

EXHIBIT D

DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION, COSMETOLOGY SECTION

SUBJECT: Rules & Regulations for Cosmetology

DESCRIPTION: In 2009, the legislature abolished the Board of Cosmetology and transferred the board duties to the Department of Health.

The proposed revisions to the Rules and Regulations of the Arkansas Department of Health – Cosmetology Section are made for changing terminology, clarifying language, clean-up, and making additions pursuant to the policies of the Arkansas Department of Health as follows:

- Deleted and changed all “Board” terminology to reflect the Arkansas Board of Health, Department of Health, Cosmetology Technical Advisory Committee, and the Cosmetology Section.
- A section was added for authority, investigation, hearing and inspections to mirror the format of other branch regulations.
- Clarified the separation of fees for the change of name and/or ownership of an establishment.
- Moved definitions to one specific section and added statutory definitions to regulations for ease of search and review.
- Deleted language regarding smoking in a lounge within a school.
- Removed language requiring Board approval for new school applications or relocations prior to inspection. Section will now approve applications and schedule for inspection.
- Replaced existing language for reciprocity requirements to reflect Arkansas Code Ann. § 17-26-315.
- Deleted language regarding complaint review by Board (Cosmetology Technical Advisory Committee). Complaints against licensees will now be handled by Section and provided a hearing by the CTAC if requested.

PUBLIC COMMENT: A public hearing was held December 10, 2009, and the public comment period expired at that time. The following public comments were submitted to the Department:

- (1) Tracy Akard, Hot Springs Beauty College Ms. Akard made an oral comment at the public hearing requesting that the "Cosmetology Technical Advisory Committee" be used in place of the acronym "CTAC" throughout the document.

Response: The Department made this change.

(2) Ida McLean, Arthur's Beauty College Ms. McLean presented oral comments at the public hearing and read the written comment that was submitted by Chris Strawn:

Section 1.5.B.3 and 4: Remove the requirement of a national examination from a reciprocity candidate

Response: The Department stated that this comment is outside the content of these revisions. The comment will be reviewed under a separate rule revision. The Department considered the comment and determined that no change is indicated at this time.

Section 2: Several suggested changes to definitions section – "Are these definitions or scopes of practice? Cosmetologists are licensed to do everything nail techs and aestheticians are licensed to do. Nail extensions are not included in the Cosmetology part. All types of hair removal should be listed under Aesthetics."

Response: The Department stated that this comment is outside the content of these revisions. This comment will be reviewed under a separate rule revision. The Department considered the comment and determined that no change is indicated at this time.

Section 7.2.11: Asked that the requirement of twenty five (25) bona fide applicants be clarified.

Response: This comment did not indicate a change in the rule at this time.

Section 7.5.H: The change under the building requirements from including to excluding should be omitted. The wording should remain as it originally was.

Response: The Department considered this comment and determined that the commenter's suggested change is required in order to be in agreement with the statute. There was no opposition to this request. The change is not substantive but rather an error correction in the rule.

Section 7.9.D: Removes the wording "or Transfer" form. The commenter requested that this wording be added back into the rule.

Response: The Department considered the comment and determined that no change is indicated at this time. The re-enrollment form serves as a request for transfer.

Section 7.11.F: The regulation is not correct if it pertains to when a student can work with a paying client. The hours should be 150 hours for cosmetologists and 60 for nail techs and aestheticians.

Response: The Department determined that this requisition pertains to school requirements of students with 250 plus house and not to students wishing to work with

paying clients. The Department considered the comment and determined that no change is indicated at this time.

The proposed effective date is May 1, 2010.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There is no financial impact. No fines are changed.

LEGAL AUTHORIZATION: Arkansas Code § 17-26-201(j) (as amended by Act 4 of 2009) authorized the State Board of Health to "promulgate by rule the duties and powers of the [Cosmetology Technical Advisory] committee." Arkansas Code § 17-26-417(e)(2) (as amended by Act 4 of 2009) authorized the Board to "promulgate rules concerning the issuance of student permits." Arkansas Code § 17-26-209(a) authorizes the Board to "promulgate a fee schedule by rule".

EXHIBIT D

ARKANSAS STATE BOARD OF HEALTH

STATE BOARD OF COSMETOLOGY Rules and Regulations for Cosmetology in Arkansas

RULES



Adopted 1965

Amended
1974, 1975
1976, 1978
1980, 1981
1985, 1987
1991, 2006
2007, 2008
2009

Issued by

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ARKANSAS STATE BOARD OF COSMETOLOGY
COSMETOLOGY RULES AND REGULATIONS
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RULE NO. 1
COSMETOLOGY SECTION BOARD AND STAFF

(1.1) Authority Purpose

The following Rules and Regulations for Cosmetology in Arkansas were duly promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in ARK code ann. §17-26-101 et seq. and other applicable laws of the state. Act 358 of 1955 created the Arkansas State Board of Cosmetology and defined the powers of the Board. The Board was created to regulate the vocation of cosmetology and its related occupations; to provide for the licensing of persons to carry on and to teach such vocation; to regulate the conduct and sanitation of cosmetological establishments and schools so as to prevent the spreading of communicable diseases; and, to provide penalties for violation thereof.

(1.2) Purpose Board Composition

These Rules and Regulations are prepared for the purpose of establishing standards to regulate the vocation of cosmetology and its related occupations, to provide for the licensing of persons to carry on and to teach such vocation, to regulate the conduct and sanitation of cosmetological establishments and schools so as to prevent the spreading of communicable diseases and, to provide penalties for violation thereof. The Arkansas State Board of Cosmetology consists of ten (10) members appointed by the Governor. Whenever the word "Board" is used, it refers to the Arkansas State Board of Cosmetology.

(1.3) Investigations, Hearings, or Inspections Administrative Division

(A) The Department of Health shall conduct investigations and inspections as promulgated promulgated by rule. Initial, routine and complaint inspections are conducted to ensure compliance with the licensing law and rules. Any inspector shall have the authority to enter into and inspect any cosmetological establishment at any time during business hours. An inspector is a person with five (5) years of experience in the licensed practice of cosmetology. Cosmetological establishments are routinely inspected between 2-4 times a year to ensure compliance with the licensing law and rules promulgated by the Board unless complaints are received by the Department. The inspectors examine licenses; inspect buildings and equipment; check accumulated hours and number of students in cosmetology schools; report violations of the law or rules; investigate complaints; rate inspections; and perform yearly initial inspections of new cosmetological establishments. The Administrative Division of the Board is staffed by a Director and clerical personnel. The Administrative Division is responsible for the administrative and day-to-day operation of the Board. The Director will publish annually the contact information for each staff member.

(B) After final Department action is taken, in the event a licensee should wish to appeal final Department action to the (CTAC) COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, this appeal must be made in writing to the Department, and must be made within thirty (30) days of receipt of final Department action.

(1) Hearings conducted by the CTAC COSMETOLOGY TECHNICAL ADVISORY COMMITTEE may be held bimonthly for review of cases for which disciplinary action may be required.

(2) Except as provided in subdivision B.2.a. of this rule, a hearing attended by two (2) or more members of the committee is a meeting.

(a) A final order shall not be imposed by fewer than three (3) members.

(b) A final order imposed by the committee may be appealed to the state Board of Health within thirty (30) days of its receipt.

(1.4) Location Inspection Division

The office of the Cosmetology Section is located at 4815 West Markham, Little Rock, Arkansas 72205. All matters related to cosmetology licensing should be directed to the Section of Cosmetology office by calling 501-661-2000 or by emailing the Section at Cosmo@arkansas.gov. Information may also be obtained by accessing the Department's Website at www.healthylarkansas.com.

The Inspection Division of the Board is staffed by persons who have had five (5) years of experience in the licensed practice of cosmetology. Cosmetological establishments are routinely inspected between 2-4 times a year to ensure compliance with the licensing law and rules promulgated by the Board unless complaints are received by the Board office. The inspectors examine licenses; inspect buildings and equipment; check accumulated hours and number of students in beauty schools; report violations of the law or rules; investigate complaints; rate inspections; and perform yearly initial inspections of new beauty salons.

Any inspector of the Board shall have the authority to enter into and inspect any cosmetological establishment at any time during business hours.

Comment [A1]: Moved to 1.3

(1.5) Fees Location

The Department Board shall collect fees in accordance with the following fee schedule as authorized through A.C.A. 17-26-209(a):

Comment [A2]: No change in content. Moved from 1.7.

a. Enrollment into a cosmetology school	\$20.00
b. Examination for licensing	
1) First-time candidate	
i. Practical - \$65.00	
ii. Written - \$60.00	
2) Retest candidate	
i. Practical - \$65.00	
ii. Written - \$60.00	
3) Reciprocity candidate that has taken a national written and practical exam	
i. State Law - \$60.00	
4) Reciprocity candidate that has not taken a national written and practical exam	
i. Practical - \$65.00	
ii. Written - \$60.00	
c. Renewal of a cosmetology, manicure, aesthetics, electrology or instructor license	\$100.00 biennially
d. Reciprocity for a cosmetology, manicure, aesthetics, electrology or instructor license when the licensee is duly registered in another state	\$150.00 one-time fee
e. New establishment, including new and relocated	\$150.00 one-time fee
f. Renewal of an establishment	\$100.00 annually
g. New school	\$1500.00
h. Renewal of a school	\$250.00 annually;
i. Change of name and/or ownership of a school	\$500.

