

**PROPOSED REGULATION OF THE
STATE BOARD OF COSMETOLOGY**

LCB File No. R175-99

November 12, 1999

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 3-14, NRS 644.110 and 644.2175; §2, NRS 644.110, 644.217 and 644.2175.

Section 1. Chapter 644 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. 1. *To receive a certificate of registration as a cosmetologist's apprentice, an applicant must complete and submit to the board an application on the appropriate form provided by the board.*

2. In addition to the information specified in subsection 2 of NRS 644.217, the form submitted pursuant to subsection 1 of this section must be accompanied by:

(a) Proof, satisfactory to the board, which establishes that the applicant:

(1) Is a resident of a county in this state whose population is less than 35,000;

(2) Is required to travel more than 60 miles from his place of residence to attend a licensed school of cosmetology;

(3) Is not less than 16 years of age at the time of application;

(4) Is of good moral character; and

(5) Has completed at least the 10th grade in high school or its equivalent;

(b) Two current photographs of the applicant which are 1 1/2 by 1 1/2 inches, on the back of which are written the name and address of the applicant;

(c) A copy of the petition of the licensed cosmetologist who will be supervising and training the applicant if he is approved to be a cosmetologist's apprentice; and

(d) A statement from the owner of the cosmetological establishment where the applicant will be trained which states that the owner has received oral approval from the board that the cosmetological establishment satisfies the requirements of section 8 of this regulation.

Sec. 3. 1. *To supervise and train a cosmetologist's apprentice, a licensed cosmetologist must complete a petition on the appropriate form provided by the board. The applicant for a certificate of registration as a cosmetologist's apprentice must obtain this completed petition and include it with his application submitted pursuant to section 2 of this regulation.*

2. The petition must be accompanied by proof, satisfactory to the board, that the petitioner:

(a) Has been licensed by the board to practice cosmetology in this state for not less than 3 years immediately preceding the date of submittal of an application for a certificate of registration pursuant to section 2 of this regulation;

(b) Has been in good standing with the board during the 3-year period specified in paragraph (a);

(c) Resides in the same county of this state as the applicant for a certificate of registration as a cosmetologist's apprentice whom he seeks to supervise; and

(d) Currently works in or operates a licensed cosmetological establishment:

(1) In which all the occupations of cosmetology are practiced;

(2) Which is the same establishment referred to in the owner's statement of permission and the owner's statement that he has received oral approval from the board that were

submitted with the application for a certificate of registration pursuant to section 2 of this regulation and subsection 2 of NRS 644.217; and

(3) Which is located in the same county of this state in which the applicant for a certificate of registration as a cosmetologist's apprentice resides.

Sec. 4. The board will review an application submitted pursuant to section 2 of this regulation, including the petition completed by the licensed cosmetologist pursuant to section 3 of this regulation, and approve or deny it within 30 days after the date it is received by the board. If approved, a certificate of registration will be issued and sent to the cosmetologist's apprentice within 10 days after the date the board approves the application.

Sec. 5. A licensed cosmetologist who has been authorized by the board to supervise and train a cosmetologist's apprentice and who is supervising and training a cosmetologist's apprentice shall, in addition to the duties specified in NRS 644.2175:

1. Specify, in the daily record of the training of the cosmetologist's apprentice, the number of hours spent on each subject and the type of training that was administered;

2. Provide practical training and technical instruction in the subjects and for the hours listed below:

(a) Blow drying, 160 hours;

(b) Dispensary, 50 hours;

(c) Extensions and wrapping of nails, 40 hours;

(d) Facials, arching, skin care and make-up, 120 hours;

(e) Finger waving, 120 hours;

(f) Haircoloring, 400 hours;

(g) Haircutting, 450 hours;

(h) Manicuring, 150 hours;

(i) Miscellaneous practical and technical instruction, 180 hours;

(j) Modeling, 60 hours;

(k) The provisions of chapter 644 of NRS and the regulations adopted pursuant thereto, 40 hours;

(l) Pedicuring, 50 hours;

