

**ADOPTED REGULATION OF THE
STATE BOARD OF COSMETOLOGY**

LCB File No. R034-08

Effective August 26, 2008

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

AUTHORITY: §1, NRS 644.110 and 644.325; §2, NRS 644.110 and 644.220.

A REGULATION relating to cosmetology; revising fees for the renewal of certain licenses; revising fees for examinations and reexaminations for certain licenses; and providing other matters properly relating thereto.

Section 1. NAC 644.056 is hereby amended to read as follows:

644.056 The fees for the renewal of certain licenses required pursuant to subsection 2 of NRS 644.325 are:

1. For instructors, hair designers, manicurists, electrologists, aestheticians and cosmetologists, ~~[\$50.]~~ *\$70.*

2. For cosmetological establishments, ~~[\$100.]~~ *\$200.*

Sec. 2. NAC 644.062 is hereby amended to read as follows:

644.062 The fees for certain examinations required pursuant to subsection 1 of NRS 644.220 are:

1. For examination as a cosmetologist, ~~[\$75.]~~ *\$110.*

2. For examination as an electrologist, ~~[\$75.]~~ *\$110.*

3. For examination as a manicurist, ~~[\$75.]~~ *\$110.*

4. For examination as an aesthetician, ~~[\$75.]~~ *\$110.*

5. For examination as a hair designer, ~~[\$75.]~~ *\$110.*

6. *For examination as an instructor, \$110.*
7. For each reexamination, ~~[\$75.]~~ *\$110.*

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R034-08

The State Board of Cosmetology adopted regulation amendment assigned LCB File No. R034-08 which pertains to chapter 644 of the Nevada Administrative Code on May 5, 2008.

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

The Board of Cosmetology has made significant efforts in providing the public with the opportunity for comment both written and oral. The agency first held two town hall meetings providing the public, licensees, and schools of cosmetology an opportunity to submit suggested NAC amendments. The town hall meetings were advertised in newspapers of general circulation in Las Vegas, Reno, and a number of small community newspapers throughout the state of Nevada indicating the agency was soliciting oral testimony or written comments. Further, these meetings were posted in at least one library within every county with the state of Nevada. Finally, these meetings were posted at both offices of the agency (Las Vegas and Reno) as well as leaflets were delivered by agency inspectors during every inspection conducted prior to the meetings.

These town hall meetings were not intended to replace the required workshop, but instead allow for greater participation and increase the ability of the public, licensees, and schools of cosmetology to participate in the process.

The first town hall meeting was held in Las Vegas, NV on November 5, 2007. A total of ten (10), two (2) Board subcommittee members, and five (5) staff attended the meeting. Five (5) persons requested to speak. There were no written comments submitted.

The second town hall meeting was held in Reno, NV on November 26, 2007. A total of five (5), two (2) Board subcommittee members, and five (5) staff attended the meeting. Three (3) persons requested to speak. One (1) set of written comments was submitted by one of the speakers attending the meeting.

The two town hall meetings were audio recorded and a summary of comments prepared from the audio tapes. A notice as to how to get a copy of the summary of comments at no costs were posted on the agency's website and both of the agency's offices.

A formal workshop was held on January 14, 2008 in Las Vegas, NV. The summaries of both town hall meetings were made available at both the Las Vegas and Reno offices prior to the workshop date. A total of nine (9) public persons, (6) Board members, and four (4) staff attended the workshop. Seven (7) persons requested to speak. The minutes of the workshop were recorded by a court reporter and a transcript prepared. A notice of

how and where to acquire the minutes of the workshop was posted on the agency's website and both agency offices.

A public hearing was held on May 5, 2008 in Las Vegas. The meeting was noticed on April 4, 2008. The meeting was transcribed by a court reporter and minutes prepared. The proposed regulations that had been submitted to the LCB for review, editing, and placing on the legislative were returned to the agency for public hearing and adoption were made available to those interested. A total of ten (10) persons attended the public hearing with only one (1) person requesting to speak. No written comments were received.

At the close of the public hearing, the Board reconvened in a regular meeting of the Board. This meeting was notice April 4, 2008. The Board adopted the regulations with the addition of another fee and renumbering the list to accommodate the addition in NAC 644.062.

The Board's intention is to correct an oversight caused by the Board, acting upon advice of legal counsel, enacted fees believed to be authorized by the legislature during the 2005 legislative session in which the legislature amended NRS 644.220 and NRS 644.325. The two provisions in the NAC relating to renewal and examination fees were not amended prior to increasing the fees. The situation was found when research was being done for this regulation review process. The NRS clearly articulate the Board's authority. However, procedurally the NAC provisions should have been modified the new fees prior to actually implementing them.

The cosmetology industry and its participants have already adjusted to the current fees. The proposed regulations correct the oversight and bring the NAC provisions into compliance with actual conditions.

2. The public response relating to the proposed regulations.

There was no opposition expressed at the town hall meetings, workshop, or public hearing relating to these proposed regulations.

3. Economic impact upon the businesses affected by the regulation.

Adverse effect: The cost of license renewal for small business could increase over time. The Legislature approved, during the 2005 legislative session, ranges for license renewal and examination fees. The Board is required to stay within the approved ranges when setting fees. The fees are raised when necessary to carryout the agency's responsibilities to renew existing licenses, manage the database, and maintain the records related to each license that has been issued, and conduct inspections related to licenses.

Beneficial effect: The examination fees cover the cost of reviewing applications, validating educational requirements, scheduling examinations, purchasing examination materials, providing computer based testing options for the public, validating and scoring

of the tests, issuing initial licenses and miscellaneous other expenses related to the testing of candidates. It will also align actual fees charged with NAC provisions.

Immediate effect: Same.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no additional cost to the agency to enforce this proposed regulation.

5. Is there any regulation of other state or government agencies which the proposed regulation overlaps or duplicates?

There is no duplication or overlap of this regulation with any other of another agency.

6. Does the regulation include provision that is more stringent than federal regulation which regulates the same activities?

No.

7. Does the regulation establish a new fee or increases an existing fee?

No. The fees were raised two years ago. These two proposed regulations align the actual fees with NAC articulated fees.

Board Members present at the time of adoption: Board President David Austin, Vice Chair, Bonnie Schultz, Secretary/Treasurer Linda Zesiger, Alex Leeder, and Kathey Ditzler.

MOTION by Linda Zesiger. “I move that we adopt LCB File No. R034-08 with the modification.” The motion passed five (5) in favor, none (0) against, and two (2) absent.

The modification to R034-08 was to add: *6. examination of an instructor \$110* to the list and renumber number 6 to number 7 in NAC 644.062.