- i. Name and/or ownership change of an establishment
- k. Duplicate license \$75.00 each \$150.
- l. Certification of Departmentboard records \$25.00 per license
- m. Reinstatement fee for a practitioner license will apply for licenses not renewed within thirty (30) days following the birthday of the licensee \$50.00 per license
- n. Reinstatement fee for a salon license will apply for licenses not renewed by January 31 of the following year, or within thirty (30) days following the birthday of the licensee, whichever renewal cycle is chosen by the owner 50% of renewal
- o. Reinstatement fee for a school license will apply for licenses not renewed by January 31 of the following year, or within thirty (30) days following the birthday of the licensee, whichever renewal cycle is chosen by the owner 50% of renewal
- p. Lifetime license for a currently licensed practitioner that is 65 years or older and has been actively engaged in the practice or teaching of cosmetology for thirty (30) years or more. Note: Practitioners with an inactive license that otherwise qualifies for the lifetime license will be issued a certificate at no cost to them. \$50.00 for first license; requests for subsequent copy must pay the duplicate license fee of \$25 per license
- q. Hot check fee \$25 service charge, plus all applicable bank fees, for each returned check
- r. Demonstrator permit fee \$50.00 annually

The office of the Board is located at 101 E. Capitol, Suite 108, Little Rock, Arkansas 72201. All matters, which require the Board's attention, should be directed to the Board office by calling 501-682-2168 or by emailing the Board at Cosmo@arkansas.gov. Information may also be obtained by accessing the Board's Website at www.arkansas.gov/cos/.

1.6) Meetings

The Board will meet in Little Rock, Arkansas for the purpose of transacting business when deemed necessary. By December of each year, the Director will publish a list of meeting dates scheduled for the upcoming calendar year.

Public comments are welcome at each board meeting; however, any person desiring to appear before the Board to take up any business within the jurisdiction of the Board that would require agenda action shall, at least ten (10) calendar days prior to such meetings, file a written request with the Director in which the nature and purpose of the appearance shall be clearly and concisely stated with sufficient details to fully apprise the Board of the basis and extent of such business.

1.7) Fees

The Board shall collect fees in accordance with the following fee schedule as authorized through A.C.A. 17-26-209(a):

- a. Enrollment into a cosmetology school
- b. Examination for licensing \$20.00
 - i. First-time candidate
 - i. Practical — \$65.00
 - ii. Written — \$60.00

Comment [A3]: No change in content. Moved to 1.5

- 2) Retest candidate
 - i. Practical—\$65.00
 - ii. Written—\$60.00

- 3) Reciprocity candidate that has taken a national written and practical exam
 - i. State Law—\$60.00

- 4) Reciprocity candidate that has not taken a national written and practical exam
 - i. Practical—\$65.00
 - ii. Written—\$60.00

e	Renewal of a cosmetology, manicure, aesthetics, electrology or instructor license	\$100.00 biennially
d	Reciprocity for a cosmetology, manicure, aesthetics, electrology or instructor license when the licensee is duly registered in another state	\$150.00 — one-time fee
e	New establishment, including new and relocated	\$150.00 — one-time fee
f	Renewal of an establishment	\$100.00 annually
g	New school	
h	Renewal of a school	\$1500.00
i	Change of name and/or ownership of a school	\$250.00 annually,
j	Name and/or ownership change of an establishment	\$500.
k	Duplicate license	\$150.
l	Certification of board records	\$25.00 per license
m	Reinstatement fee for a practitioner license will apply for licenses not renewed within thirty (30) days following the birthday of the licensee	\$50.00 per license
n	Reinstatement fee for a salon license will apply for licenses not renewed by January 31 of the following year, or within thirty (30) days following the birthday of the licensee, whichever renewal cycle is chosen by the owner	50% of renewal
e	Reinstatement fee for a school license will apply for licenses not renewed by January 31 of the following year, or within thirty (30) days following the birthday of the licensee, whichever renewal cycle is chosen by the owner	50% of renewal
f	Lifetime license for a currently licensed practitioner that is 65 years or older and has been actively engaged in the practice or teaching of cosmetology for thirty (30) years or more. Note: Practitioners with an inactive license that otherwise qualifies for the lifetime license will be issued a certificate at no cost to them.	\$50.00 — for — first license; requests for subsequent — copy must — pay — the duplicate — license fee — of — \$25 — per license
g	Hot check fee	\$25 service charge, plus all applicable bank fees, for each returned check
f	Demonstrator permit fee	\$50.00 annually

RULE NO. 2

DEFINITIONS REQUIREMENTS FOR COSMETOLOGY AND RELATED OCCUPATIONS

(2.1) Aesthetician

Any person who engages in the practice of beautifying the body by cleaning, waxing, externally manipulating, or stimulating the body by means of the hands, devices, apparatus, or appliances with or without the use of cosmetic preparations, antiseptics, tonics, lotions, and creams.

Comment [A4]: Content moved from Rule 5.1 and added additional content/definitions from AR code ann. §17-26-102.

(2.2) Art of Cosmetology

The art of cosmetology includes any and all and any combination of the following practices:

(A) Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, singeing, bleaching, tinting, coloring, straightening, dyeing, brushing, beautifying, or otherwise treating by any means the hair of any person or wigs or hairpieces;

(B) Externally manipulating, cleaning, waxing, or stimulating the body by means of the hands, devices, apparatus, or appliances with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(C) Temporarily removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays;

(D) Beautifying the body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(E) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person;
and

(F) Massaging, cleansing, or beautifying the nails of any person.

(2.3) Board

The Arkansas State Board of Health.

(2.4) Client

Any person who receives cosmetological services from a person who is engaged in the Art of Cosmetology.

(2.5) Cosmetological Services

Any work performed by any person who is engaged in the Art of Cosmetology.

(2.6) Demonstrator

A Demonstrator's permit is required for any person who: (1) is not licensed by the Department; (2) is employed by a licensed cosmetological establishment; and (3) who applies cosmetics with his/her hands upon the body of a client or demonstrates wigs as a regular part of his/her job duties.

(2.7) Cosmetic

Any product made for beautifying the complexion.

(2.8) Wig Demonstrator

A person who fits and arranges a wig, on the head of a client, for the sale of the wig. Demonstrators are only allowed to fit and arrange new wig products and are not allowed to re-service wigs.

(2.9) Department

The Arkansas Department of Health.

(2.10) Electrologist

Any person who permanently removes hair from or destroys hair on the human body for beautification by the use of an electric needle or by the use of any other kinds of devices or appliances designed to permanently remove hair from the human body.

(2.11) EPA

The United States Environmental Protection Agency.

(2.12) Gross Malpractice

Any practice which permanently damages the hair, skin or nail of any person through the implementation of chemicals, implements or equipment; and any failure to follow manufacturer's instructions pertaining to equipment, implement or chemical use when performing services which results in harm to a client.

(2.13) Inspector

An inspector is a person with five (5) years of experience in the licensed practice of cosmetology. Inspectors examine licenses; inspect buildings and equipment; check accumulated hours and number of students in cosmetology schools; report violations of the law or rules; investigate complaints; rate inspections; and perform yearly initial inspections of new cosmetology establishments.

(2.14) Manager-Operator

A licensed cosmetologist is authorized to engage in the practice of cosmetology, independent of personal supervision in a duly licensed establishment.

(2.15) Manicurist

Any person who engages in the occupation of manicuring the nails of any person by cutting, trimming, polishing, coloring, tinting, cleansing, filing, buffing, pushing, extending, protecting, wrapping, covering, building, or beautifying the nails or performing any other similar work upon the nails of any person by any means, including the softening of the arms, hands, feet, or ankles of any person by use of hands, mechanical or electrical apparatus or appliances, cosmetic or chemical preparations, antiseptics, lotions, or creams or by massaging, cleansing, manipulating or stimulating the arms, hands, feet, or ankles of any person.

(2.16) Practitioner

Any person who is licensed by the Department as a Cosmetologist, Electrologist, Manicurist, Instructor, or Aesthetician or is licensed by the Arkansas Board of Barber Examiners as a Barber.

(2.17) Salon or Cosmetological Establishment

Any premises, building, or part of a building in which is practiced any branch or any combination of branches of cosmetology or the occupations of a cosmetologist, except the branch of manicuring as practiced in barbershops licensed by the Barber Board and nursing facilities as defined under A.C.A. § 20-10-1401.

(2.18) Salon Owner

Any person, firm, or corporation conducting or operating a cosmetological establishment as defined by A.C.A. 17-26-102(2)

(2.19) School

Any person, firm, corporation, premises, building, or part of a building whereon or wherein is taught any branch or any combination of the branches of cosmetology for a fee.

(2.20) School Owner

Any person, firm, or corporation conducting or operating a school of cosmetology.

(2.21) Section

The Section of Cosmetology within the Arkansas Department of Health.

(2.22) Student

Any person who is enrolled and engaged in learning or acquiring a knowledge of the occupations of a cosmetologist, manicurist, aesthetician or electrologist, in a licensed school of cosmetology under a licensed instructor.

(2.23) Cosmetology Technical Advisory Committee (CTAC) (COSMETOLOGY TECHNICAL ADVISORY COMMITTEE)

The Cosmetology Technical Advisory Committee is a seven member committee appointed by the State Board of Health and will, among other duties, hold hearings on cases that may require disciplinary actions.

(2.24) Working area or Clinical area

Any area that is used to render cosmetological services to the public.

Establishment

~~Any person, firm or corporation conducting or operating a cosmetological establishment, school of cosmetology, or beauty salon shall be required to obtain a current establishment license prior to operating said establishment. The proprietor shall be responsible for compliance with the law and all rules promulgated by the Board.~~

2.2) Practitioner

~~No person shall practice any phase of cosmetology and its related occupations with the intent of receiving compensation when the person does not hold a current and valid license issued by the Board, nor can any licensed cosmetologist practice any phase of cosmetology and its related occupations other than in a licensed beauty salon or wig salon, except when services rendered involve a special event in which the cosmetology service is to be performed for an on-site participant of the event.~~

2.3) Demonstrator

~~A Demonstrator's permit is required for any person who: (1) is not licensed by the Board; (2) is employed by a licensed cosmetological establishment; and (3) who applies cosmetics with his/her hands upon the body of client or demonstrates wigs as a regular part of his/her job duties.~~

~~The term "Cosmetic" is defined as any product made for beautifying the complexion.~~

~~The term "Wig Demonstrator" is defined as a person who fits and arranges a wig, on the head of a client, for the sale of the wig. Demonstrators are only allowed to fit and arrange new wig products and are not allowed to reservice wigs.~~

~~Demonstrators shall (a) be free from communicable disease, (b) wash hands before serving each client, and (c) keep bodily clean.~~

~~Licensed cosmetological establishments employing Demonstrators shall be responsible for ensuring compliance with the Board's health and safety guidelines and failure to follow these guidelines will result in disciplinary action by the Board.~~

Comment [A5]: Moved to Rule 3.

