatory boards). As of April 22, 1998, board records reflected 3,136 licensed barbers and 1,301 licensed barber shops, for a total of 4,437 licensees. Of that total, renewal payments for 424 barbers and 804 barber shops were delinquent, ranging from six weeks to more than three years, with the value of these unpaid licenses totaling more than \$35,000. (It is possible that some of the delinquent licensees are inactive barbers. However, board records do not contain sufficient information to document each barber's licensure status.) By failing to bill licensees for renewal amounts, the board is depriving itself of much-needed revenue for its operations.

During the period February through April 1998, the board overcharged twenty-four barbers a total of \$915 for renewal of licenses-- According to MISS. CODE ANN. § 73-5-29 and 73-5-33, the Board of Barber Examiners is responsible for charging fees to barbers and barber shops to issue and renew licenses (\$25 for barbers and \$10 per chair for shops). The board is also authorized by the statute to charge penalties for past-due licenses in the amount of \$10 to \$25 for barbers and \$25 to \$70 for shops.

Rather than charging a \$25 one-time penalty renewal fee, as required by MISS. CODE ANN. § 73-5-29, the board charged licensees a penalty renewal fee of \$25 *per year* for each year the license was not renewed. PEER reviewed a sample of payments made during the period February to April 1998 by barbers who had been one year or more past due. Of the thirty delinquent fee payments made during this period, the board administrator calculated and charged twenty-four payments incorrectly, resulting in \$915 of overpayments.

Accounting for Board Revenues

The board's accounting and financial reporting procedures failed to account properly for the board's revenues, as illustrated below.

- The board has not reconciled its checking accounts to its accounting records or reconciled its accounting records to the State Agency Accounting System reports for at least two years, despite the fact that the Department of Audit recommended in a compliance audit report dated May 22, 1995, that the board follow these procedures.

Exhibit 3**Board of Barber Examiners' Fee Schedule as of July 1, 1998**

<i>Barber fees and penalties</i>	<i>Range of Fees</i>
Registered barber license	\$25 per year
Barber license for senior citizen (over 65)	\$20 per year
Barber license for out-of-state barbers	\$100
Investigation of out-of-state barber credentials	\$20
Barber examination*	\$55 per exam
Penalty for restoring an expired barber license 30 to 60 days past due	\$10
Penalty for restoring an expired barber license over 60 days past due	\$25
<i>Barber shop fees and penalties</i>	<i>Range of Fees</i>
Barber shop license, per chair	\$10 per year
Barber shop inspection for new shops or change of shop ownership	\$25
Penalty for restoring an expired shop license over 30 days past due	\$25
Penalty for restoring an expired shop license that is over 2 years past due	\$45
Penalty for a barber shop employing unlicensed personnel	\$150
<i>Other fees and penalties</i>	<i>Range of Fees</i>
Barber college license	\$75 per year
Registered instructor license	\$30 per year
Instructor examination*	\$55 per exam
Duplicate license	\$3 each
Penalty for restoring an expired school license over 30 days past due	\$25
Penalty for restoring an expired school license that is over 2 years past due	\$45

SOURCE: MISS. CODE ANN. Section 73-5-29 et seq.

*Effective July 1, 1998, the barber and barber instructor examination fees increased from \$40 to \$55 per exam.

- With the exception of one report, all budget reports presented at board meetings from May 1996 to January 1998 were mathematically inaccurate. These budget reports were designed to present beginning and ending cash, receipts, and expenditures of the bank and Treasury accounts. Without reconciling the various reports and accounts, the board cannot ensure that its accounting records are mathematically accurate, that the bank's records are accurate, and that all funds are accounted for.

- The board's accounting records were kept in a tear-off ledger pad in pencil. Without recording the manual records in ink and correcting any mistakes with a separate ledger entry, the board cannot ensure that entries have not been improperly tampered with and that the accounts are correct.

- The board does not maintain its copies of licenses in an orderly manner, which reduces its ability to protect license forms from being sold or otherwise improperly used. For instance, carbon copies of issued licenses and voided licenses were not filed together in numerical order to account for their whereabouts. Also, the board did not maintain blank license forms, the board seal, and signature stamps in a secure location. Unauthorized access to these items could result in license forms being stolen and sold to individuals who might practice barbering without board oversight.

Timely Deposit of Board Funds

*The board's failure to deposit cash daily to the Treasury violated CODE Section 7-9-21--*PEER's review of board records showed that the board has not deposited its funds to the State Treasury in the manner required by MISS. CODE ANN. Section 7-9-21. Prior to March 23, 1998, the state law required state officials to deposit public funds into the State Treasury on a daily basis, unless they collected or received less than \$1,000 in any given week. Because the board collected an average of \$1,500 per week, the board should have deposited its funds into the State Treasury daily according to the statutes. However, the February 1998 to April 1998 accounting records showed that the board had written only one check to the State Treasury during those three months (signed by two board members) in the amount of \$11,000 on March 11, 1998. The board had waited forty-seven days to deposit those funds to the State Treasury subsequent to its \$7,092 deposit on January 23. (Effective on March 23, 1998, amendments to the section required that agencies deposit their funds to the State Treasury "by the end of the next business day following the day that such funds are collected," unless DFA and the State Treasurer approve an alternative method. Therefore, the board continued to be out of compliance subsequent to March 23, 1998.)

*The board made cash deposits to the its bank account on an average of every ten days, resulting in lost interest--*CODE Section 7-9-12 allows state agencies to deposit collections into bank accounts approved by the Department of Finance and Administration (DFA) for purposes such as clearing accounts. The board maintains a private bank account approved by DFA which is used to collect license fees and penalties from barbers and barber shops. PEER found that from November 1997 to April 1998, the board deposited its cash, checks, and money orders to its bank account on average every ten days after they were recorded in the accounting records. (Because the board's records showing the actual date of each cash receipt were largely incomplete, PEER cannot determine the actual average number of days between date of receipt and date of deposit, which probably exceeds the average ten days from date of recording through date of deposit.)