(m) Permanent waving and chemical straightening, 500 hours;

(n) Receptionist's duties, 50 hours;

(o) Salon management, 50 hours;

(p) Scalp treatment, 50 hours;

(q) Shampooing and rinses, 50 hours;

(r) Skipwaving, 120 hours;

(s) Theory, 410 hours;

(t) Thermal straightening, curling and marcelling, 300 hours;

(u) Wet hairdressing, 200 hours; and

(v) Wigs and hairpieces, 50 hours;

3. Administer monthly tests on the theory and the practice of the subjects specified in subsection 2;

4. Submit monthly reports to the board, signed by himself and by the cosmetologist's apprentice, that summarize the apprentice's record of attendance, the training he has received during the previous month and his scores on any tests administered during the previous month;

5. Ensure that the cosmetologist's apprentice wears, at all times that he is receiving training or performing work on the public, a clean outer garment that meets the requirements of NAC 644.355 and a badge pursuant to the requirements of section 9 of this regulation;

6. Ensure that the certificate of registration of the cosmetologist's apprentice is in plain view of the public at the position where he is being trained and performing work on the public;

7. Limit the training of the cosmetologist's apprentice to not more than 40 hours per week and not more often than 5 days out of every 7 consecutive days;

8. Not commence training until he has ensured that the cosmetologist's apprentice has received a certificate of registration from the board; and

9. Upon completion of the training of the cosmetologist's apprentice, submit to the board a final report that:

(a) Documents that the cosmetologist's apprentice completed the number of hours of training required pursuant to NRS 644.200 and the number of hours spent on each of the subjects specified in subsection 2;

(b) Summarizes the training provided to the cosmetologist's apprentice; and

(c) States whether the cosmetologist's apprentice is ready to take the written examination for a license as a cosmetologist.

Sec. 6. *A cosmetologist's apprentice may not:*

1. Commence training until his certificate of registration is placed in plain view of the public at the place where he is being trained and performing work on the public; or

2. Perform work on the public until he has received at least 350 hours of technical training, with at least a portion of that time devoted to each of the subjects specified in subsection 2 of section 5 of this regulation.

Sec. 7. *A licensed cosmetologist who is supervising and training a cosmetologist's apprentice may be subject to discipline by the board for any action or omission for which the cosmetologist's apprentice is subject to discipline by the board.*

Sec. 8. 1. *Before an application for a certificate of registration as a cosmetologist's apprentice may be approved by the board, the owner of the cosmetological establishment where the applicant will be trained must contact the board and request an oral review to determine whether the cosmetological establishment meets the requirements of this section. The board will conduct an on-site inspection of the cosmetological establishment not later than 90 days after the date on which the certificate of registration is issued to the applicant.*

2. *A cosmetological establishment where a cosmetologist's apprentice will be trained must have available in a designated area for the use of the cosmetologist's apprentice:*

- (a) One styling chair;*
- (b) One shampoo bowl;*
- (c) One hand-held blow dryer and one dryer that is equipped with a chair and a device that releases air onto the client's hair;*
- (d) One table for administering a manicure;*
- (e) Supplies for performing a process, that is acceptable to the board, for the wet and dry sterilization of instruments used in cosmetology;*
- (f) Equipment for hot work, consisting of:*
 - (1) An electric heater;*
 - (2) A pressing comb;*
 - (3) A marcel curling iron; and*

- (4) Cream or jelly for the protection of the client's skin while hot work is being performed;*
- (g) A sufficient amount of equipment and supplies to block, wrap and complete one permanent cold wave, including rollers, rods, end papers and cotton;*
- (h) Equipment and supplies for tinting, including one bowl, one brush and two bottles for the application of the tint;*
- (i) Supplies, creams and lotions for performing a facial;*
- (j) One mannequin;*
- (k) At least one standard textbook concerning cosmetology, a workbook for the theory of cosmetology and a workbook for the practice of cosmetology;*
- (l) A copy of the provisions of chapter 644 of NRS and the regulations adopted pursuant thereto;*
- (m) Combs and brushes for the performance of all services requiring combs and brushes;*
- (n) Tapering shears;*
- (o) Strips for protecting the neck of the client;*
- (p) Scissors;*
- (q) One razor and blade with a guard;*
- (r) One plastic spray bottle;*
- (s) Bandages;*
- (t) Protective gloves;*
- (u) Instruments for holding rollers in the hair, commonly referred to as "clippies";*
- (v) Equipment for hot waxing;*
- (w) Oils and conditioners, consisting of:*