RULE NO. 3

REQUIREMENTS FOR COSMETOLOGY AND RELATED OCCUPATIONS

(3.1) Establishment

Any person, firm or corporation conducting or operating a cosmetological establishment or school of cosmetology shall be required to obtain a current establishment license prior to operating said establishment. The proprietor shall be responsible for compliance with the law and all rules promulgated by the Board.

Comment [A6]: No change in content. Moved from Rule 2.

(3.2) Practitioner

No person shall practice any phase of cosmetology and its related occupations with the intent of receiving compensation when the person does not hold a current and valid license issued by the Board, nor can any licensed cosmetologist practice any phase of cosmetology and its related occupations other than in a licensed cosmetological establishment or wig salon, except when services rendered involve a special event in which the cosmetology service is to be performed for an on-site participant of the event.

(3.3) Demonstrator

Demonstrators shall (a) be free from communicable disease, (b) wash hands before serving each client, and (c) maintain good hygiene practices.

Licensed cosmetological establishments employing Demonstrators shall be responsible for ensuring compliance with the Department's health and safety guidelines and failure to follow these guidelines will result in disciplinary action by the Cosmetology Technical Advisory Committee (CTAC COSMETOLOGY TECHNICAL ADVISORY COMMITTEE).

RULE NO. 4 EXAMINATIONS

(4.1) Eligibility

The Department Board will admit to examination for a license any person who has acquired training in cosmetology, manicure, aesthetics, electrology, or instructor as stipulated in A.C.A. 17-26-304, 17-26-306, 17-26-307 and 17-26-410. Any person who owes a financial obligation to the Department Board will be deemed ineligible to examine until the debt is paid in full.

(A) If the training was provided in this state, then the school is responsible for submitting a Certificate of Training form to the Department Board office confirming the completion of hours. Hours must be certified by the school in order to be eligible for the examination. One of the requirements is that hours be certified by the school. Certified hours mean that tuition has either been paid in full or the person has signed a promissory note that is acceptable to the school.

(B) If the Department's Board's records agree that the person has met all eligibility requirements, and does not owe a financial obligation to the Department Board, then the person will be deemed eligible to schedule for examination. If the training was provided in another state, then the reciprocity applicant must meet eligibility requirements stipulated in A.C.A. 17-26-315 and Rule 98. In order to determine this has occurred, a reciprocity applicant must complete an Arkansas Reciprocity Form and submit it with the appropriate fee. The applicant is also responsible for arranging to have sent to the Department have his/her certification from the other state in which he/she is licensed or has completed an education, sent to the Board. If the Department Board determines eligibility requirements are met, the reciprocity candidate will be required to take either the Arkansas state law examination and, if necessary, the Arkansas written and/or practical exams.

(4.2) General Policies and Procedures

(A) The ~~Department Board~~ and/or any designated testing provider will establish exam deadline dates, cancellation policies, interpreter policies, supply requirements and dress codes for examinations. All such information shall be made readily available to cosmetology schools, students and reciprocity applicants. Updated Candidate Information Bulletins (CIBs) will be posted on the ~~Department Board's~~ website and, if appropriate, on the website of the designated testing provider responsible for administering practical examinations.

(B) The ~~Department Board~~ and/or designated testing providers will comply with the American with Disabilities Act (ADA) of 1990 concerning special accommodations that may be needed by a candidate. ~~Special accommodations are available for the written examination only.~~ Applicants seeking special accommodations must submit the form to the ~~Department Board~~ office along with all required documentation.

(43.3) Grades

A passing grade of seventy-five (75) is required in the practical part and a grade of seventy (70) is required in the written part pertaining to the mandated curriculum, as well as the state law exam. In addition, a grade of seventy (70) is required on the state law exam when taken independently.

RULE NO. 54
REQUIREMENTS FOR BOTH COSMETOLOGICAL SCHOOLS AND ESTABLISHMENTS

4.1) Definitions

For the purpose of these rules the following terms are defined.

Comment [A7]: All definitions moved to Rule 2

~~Salon or Cosmetological Establishment — means any premises, building, or part of a building in which is practiced any branch or any combination of branches of cosmetology or the occupations of a cosmetologists, except the branch of manieuring as practiced in harbershops licensed by the State and nursing facilities as defined under A.C.A. § 20-10-1401.~~

~~B) School — means any person, firm, corporation, premises, building, or part of a building whereon or wherein is taught any branch or any combination of the branches of cosmetology for a fee.~~

~~C) Salon Owner — means any person, firm, or corporation conducting or operating a cosmetological establishment as defined by A.C.A. 17-26-102(2)~~

~~D) School Owner — means any person, firm, or corporation conducting or operating a school of cosmetology.~~

~~E) Practitioner — means any person who is licensed by the Arkansas Board of Cosmetology as a Cosmetologist, Electrologist, Manieurist, Instructor, or Aesthetician or is licensed by the Arkansas Board of Barber Examiners as a Barber.~~

~~F) Student — means any person who is enrolled and engaged in learning or acquiring a knowledge of the occupations of a cosmetologist, manieurist, aesthetician or electrologist, in a licensed school of cosmetology under a licensed instructor.~~

~~G) Client — means any person who receives cosmetological services from a person who is engaged in the practice of cosmetology as defined in A.C.A. § 17-26-102~~

~~H) Working area or Clinical area — means any area that is used to render cosmetological services to the public.~~

~~I) Cosmetological Services — means any work performed by any person who is engaged in the practice of cosmetology as defined in A.C.A. § 17-26-102~~

~~J) EPA — means the United States Environmental Protection Agency.~~

~~K) Gross Malpractice — means 1) any practice which permanently damages the hair, skin or nail of any person through the implementation of chemicals, implements or equipment; and 2) any failure to follow manufacturer's instructions pertaining to equipment, implement or chemical use when performing services which results in harm to a client.~~

(5.14.2) Health and Safety Rules

(A) Enforcement

(1) A salon owner or school owner and the person in charge of any such salon or school, shall be liable for implementing and maintaining the Health and Safety Rules in the salon or school. This shall be done individually and jointly with all persons employed by or working in or on the premises of such salon or school. All practitioners, students and demonstrators shall be held individually liable for implementation and maintenance of the Health and Safety Rules as applicable.

(2) To assure compliance with the laws and rules governing the operations of schools and salons,

the Department's board's authorized representatives shall have access to the premises of any school or salon, at any time that the school or salon is open for business or at any time that the instruction or practice of cosmetology is being conducted.

(3) Refusal to permit, or interference with, an inspection and/or audit constitutes a cause for disciplinary action.

(4) All persons performing acts of cosmetology and its related occupations except students in schools of cosmetology, shall present satisfactory proof of identification upon request by an authorized representative of the Department Board. Satisfactory proof shall be in the form of the photographic license issued by the Board. In the event a photographic license has not been issued, then a All persons working in a salon or school shall present a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity. Failure to present valid proof of identification shall be grounds for disciplinary action.

Comment [A8]: The Cosmetology Section do not issue a photographic license.

(5) Conducting or operating a school or salon without a current, valid license shall be grounds for disciplinary action.

(6) Allowing a person to engage in or attempt to engage in the occupation of a cosmetologist, manicurist, electrologist, aesthetician or barber in or about a salon or allowing a person to engage in or about a school, without a current valid Arkansas license shall be grounds for disciplinary action.

(7) Performing acts of cosmetology or attempting to perform acts of cosmetology, without a current, valid Arkansas license shall be grounds for disciplinary action.

(B) Consumer Information.

(1) A copy of the Health and Safety Rules shall be conspicuously posted in reception areas of both schools and establishments and in class theory rooms of schools.

(2) All establishment and school licenses, practitioners' licenses, student permits and instructor licenses shall be conspicuously posted in a designated place in reception areas, at the individual work stations, or in the clinic area.

(3) No license which has expired or become invalid for any reason whatsoever shall be displayed by any person in connection with the practice of cosmetology or any of its branches. Any expired or invalid license so displayed shall be surrendered to the Department upon its request.

(C) Physical Facilities

(1) **Water Supply and Sewage** – A safe and adequate supply of continuous hot and cold running water shall be provided from an approved source. All water-carried sewage shall be disposed of by means of an approved sewage disposal system constructed and operated in conformance with the standards established for such systems by the Arkansas Department of Health.

(2) **Plumbing** – Plumbing shall be installed and maintained to promote the following:

(a) to carry adequate quantities of water to required locations throughout the school or salon;

(b) to prevent contamination of the water supply;

(c) to properly convey sewage and liquid wastes from school or salon to the sewerage or sewage disposal system; and

(d) to not constitute a source of contamination of equipment, implements, supplies, or create an unsanitary condition or nuisance. All plumbing shall conform to the current State Plumbing Code.

(3) Toilet Facilities, Fixtures and Plumbing – Where toilet facilities are made available or otherwise required, said facilities, fixtures and other plumbing shall be installed in accordance with the Arkansas State Plumbing Code and meet standards set by the Arkansas Department of Health. No toilet facility shall be used for storage.

(4) Hand Washing Facilities – Each school and each salon shall provide hand washing facilities installed in accordance with the Arkansas State Plumbing Code. The facilities shall have a soap dispenser (with soap) and disposable towels or an air dryer for hands. Common towels are prohibited.

(5) Drinking Water – Each school and each salon shall supply drinking water from a supply meeting the requirements set forth by the Arkansas Department of Health. No school or salon shall provide any cup, glass, or other receptacle for common use.

(6) Garbage and Refuse – Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. No school or salon shall permit an accumulation of garbage or refuse. Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

(7) Insect and Rodent Control – Each school and each salon shall be kept in such condition as to prevent the harborage or feeding of insects or rodents. Openings to the outside shall be effectively protected against the entrance of rodents and insects.