The average deposits to the bank during that period were \$3,184. As a result of the lag time between date of receipt and date of deposit of Barber Board funds, the board earned substantially less in interest on its funds than would have occurred otherwise. Also, keeping large amounts of cash in the office in an unlocked file drawer poses a large risk of loss or theft. According to DFA's *Mississippi Agency Accounting Policies and Procedures (MAAPP)* manual, Section 30.40.20 K, the board should deposit cash and checks to the bank on a daily basis.

Safeguarding of Board Assets

*The board's lack of separation of accounting duties among personnel jeopardizes the board's internal control over cash--*As recommended in the *Mississippi Agency Accounting Policies and Procedures (MAAPP)* manual, Section 30.40.20 A, separation of accounting duties among an organization's personnel helps to assure that assets will be protected and not stolen or lost by agency personnel. For instance, an individual who receives the cash in the mail and records the receipt in the cash receipts log should not be the person who deposits the money in the bank and also should not record these cash amounts in the accounting records. Separating these duties serves as a "check and balance," or safeguard over handling of funds. Although these duties should be performed by three different people, at the Barber Board the duties were all performed by the same person, because the board employed only one staff person to run the office.

In cases where small agencies do not employ many people, full separation of duties cannot always be maintained. However, the board appeared to have made little attempt to assist the single board employee with separation of duties as it related to handling cash. For instance, according to the MAAPP manual, Section 30.40.65 K, reconciling bank accounts to accounting records is a duty which should be performed by someone other than individuals who receive and disburse cash. However,

the board members did not balance the checking account themselves or see that anyone performed this important function.

Policies and Procedures

The board has not established needed management policies and procedures to assist it in regulating the barbering profession.

Boards and those with decision-making responsibility should establish a policymaking and planning process to ensure proper oversight of agency programs. An adequate policymaking and planning process would include the development of policies and procedures for oversight of the agency which would ensure that programs are administered consistently and according to board and legislative intent. However, the Board of Barber Examiners has not established needed management policies and practices to assist it in regulating the barbering profession.

The board does not have a written policy manual--Although the board has occasionally approved operating policies which are recorded in its minutes, the board does not keep track of those policies in a comprehensive manner, such as in a policy manual. As a result, the board has no ongoing record of its decisions and no way to ensure that its decisions are consistent with each other and with the board's statutory intent. The board could easily apply different requirements to various barbers, which could result in unfair treatment. For instance, in August 1997 the board allowed a barber who had not practiced for five years to retake only the practical portion of the barber examination in order to regain his license, even though the board's stated procedures for restoration of a license in that situation would be to also require the barber to retake the law section of the examination.

The board's sanitary regulations may not address current public health concerns--Sanitary regulations of the Board of Barber Examiners are based on guidelines promulgated by the Board of Health in 1957 (see Appendix D, page 33). Although health concerns in Mississippi and throughout the nation have changed significantly within the past forty-one years, the board has not requested the Board of Health to update its sanitary regulations for barber shops.

Some of the Barber Board's regulations contradict provisions of state law--The board distributes a book to barbers in the state entitled *Mississippi Laws Governing the Profession of Barbering--Effective July 1, 1995*, which includes state law provisions and board regulations related to the profession of barbering. The book also includes information regarding barber school operation, barber shop operating requirements, license fees, and other selected policies. Although barbers must rely on this document to inform them of requirements for their practice, the document is outdated and contradictory in some cases. For example, the book states that students

entering a barber school must submit proof of at least an eighth-grade education to the board, which conflicts with the requirement in CODE Section 73-5-11 that requires barber students to have a high school education or equivalent. The student application form also requires proof of only an eighth-grade education and conflicts with the statute. Also, the book includes barber instructor training requirements which conflict with state law and with other requirements in the regulations. The book states that a barber instructor must receive 1500 hours of barber training and either pass the instructor examination (which includes a prerequisite of 600 hours of instructor training) or possess two years of experience as a barber. However, Section 73-5-8 requires that all instructors possess two years of experience unless the individual has completed 500 hours of instructor training immediately subsequent to receiving the 1500 hours of barber training.

*The board has not established a policy which addresses collecting data for use in agency management and planning--*The board has no policy requiring compilation of statistics to determine growth trends of the state's barber profession, including the numbers of barbers, shops, and students. As a result, the board cannot plan for future needs of barber regulation or properly budget its resources. The board does not gather data on numbers of barber shop inspections and violations. The board should use such information to hold inspectors accountable for their workloads and to determine problem areas in the inspection process.

Conclusion

The Legislature has entrusted the Board of Barber Examiners with the responsibility of regulating the profession of barbering, which includes ensuring that licensees have met statutory qualifications, licenses are issued and renewed, and complaints are resolved. The Legislature also entrusted the board with the responsibility given to all state agencies, to properly account for and safeguard its funds and generally provide services in a well-managed manner.

Although the Board of Barber Examiners has established examination and inspection processes to accomplish its mission--to protect the public in their efforts to obtain hair care services--such processes have not resulted in adequate regulation of Mississippi's barbering profession. Also, the board has not adhered to state law and generally accepted internal control procedures because it has not ensured that its administrator collected the correct licensure fee amounts, properly accounted for and safeguarded board revenues, and deposited cash on a timely basis.

Recommendations

Legislative Recommendations

1. The Legislature should amend MISS. CODE ANN. § 73-5-1 to revise the method of appointment of the five members to the Board of Barber Examiners. The Governor should appoint three barber members, one appointed from each of the three Supreme Court Districts in the state, and two at-large board members.

