

**CONCLUSION:** The Mississippi Board of Barber Examiners (Barber Board) is responsible for regulating the profession of barbering. The Barber Board experiences several issues that decrease the effectiveness and efficiency of the Board including: issues with regulatory activities, issues with financial management and controls, and administrative issues. Because the Barber Board and the Mississippi State Board of Cosmetology oversee licensees with similar scopes of practice and have both demonstrated substantial deficiencies in their operations (also see PEER Report #665), the state could benefit from a solution that would help address the boards' problems and also result in cost savings (i.e., placement of both boards under the Mississippi Department of Health).



## BACKGROUND

Barbering is defined in MISS. CODE ANN. § 73-5-39 (1972).

### Board

The Barber Board is composed of five members that serve four-year terms. The Barber Board regulates schools, barber shops, and individuals by determining school curricula, issuing licenses, and establishing and enforcing its *Rules and Regulations*.

### Staff

MISS. CODE ANN. § 73-5-3 (1972) authorizes the Board to employ staff members to assist with Board activities. As of June 6, 2022, the Board employs two full-time staff members and three part-time inspectors.

### Funding

The Barber Board is a special fund agency supported by funds collected from licensing, inspection, and examination fees. Additionally, the Board is supported by funds for fines collected from disciplinary actions.

The Barber Board regulates 35 schools, 2,099 shops, and a total of 2,896 total practitioners (2,756 barbers and 140 instructors).



## KEY FINDINGS

- **Mississippi has more restrictive prerequisites to qualify for barber licensure testing than 40 states.**

The new universal licensing law has resulted in a competitive disadvantage for Mississippi residents. Further, age and education requirements defined in the Board's *Rules and Regulations* conflict with those required by statute.

- **The Board's examination practices are not effective in evaluating a candidate's preparedness for licensure.**

The Board's state laws exam lacks content validity, as six of the ten total questions do not ask valid, job-related questions. The Board's examination practices may also hinder accessibility for some licensure candidates. Additionally, the Board lacks detailed scoring criteria for the practical exam, and Board members do not receive training on administration of the exam.

- **In FY 2022, 39% of candidates' attempts to pass the required licensure exams resulted in grades sufficient for licensure.**

The Board does not compile or share the data required to evaluate student success trends and lacks regulations to address underperforming schools. This limits transparency and inhibits a school's ability to assess its own performance.

- **In FY 2022, the Board's inspectors only conducted 191 inspections of the 2,134 barber shops and schools licensed by the Board.**

Additionally, the Board lacks a uniform process for conducting inspections and imposing fines for violations.

- **Until August 2022, Barber Board members were unaware that the owner of the barber school Trendsetters had been convicted of fraud despite the fact that the Board's chief inspector testified in court about the case in 2021.**

Upon learning about the case, the Board did not immediately take action to revoke the licenses of the school and its owner. The Board's delayed action suggests a significant deficiency in the Board's enforcement capabilities and actions.

## Issues with Per Diem and Travel Reimbursement

In FY 2022, the Barber Board experienced the following issues with per diem and travel reimbursement:

- paying Board members for days in which they performed no official Board duties;
- paying Board members and staff for meals which could be seen as an inefficient use of Board resources;
- reimbursing travel expenses without sufficient documentation, authorization, and receipts; and,
- erroneously reimbursing staff at a lower rate for mileage than the rate set in state policy.

Additionally, approximately 25% of the Board's travel expenses for FY 2022 can be attributed to the Board's part-time chief inspector, who performs regular administrative duties in Jackson but lives in another geographical region in the state. While not a violation of state law, paying this employee to regularly travel to and from Jackson could represent an inefficient use of resources.

## Issues with Internal Controls

The Barber Board lacks an effective internal control environment, which increases the risk of financial mismanagement (e.g., fraud). It could also compromise the accuracy and completeness of the Board's accounting records. The Board has also experienced issues with segregation of duties and surety bonds.

## Issues with Financial Management

The Barber Board's imprudence in its financial management has negatively impacted the Board and its licensees. The Board has experienced the following financial management issues:

- The Barber Board's lack of knowledge and expertise related to required retirement contributions cost the Board and its licensees \$19,970.71 in delinquent interest payments.
- The Barber Board might have extended its current lease with terms that are not in the state's best interest (e.g., lowest price) and could have negatively impacted the Board's budget.
- The Barber Board deposits licensee payments approximately every three days, with only 11% of the agency's deposits made in compliance with the two-day requirement outlined in state law.

## Other Administrative Issues

- Records and data management: Records are insufficient to easily determine regulatory information and are not easily accessible to Board staff.
- Board's current office location: The Board office is not located in a state-owned office building and has not been easily accessible to licensees or the public since March 2020. Additionally, the office is not conducive to public participation during Board meetings.



## SUMMARY OF RECOMMENDATIONS

### The Legislature should consider:

- dissolving the Barber Board and the State Board of Cosmetology to create a Barbering Advisory Council and a Cosmetology Advisory Council within the Mississippi Department of Health's Professional Licensure Division; and,
- amending MISS. CODE ANN. § 73-5-1 (1972) et seq., to set minimum age and education requirements comparable to those in contiguous states, to allow practitioners to qualify for licensing examinations through apprenticeship hours in lieu of schooling hours, and to prohibit Board members from administering exams.

### The Board should:

- establish regulations to address underperforming schools;
- compile and distribute data on exam scores to licensed schools, and make this data publicly available;
- amend its *Rules and Regulations* to be consistent with MISS. CODE ANN. § 73-5-1 et seq.;
- amend its examination practices to ensure exams are up-to-date, effective, and accessible;
- ensure transparency and efficient use of public funds by improving its compliance with state law and Department of Finance and Administration (DFA) travel reimbursement policies;
- adopt and enforce policies and procedures that strengthen internal controls and financial management;
- adhere to DFA policies related to leasing office space; and,
- improve its records, management of information, and accessibility of its data.