(8) Cleanliness and Repair – Each school and each salon shall keep the floors, mats, walls, woodwork, ceilings, equipment, doors, windows, mirrors, lights and similar closures, furnishings, attached equipment, decorative materials and fixtures clean and in good repair. Concrete or pumice blocks used for interior wall construction shall be finished, filled and sealed. All of the above mentioned items shall be free of leak spots, mildew, peeling paint and shall be easily cleaned.

(9) Floor Construction – Floors and floor coverings of each school and each salon in the working area or clinical area shall be constructed of smooth, non-absorbent, durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic and shall be maintained in good repair. Worn, torn, or broken floor coverings shall be replaced.

(10) Carpet – Carpet shall not be permitted in the working area or clinical area. Carpet, if used as a floor covering in other areas of a school or salon, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Worn or torn carpet shall be replaced.

(11) Lighting – Permanently fixed artificial light sources shall be installed to provide sufficient light on the working area or clinical area.

(12) Ventilation – Each school and each salon shall have sufficient ventilation installed and operated according to State and local requirements to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes.

(13) Minimum Equipment – Each school and salon shall have and maintain the following minimum equipment:

- (a) a sufficient number of covered waste receptacles;
- (b) a liquid sanitizer receptacle of sufficient size to hold instruments and supplies containing a solution approved by the EPA for use as a disinfectant utilized in accordance to the product label;
- (c) a sufficient number of closed receptacles to hold all soiled towels;
- (d) a sufficient number of airtight containers for sanitized instruments; and,
- (e) a sufficient number of closed cabinets to hold all clean towels.

(14) Animals in Schools and Salons – Animals are prohibited from being inside a cosmetology school or salon, except for service animals that are accompanying a client with a disability. Pets are not allowed within the premises of a salon or school. In the event that an authorized Board Department representative observes a salon owner's, or school owner's, or client's animal within the premises of the salon or school, then the salon or school owner shall describe the impairment for which the animal is trained to provide assistance in order to ensure that the animal is not simply a pet.

(15) Infectious Disease - No person afflicted with an infectious or communicable disease, which may be transmitted during the performance of the acts of cosmetology or any of its branches, or afflicted with an infestation of animal parasites shall be permitted to work or train in a school or in a salon.

No school or salon shall require or permit a student or a practitioner, to massage any surface of the skin or scalp where such skin is inflamed or where a skin infection or eruption is present and/or knowingly, to work upon a person suffering from any infectious, communicable disease or on a client with an infestation of animal parasites which may be transmitted during the performance of the act of cosmetology or any of its branches.

The term "infectious or communicable disease" shall not include human immunodeficiency virus (HIV) or any other disease that similarly does not pose a significant risk to the health or safety of others during the performance of an act of cosmetology or any of its branches.

(16) Personal Cleanliness

(a) Person and Wearing Apparel – The person and the uniform or attire worn by an individual serving a client shall at all times be clean.

(b) Washing Hands – Every person performing cosmetological services in a school or salon shall thoroughly wash his or her hands with soap and water or any equally effective cleansing solution before serving each client.

(17) Headrests, Shampoo Bowls, and Treatment Tables

(a) Headrests – The headrest of chairs shall be covered with a clean towel or paper sheet for each client.

(b) Shampoo Bowls – Shampoo trays and bowls must be cleansed with soap and water or other detergent after each shampoo, kept in good repair and in a sanitary condition at all times.

(c) Treatment Tables – Treatment tables must be sanitized before and after each client.

(18) Towels

(a) Used Towels to be discarded – After a towel has once been used, it shall be deposited in a closed receptacle, and shall not again be used until properly laundered and sanitized.

(b) Laundering, Storage and Facilities – All cloth towels, robes and similar items shall be laundered in a washing machine with laundry detergent and chlorine bleach used according to the manufacturer's directions for sanitation purposes. Laundry facilities shall be restricted to the washing and drying of towels, uniforms, aprons, etc., necessary to the operation of a salon or school in an area separate and distinct from the working area or clinical area. A closed dust proof cabinet must be provided for clean towels and linen and covered hamper or receptacle must be provided for all soiled towels, robes and linens.

(19) Bottles and Containers – All bottles and containers in use in a school or salon shall be distinctly and correctly labeled to disclose their contents.

(20) Neck Strips – A sanitary neck strip or towel shall be used to keep the protective covering from coming in direct contact with a client's neck.

(21) Instruments and Supplies

(a) All supplies or instruments which come in direct contact with a client and cannot be disinfected (for example, cotton pads, emery boards used on natural or artificial nails, and neck strips) shall be disposed of in a waste receptacle immediately after use.

(b) No person training or working in a school or salon shall be permitted to carry any instrument or supplies in or on a garment or uniform while practicing cosmetology or any branch thereof.

(22) Disinfecting Electrical and Non-Electrical Instruments and Equipment- Before use upon a client, all electrical and non-electrical instruments including but, not limited to, scissors, razors, tweezers, cuticle nippers, manicure/pedicure scissors, clippers, combs, brushes, and rollers shall be sanitized with soap (or detergent) and water and disinfected with an EPA approved disinfectant. The disinfectant solutions shall remain covered at all times and shall be changed at least once each week or whenever visibly cloudy or dirty. All non-disinfected instruments (those that have been used on a client or soiled in any manner) shall be placed in a properly labeled receptacle and shall be stored in a clean covered place.

(23) Sterilizing Electrolysis Instruments- Disposable needles or lancets are recommended, but if non-disposable needles or lancets are used they must be properly sterilized with an autoclave. Instruments that cannot be sterilized with an autoclave must be sterilized with an EPA-approved disinfectant. Dry sterilizer or UV lights are not acceptable sterilization techniques.

(24) Liquids, Creams, Powders and Other Cosmetic Preparations

(a) Storage – All liquids, creams and other cosmetic preparations shall be kept in properly labeled clean and closed containers. Powders may be kept in a clean shaker.

(b) Removal from Container – When only a portion of a cosmetic preparation is to be used on a client, it shall be removed from the container in such a way as not to contaminate the remaining portion.

(c) Pencil Cosmetics – Pencil cosmetics shall be sharpened before each use. Sharpeners shall be properly disinfected before each use.

(5.24.3) Facility Use for Non-Accredited Courses

Schools of cosmetology will be permitted to utilize the school facilities for non-accredited courses, after regular school hours, provided said school owner disseminates literature that the said course(s) is not approved by the Department Board. All literature (i.e., forms of media advertisements, pamphlets, etc.), must have prior approval by the Department Board before communication.

RULE NO. 65
COSMETOLOGY ESTABLISHMENT
CERTIFICATE OF REGISTRATION AND LICENSURE

(65.1) Enforcement

Any person, firm, or corporation conducting or operating a cosmetological establishment shall be responsible for compliance with the licensing code and rules of the Board governing cosmetological establishments. Failure to comply with the licensing code and rules shall be grounds for disciplinary action.

(65.2) Authorization

(A) Any person, firm or corporation who has applied for a license to operate a cosmetological establishment will receive a letter authorizing the owner to operate the establishment, provided that the owner has certified compliance with the licensing code and the rules of the Board. The letter shall be conspicuously posted in the salon.

(B) A letter of authorization to operate a cosmetology establishment will expire within twelve (12) months of the date of issuance and/or upon certification by a representative of the Department Board that said salon is not in compliance with the licensing requirements (whichever occurs first).

(65.3) Changes and Notification Requirements

(A) **Name Change** – When the name of an established salon is changed from the name which appears on the original application, the owner of record shall file an application with the Department Board for approval and shall submit the required fee. Failure to comply with this section within thirty (30) days of changing the name of the salon will be grounds for disciplinary action.

(B) **Ownership Change** – When the ownership of an established salon is changed from the ownership that appears on the original application, the owner on file with the Department Board and the new owner shall complete the change of ownership form and submit it to the Cosmetology Section Board's office within thirty (30) days of said sale or transfer. At the same time, the new owner, lessee or other legally responsible party shall submit the required fee. Failure to comply with this section shall be grounds for disciplinary action.

(C) **Relocation** – When the location of an established salon is changed, it shall be classified as a new salon and said owner shall comply with the licensing code and rules relating to the original issuance of a salon license.

(D) **Closure** – Within thirty (30) days after a salon is closed, the owner shall complete the closure form and shall return the salon license to the Department Board.

(65.4) General Licensure Requirements

(A) Permits/Licensure – Selling products, in a salon, that require the seller to hold a special permit or license by Federal or State authorities shall be classified as another type of business. Other types of businesses shall be separated from a salon in accordance with the requirements specified below in Subdivision B.

(B) Separation of Salon from other businesses

(1) Unsanitary conditions – A salon and any other type of business that may create an unsanitary condition (for example, restaurant, grocery store, pet store, etc.) shall be physically separated by solid walls (from the floor to the ceiling) of permanent construction and shall not have doors or openings of any kind between the businesses. Further, the owner shall submit a document issued by the Arkansas Department of Health certifying that the ventilation system(s) of said businesses meets the minimum requirements of the Arkansas Department of Health.

(2) Other businesses not specified in Subdivision B (1) - A salon shall be permitted to conduct business in conjunction with a health and beauty profession provided the person is licensed and regulated by the State of Arkansas.

(3) Barber Establishment License – Any salon that permits a licensed barber to practice the vocation of barbering in the salon, shall also hold a barber establishment license issued by the Arkansas State Board of Barber Examiners.

(C) Equipment

(1) In addition to the minimum equipment specified in Rule No. 5.1 each salon shall have and maintain a sufficient number of towels, implements, instruments and equipment to ensure that contaminated items are not used on clients.

(2) Each salon shall have and maintain equipment that meets industry standards for the type of cosmetological services provided to clients of the salon. The salon shall have and maintain adequate equipment to ensure the health, safety and welfare of the clients served in the salon.

(3) Electrical and non-electrical equipment in each salon shall be maintained and tested periodically to determine that said equipment is functioning in accordance with the manufacturer's specifications. Equipment that is not operable or functioning in accordance with the manufacturer's specifications shall be repaired or discarded.