One of the at-large board members should be a barber or barber instructor. The second at-large board member should be a consumer representative with financial management experience who is not a licensed barber or barber instructor or affiliated with the barbering business.

The section should prohibit the appointment of more than one board member who is an owner of or connected in any way with a barbering school. The section should also prohibit any school-affiliated board member from being involved in the development or grading of exams.

2. The Legislature should review the penalty provisions of MISS. CODE ANN. Section 73-5-29 which establish both a \$10 per year penalty for barbers who have not paid their annual dues and a \$25 flat arrearage fee for barbers who are more than ninety days late in paying their dues. In reviewing this provision, the Legislature should consider whether it desires to have two penalties for the same violation (non-payment of dues) or whether it would prefer a single penalty imposed either annually or in a lump sum.
3. The Legislature should amend MISS. CODE ANN. Section 73-5-17 by deleting the requirement that the board administer written, practical, and oral examinations to applicants. State law should require the board to administer examinations that measure job competency and are in compliance with professional testing standards such as those advocated by the Council on Licensure, Enforcement, and Regulation (CLEAR).

See Appendix E, page 36, for draft legislation incorporating these recommendations.

Administrative Recommendations

Examination and Licensure

4. The Board of Barber Examiners should ensure that each individual meets all statutory and regulatory requirements prior to receiving a

barber license. Through use of an official checklist, the board should ensure that individuals do not sit for board examinations unless documentation of fulfillment of statutory requirements is on file, such as copies of high school diplomas, notarized barber certifications that they have fulfilled requirements, and documentation of standard barber training verification.

5. Should the Board of Barber Examiners elect to use the services of a standardized testing agency to develop examinations, the board should conduct a competitive bidding process to determine the lowest and best bid for testing services and require testing agencies to submit proposals which document that they have complied with CLEAR's professional testing standards.

Inspection and Investigation

6. The Board of Barber Examiners should request Board of Health officials to review and update the Board of Health sanitation regulations; review its policy position regarding inspections; officially adopt detailed inspection standards which describe the sanitation conditions that merit certain inspection ratings; conduct on-site training to ensure that inspectors consistently rate barber shops using the board-approved standards; review inspection status reports during its regular meetings; and develop a citation form for inspectors' use which outlines fines issued.
7. The Board of Barber Examiners should develop regulations and maintain records for the processing, investigation, and resolution of complaints filed with the board, as required by MISS. CODE ANN. Section 73-5-7 (3). To ensure that all complaints have been resolved, the board should maintain a complaint log (which lists the date and nature of each complaint, the date investigated, type of follow-up needed, and the method and date of final resolution); review the status of complaints at board meetings; and maintain complaint records in a central location at the board offices.

Collecting, Safeguarding, Depositing, and Accounting for Funds

8. The board should request assistance from the Department of Finance and Administration (DFA) in establishing accounting and cash control functions, as provided for in CODE Section 27-104-3 (a) and (b). The Executive Director of the PEER Committee staff should refer a copy of this report to the DFA Executive Director.
9. The board should follow the regulations for internal control of cash receipts as outlined in Sections 30.40.20, 31.20.20, and 31.20.21 of the

Mississippi Agency Accounting Policies and Procedures Manual, including timely depositing of funds; holding cash in secure areas; and maintaining a division of labor between personnel who receive, deposit, and account for cash. The board's staff should maintain accounting records in ink or in computer format and should present a routine, mathematically accurate budget report for approval at regular board meetings.

The board should also reconcile its bank statements to board accounting records on a monthly basis to eliminate errors and detect irregularities, assigning the duties to an official who is not involved in receiving or disbursing cash, and reconcile board accounting records to State Agency Accounting System reports on a monthly basis.

10. The board should deposit its funds into the Treasury by the second day after receipt as outlined in MISS. CODE ANN. Section 7-9-21.
11. The board should properly enforce statutory penalties for past due license fees by:
 - charging a one-time \$25 penalty for barber licenses past due over sixty days rather than a penalty of \$25 per year;
 - reviewing with its legal representative the statutes regarding the levying of fees and penalties and devise an easily readable schedule of fees for dissemination to board staff and licensees; and,
 - refunding amounts to barbers which were charged in error after July 1, 1997 (the effective date of statutory fee increases).
12. The Department of Audit should conduct a financial audit of the Board of Barber Examiners to determine that all funds have been accounted for.

Management of the Licensing Process

13. To control the licensing function properly, the Board of Barber Examiners should:
 - ensure that license forms are properly accounted for and safeguarded from theft and misuse (e.g., by keeping unused forms and stamps in a locked area, filing the carbon copies of issued licenses and voided license forms together in numerical order, marking each of the discarded license forms with the word "void," and requiring someone other than the person responsible for issuing licenses to review the filed license records on a regular basis to verify they are properly accounted for);

- using existing resources, develop a computerized license recordkeeping system to bill barbers for license fees due, issue timely past due notices, compute past due amounts, and maintain a complete account for each barber (e.g., payments received and amounts due for each barber by year);
- maintain an accurate list of active and inactive barbers, including contact information (e.g., telephone number, place of employment);
- develop an updated barber handbook, organized by topic, which includes board policies, relevant statutes, and regulations; and,
- maintain annual statistics on barber licensing, such as numbers of licenses by category, number of inspections per year, numbers of inspection violations by category, number of barber students, and number of complaints handled and resolved.

Board Policies

14. The Board of Barber Examiners should develop a policy manual which includes approved board policies and procedures for all programs, including those listed in the following recommendations. The manual should include the date on which each policy was approved by the board. As policies are updated, board staff should replace the outdated portions of the manual with new policies and dates of implementation. (The board should also maintain a separate file of outdated policies dating back three years, to keep track of the policies which governed past board decisions.)