- (1) Pressing oils;*
- (2) Scalp conditioners, including at least one conditioner made without a soap base, especially for pressed hair;*
- (3) Hair conditioners made without a soap base, especially for pressed hair;*
- (4) Curling creams made with wax; and*
- (5) Dry, cleaning fluids for pressing hair;*
- (x) One heated cap for the treatment of hair;*
- (y) A covered container for the storage of hairpins, clips, nets and similar items;*
- (z) One shampoo cape; and*
- (aa) Supplies for performing manicures and pedicures, including:*
 - (1) Emery boards;*
 - (2) Cream for cuticles;*
 - (3) Base coat;*
 - (4) Top coat;*
 - (5) Nail polish;*
 - (6) A bowl for water;*
 - (7) Supplies for sanitizing instruments used to perform a manicure or pedicure;*
 - (8) Sticks made of orangewood or other instruments for pushing back cuticles; and*
 - (9) Tips, wraps, extensions and sculptured nails.*

Sec. 9. *Each cosmetologist's apprentice shall construct and wear, at all times when receiving training or performing work on the public, a badge which contains the name and photograph of the cosmetologist's apprentice, his certificate of registration number and the name of the licensed cosmetologist who is supervising and training him.*

Sec. 10. 1. *A certificate of registration as a cosmetologist's apprentice is valid for training only with the licensed cosmetologist and the cosmetological establishment approved by the board when the certificate of registration was issued.*

2. Authorization of a licensed cosmetologist to supervise and train a cosmetologist's apprentice is valid only for the cosmetologist's apprentice named in the certificate of registration and only for the period during which the cosmetologist's apprentice holds the certificate of registration.

3. If a cosmetologist's apprentice is unable to complete the number of hours of training required by NRS 644.200 with the licensed cosmetologist or the cosmetological establishment approved by the board when the certificate of registration was issued:

(a) That certificate of registration is not valid for use with another supervising licensed cosmetologist or cosmetological establishment; and

(b) The cosmetologist's apprentice may apply for a new certificate of registration with a different supervising licensed cosmetologist or a different cosmetological establishment named as the site for the training of the cosmetologist's apprentice.

4. Except as otherwise provided in this subsection, the board may allow a cosmetologist's apprentice who applies for and receives a new certificate of registration pursuant to subsection 3 to apply training hours earned pursuant to his previous certificate of registration to the number of hours of training required pursuant to NRS 644.200. The board will not allow the application of hours earned 4 years or more before the date that the cosmetologist's apprentice applies for the new certificate of registration.

5. If the reason that a cosmetologist's apprentice must apply for a new certificate of registration pursuant to subsection 3 is because the licensed cosmetologist or the

cosmetological establishment approved by the board when the certificate of registration was issued refuses or is unable to complete the training, the board may waive the application fee for that applicant.

Sec. 11. *For the purposes of NRS 644.430, the failure of a:*

1. Cosmetologist's apprentice to display properly his certificate of registration or wear the badge required pursuant to section 9 of this regulation; and

2. Licensed cosmetologist who is supervising and training a cosmetologist's apprentice to ensure the proper display of the certificate of registration or the wearing of the badge by the cosmetologist's apprentice,

FLUSH *shall be deemed an unfair or unjust practice that constitutes grounds for disciplinary action by the board.*

Sec. 12. NAC 644.053 is hereby amended to read as follows:

644.053 1. Except as otherwise provided in NAC 644.0532, when an applicant for licensure in any branch of cosmetology registers for the written examination, he must submit to the board:

