

PROPOSED REGULATION OF THE STATE BOARD OF COSMETOLOGY

LCB File No. R106-12

CHAPTER 644 - COSMETOLOGY

~~[NAC 644.390 Classification of parties. (NRS 644.110)~~

- ~~1. A person who applies for any privilege, license or authority from the Board must be styled the "applicant."~~
- ~~2. A person who complains to the Board of any act or of another person must be styled the "complainant." In any proceeding which the Board initiates, the Board must be styled the "complainant."~~
- ~~3. Except for a complainant, a person who petitions for any affirmative relief (including a person who requests an advisory opinion or a declaratory order or requests the adoption, amendment or repeal of a regulation) must be styled the "petitioner."~~
- ~~4. A person against whom any complaint is filed or investigation initiated must be styled the "respondent."~~
- ~~5. Any person who was not an original party to a proceeding but who may be directly and substantially affected by it must, upon securing an order from the Board or presiding officer granting him leave to intervene, be styled an "intervener."~~
- ~~6. Any person who enters a proceeding to protest against an application or petition must be styled a "protestant."~~
- ~~7. A person who has not been admitted to a proceeding as an intervener or a protestant and is not an original party to the proceeding is not a party to the proceeding.]~~

~~[NAC 644.395 Staff of Board may be party to proceeding. (NRS 644.110) The Board's staff may appear at any proceeding and participate as a party.]~~

~~[NAC 644.400 Appearances. (NRS 644.110) A party may enter his appearance at the beginning of a hearing or at any time designated by the presiding officer, by giving his name and address and stating his position or interest to the presiding officer. The information must be entered in the record of the hearing.]~~

~~[NAC 644.405 Representation of parties; qualifications of attorneys. (NRS 644.110)~~

- ~~1. In lieu of counsel, a party may be represented by a person of his own choosing.~~
- ~~2. An attorney appearing as counsel in any proceeding must be an attorney at law, admitted to practice and in good standing before the highest court of any state. If the attorney is not admitted and entitled to practice before the Supreme Court of Nevada, he must be associated with an attorney so admitted and entitled to practice.]~~

~~[NAC 644.415 Withdrawal of attorney. (NRS 644.110) Any attorney of record wishing to withdraw from a proceeding before the Board shall, in writing, immediately notify the Board or its presiding officer, the party whom he represented, and any other parties to the proceeding.]~~

~~[NAC 644.425 Applications. (NRS 644.110)~~

- ~~1. Each pleading which requests a privilege, license or authority from the Board must be styled an "application."~~
- ~~2. The application must:~~
 - ~~(a) Contain the applicant's full name and address and such facts and exhibits as may be required by statute or this chapter.~~
 - ~~(b) Be signed by the applicant.]~~

~~[NAC 644.430 Petitions. (NRS 644.110)~~

- ~~1. Each pleading which prays for affirmative relief, excluding an application, complaint, or answer but including a request for a declaratory order or an advisory opinion or for the adoption, amendment or repeal of any regulation, must be styled a "petition."~~
- ~~2. A petition must contain the petitioner's full name and mailing address and be signed by him.]~~

~~[NAC 644.435 Verification. (NRS 644.110) All pleadings except petitions must be verified. The following form may be used in making a verification:~~

~~State of Nevada }~~

~~}ss.~~

~~County of..... }~~

~~....., being first duly sworn, deposes and says:~~

~~That he has filed this (complaint, answer or application); that he has read the foregoing and knows the contents thereof; that the same are true of his own knowledge, except for those matters therein stated upon information and belief, and as to those matters, he believes them to be true.~~

~~.....
(Signature of person filing the complaint,
answer or application.)~~

~~Subscribed and sworn to before me this
..... day of the month of of the year~~

~~.....
Notary Public in and for said County and State]~~

~~[NAC 644.440 Motions. (NRS 644.110)~~

- ~~1. A motion must be in writing unless it is made during a hearing.~~
- ~~2. Each written motion must set forth the nature of the relief sought and the grounds for the motion.~~
- ~~3. A party desiring to oppose a motion may serve and file a written response to the motion.~~
- ~~4. The moving party may serve and file a written reply if a response to the motion has been served and filed.~~
- ~~5. A decision on a motion will be made without oral argument unless the Board requires an oral argument, and if the Board requires an oral argument, it will set a date and time for hearing the argument.]~~

NAC 644.445 Filing. (NRS 644.110) An original ~~[and two legible copies]~~ of each pleading, motion, or other paper must be filed with the Board. The Board may direct that a copy of each

pleading and motion be made available by the party filing it to any other person whom the Board determines may be affected by the proceeding and who desires a copy.