Appendix A

Standard Testing Practices in the Recommendations of the Council on Licensure, Enforcement, and Regulation (CLEAR)

Test Development	<p>1. <u>Job analysis</u> involves researching the knowledge and skills needed for overall job competence. State laws and regulations related to the specified job, such as the scope of practice, are considered in the test design to ensure that the findings are consistent with law.</p>
	<p>2. <u>Test specifications</u> are commonly known as the blueprint for the examination. A table of specifications contains an outline of the content, the number of questions, and type of questions for the examination. Documentation should exist to show how the job analysis led to the test specifications.</p>
	<p>3. Developing Objectively Scored Examinations- (A) The process of <u>question development</u> involves identifying experts in the specified job, training them in test development, and evaluating their work to create well-written test items. (B) <u>Assembling an examination form</u> involves selecting and reviewing test items as a set. It is important to ensure that the selected items selected do not contain clues to answering other questions on the examination. (C) <u>Standard setting</u> refers to the process of determining a minimum passing score. The process is standardized and documented to ensure the set score reflects minimally acceptable job competence and is legally defensible. (D) <u>Timing the examination</u> refers to setting a time limit for examinees to complete the testing process. The limit should be consistent with any job analysis findings and should ensure that a minimum of 95% of the examinees complete the examination. (E) If an outside agency is used to <u>print and distribute</u> the examinations, the security policies of these agencies must be reviewed and documented.</p>
	<p>4. <u>Developing oral, practical, and essay examinations</u> should be done only if the job analysis indicates that the skills and abilities cannot be assessed through multiple-choice examinations. The administration and scoring of the oral, practical, and essay examinations are designed and standardized to ensure that evaluated behaviors can be clearly elicited and objectively evaluated.</p>
Test Administration	<p>1. Prior to testing, a <u>candidate bulletin</u> is distributed to the examinees to explain testing procedures (e.g., location, materials needed) and the specific content to be covered in each subject area tested.</p>
	<p>2. Candidates taking the examination who have qualifying disabilities under the 1990 Americans with Disabilities Act must be <u>appropriately accommodated</u> when they sit for the examination.</p>
	<p>3. An <u>Administration Manual</u> provides procedural information to test proctors for the test administration.</p>
Statistical Analysis & Research	<p>1. Question Analysis-A. Item <u>difficulty</u> refers to the number of examinees who correctly answered a test question. B. Item <u>discrimination</u> refers to the extent to which a test question is correctly answered by high-scoring candidates and incorrectly by low-scoring candidates.</p>

	<p>2. Test Analysis- A. The <u>mean score</u> is the arithmetic average of the test scores. Changes in the mean may indicate a variance in the testing procedures or in the examinees' capability. B. <u>Score standard deviation</u> is a measure of the dispersion of the examination scores. If candidate scores range from very high to very low, the standard deviation will be high. If the candidate scores are all clumped near the mean score, the standard deviation will be low. C. <u>Test reliability</u> refers to the level of consistency associated with a given candidate's test scores. The indices range from 0 to 1.0. Higher reliability indices are interpreted to mean that we can have a great degree of confidence in the accuracy of each candidate's score. D. <u>Standard Error of Measurement (SEM)</u> describes the variability of the test scores due to imprecision associated with the examinations. The test developer would want the SEM to as low as possible. E. <u>Score frequency distributions</u> show the number of examinees that achieved each score. The distributions allow the test developer to view any changes in achievement from group to group.</p> <p>3. <u>Test Equating</u> is a process of ensuring that the reported scores from all test forms have the same meaning. Test equating accounts for differences in the difficulty of alternative test forms.</p>
Scoring & Reporting	<p>1. Standardized <u>score scales</u> are used to report the results of examinations that are equated. The use of score scales helps to assure that the same reported scores have the same meaning and interpretation from form to form.</p> <p>2. <u>Reporting</u> the results of testing to failing examinees is required. It is a standard practice to provide failing candidates with a diagnostic breakdown of their strengths and weaknesses.</p>
Examination Security	<p>1. Experts that participate in the <u>writing and review</u> process should sign a contract that obligates them to maintain the confidentiality of the examination questions to which they have access.</p> <p>2. The <u>Question pool</u>, potential test items, should be maintained in a database which is secure and to which access is permitted only with appropriate access and password recognition. Files should be given coded file names to obscure the file contents. Ideally, the data files should be encrypted.</p> <p>3. Documentation should be created and maintained related to the storage and disposal of <u>materials</u> used during the testing process.</p> <p>4. The agency selected for <u>book printing</u> should provide documentation of its security measures. Examination booklets should be uniquely numbered to provide a means of accounting for all booklets at all times.</p> <p>5. <u>Secure storage</u> should be provided for the materials sent to the examination proctors.</p> <p>6. Examination materials should be <u>transported</u> only by traceable carrier such as Federal Express. The U. S. Mail is considered untraceable.</p> <p>7. Planning for the <u>examination administration</u> should include responses to potential security problems.</p>

Note: The professional testing practices are in compliance with the Standards for Educational and Psychological Testing developed by the American Psychological Association, American Educational Research Association, and the National Council on Measurement in Education.

SOURCE: PEER staff review of the *Development, Administration, Scoring and Reporting of Credentialing Examinations: Recommendations for Board Members* by the Council on Licensure, Enforcement, and Regulation (CLEAR) and related information provided by Dr. Lee Schroeder, President of Schroeder Measurement Technologies.