(4) Appliances used for the preparation of food shall be prohibited in the working or clinical area or reception area. The use of said appliances is restricted to preparation of food for employees or practitioners working in the salon.

(D) Requirements for testing laboratory products

(1) When laboratory-prepared products are used in a licensed cosmetological establishment, for field testing, full disclosure shall be provided to the model or client so the model or client may make an informed decision as to whether the product should be applied.

(2) The establishment owner or his/her designee will be required to provide the client or model with a data sheet which states: the name and address of the manufacturer which produces the product, the name and address of the practitioner applying the product and the date and results of the test.

(3) The client or model will be required to sign the document which also certifies that the model or client is aware that the product is being applied for testing purposes. A copy of the document is to be kept by the establishment owner and a copy must be given to the client or model for the records.

RULE NO. 76

COSMETOLOGY SCHOOL REQUIREMENTS

(76.1) Application

Any person, firm or corporation desiring to conduct a school of cosmetology shall submit an application to the Department Board for approval.

(A) **Name Change**- When the name of a school of cosmetology is changed from the name that appears on the original application, the owner of record shall notify the Department Board in writing at least thirty (30) days prior to the change and shall submit the required fee. Failure to comply with this section will be grounds for disciplinary action.

Comment [A9]: Act 4 of 2009 moves this responsibility from the Cosmetology Board to the Department of Health.

(B) **Ownership Change**- When the ownership of a school of cosmetology is changed from the ownership that appears on the original application, the owner of record shall notify the Department Board in writing at least thirty (30) days prior to the change. In addition, the new owner must provide the documentation outlined in Rule 7.8 6.6 at least thirty (30) days prior to the purchase. Failure to comply with this section will be grounds for disciplinary action.

(76.2) Application for New Private School

(A) Any person, firm or corporation seeking to open a new school of cosmetology shall submit an application to the Cosmetology Section Board office and receive pre-approval from the Department Board staff. The application shall be accompanied by the following information:

(1) Completed application provided by the Department Board and available on the Department Board's website at www.health.arkansas.gov/cos/.

(2) Detailed floor plan of the proposed school showing adequate floor space.

(3) One certified financial statement.

(4) List of proposed equipment of the school.

(5) Personal Survey Form for Instructors shall be completed listing detailed information such as Instructor's education, previous work experience, etc.

(6) Correspondence from the Planning and Zoning Board certifying that the area which the proposed school is to be located is properly zoned for this type of business.

(7) A statement certifying that the owner(s) of the proposed school shall provide not less than fifteen-hundred (1500) hours of continuous training for all cosmetology students enrolled.

(8) The owner shall file a statement designating the name and address of the person who is authorized to accept service of notice from the Department Board and to transact all business negotiations on behalf of the proposed school, including answers to citations and/or for hearings, and compliance with rulings issued by the Department and/or CEAC COSMETOLOGY TECHNICAL ADVISORY COMMITTEE Board.

(9) The required registration fee.

(10) Samples of all forms to be used in the school such as attendance record, sign-in sheets, state inspector time sheets, contracts, releases, progress records, progress cards.

(11) 25 student enrollment forms and all required supporting documentation.

76.3) Application for a New Cosmetology Program in a Public or State-Operated School

(A) Any public or state-operated school seeking to offer education in cosmetology or its related branches shall submit notice to the Cosmetology Section Board office and receive pre-approval from the Department Board staff, as well as to the Arkansas Department of Higher Education or other governing body. The notice shall include the following information:

(1) A completed application provided by the Department Board and available on the Department Board's website at www.healthylarkansas.com www.arkansas.gov/eosf.

(2) Documentation that the school's administration or board has given its approval for the cosmetology program to be offered at the school, as well as the school's commitment that there are sufficient financial resources to support the program.

(3) Name and contact information for the designee at the school who will be responsible to the Department Board for ensuring the school complies with applicable statutes and rules.

(4) A statement certifying the school will comply with all laws including applicable rules and regulations the Board's requirements regarding qualified instructors and a school supervisor.

(5) A statement certifying the required number of instructional hours of instruction will be provided to students for the appropriate program, as outlined in A.C.A. 17-26-304, 17-26-306, 17-26-307 and 17-26-410,

(6) A detailed floor plan reflecting adequate floor space.

(7) A list of equipment to be used for the program.

(8) Personal Survey Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.

(9) Sample of all forms to be used in the school, such as attendance record, sign-in sheets, releases, progress records and progress cards.

(10) 25 student enrollment forms and all required supporting documentation.

(B) When the above information is provided in full, the Department Board staff will conduct the initial inspection described in Rule 76.7. ~~If the school application and initial inspection meets all requirements, the person, firm or corporation will be placed on the agenda for the next available board meeting to request board approval to proceed with school preparations pending the final inspection and licensing. When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations pending the final inspection and licensing.~~

Comment [A10]: Act 4 of 2009 transfers this responsibility from the Cosmetology Board to the Department of Health.

76.4) Application for a Relocated School

(A) When the location of a school licensed to offer a cosmetology or related program changes from the location which appears on the original application, the owner of record shall file an application with the Cosmetology Section Board office and receive pre-approval from the Section Board staff. An application must include the following items of documentation before any relocation can occur:

(1) A detailed floor plan reflecting adequate floor space.

(2) A list of equipment to be used for the program.

(3) Personal Survey Form for Instructors shall be completed listing detailed information; such as

the Instructor's education, previous work experience, etc.

(4) Sample of all forms to be used in the school, such as attendance record, sign-in sheets, releases, progress records and progress cards.

~~(B) When the above information is provided in full, the Department Board staff will conduct the initial inspection described in Rule 76.7. If the school application and initial inspection meets all requirements, the person, firm or corporation will be placed on the agenda for the next available board meeting to request board approval to proceed with the school relocation preparations pending the final inspection and relocated licensing. When the school application and initial inspection meets all requirements, the Department will notify the applicant to proceed with school preparations pending the final inspection and licensing.~~

(76.5) Building Requirements

(A) The school shall be of fireproof construction. All schools shall have a front and back entrance. No partitions will be permitted except for the specified spaces listed below.

(B) All schools must be separated from any other business with solid walls. Cosmetology establishments ~~Beauty shops~~ that are located in the same building shall be separated by a solid physical barrier and shall have separate entrances.

(C) All schools shall have sufficient light fixtures and wiring which shall be approved by a licensed Electrician or City Inspector. Said Electrician or Inspector shall certify that wiring and fixtures are adequate for the building size and purpose for which it is to be used.

(D) The school building shall be completely air conditioned and centrally heated.

(E) There shall be sufficient hot water supply and pressure and be approved as sufficient by a licensed plumber.

(F) All re-located schools shall meet all physical requirements as for new schools.

(G) All cosmetology beauty schools shall be equipped to do and actually perform all services designated under Act 358 of 1955 as amended. The ~~beauty~~ school shall be approved by the Department Board as to space, light, ventilation, hygienic environment and equipment.

(H) Interior floor space shall be not less than twenty-five-hundred (2500) square feet of working area, including restrooms, student lounge, hall and stairways, for a maximum of twenty-five (25) students.

(I) Student practical training area or clinic area shall contain not less than twelve-hundred (1200) square feet, open space, with no walls to obstruct the view of the Instructor. The clinic square footage requirements is for a maximum enrollment of twenty-five (25) students. Enrollment capacity in excess of twenty-five (25) students will be established by the square footage contained in the reception area and excess footage over the required twelve-hundred (1200) square footage in the clinic. Every fifty (50) square feet of space in the aforementioned area will increase the enrollment capacity by one.

(J) The clinical area shall contain: dresserettes and chairs, shampoo bowls and chairs, dryers with chairs, manicuring tables with chairs, and facial chairs. Other equipment not used for the instruction of the practical work will not be permitted.

(K) A classroom is required and shall be not less than two-hundred-seventy-five (275) square feet. The classroom must be equipped with items conducive to promote a teaching and learning environment that accommodates both the instructor and students. Restroom entrances, outside entrances and vending machines shall not be in the classroom.

(L) Restrooms are required. Restrooms shall contain a commode and lavatory. Floors must be a washable surface. Pipes or any other projection that might create an unsanitary condition shall not be exposed.

(M) A reception area shall be required. The reception area shall contain a desk or counter and chairs for clients and other reception furnishings, such as tables or planters. This area shall not contain dryers or any other equipment used by the students in the practical work.

(N) A supply room will be required to keep all cleaning equipment, such as mops, brooms, scrub pails, etc.

(O) A dispensary room is required to store supplies used by students. All extra supplies, not being used, must be stored.

(P) Storage space shall be provided for students to store individual personal items.

(Q) Space shall be provided for students and clients' coats.

(R) Office space shall be provided for student and school business records that contain equipment and furniture necessary to reasonably accommodate an administrative office.

(S) Canteen and lounge room will be provided as a refreshment canteen and lounge for students. All students shall eat and smoke in this room, unless the school chooses to be a smoke-free environment. Eating and smoking will not be permitted in any other area of the school.

(76.6) Equipment

(A) All equipment for new, existing and re-located schools shall be in good workable condition. The equipment shall be appropriately maintained in order to promote the health and safety of school employees, students and clients.

(B) An adequate supply of furnishings shall be maintained in the classroom to sufficiently accommodate the enrolled students.

(C) An adequate supply of working equipment for all cosmetology courses shall be maintained in the school to reasonably accommodate the clientele received in the school.

(D) Each school shall maintain a time clock to register student hours for reporting to the Department Board and a glass display case for student permits.

(E) All schools shall be inspected on a quarterly basis and recommendations for improvements will be mailed to the school owners when necessary. Violations will be addressed appropriately and as necessary.

(76.7) Initial Inspection of a New or Re-located School

After all required documentation and fees have been submitted and approved, the Department Board staff will conduct an initial inspection on all new or re-located schools for the purpose of determining:

(A) Suitability of proposed rooms, including adequacy of floor space; plumbing; ventilation; lighting, etc.