NAC 644.450 Service of process. (NRS 644.110)

1. Every notice, *decision, order, [advisory] opinion* ~~[, declaratory order]~~ or other document to be served by the Board will be served by mail or delivery in person *to a person's last known address as provided to the Board*. Service thereof by mail shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.
2. Every document required to be served by a party must be served by mail or delivery in person. Service thereof by mail shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

NAC 644.455 Proof of service. (NRS 644.110) The Board will include with all documents which it serves ~~[, other than its decisions and orders,]~~ an acknowledgment of service or the following certificate:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to) (by mailing a copy thereof, properly addressed, with postage prepaid, to).

Dated at, this(day) of(month) of(year)

.....
Signature

NAC 644.460 General requirements. (NRS 644.110)

1. A complaint may be filed against any person licensed under this chapter and must allege one or more of the causes of action set forth in NRS 644.430. A complaint may be filed by *a member of the public, a licensee*, the Executive Director, the Board or any of the Board's members, *staff* or investigators.
2. Each complaint must contain a statement of facts showing that a provision of this chapter or [chapter 644](#) of NRS has been violated. The complaint must be sufficiently detailed to enable the respondent to prepare a defense. All applicable statutes and regulations or orders of the Board must be cited in the complaint, together with the date on which the act or omission is alleged to have occurred.
3. If more than one cause of action is alleged, each cause of action must be stated and numbered separately. Two or more complainants may join in one complaint if their respective causes of action are against the same person and deal substantially with the same violation of law, or of a regulation or order of the Board.
4. *To be filed a [A] complaint must be submitted to the Board Office on the form prescribed by the Board, be* in writing and be signed and verified by the complainant.
5. ~~[A complaint must be filed with the Executive Director.]~~ *The Board may accept anonymous complaints, and if provided sufficient information, shall investigate any action which appears to violate a provision of Chapter 644 of NRS or the regulations adopted pursuant thereto.*

~~[NAC 644.465 Complaint filed by Executive Director or investigator or member of Board. (NRS 644.110) The following provisions govern review of a complaint filed by the Executive Director or one of the Board's members or investigators:~~

- ~~1. The Executive Director shall assign the report for investigation by a staff investigator, who shall prepare an investigative report.~~
- ~~2. If a member of the Board filed the complaint, the Executive Director shall, after receiving the investigative report, send the investigative report to a member other than the member who filed the complaint for a determination of whether there are sufficient facts to warrant an administrative action.~~
- ~~3. If the member determines that there are such facts, he shall notify the Executive Director to set the matter for mediation or hearing.~~
- ~~4. A staff investigator may file a complaint only if an investigative report has been prepared. The investigative report must be submitted with the complaint. The Executive Director shall submit the complaint to the President of the Board or other presiding officer for a determination of whether there are sufficient facts to warrant an administrative action.~~
- ~~5. If the President of the Board or other presiding officer determines that there are sufficient facts to warrant an administrative action, he shall notify the Executive Director to set the matter for mediation or hearing.]~~

NAC 644.470 Investigation of Complaints ~~[filed by person other than Executive Director or investigator or member of Board.]~~ (NRS 644.110) The following provisions govern ~~[review]~~ **investigation** of a complaint **received by the Board** ~~[filed by a person who is not the Executive Director or one of the Board's members or investigators]:~~