Appendix B

List of Selected Membership of the Council on Licensure, Enforcement, and Regulation (CLEAR)

Agency	State
Division of Occupational Licensing	Alaska
State Board of Cosmetology	Arizona
Department of Regulatory Agencies	Colorado
Occupational & Professional Licensing Administration	District of Columbia
National Skill Standards Board	District of Columbia
National Organization for Competency Assurance	District of Columbia
National Assessment Institute Block & Association	Florida
State Examining Board	Georgia
Board of Medical Licensure	Kentucky
Continental Testing Services, Inc.	Illinois
Department of Professional Regulation	Illinois
Bureau of Occupational Licenses	Indiana
American College Testing	Iowa
Office of Licensing & Registration	Maine
Department of Labor, Licensing & Regulation	Maryland
Department of Health	Minnesota
Board of Examiners for Licensed Professional Counselors	Mississippi
Board of Nursing	Mississippi
Board of Public Accountancy	Mississippi
Board of Contractors	Mississippi
Bureau of Plant Industry	Mississippi
Division of Professional Registration	Missouri
Professional & Occupational Licensing Bureau	Montana
Bureau of Credentialing	New Hampshire
Board of Barbering	New Hampshire
Educational Testing Service	New Jersey
Department of Health	New Mexico
Education Department/Office of Professions	New York
State Board of Cosmetology	Ohio
Bureau of Professional & Occupational Affairs	Pennsylvania
Dept. of Labor Licensing & Regulation	South Carolina
Department of Health	Tennessee
Department of Licensing and Regulation	Texas
Division of Occupational & Professional Licensing	Utah
Department of Professional and Occupational Regulation	Virginia
Department of Health Professions	Virginia
Department of Licensing	Washington
Department of Registration & Licensing	Wisconsin

Note: This list represents less than one-tenth of CLEAR's 1998 total membership.
Bold type represents Mississippi and barber/cosmetology memberships.

SOURCE: Council on Licensure, Enforcement, and Regulation

Appendix C

Use of National Barber Testing Services		
	National Assessment Institute	National- Interstate Council
Alaska		X
Delaware		X
District of Columbia		X
Georgia	X	
Hawaii	X	
Idaho		X
Illinois		X
Indiana		X
Iowa	X	
Kansas	X	
Maine		X
Maryland		X
Massachusetts	X	
Missouri		X
Montana		X
Nebraska		X
Nevada	X	
New Hampshire		X
North Carolina	X	
Oklahoma	X	
Rhode Island		X
South Carolina		X
South Dakota		X
Tennessee	X	
Utah	X	
Virgin Islands	X	
Virginia	X	
West Virginia		X

Note: Listings reflect a commercial testing service to develop barber licensing exams.

SOURCE: National Assessment Institute, Inc. and the National-Interstate Council of State Boards of Cosmetology, Inc.

Appendix D

MISSISSIPPI STATE BOARD OF HEALTH

SANITARY REGULATIONS

GOVERNING BARBERING, BARBER SHOPS AND BARBER SCHOOLS

It is hereby ordered that the Sanitary Regulations Governing Barbering, Barber Shops, Barber Colleges and Beauty Parlors, adopted by the Mississippi State Board of Health on July 15, 1930, amended May 13, 1931, and August 13, 1934, be repealed and the following regulation be adopted:

1. All barber shops and barber schools shall be open for inspection during business hours to official representatives of the State Board of Health.

2. All barber shops and barber schools must be supplied with adequate running hot and cold water, under pressure, from an approved supply. All barber shops and barber schools located on streets or alleys where a public sanitary sewer system is available shall have a sewer connection to such sewer system into which all liquid waste shall be disposed. Where a public sanitary sewer system is not available, all liquid waste shall be disposed of in a manner approved by the Health Officer.

3. All barber shops, barber schools and all furnishings, equipment, tools, floors, walls and ceilings shall be kept clean and in good repair at all times. Hair must be promptly swept from the floor and put in a closed container or taken from the room. Soiled lather paper and soiled towels shall be kept in separate receptacles. The head-rest of each chair must be covered with clean paper only and this paper, once used, must be discarded. A clean towel or a fresh strip of paper must be placed around each patron's neck so that the hair cloth does not come in contact with the skin. Such material once used shall be discarded. Spitting on the floor is prohibited. If cuspidors are used, they must be thoroughly cleaned at least once daily and a small amount of water, preferably some good disinfectant solution, must be kept in them at all times. All barber shops and barber schools shall be well lighted and ventilated.

4. In each barber shop or barber school, there shall be provided receptacles for soiled towels. Each barber shall, immediately after the completion of the service to a customer, place the towel or towels used on each customer in such receptacle and no towel shall be withdrawn from such receptacles and used on any customer until the towel has been properly laundered. No soiled towels shall be left on the lavatory, barber chair or back bar.

5. One of the following approved methods of disinfecting must be available for use at all times:

- (a) Immersion in boiling water or steam for at least five minutes.
- (b) Immersion for at least five minutes in bathing or grain alcohol (70%).

Appendix D, continued

- (c) Immersion for ten minutes in 1 percent solution Liquor Cresolis Compound.
- (d) Immersion for one minute in hexylresorcinol (S. T. 37).
- (e) Immersion for one minute in Metaphen (1 to 1000).
- (f) Immersion for one minute in Mercuric Cyanide (1 to 5000).
- (g) Immersion for one minute in solution Merthiolate (1 to 1000).
- (h) Immersion for one minute in 1 per cent solution Beniodide of Mercury.
- (i) Immersion for two minutes in Chlorine solution containing 200 parts per million of Chlorine.

Ultra violet ray cabinets may be used but will not be accepted as approved disinfecting devices.

All disinfected instruments and brushes when not in use shall be kept in a clean cabinet which is used for these articles only.

6. For lathering, a good mechanical latherizer or hand-applied shaving cream is recommended. If shaving brushes are used, they must be thoroughly cleaned after each usage.

7. Any styptic, caustic or other local medication used in stopping the flow of blood or for any other purpose must be used in powder or liquid form and should be applied with a portion of a clean towel or face cloth. Use of alum, pencils or any styptic in solid form is prohibited.