(a) If the applicant attended a school of cosmetology that is located in this state, an original record of completion of the required courses of training and a copy of the final time record for the courses studied; ~~or~~

(b) If the applicant did not attend a school of cosmetology that is located in this state, a letter or record from the governmental agency that regulates such schools in the appropriate jurisdiction which verifies that the student completed courses of training and attended a number of hours per subject that are comparable to the requirements in this state ~~or~~; *or*

(c) If the applicant received his training pursuant to NRS 644.217 and 644.2175 and sections 2 to 11, inclusive, of this regulation, as a cosmetologist's apprentice, a copy of the final report submitted to the board, pursuant to section 5 of this regulation, by the licensed cosmetologist who supervised and trained the apprentice.

2. Any hours taken at a school of cosmetology that is located outside of the United States are subject to the approval of the board for the purposes of determining whether the training received is equivalent to the training which the applicant would have received at a school of cosmetology located in the United States.

3. The board will send an acceptance letter to each applicant for the written examination. On the designated day and time of the written examination, the applicant must present the acceptance letter and his picture identification at the location where the examination is being given for admittance into the examination. An applicant who fails to bring his acceptance letter or picture identification:

- (a) Will be denied entrance to the examination;
- (b) Forfeits any fees paid to take the examination; and
- (c) Must reregister if he wishes to take the examination.

4. The board will notify the applicant of the results of his written examination not later than 3 weeks after the date of the written examination or, if the examination is graded by a testing company, as soon as the results are available from the testing company, whichever occurs later.

Sec. 13. NAC 644.0534 is hereby amended to read as follows:

644.0534 1. An applicant for the practical examination must, during the period for registration for the practical examination, as set forth in the schedule of examinations published by the board:

(a) Register directly with the board to take the examination; and

(b) Provide to the board ~~proof~~ :

(1) *Proof* that he has passed the required written examinations ; and ~~a~~

(2) *A copy of his complete school record and final time records ~~is~~ or, if he received his training pursuant to NRS 644.217 and 644.2175 and sections 2 to 11, inclusive, of this regulation, as a cosmetologist's apprentice, a copy of the final report submitted to the board, pursuant to section 5 of this regulation, by the licensed cosmetologist who supervised and trained him.*

2. The board will not accept information for registration for a practical examination, regardless of the method of delivery, including courier service or registration in person by the applicant, before or after the dates specified by the board for registration for that practical examination.

3. The board will send an acceptance letter to each properly registered applicant. On the designated day of the practical examination, the applicant must present the acceptance letter and a picture identification at the location where the practical examination is being given for admittance into the examination.

4. An applicant must be on time to take the practical examination. Any applicant who shows up late will not be admitted into the examination and will be considered by the board as not showing up for the examination. Such an applicant may reregister to take the practical examination by submitting to the board the information and fee required to take an initial practical examination.

5. Each applicant must bring to the practical examination a model and all equipment necessary to take the examination. The applicant must be able to complete the entire practical examination on his model. An applicant who fails to bring:

(a) The necessary equipment is subject to forfeiture of any fees paid to take the practical examination.

(b) A model will be removed from the practical examination and will forfeit any examination fees paid. Such an applicant may reregister to take the next available practical examination by submitting to the board the information and fee required to take an initial practical examination.

6. While taking the practical examination, an applicant shall wear outer garments, including shoes, that are all white. An applicant is not required to wear a smock.

7. In lieu of bringing his own supplies, an applicant may rent a supply kit on the day of the practical examination directly from a company that makes such kits. The board will not set or accept any fees for renting supply kits.

8. The results of the practical examination will be determined within 10 days after the date of the practical examination and will be mailed directly to the applicant at the address listed on his application.

9. After the results of a practical examination are determined, the executive secretary shall provide to each school of cosmetology a statistical data sheet which lists the percentages of students from that school who passed and who failed the practical examination.

Sec. 14. This section and sections 1 to 13, inclusive, of this regulation become effective on January 1, 2000.