1. Upon the receipt of a complaint filed ~~[by a person other than the Executive Director or a member or investigator of the Board]~~, the Executive Director **or his or her designee** shall review the document to determine whether the matter is proper for administrative review **by the Board** and whether **the complaint alleges sufficient information such that an investigation may be initiated** ~~[the complaint has been properly verified].~~
2. Thereafter, the Executive Director **or his or her designee** shall assign the complaint to a staff investigator for a report on the allegations of the complaint. The investigator shall investigate the complaint and report his findings to the Executive Director **or his or her designee** as quickly as feasible but not later than 90 days after receipt of the complaint.
3. **Unless the Executive Director believes such notification will impair and/or harm the investigation, the licensee(s) against whom the complaint alleges violations of NRS Chapter 644 or NAC Chapter 644 shall be notified when the investigation is assigned for investigation.**
4. **The investigator's report should contain the investigator's recommendation regarding whether the matter should proceed to an administrative hearing.**
- ~~[3.]~~ 5. After receiving the investigator's report, the Executive Director **or his or her designee** shall **determine whether he or she believes the investigation revealed sufficient facts to warrant an administrative hearing** ~~[transmit the complaint and report to the President of the Board or to another member appointed to review complaints, to determine whether there are sufficient facts to warrant an administrative hearing.~~
- ~~4. If the President or other member determines that there are sufficient facts to warrant an administrative hearing, he shall notify the Executive Director to set the matter for mediation or hearing.]~~
6. **If the Executive Director or his or her designee determines that the investigation revealed sufficient facts to warrant an administrative hearing, the Executive Director or his or her designee shall forward the matter to the Office of the Attorney General for the initiation of an administrative hearing on the matter.** ~~[the President or other member determines that there are~~

~~not sufficient facts to warrant an administrative hearing, the facts alleged in the complaint must be submitted to the Board for the Board's review at the next scheduled meeting to determine whether the Board wishes to conduct a hearing on the matter or whether the facts, if assumed to be true, do not constitute a ground for disciplinary action. If the assumed facts do not constitute a ground for disciplinary action, the complaint will be dismissed. If the Board determines that the assumed facts warrant administrative action, the Executive Director shall set the matter for mediation or hearing.]~~

7. If the Executive Director or his or her designee determines that the matter does not warrant an administrative hearing, the matter will be dismissed without further action and the licensee notified accordingly.

~~[NAC 644.475 Disqualification of member of Board from adjudication of matter. (NRS 644.110) Any member of the Board who files a complaint, causes an investigation of or acts as a prosecutor in a matter, or brings a matter to the attention of an inspector, is disqualified from taking part in the adjudication of the matter. Such a member is not disqualified from acting as a witness at the hearing of the matter.]~~

~~[NAC 644.480 Service of complaint; answer. (NRS 644.110) A person on whom a complaint is served may respond to the complaint by filing an answer within 20 days after the date on which the complaint is served. A complaint shall be deemed to have been served when a true copy of the complaint, addressed to the person's address of record and with postage prepaid, is deposited with the United States Postal Service. If the person fails to answer within the time prescribed, he shall be deemed to have admitted the allegations of the complaint.]~~

~~[NAC 644.482 Mediator. (NRS 644.110) If the complainant and respondent submit their dispute for mediation, the Executive Director or other staff person, or the President of the Board or other member appointed to review complaints, or both of them together, may act as a mediator.]~~

~~[NAC 644.484 Duties of Executive Director. (NRS 644.110)~~

~~1. If a matter is set for mediation and the mediation is not successful, the Executive Director shall set the matter for hearing.~~

~~2. If a matter is set for hearing, the Executive Director shall determine whether the hearing should be formal or informal and:~~

~~(a) Prepare a complaint and notice of hearing and serve it on each person against whom the complaint is made; or~~

~~(b) Refer the case to the Attorney General for preparation of a complaint and notice of hearing and for service on each person against whom the complaint is made.~~

~~3. In cases in which the Executive Director has prepared a complaint and notice of hearing and has served it on each person against whom the complaint is made, the Executive Director shall organize and facilitate the presentation of witnesses and other evidence to the Board and be an active participant in the hearings.]~~

NAC 644.485 Petition to appear before the Board. (NRS 644.110) A person may petition to appear and be heard on any matter before the Board, as follows:

1. The petitioner *shall submit his or her petition to the Board office in writing using the form prescribed by the Board for this purpose.* ~~[may use Form No. 3 or a similar form, which may be~~

~~obtained from the Board.]~~ The petition must contain a brief summary of the subject matter and contain the reasons for bringing the matter before the Board.

2. The petition must be received by the Board at least 30 business days before the meeting at which the petitioner wishes to be heard, but the Executive Director may waive this time requirement.

3. Upon receipt of the petition, the Executive Director *or his or her designee* or any member of the Board may make an initial evaluation to determine whether the subject of the petition is a proper item for ~~[mediation or for the agenda of a formal or informal hearing and, if so, whether a special meeting of the Board must be called for the hearing.]~~ *presentation to the Board as a petition.*

4. If the Executive Director or member evaluates the petition as presenting a ground for a disciplinary action involving a fine, the revocation or suspension of a license, or the probation of a licensee, the petitioner must file a formal complaint, and the Executive Director shall notify the petitioner of the requirements for making the complaint.