8. No barber, barber apprentice, barber student, cashier, bootblack, manicurist or any person having gonorrhoea, syphilis, tuberculosis, trench mouth, barber's itch, ringworm or any other communicable disease, or who has been recently exposed to a quarantinable disease, shall be permitted to practice barbering or perform any other labor or duties in any barber shop or barber school. To satisfy this section each barber, barber apprentice, barber student, cashier, bootblack and manicurist shall be required to submit satisfactory evidence of freedom from any communicable disease as often as may be deemed necessary by the State Health Officer. A patron having a suspicious eruption or other sign of any communicable disease shall not be served.

9. There shall be no direct connection between a sleeping room and a barber shop.

10. It shall be the duty of the head barber or manager of each barber shop or barber school to make certain that all employees know and observe these regulations.

This is to certify that the above Sanitary Regulations Governing Barbering, Barber Shops, and Barber Schools were adopted by the Mississippi State Board of Health on December 2, 1957, to be in force and effect upon passage.

Felix J. Underwood, M.D.
Secretary and Executive Officer

Appendix D, continued

MISSISSIPPI STATE DEPARTMENT OF HEALTH

1.0 Policy Governing Barber Shops

1.1 Purpose:

The purpose of this policy is to interpret the manner in which the Regulation Governing Barbering, Barber Shops, and Barber Schools shall be applied.

1.2 Authority

Section 73-5-7, MS Code of 1972, Annotated, states "--- The board of barber examiners shall adopt the regulations of the state board of health governing sanitation of barber shops and barber schools---. ---Any member of said board of barber examiners shall have the authority to enter upon and inspect any barber shop or barber school--- and shall report to the state board of health any instances of violations of the sanitary regulations for action of the state board of health.---"

- 1.3 MSDH Sanitarians should not inspect or be involved in any routine aspect of barber shops or barber schools. In the event that a member of the board of barber examiners reports a violation to the county health department, the matter should be referred to the Sanitation District Supervisor for disposition. Both the MSDH Office of Epidemiology and the Division of Sanitation may be consulted for assistance.

Appendix E

Proposed Legislation Concerning the Board of Barber Examiners

Mississippi Legislature

Regular Session, 1999

BY:

BILL

AN ACT TO AMEND SECTION 73-5-1, MISSISSIPPI CODE OF 1972, TO REQUIRE THE APPOINTMENT OF BARBER BOARD MEMBERS BY SUPREME COURT DISTRICTS AND FROM THE STATE AT LARGE; TO REQUIRE THAT AT LEAST ONE MEMBER OF THE BOARD BE A CONSUMER REPRESENTATIVE WITH FINANCIAL MANAGEMENT EXPERIENCE OR A CERTIFIED PUBLIC ACCOUNTANT; TO REQUIRE THAT THE BOARD HAVE NO MORE THAN ONE MEMBER WHO IS AFFILIATED WITH A BARBERING COLLEGE; TO AMEND SECTION 73-5-17, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT BARBERING TESTS BE BASED ON STANDARDS OF THE COUNCIL ON LICENSURE, ENFORCEMENT, AND REGULATION, AFFILIATED WITH THE COUNCIL OF STATE GOVERNMENTS; TO REQUIRE THAT NO PERSON INTERESTED IN A BARBERING COLLEGE BE INVOLVED IN THE GRADING OF EXAMINATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

Section 1. Section 73-5-1, Mississippi Code of 1972, is amended as follows:

~~§ 73-5-1. Board of barber examiners.~~
The State Board of Barber Examiners is hereby continued and reconstituted as follows: The Board of Barber Examiners shall consist of five (5) members, to be appointed by the Governor, with the advice and consent of the Senate, one (1) member to be appointed from each of the congressional districts as existing on January 1, 1991. Each member shall be a practical barber and a qualified elector of this state. He shall have been engaged in the practice of barbering in the State of Mississippi for at least five (5) years immediately prior to the time of his appointment and shall be a person of good moral character. From and after July 1, 1983, the appointments to the board shall be made in the manner hereinafter provided, and the present members of the State Board of Barber Examiners whose terms have not expired by July 1, 1983, shall continue to serve until their successors shall have been appointed and qualified. The Governor shall appoint, with the advice and consent of the Senate, five (5) members from the congressional districts as follows: The member from the First Congressional District shall be appointed for a term of two (2) years to commence on July 1, 1983; the member from the Second Congressional District shall be appointed for a term of four (4) years to commence on July 1, 1984; the member from the Third Congressional District shall be appointed for a term of two (2) years to commence on July 1, 1983; the member from the Fourth Congressional District shall be appointed for a term of four (4) years to commence on July 1, 1984; and the member from the Fifth Congressional District shall be appointed for a term of one (1) year to commence on July 1, 1983.

~~Upon the expiration of the foregoing terms, all members of the board shall be appointed by the Governor, with the advice and consent of the Senate, for terms of four (4) years each from the expiration date of the previous term, until their successors shall have been appointed and qualified. No member of the board shall hold any elected office. Appointments made to fill a vacancy of a term shall be made by the Governor within sixty (60) days after the vacancy occurs.~~

~~The Governor may remove any one or more members of said board for just cause. Members appointed to fill vacancies caused by death, resignation or removal of any member or members shall serve only for the unexpired term of their predecessors. Any member who shall not attend two (2) consecutive meetings of the board for reasons other than illness of such member shall be subject to removal by the Governor. The president of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.~~

SOURCES: Reenacted without change, Laws, 1997, ch. 511, § 1, eff from and after June 30, 1997.