(B) Suitability of proposed layout.

(C) Suitability of proposed items of equipment and material.

(D) Satisfactory evidence of proper provisions for duly licensed instructors.

The findings of the initial inspection and the application with supporting documentation shall be submitted to the Department Board for its approval. If the Department Board approves the initial inspection, a final inspection shall be authorized and conducted by an inspector. The final inspection shall be conducted in order to determine that all information previously submitted to the Department Board on the "Personal Survey Form," the "Application" and the "Initial Inspection Report," such as the floor space, list of equipment on hand, and all other pertinent information, has been strictly adhered to by the owners or administrators of the proposed school.

No license will be issued to any new school until at least 25 student enrollment forms, supporting documents and enrollment fees have been submitted and at least 25 student permits have been issued.

(76.8) Purchase of an Existing School

(A) Any person, firm or corporation seeking to purchase an existing school of cosmetology shall submit the following information at least thirty (30) days prior to the purchase:

(1) An application shall be filed to reflect the change of ownership.

(2) The new owner shall file a statement designating the name and address of the person who is authorized to accept service of notice from the Department Board and to transact all business negotiations on behalf of the school, including answers to citations for hearings, and compliance with rulings issued by the Department Board.

(3) Personal Survey Form for Instructors shall be completed listing detailed information; such as the Instructor's education, previous work experience, etc.

(4) One certified financial statement.

(5) Samples of all forms to be used in the school; such as attendance record, sign-in sheets, state inspector time sheets, contracts, releases, progress records, progress cards.

(76.9) Registration Requirements

(A) All students of Cosmetology, Manicuring, Electrology, Aesthetics, and Teacher Training shall be registered with the Department Board before accredited hours can be obtained. Registration prerequisites are as follows:

(1) Registration form (forms provided by the Department Board). The completed registration form must be received by the Department Board office before accredited hours can be obtained.

(a) One (1) copy of the student/school contract (if applicable).

(2) A copy of the student's driver's license or other form of identification verifying the student's age.

(3) Proof of education:

(a) Cosmetology, Aesthetics and Manicuring – completed a minimum of two (2) years of

high school or its equivalent.

(b) Electrology and Instructor – completed four (4) years of high school or its equivalent.

(c) Results from a test that is approved by the U.S. Department of Education to measure a student's ability to benefit (also "Ability-To-Benefit (ATB) test") may be used to determine a student's equivalency to the above.

(4) Required registration fee.

(B) Failure to comply with the above mentioned prerequisites will affect the matriculation date.

(C) All registration forms must state the student's full given name which is recorded on their birth certificate.

(1) If the student is married include the married name after their maiden name.

(2) If a student is married or divorced during the course of training a copy of the marriage certificate or divorce decree shall be submitted to the Department before the Board before records will be changed.

(D) In the event a student has a previous enrollment and his/her information is on file with the Department Board, the above information shall be condensed to a Re-enrollment or Transfer Form (provided by the Department Board), along with the required registration fee.

(76.10) Cosmetology Training Requirements

(A) Fifteen-hundred (1500) hours of theoretical and practical instruction shall be required as a prerequisite to qualify for examination in cosmetology.

(B) Actual experience time is defined as classroom instruction or clinical work or experience under supervision of a bona fide instructor. Break time should be on a scheduled basis as lunch, coffee, etc., and shall not be counted as classroom instruction time or creditable time. The only creditable time permitted when the clinic facility is closed will be classroom instruction.

(C) All schools shall provide each student enrolled the opportunity to acquire the entire course of training uninterrupted by unscheduled vacations or for any reason that may cause a delay in the completion of such course. The school shall certify the training in accordance with the required curriculum for examination and license. This provision does not prohibit a school from suspending a student for disciplinary reasons. Grounds for suspension shall be determined by the owner. Only students who have been placed on probation, as a result of a previous infraction of the school rules and regulations or policies, may be suspended from school. Duration of a suspension shall be set forth in the school catalog.

(D) Certification of hours must be filed with the ~~Department-Board~~ within ten (10) days immediately following termination of student. Hours of instruction having been acquired by the student may not be deducted or increased for any reason. Increase or decrease of creditable hours is prohibited.

(E) Certification of ~~hoursof~~ hours forms should be completed by the Instructor in charge of the school, along with the student training permit and paid-in-full contract. Only the hours that have been accrued during the current enrollment shall be certified. In the event a student has not paid for all of the accumulated hours a notation shall be made at the bottom of the certification form stating the number of uncertified hours. Uncertified hours will not be released until a new certification form is submitted. Certification of Hours

Forms may be obtained from the ~~Department Board's office~~ upon request and are available for downloading on the ~~Department's Board's~~ website at www.healtharkansas.com/arkansas.gov/cos/.

(F) Required textbooks: The Department Board must approve textbooks. Textbooks must adequately cover the prescribed curricula and prepare students for State testing. Other textbooks and reference material may be used to enhance the cosmetology course.

(76.11) Cosmetology Curriculum

(A) A total of fifteen-hundred (1500) hours shall be required in the cosmetology program and shall consist of the following curricula:

(1) Hygiene and Sanitation – 80 Hours – Instructions in sanitation, sterilization, hygiene, lighting and ventilation. General sanitation duties performed by students shall not exceed more than fifteen (15) minutes per day. Students are required to maintain their stations as warranted and are responsible for their actions or mishaps.

(2) Related Science – 120 hours – Physiotherapy or cosmetricity (pertaining to electricity used in cosmetology), Physiology and Histology Anatomy, Neurology, Myology and Osteology.

(3) Hairdressing – 1000 hours – A course in cleaning hair, shampooing, haircutting, clipping, singeing, dying, tinting, bleaching, scalp massage, brushing and combing, curling, permanent waving, and reconditioning hair, wigging, thermal pressing, iron curling, chemical relaxing, etc.

(4) Manicuring – 100 hours – A course in the construction, filing and shaping of the fingernails, loosening and removing the dead cuticle and the art of hand and arm massage.

(5) Aesthetics – 100 hours – A course in the skin, various kinds of facial massage, cosmetics, packs, the art of makeup, eyebrow arching, eyebrow and eyelash dying.

(6) Salesmanship and Shop Management – 50 hours – Instruction in how to keep records, knowledge of business law, cosmetology law, rules and regulations, booking appointments, retailing, etc.

(7) Shop Department – 50 hours – Courtesy, neatness and professional attitude in meeting the public.

(B) All schools shall provide a minimum of five (5) hours each week in theoretical instruction of each student enrolled. This requirement may be modified by pro-rating the hours when necessary depending upon the school schedule provided the student is receiving quality theoretical instruction to prepare him/her for examination.

(C) The time of the classroom instruction class shall be registered with the ~~Department Board~~.

(D) Students shall not be permitted to leave the classroom during theoretical instructions to work on clients.

(E) To qualify for the cosmetology examination, students must acquire a minimum of one-hundred-eighty (180) hours in theoretical instruction.

(F) All schools shall provide a minimum of ten (10) services per week, for each student enrolled who has acquired two-hundred-fifty (250) hours of instruction. Students shall be assigned to clients on the basis of respective learning needs.

(76.12) Manicure Curriculum

(A) A total of six-hundred (600) hours in Manicure training shall consist of the following subjects and hours:

- (1) Health, Sanitation and Infection Control (75 hours);
- (2) Health Related Science (75 hours);
- (3) Manicuring and Pedicuring (200 hours);
- (4) Advance Nail Technology (200 hours);
- (5) Career Development (50 hours).

(76.13) Aesthetic Curriculum

(A) A total of six-hundred (600) hours in the Aesthetician course shall consist of the following subjects and hours:

- (1) Chemistry (40 hours);
- (2) Physiology (35 hours);
- (3) Bacteriology & Sanitation (35 hours);
- (4) Introduction of Skin Care (45 hours);
- (5) Skin Care (150 hours);
- (6) Makeup and Corrective Makeup (50 hours);
- (7) Eyebrow and Lashes (40 hours);
- (8) Hair Removal (40 hours);
- (9) Safety Precautions (20 hours);
- (10) Professional & Personality Development (20 hours);
- (11) Management (20 hours);
- (12) Salesmanship (15 hours);
- (13) State Laws and Rules and Regulations (10 hours);
- (14) Testing Evaluation (15 hours);
- (15) Instructor's Discretion (65 hours).

(76.14) Electrology

(A) Requirements

Any cosmetologybeauty school in the State of Arkansas qualified and approved to teach cosmetology by the Department Board may teach Electrolysis in epilation, provided they:

- (1) Show proof of a qualified electrolysis instructor who shall be licensed by the Board.
- (2) Meet the minimum requirements in equipment necessary to teach Electrolysis in epilation.

(B) Training Course

A course of three-hundred-fifty (350) hours as a student in conjunction with a regular course in cosmetology and its related occupations or for licensed beauty operator, or a course of six-hundred (600) hours as a student when not in conjunction with a regular course in cosmetology and its related occupations or a licensed beauty operator, shall be required as a prerequisite to qualify for examination in electrolysis. The training shall include practical training and technical instruction. The school shall establish grades and hold examinations before issuing diplomas in Electrology Training.

(C) Electrology Curriculum:

Subject	Cosmetologist	Unlicensed
AR Law pertaining to Electrology	10 hours	20 hours
Sterilization, Sanitation, Bacteriology	25 hours	50 hours
Study of Hair	20 hours	40 hours
Study of Skin	25 hours	50 hours
Disorders of Skin and Hair	20 hours	40 hours
Electricity	25 hours	50 hours
Electrology	150 hours	200 hours
Neurology and Angiology	20 hours	40 hours
Development of Practice	15 hours	30 hours
Instructor's Discretion	40 hours	80 hours

(76.15) Discretionary Off-Campus Student Hours

Students may receive credit towards their chosen course of study through discretionary off-campus hours. These hours may be obtained by attending educational events relevant to the student's course of study. Credit can only be given for actual time in attendance. Credit shall not be granted for travel time. Students must at all times be accompanied by a bona fide instructor and the instructor/student ratio must at all times meet the standards outlined below in section 76.16. Instructors who accompany students during these activities must keep written record of students' attendance through a sign-in/sign-out sheet.