5. If the evaluation results in a determination that there is no possibility for a fine, the revocation or suspension of a license, or the probation of a licensee, and if the item is a subject within the jurisdiction of the Board, the matter stated in the petition will be placed on the agenda as an item of new business for discussion and action.

~~[NAC 644.490 Notice. (NRS 644.110) Notice of a hearing must be served at least 20 business days before the time set for the hearing. A hearing which has previously been continued may be reset on notice of not less than 20 business days. A notice shall be deemed to have been served when a true copy of the notice, addressed to the person's address of record and with postage prepaid, is deposited with the United States Postal Service.]~~

~~[NAC 644.495 Failure of party to appear. (NRS 644.110)~~

~~1. If a party fails to appear at a hearing scheduled by the Board and no continuance has been requested or granted, the Board may hear testimony of witnesses who have appeared and proceed to consider the matter and dispose of it on the basis of the evidence before it.~~

~~2. Where, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing or request a continuance thereof, he may within a reasonable time, but not more than 15 days, apply to the Executive Director to reopen the proceedings. The Executive Director shall include the request on the agenda for the next scheduled meeting of the Board. Upon finding the cause sufficient and reasonable, the Board will set a new time and place for hearing and give the person notice thereof. Witnesses who have previously testified will not be required to appear at the second hearing unless so directed by the Board.]~~

~~[NAC 644.500 Preliminary procedure. (NRS 644.110) The presiding member of the Board shall call the proceeding to order, proceed to take the appearances, and act upon any pending motions or petitions. The parties may then make opening statements.]~~

~~[NAC 644.510 Presentation of evidence. (NRS 644.110)~~

~~1. Each applicant, petitioner or complainant may present his evidence, and then such parties as may be opposing the application, petition or complaint may submit their proof.~~

~~2. The presiding member of the Board shall determine the order in which any intervener may introduce his evidence.~~

~~3. Evidence will ordinarily be received from the parties in the following order:~~

~~(a) Upon an application or petition:~~

~~(1) Applicant or petitioner.~~

~~(2) Board's staff.~~

~~(3) Protestant.~~

~~(4) Rebuttal by applicant or petitioner.~~

~~(b) Upon a complaint other than by a member of the Board or its staff:~~

~~(1) Complainant.~~

~~(2) Board's staff.~~

~~(3) Respondent.~~

~~(4) Rebuttal by complainant.~~

~~(5) Rebuttal by respondent.~~

~~(c) Upon a complaint by a member of the Board or its staff:~~

~~(1) Board's member or staff.~~

~~(2) Respondent.~~

~~(3) Rebuttal by Board's staff.~~

~~(4) Rebuttal by respondent.~~

~~4. The order may be modified by the Board or its presiding member.~~

~~5. Closing statements by the parties may be allowed by the Board or its presiding member.}]~~

~~[NAC 644.535 Informal hearings; agreement of licensee to formal hearing if mediation is not successful. (NRS 644.110)~~

~~1. The Board may hold an informal hearing to:~~

~~(a) Mediate a problem;~~

~~(b) Discuss a factual or legal question concerning the propriety of certain conduct;~~

~~(c) Warn a licensee that certain conduct would be in violation of the law or regulations of the Board; or~~

~~(d) Determine the appropriateness of holding a formal hearing on any matter.~~

~~2. The Board will not engage in mediation in any matter unless the licensee agrees in advance that, if the mediation is not successful, the Board may hold a formal hearing on the matter and may decide the case. By agreeing to mediation, the licensee waives any right to object to the future participation of any Board member in the matter based on the Board member's prior knowledge of the matter gained through the mediation or the Board member's statements or actions in the mediation.}]~~

~~[NAC 644.540 Decision by Board. (NRS 644.110)~~

~~1. A proceeding stands submitted for decision by the Board after the taking of evidence, the filing of briefs, or the representation of such oral arguments as may have been permitted by the Board, whichever occurs last.~~

~~2. An order or decision will be rendered within 90 days after the completion of the hearing.}]~~

~~[NAC 644.545 Rehearings. (NRS 644.110)~~

~~1. Within 15 days after the Board has made a decision or issued an order, the aggrieved party may apply for a rehearing by filing a written petition setting forth the grounds for the rehearing.~~

~~2. The Board will act upon such a petition within 30 days after receiving it. If no action is taken by the Board within the 30 day period, the petition shall be deemed denied.~~