(1) The State Board of Barber Examiners is hereby continued and reconstituted as follows. The Board shall consist of a total of five (5) members with three (3) barber members, one appointed from each of the three Supreme Court Districts. None of the three barber members shall be owners or in any way associated with a barbering school. One (1) member shall be a barber or a barber instructor and shall be appointed from the state at-large, and one (1) consumer representative shall be appointed from the state at-large. All barber members shall be engaged in the practice of barbering for five years prior to appointment to the Board. A barber instructor shall be currently active as a barbering instructor, and shall have been actively engaged in the practice of barbering or instructing at a barbering school for at least five years prior to appointment to the board. The consumer representative shall be a person with financial management experience or a certified public accountant. A person with financial management experience shall be a person who has experience in overseeing the accounting or financial functions of a business, public agency, or not-for-profit entity. No consumer representative shall have any interest in, or involvement with, any barbershop or barbering school. All appointments shall be made by the Governor with the advice and consent of the Senate. All members shall be qualified electors of the state and of good moral character.

(2) The initial term of the member from the First Supreme Court District shall be for one (1) year; the initial term for the member from the Second Supreme Court District shall be for two (2) years, and the initial term for the member from the Third Supreme Court District shall be for three (3) years. The initial terms for both at-large appointees shall be for four (4) years. Following the initial terms, the terms of all members shall be for four (4) years. The Governor shall have the authority to appoint members to succeed board members who vacate their positions. Vacancies shall be filled in accordance with Section 7-1-35.

(3) Any member who fails to attend more than two (2) consecutive meetings of the board shall be deemed to have vacated his office and be subject to replacement by the Governor. The president of the board shall report to the Governor all instances where a member has been absent for two meetings. No more than one (1) member shall be an owner, employee, or otherwise involved in the operation, management, or ownership of a barbering school.

(4) All members serving as of June 30, 1999, shall be eligible for re-appointment to the board provided that they meet the statutory requirements of this section.

Section 2. Section 73-5-17, Mississippi Code of 1972, is amended as follows:

~~§ 73-5-17. Examinations.~~

The Board of Barber Examiners shall conduct examinations of applicants for certificates of registration to practice as registered barbers not less than three (3) times a year, which examination shall be had in some town or city selected by the examining board. Examinations of applicants for certificates of registration as barber instructors shall be conducted at a time and place selected by the examining board.

~~The examination of applicants for certificates of registration as registered barbers shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually practiced in a duly licensed shop of Mississippi under the direct and personal supervision of a registered barber. The examination of applicants for certificates of registration as barber instructors shall include such subjects as the board deems necessary to determine the applicant's fitness to practice as a barber instructor.~~

SOURCES: Reenacted without change, Laws, 1997, ch. 511, § 10, eff from and after June 30, 1997.

The Board shall administer a barber examination or examinations for barber and barber instructor candidates which measure the professional competency of such candidates. These examinations shall be in compliance with the professional testing standards developed by the Council on Licensure, Enforcement, and Regulation, affiliated with the Council of State Governments. No member of the Board who is involved in the ownership, management, or operation of a barbering school shall participate in the development or grading of barbering examinations.

Section 3. This act shall take effect and be in force from and after July 1, 1999.

Agency Response

KIRK FORDICE
Governor
RONNIE MUSGROVE
Lieutenant Governor

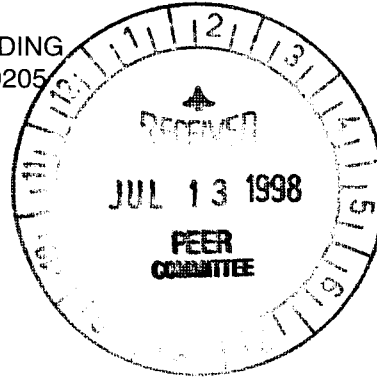


BOARD MEMBERS
STANLEY McKEE
President
ROBERT RAYBOURN
Vice President
CLINTON BROCK
Executive Secretary
JACQUELINE C. SULLIVAN
OSWALD JONES

State of Mississippi BOARD OF BARBER EXAMINERS

P.O. BOX 603
510 GEORGE STREET
ROOM 234 - DICKSON BUILDING
JACKSON, MISSISSIPPI 39205

PHONE 359-1015



July 12, 1998

Peer Committee
222 N. President St.
Jackson, MS 39201

RE: State Board of Barber Examiners response to Peer Committee evaluation

Attention: Katherine Frith

Introduction

In response to the findings and recommendations of the Peer Committee and Citizen complaints of the State Board of Barber Examiners, the following responses are provided.

Overview

The Board of Barber Examiners was created by the Mississippi Legislature to regulate the Barbering profession in this State. The Board has the authority to regulate the State's Barbering profession.

The present Board consisting of five members appointed by the Governor, has and will continue to oversee and enforce all rules and regulations governing the Barbering profession. However, the Board cannot do this alone, it must have the continued support of the Governor, Legislators, and fellow Barbers in order to effectively maintain pre-established rules and regulations.

In the area of examination and licensure the Board does verify the completeness and accuracy of Educational and Training information submitted by applicants. The Board requires all schools to submit an application of enrollment on all students at that school. This application along with two pictures attached to it, is housed in the State Board office. Each Barber school is required to submit a Monthly Progress Report for each student enrolled indicating his/her clock hours

accumulated and the progress made for that particular month. Upon completion of 1500 clock hours the school is required to submit an application for examination along with the students final progress report indicating he/she has completed 1500 clock hours. The Office Assistant makes a thorough check of the applicants folder to make sure all necessary documents are contained within the students file. If a monthly report form is missing, the school is notified and requested to submit the missing form. A student with an incomplete file is not allowed to be examined. Although this has been a requirement of the Board, certain schools have not complied.

With regard to Testing procedures, the Board has agreed to go to National Testing which will hopefully eliminate the problem of the Board being blamed for students failing the exam.

