

Testimony Relating to Salon and School Inspections

House Industry, Business and Labor Committee

January 13, 2025

House Bill 1126

Chair Warrey and members of the committee, thank you for the opportunity to provide testimony. My name is Nikki Wegner, and I am the President of the North Dakota Long Term Care Association. We represent 182 nursing facilities, basic care facilities, and assisted living facilities. I am writing to you today regarding House Bill 1126, introduced by the State Board of Cosmetology, and to support the proposed amendment to the bill.

Current Language and Proposed Amendment

House Bill No. 1126 seeks to update various aspects of the cosmetology practice act, including definitions and licensure requirements. Under the current exceptions to the act, "nurse assistants" are listed as exempt from certain cosmetology licensure requirements. However, this term does not encompass all the facility staff who are required to provide hair care under our regulations.

In addition, the bill currently applies only to nursing homes. It does not include basic care facilities, which are a vital component of our continuum of care. These facilities provide infection prevention, control, and essential care services for residents who are less dependent on daily activities but still require support.

To address these gaps, I recommend two amendments:

1. Explicitly include **basic care facilities** wherever nursing homes are mentioned in the bill.

2. Replace "nurse assistants" with "**facility staff**" in the list of exemptions. This change would ensure that all facility staff—such as nursing assistants, certified nursing assistants (CNAs), activity professionals, and others—can continue to provide essential grooming services to residents without needing additional cosmetology licensure.

Rationale for the Amendment

1. **Clarification of Roles:** The term "nurse assistant" is not universally understood and may exclude CNAs and other essential facility staff. By using "facility staff," we ensure clarity and inclusivity for all personnel providing grooming services.
2. **Consistency Across Care Settings:** Residents in nursing homes and basic care facilities alike rely on facility staff for essential grooming services like haircuts. Expanding the bill to include basic care facilities and explicitly exempt "facility staff" recognizes the integral role of these caregivers in maintaining residents' dignity and quality of life.
3. **Avoiding Unnecessary Licensure Requirements:** Requiring facility staff to obtain cosmetology licenses for basic grooming tasks would impose undue regulatory burdens, disrupt care delivery, and reduce the availability of these services.

Proposed Amendment Language

To effectuate these changes, I propose the following amendments to House Bill No. 1126:

In every reference to "nursing homes," add "**and basic care facilities.**"

In the list of exemptions, replace "nurse assistants" with "**facility staff.**"

Conclusion

House Bill No. 1126 provides an important opportunity to update the cosmetology practice act and address long-standing needs in healthcare settings. By adopting these amendments, we can ensure that facility staff across nursing homes and basic care facilities can continue providing critical grooming services to residents without unnecessary licensure requirements.

Thank you for your attention to these recommendations. Please reach out with any questions you may have.

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