~~3. The Board on its own motion may order a rehearing of its decision if mistake, fraud or misconception of facts existed in the forming of its original decision.~~

~~4. The filing of a petition for a rehearing does not excuse compliance with the order or decision nor suspend its effectiveness unless the Board, by order, allows the excuse or declares the suspension.]~~

~~[NAC 644.547 Appeals. (NRS 644.110) If a decision rendered by a hearing officer is appealed, it must be appealed in writing to the Board within 90 days after the hearing officer enters the order.]~~

NAC 644.555 Petitions. (NRS 233B.120, 644.110)

1. The Board will consider petitions for declaratory orders or advisory opinions as to the applicability of any statutory provision or any regulation or decision of the Board.

2. A petition for a declaratory order or an advisory opinion must be in writing and ~~[be prepared substantially in accordance with Form No. 1.*]~~ *shall be submitted to the Board on the forms provided by the Board or otherwise prepared substantially in the format of the Board's forms provided for this purpose.*

~~[*See adopting agency for form.]~~

NAC 644.560 Procedure for consideration of petition. (NRS 233B.120, 644.110)

1. Except as otherwise provided in subsection 2, upon receiving a petition for a declaratory order or an advisory opinion, the Board will place the matter on the agenda for discussion at the next regularly scheduled meeting of the Board.

2. If the petition is received within 30 days before the next regularly scheduled meeting, the petition may be placed on the agenda for discussion at the next meeting after that meeting.

3. The Board will then *hear the matter at the meeting for which it has been agendized* ~~[review the matter]~~ and either grant or deny the petition.

4. If the Board denies the petition, no further action will be taken.

~~5. [If the Board grants the petition, the Board will issue its declaratory order or advisory opinion within 60 days after granting the petition unless good cause exists for taking additional time, and in that case, the order or opinion will be issued within 120 days. The Board may schedule a hearing on any issue raised in the petition before issuing its decision.]~~

If the Board grants the petition, the Board will received comments the facts and the issues involved, receive evidence including documents and testimony at that meeting, deliberate, and then issue its declaratory order or advisory opinion within 90 days after granting the petition unless good cause exists for taking additional time, and in that case, the order or opinion will be issued within 120 days.

6. If the Board deems it necessary, the Board may schedule additional time at a future meeting to Comments the facts and the issues involved, receive evidence including documents and testimony, and/or deliberate about any issue raised in the petition before issuing its decision.

7. Should the Board schedule the matter for further consideration at a future meeting as provided in subsection 6, the Board shall issue its declaratory order or advisory opinion within 90 days after the last meeting during which the Board considers the matter, unless good cause

exists for taking additional time, and in that case, the order or opinion will be issued within 120 days.

NAC 644.565 Draft of order or opinion by member of Board. (NRS 233B.120, 644.110) *If the Board determines that it will issue a declaratory order or advisory opinion ~~[After the Board determines that the issue should be addressed]~~, the President or other presiding officer shall assign one member of the Board to write the order or opinion. The member so assigned has 30 days within which to submit to the Board the final draft, after reviewing comments by all members of the Board on the issue, researching the issue and seeking the assistance of the Attorney General, if necessary. Upon completing his draft of the order or opinion, the assigned member shall submit it to the Board **for approval at the Board's next regularly scheduled meeting. Once the draft of the order or opinion is approved by a majority of the Board it is deemed rendered.** ~~[for final approval.]~~*

NAC 644.570 Notice. (NRS 233B.120, 644.110) After the Board renders its declaratory order or advisory opinion, ~~[the Executive Director]~~ *the Board shall serve it upon ~~[notice of it to]~~ the petitioner.*

NAC 644.575 Violation of order or opinion. (NRS 644.110) After the Board renders such an order or opinion, any violation of it is *grounds for disciplinary action pursuant to NRS 644.430.* ~~[cause for a disciplinary hearing.]~~

NAC 644.580 Format; procedure for consideration. (NRS 233B.100, 644.110)

1. A petition for the adoption, amendment or repeal of a regulation must be in writing and be prepared substantially in accordance with ~~[Form No. 2.*]~~ *the forms provided by the Board for this purpose.*

2. The following procedure applies to such a *request*:

(a) *Except as otherwise provided in subsection b, upon receiving a request for the adoption, amendment or repeal of a regulation, the Board will place the matter on the agenda for discussion at the next regularly scheduled meeting of the Board.*