In response to inspection and investigation, the Board ensures that Inspectors are allowed to work only 40 hours per month. The Board office mails each Inspector a schedule of duties he needs to perform on a weekly basis. Upon completion of his assigned duties a report is mailed into the office or the Inspector brings in the report. This information is housed in the office and maintained in the Inspectors folder. Any complaints received were investigated to determine whether they were legitimate or not. The Board is notified of the Inspectors findings and efforts are made to resolve complaints in a timely manner. All other complaints are handled by phone. The Board does, however, recommend that each formal complaint be handled in written form, signed and dated by the complainer.

The Board of Barber Examiners has adequately accounted for Board funds. The Board does currently have policies and procedures for managing the Boards affairs. Bank deposits are made daily or every other day from the office. The months of June, July and August are extremely busy due to the fact that licenses are being renewed and issued. The Board has agreed to stop accepting cash. Personal Checks, Cashier's Checks and Money Orders will be accepted only. Barbers paying for license renewal by personal check will be required to wait 30 days for check clearance before a license is issued.

The Board's newly hired Administrator was highly recommended by the Personal Board. The former employee did an excellent job as Office Administrator and had only been employed 6 months before it was discovered that funds were being embezzled from the Board office. As a result of the Peer Committee investigation in June 1998, the Board was notified of theses missing funds however, the Board would have made the discovery in July 1998 as a result of books being audited and the new Budget being prepared. The office has three ways to maintain information on fees collected daily:

1. A folder is maintained for each month consisting of all copies of licenses that have been mailed or brought into the office for renewal. A duplicate of the new license is attached to the old license and placed in this folder.
2. The applicant is listed in the computer by their name, address, social security number, date and amount of fees paid.
3. All applicants are listed in the ledger with the amount he/she paid and the type of license purchased. Upon completion of the listing in the ledger, the deposit slip and ledger should match.

Response To Recommendations

1. The Barber Board has highly recommended members, two of which are connected with Barbering schools. One newly appointed Board member is an Instructor at Hinds Community College, Utica Campus and the other is a School Owner. Each member has agreed not to test his/her students. This has been a policy of the Board and will continue to be enforced. It is the opinion of the Board that being connected to a school is not a problem especially in terms of Testing and Grading because any failure must have the signature of three Board members. Having members on the Board that are connected with schools is more of an asset because of the amount of input given directly from a first handed knowledge relating directly from the relationship of dealing with students. In addition, each Board member possesses other job related experiences such as Business Management and Computer skills. The Board feels that all members should be related to the field of Barbering in order to Test students accurately and Grade them more effiently. A non-qualified person is limited in his ability and knowledge to accurately grade student performance on hair cutting, hair coloring, perming, styling, chemistry or the laws of the profession as well as sanitation and sterilization requirements.
2. Board in favor of review.
3. Practical or oral examinations cannot be deleted from the State Board Exam. Practical Skills Testing demonstrates the students ability to use their hands in performing the necessary skills required to work in the field of Barbering. These skills include cutting, perming, coloring, and styling hair as well as the proper use of tools and implements. Oral Testing is administered to students during the practical testing in order to determine the students knowledge and ability to render the services they are providing. The written portion of this exam tests knowledge as well.

4. The Board of Barber Examiners does ensure that each individual meets all statutory and regulatory requirements prior to receiving a Barber License. All documentation and fulfillment of statutory requirements are housed in the applicants folder in the Board office. This procedure has been greatly improved in the last two years. It is the sole responsibility of the school owner or instructor to submit all information to the office in a timely manner. These requirements have been presented to all schools. Some schools complain of the extra work being placed upon them to comply with the Boards requests.
5. The Board will conduct a competitive bidding process for Testing Services and request Testing Agencies to submit proposals which documents that they have complied with CLEAR'S professional testing standards.
6. Board agrees with recommendation.
7. Board agrees with recommendation.
8. Board agrees with recommendation.
9. The Board currently accepts payment by check or money order only. No cash is accepted by office personnel.
10. Board agrees with recommendation.
11. Board will comply, however, during the next Legislative Session, the Board will seek to have confusing language of Section 73-5-29 clarified.
12. Board agrees with recommendation.
13.
 - A) The Board has taken steps to ensure that every license is accounted for systematically and stored in a locked storage area along with the Barber Board Seal. Licenses are individually numbered.
 - B) A Computerized System for license record keeping is already in place.
 - C) The Computer has on file all licenses issued and the expiration date as well as addresses, phone numbers, and social security numbers received at the time original licenses were issued. Due to the extreme mobility of Barbers, it is impossible for the Board to keep current addresses and phone numbers of each Barber. A current law exists, Section 73-5-33 paragraph 5, which indicates that all licensees shall notify the State Board of a change of address. Licensees are responsible for making notification that they are no longer living at the address

that may be on file. Each license issued has a date of expiration and renewal date for license issued. All licensees shall notify the Board of the location of the Shop where they are employed. Some Barbers license are not renewed due to death, re-location out-of-state and Barbers who have retired. The Barber Board is not notified until such time that licenses are not renewed. The Board will, however, make efforts to educate licensees of this requirement and improve compliance.

- D) Board agrees with recommendation.
 - E) Board agrees with recommendation.
14. Board agrees with recommendation.

Report Concluded

PEER Staff

Max Arinder, Executive Director
James Barber, Deputy Director
Ted Booth, General Counsel

Evaluation

Sam Dawkins, Division Manager
Linda Triplett, Division Manager
Michael Boyd
Pamela O. Carter
Katherine Stark Frith
Barbara Hamilton
Jacqui Hatfield
Kelly Lockhart
Joyce McCants
Michelle M. Owen
David Pray
John Ringer
La Shonda Stewart
Lynn Watkins
Larry Whiting

Editing and Records

Ava Welborn, Editor and Records Coordinator
Pam Sutton

Administration

Mary McNeill, Accounting and Office Manager
Shirley Anderson
Thelisa Chapman
Pat Lockett

Data Processing

Larry Landrum, Systems Analyst

Corrections Audit

Louwill Davis, Corrections Auditor