Schools shall maintain a record of all off-campus events that students participate in for review upon request by a representative by the Department, the Director or inspector. The record shall include the following information for each event:

- (A) Name and location of the educational event;
- (B) Date of the educational event;
- (C) List of each instructor in attendance;
- (D) Sign-in/sign-out sheet;
- (E) List of each student in attendance;
- (F) Number of hours earned by each student.

(76.16) Instructor/Enrolled Student Ratio

(A) Instructors shall not be permitted to perform cosmetological services for students, however, the Instructor will be permitted to assist the student when needed in the clinical area.

(B) Every person employed in a school to instruct students therein shall be currently licensed by the Board. Instructor/enrolled student ratio shall be as follows:

STUDENT	INSTRUCTOR
1-25	1
26-50	2
51-75	3

(C) All schools shall have an additional Instructor subject to call at all times in the event the regular Instructor is ill or absent from the school.

(D) Instructors shall be permitted to tutor students after school hours providing services are not performed on the public during tutoring sessions and students are not given credit for hours spent in the tutoring capacity.

(76.17) Responsibility of School

(A) Monthly Reports

(1) All schools are required to report to the Cosmetology Section Board office, by the tenth (10th) day of each month, all students currently enrolled in the school during the month. The monthly report shall reflect the number of hours acquired in the school during the month and the accumulated hours during the current enrollment.

(2) The Cosmetology Section Board office will notify the school when an error has been made on the monthly report. Upon receipt of this notification the school owner or instructor is required to check their records and appraise the Cosmetology Section Board office of the corrections made within the week.

(3) All schools have thirty (30) calendar days from the submission date of the monthly report to report any errors in the hours submitted on the monthly report. Copies of the time cards and/or supporting documentation related to the error shall support corrections.

(4) No changes to student hours will be made after the thirty (30) day timeframe without good cause.

(5) No school owner or instructor shall ever refuse to submit a Certificate of Training form for a student, as well as a Balance Due on Tuition form, if applicable, pursuant to Rule 7.10 (D).

(B) Daily Records and Inspection

(1) Every school shall keep a daily record of attendance on each student enrolled. A time clock shall be used for the purpose of recording hours.

(2) Every school shall keep a daily record of the student's activity. The time the student has acquired in the various phases of cosmetology or its related branches shall be recorded on this record.

(3) The school shall establish a grading system and hold examinations before issuing diplomas.

(4) All necessary basic subjects, in accordance with the Department's Board's curriculum shall be

taught in the proper sequence and depth to prepare each student both for the Board's licensing examination and for successful entry level work in the profession.

(5) A course outline and daily lesson plans shall be used by the school. A course outline shall be provided to students so they will be apprised of the upcoming activities.

(6) Schools shall be inspected to determine compliance with applicable licensing code and rules governing cosmetology schools and programs administered in a state or public-operated school. A school license will be issued upon receipt of a compliance inspection by a representative of the Department Board. During an inspection, the inspector may review the records maintained by the school; review the course outline and lesson plans and generally evaluate the operation of the school. School owners may contact the Department Director to discuss the recommendations and/or to request will be granted a hearing before the CTAC COSMETOLOGY TECHNICAL ADVISORY COMMITTEE Board. to discuss any recommendations made upon filing a request. In the absence of contacting the Director or a request to meet with the Board all recommendations made shall be complied with before the ensuing year's license will be issued. Failure to comply with the licensing requirements will be grounds for disciplinary action and license denial.

(C) Tuition and Fees

(1) Every school shall fix its tuition at such an amount as will enable it to furnish without further charge to the student all supplies used on the public or on mannequins. Each student shall have access to a complete kit of tools, textbook and copies of the instructional materials used in each course.

(2) The student shall not be permitted to remove the kit from the school until such time the student has completed his/her training or withdraws from school provided the student has purchased the kit from the school.

(D) School Catalog

(1) Every school shall set forth basic information about itself in a bound catalog which is kept up to-date and made available to prospective students and the Department Board.

(2) The catalog must include the following items as a minimum: name and address of school; date of publication; when the school was established; admission requirements; educational objectives of each program; length of course and course description; grading system; graduation requirements; type of document received upon graduation; refund policy; name(s) of owners and scholarship and fee waiver policies.

(3) Either the catalog or a dated supplement to the catalog must include: total tuition for the course; books and supplies; registration fee or enrollment fee; charges for extra instruction; all other costs assessed to students; details, conditions, and methods of payment of monies owed to the school; school policies, rules and regulations; disciplinary action for failure to abide by policies or rules and regulations; and name of administrative staff and faculty of the school.

(E) School Rules and Regulations/Catalog

(1) Prior to adoption, amendment, or repeal of any rule or regulation or catalog, the school shall give notice of its intended action to the students enrolled in school. The notice shall include the following:

(a) The effective date;

(b) Whether the regulation(s) is new, repeals, or changes an existing rule;

(c) What the regulation(s) is.

(2) After the students are given notice in the proper form all students enrolled in said school will be required to sign a document stating that they have been apprised of the intended action.

(3) After the regulation(s) has been adopted by the school a supplement which contains the revisions shall be attached to all catalogs that the school has on hand.

(F) School Contracts

School owners who require contracts as a prerequisite for enrollment will be required to file one (1) copy of the contract with the Department Board and provide a copy to the student. The contract must clearly outline the obligation of both the school and the student in accordance with the terms and conditions stipulated in the school catalog. All contracts must contain the following:

(1) The name and address of the school.

(2) The name and address of the applicant.

(3) Course of Training – Total hours of instruction.

(4) School Term- Stipulate full or part-time. Part-time must state the number of hours each day and days per week.

(5) Schedule of Payments – State tuition and whether the tuition includes the cost of the kit and book. If the kit and book are not included in the tuition said items must be itemized. The down payment, balance of the contract and the monthly payments must be stated.

(6) The school refund policy must be stated.

(7) Acknowledgement that the student received a copy of the school's rules and regulations and catalog.

(8) Contracts of under aged student shall be signed by a parent or guardian. Parent or guardian signature is required for students under eighteen (18) years of age.

(G) Penalty

Any school owner who fails to abide by the terms and conditions set out in the school catalog or contract or fails to comply with the procedures for adopting rules and regulations or who is capricious in enforcing school regulations will be subject to a disciplinary hearing before the ~~CTAC~~ COSMETOLOGY TECHNICAL ADVISORY COMMITTEE Board pursuant to Rule No. 1.3 and 1140. In the case of a Nationally Accredited School the Department Board will notify the proper officials of the disposition of the complaint.

**RULE NO. 87
INSTRUCTOR TRAINING**

(87.1) Requirements

(A) The Department Board will admit to examination for a license any person who has acquired six-hundred (600) hours of instructor training in this state and submits the following requirements: (a) a completed Arkansas application form, (b) certification of hours from the school attended, and (c) paid in full contract.

(B) The instructor training curriculum is designed as a course to extend over a period of not less than four (4) months and not less than six-hundred (600) hours of training.

(C) A instructor-trainee shall:

- (1) be licensed as a cosmetologist, manicurist, aesthetician or electrologist in the State of Arkansas,
- (2) be registered as a instructor-trainee with the Department Board,
- (3) be under the immediate supervision of a licensed instructor at all times,
- (4) not be authorized to verify student daily slips,
- (5) be given a written examination after completion of each subject by the licensed Instructor.

(87.2) Curriculum
SUBJECTS

MINIMUM HOURS

(A) Required preparatory training	50
Teaching of theory and practical operation.	
Selecting subject matter for class lecture.	
Preparing class lectures.	
Conducting a review of all subjects taught.	
Preparing and grading examinations.	
Demonstrating practical operations.	
Teaching practical operations.	
(B) Class attendance	100
Classes are to be conducted by a licensed instructor to prepare instructor-trainee to properly lecture and demonstrate on all subjects of cosmetology.	
(C) Conducting Theory Classes in Cosmetology, Aesthetics, Manicuring or Electrology	50
Theory classes will be conducted under the supervision of a licensed instructor.	
(D) Conducting Practical Classes in Cosmetology, Aesthetics, Manicuring or Electrology	300
(E) Method of Keeping Student Records	10
(F) Instructor's Discretion	90
Training in subjects in which the individual instructor-trainee may be deficient, or to the practice of Cosmetology	600

A licensed instructor will supervise all classes conducted by an instructor-trainee.

(87.3) Instructor/Instructor-Trainee Ratio

School owners may enroll a maximum of three (3) instructor-trainees for each authorized instructor teaching in the school on a full-time basis. Instructor/instructor-trainee ratio is as follows:

(A) **1 Instructor/1 Trainee** – who has acquired between 100 and 200 hours;

(B) **1 Instructor/2 Trainees** – provided 1 trainee has acquired between 100 and 200 hours and 1 trainee has between 200 and 400 hours;

(C) 1 Instructor/3 Trainees – provided 1 trainee has acquired between 100 and 200 hours, 1 trainee has acquired between 200 and 400 hours and 1 trainee has between 400 and 600 hours.

The instructor-trainee(s) shall be under the direct supervision of a full-time licensed instructor at all times. Instructor-trainee(s) may attend on a part-time basis provided the curriculum is observed.

RULE NO. 9 8
RECIPROCITY REQUIREMENTS

(98.1) Reciprocity Requirements

(A) Upon application to the Department in the form provided for the particular class of license applied for, accompanied by the required fee, a person licensed as a cosmetologist, electrologist, manicurist, aesthetician, or instructor under the laws of another state shall be granted a license to practice the occupation or occupations in the state not of greater scope than the occupation or occupations for which the applicant was previously licensed in the other state, upon the following conditions:

Comment [A11]: Language taken directly from ARK code ann. §17-26-315

(1) That the applicant for license as a cosmetologist, manicurist, or aesthetician is not less than eighteen (18) years of age, and the applicant for a license as an instructor or electrologist is not less than twenty-one (21) years of age;

(2) That the applicant holds a current valid license upon application for reciprocity, evidenced by certified copy of the license and an affidavit from the other state or by such other evidence as the Department may require;

(3) That the applicant has passed a national examination comparable to the examination given in this state; and

(4) That the applicant passes an Arkansas law examination under this chapter.
All persons licensed as a cosmetologist, electrologist, manicurist, aesthetician or instructor, under the laws of another state shall be granted a license to practice their respective occupation(s) through Reciprocity provided that the following requirements are met:
applicant is 18 years of age or older;
has passed both a written and practical examination for the particular class of license applied for,
has passed an Arkansas state law examination,
has an official certification on file with the Board that was received from the state board from which he/she is transferring, and
has paid the appropriate reciprocity fee.

(B) All foreign documents submitted for the purpose of complying with the requirements for examination shall be original copies and translated in the English language.

(C) A person who is registered or licensed under the laws of another state is not permitted to practice in this State until said person is licensed by the Arkansas State Board of Health Cosmetology.

RULE NO. 10 9

LICENSE REVOCATION

A person whose license has been revoked may, after the expiration of one (1) year from the date of such revocation or the final disposition of any appeal, apply for new license in the manner provided for in the

original application, and the Board may, in its discretion, exempt the applicant from examination and grant a new license upon payment of proper fee.

**RULE NO. 1110
COMPLAINT POLICY**

1. Any person may file a complaint against any of the following:

- ~~-----~~ A. a person, establishment or school licensed by the Board on any of the grounds for disciplinary action provided in 17-26-105 of the Cosmetology Act;
- B. a member of the board's office staff or an inspector; or
- C. the Director.

2. Official complaints must be made in writing within ninety (90) days from the date of infraction. In the event of a complaint from a student concerning the hours accrued or issues relevant to the completion of the course the student may submit a complaint against the school within ninety (90) days after the Certificate of Training form is submitted to the Board's office by the school.

3. Verbal complaints, anonymous or otherwise, made in person or via telephone, will not be taken by board members, office staff, or inspectors. Documentation will not be made concerning verbal testimonies under any circumstances, as to do so would deviate from the official complaint process.

4. All written complaints against a Board licensee will be reviewed by the Grievance Committee, which shall be a standing Committee comprised of the following people:

- ~~-----~~ a. a board member appointed by the Board President;
- ~~-----~~ b. director;
- ~~-----~~ c. legal counsel.

5. The appointed board member shall serve for a non-consecutive 12-month period.

6. An alternate board member shall be appointed by the President to serve during the same time-period as determined in #5 above.

7. ~~The Grievance Committee will make an initial review of the complaint and respond within thirty (30) days concerning the decision as to whether the complaint will potentially fall within the Board's jurisdiction. If it is determined the complaint may fall within the Board's jurisdiction, then the Grievance Committee will determine what action is necessary to investigate or resolve the complaint. If warranted, a copy of the complaint will be sent to the person the complaint is filed against in order for him/her to have an opportunity to respond to the allegations within thirty (30) days of receipt of the information. If the Grievance Committee determines the complaint does not fall within the Board's jurisdiction, then the complainant and all involved parties will be notified of the Committee's findings.~~

Comment [A12]: Complaints against Cosmetology Section staff will be handled through Department of Health HR policy and procedures.

8. The procedure to follow when filing a complaint is as follows:

(A) Complaints against a person, establishment or school

1. The name and address of the complainant must be provided.
2. The written documentation must clearly and concisely state the facts of the infraction and the nature of the complaint and include a signature.
- ~~-----~~ 3. The name and address of the licensee(s) named in the complaint must be provided.
- ~~-----~~ 4. The name and address of any person who can confirm all or part of the allegations must be provided.
- ~~-----~~ 5. Any supporting documentation verifying the allegations must be provided.

(1) Any person may file a complaint against any of the following: a person, establishment or school licensed by the Board on any of the grounds for disciplinary action provided in 17-26-105 the Cosmetology Act.

(2) Official complaints must be made in writing within ninety (90) days from the date of infraction. In the event of a complaint from a student concerning the hours accrued or issues relevant to the completion of the course the student may submit a complaint against the school within ninety (90) days after the Certificate of Training form is submitted to the Department by the school.

(3) Complaints against a Board licensee will be provided a hearing by the CTAC COSMETOLOGY TECHNICAL ADVISORY COMMITTEE. The CTAC COSMETOLOGY TECHNICAL ADVISORY COMMITTEE will hold hearings bimonthly. Appeals of Committee findings may be heard by the State Board of Health.

B. Complaints against a member of the Board's office staff or an inspector

1. The name and address of the complainant must be provided.
2. The written documentation must clearly and concisely state the facts of the infraction and the nature of the complaint and include a signature.
3. The name of the office staff member or inspector must be provided.
4. The name and address of any person who can confirm all or part of the allegations must be provided.
5. Any supporting documentation verifying the allegations must be provided.

Comment [A13]: Complaints against Cosmetology Section staff will be handled through Department of Health HR policy and procedures.

Complaints against Board employees will be reviewed by the Board Director. In the event the complainant is unsatisfied with the Director's decision in the matter, the recourse for the complainant will be to file a request with the Board President to bring the matter before the Board.

C. Complaints against the Director

Complaints against the Director must be submitted to the Board President in writing within ninety (90) days from the date of the infraction. The written request shall explain the nature of the infraction and clearly and concisely state with sufficient details to fully apprise the Board of the basis of the infraction. The matter will be presented to the Board in Executive Session at the next regular meeting unless a special meeting is warranted.

D. Complaints against a board member

Complaints against a board member may be made to the Boards and Commissions Department of the Governor's Office, as board members are appointed by the Governor.

**RULE NO. 12.11
EQUIPMENT AND CHEMICAL USE
IN COSMETOLOGY AND ITS RELATED BRANCHES**

(A) Equipment

(1) A licensed cosmetologist and aesthetician may use equipment classified by the U. S. Food and Drug Administration (FDA) as a Class I device. Class I devices are considered to be less invasive and the potential for harm to the public is minimal. Examples of a Class I device are electrolysis, red light LED, Galvanic and microdermabrasion.

(2) Equipment classified by the FDA as a Class II device shall not be used in the cosmetology industry. Examples of a Class II device are intense pulse light (IPL), blue light LED, ultrasound and laser.

(3) Equipment classified by the FDA as a Class III or Class IV device shall not be used in the cosmetology industry.

(4) A licensed cosmetologist and aesthetician shall immediately provide proof of the FDA classification for equipment found in their possession during an inspection, as it is the licensee's responsibility to research this matter prior to purchasing the equipment.

(B) Chemical

(1) A licensed cosmetologist and aesthetician may use the following chemical exfoliation substances:

(a) no more than 50% alpha hydroxyl acid (AHAs which includes glycolic, tartaric, malic or lactic acids. Such AHAs shall not be lower than a pH of 2);

(b) no more than 20% beta hydroxyl acid (BHAs which include salicylic acid);

(c) Trichloroacetic Acid (TCA) with levels of less than 20%;

(d) Jessner's solutions;

(e) 2% resorcinol; and

(f) Proteolytic enzymes (such as papain and bromelain) when used with an accelerator.

(2) No person performing any type of cosmetological services is permitted to use the following:

(a) Retinoids;

(b) Carbollic acid (phenol);

(c) Products listed above that exceed the stated maximum levels or combinations thereof;

(d) All adulterated chemical exfoliating/peeling substances.

(C) Equipment and chemical exfoliation substance services shall only be administered in an establishment or school licensed by the Board and shall only be performed by a licensed practitioner that follows the appropriate health and safety guidelines.

(D) Prior to providing services related to cosmetic resurfacing and/or exfoliating, cosmetologists or aestheticians shall inform each client that the following may increase the client's susceptibility to adverse reactions as a result of the procedure:

(1) currently under physician's care or treatment;

(2) HSV (cold sores) predisposition;

(3) whether client is currently pregnant;

(4) history of cosmetic related irritant or allergic reaction;

(5) frequency of sun exposure or tanning bed use;

(6) use of topical and/or oral medications, such as tretinoin (aka Retin-A, Renova);

(7) isotretinoin (aka Accutane);

(8) previous facial plastic/reconstructive surgery.

(E) If the client history indicates a positive answer to any questions set forth in subsection (D) above, a predisposition patch test must be performed 24-hours before the procedure is performed and/or written approval from a physician must be provided to authorize the procedure.

(F) Prior to providing any services related to cosmetic resurfacing and/or exfoliating, cosmetologists and aestheticians shall do a visual inspection of the client's skin for the following conditions:

(1) degree of sebaceous activity (skin oiliness), acne, telangiectasias (broken capillaries) and degree of photodamage;

(2) open cuts, sores, lesions or apparent skin irritation or sensitivity.

(G) Cosmetologists and aestheticians shall conclude all cosmetic resurfacing and/or exfoliating procedures with application of UVA/UVB SPF 15 (or higher) sunscreen to client before discharge.

(H) Cosmetic resurfacing exfoliating substances shall not be performed when the cosmetologist or aesthetician has reason to believe a client is:

(1) under the supervision of a physician for skin related disorders;

(2) is pregnant;

(3) is post-chemical peel;

(4) has laser treatments or plastic/reconstructive surgery without the written approval of the physician.

(I) Cosmetic resurfacing exfoliating substances shall not be administered to skin exhibiting open cuts, sores, sunburn, chemical or thermal burns, apparent skin irritation or sensitivity.

(J) Disposable implements, including needles and lancets, are recommended, but non-disposable implements if used must be properly sterilized with an autoclave. Implements that cannot be sterilized with an autoclave must be sterilized with an EPA approved disinfectant. Dry sterilizer or UV lights are not acceptable sterilization techniques.

(K) The use of Liquid Methyl Methacrylate (MMA) Monomer is prohibited.

(L) Performing services prohibited under this section shall be grounds for disciplinary action by the CTAC COSMETOLOGY TECHNICAL ADVISORY COMMITTEE Board.