(b) *If the request is received after the deadline to add items to the next regularly scheduled meeting of the Board or if there is no regularly scheduled meeting of the Board which would allow the Board to decide the request within thirty (30) days as required by NRS 233B.100, the Board will schedule a special meeting to consider this request and the request will be placed on the agenda for discussion at the special meeting.*

(c) *The Board will then hear the request at the meeting for which it has been agendized and either grant or deny the request.*

(d) *If the Board denies the request, the requestor will be notified pursuant to NRS 233B.100, and no further action will be taken.*

(e) *If the Board grants the request, the Board will direct the Executive Director to begin the procedures necessary for adoption of the regulations.*

(f) *In situations where circumstances may warrant more immediate action than waiting for the next regularly scheduled meeting, the Board President or his or her designee, may call a special meeting to hear the request.*

(g) *At the time the Board hears the request:*

(i) *the requester may provide evidence, including documents and testimony to the Board in support of the Requester's proposed action,*

(ii) other interested parties may provide evidence, including documents and testimony to the Board in support of the interested party's position on the Requester's proposed action,

(iii) the Board may request legal advice or guidance regarding the Requester's proposed action from its legal counsel, and

(iv) the Board shall deliberate and vote on whether or not to grant the request.

petition:

(a) If the petition is received within 30 days before the next regular meeting, the petition will be placed on the agenda for discussion to determine whether the petition should be denied or regulation-making procedures commenced.

(b) If the petition is received by the Board during any period in which a regular meeting is not scheduled within 30 days, the Executive Director shall begin the procedures necessary for adoption of the regulations. The Board may call a special meeting to deny the petition, thus terminating those procedures.

**See adopting agency for form.]*

NAC 644.645 Supply of water. (NRS 644.110)

1. Each cosmetological establishment must have at least 100 gallons of self-contained *clearly marked fresh* water *and a recapture tank of at least 100 gallons for in* gray water in ~~and black~~ holding tanks with gauges indicating levels in the tanks and reserve capabilities. If an establishment's portable water supply is depleted, operation must cease until the supply is replenished.

2. An establishment must have tanks which provide hot water continually and on demand with a combined capacity of at least 6 gallons.

NAC 644.700 Schedule of fines; disciplinary hearings. (NRS 644.110, 644.430)

1. The Board adopts the following schedule of fines for any violation of the provisions listed:

Violation	First Offense	Second Offense	Third Offense
COSMETOLOGICAL ESTABLISHMENT			
Operating an establishment without a license.....	\$1,000	\$1,500	\$2,000
Operating an establishment with an expired license.....	200	500	
Allowing a licensee to work with an expired license (per person).....	200	500	
Failure to display license in place of business.....	200	500	
Allowing an unlicensed person to work in an establishment.....	1,000	1,500	2,000
Operating an establishment without supervision by a licensed person.....	200	500	
Operating an establishment with an animal on the premises.....	200	500	
COSMETOLOGIST OR OTHER LICENSED NATURAL PERSON			
Practicing with an expired license.....	200	500	
Failure to display license at a work station.....	200	500	
Failure to practice in a cosmetological establishment.....	500	1,000	2,000
<i>Licensees practicing with an invasive tool or instrument</i>	<i>200</i>	<i>500</i>	

Violation	First Offense	Second Offense	Third Offense
<i>Licensee representing self as “advanced” or “medical” to the public in violation of NAC 644.711(3)</i>	100	200	
COSMETOLOGIST’S APPRENTICE			
Failure to display a certificate of registration in plain view.....	100	500	
Failure to wear a badge while working.....	100	500	
Working on the public without a supervising cosmetologist present.....	500	1,000	
SUPERVISOR OF A COSMETOLOGIST’S APPRENTICE			
Allowing an apprentice to work if his certificate of registration is not displayed in plain view.....	100	500	
Allowing an apprentice to work if he is not wearing his badge.....	100	500	
<i>SUPERVISOR OF A COSMETOLOGIST’S APPRENTICE OR A ELECTROLOGIST’S APPRENTICE</i>			
<i>Supervisor accepting monetary compensation from apprentice for apprenticeship, either directly or indirectly</i>	500	1,000	
SCHOOL OF COSMETOLOGY			
<i>Improper staffing of teachers in violation of NRS 644.395 and/or NRS 644.400(1)</i>	200	500	
<i>Unsanitary conditions, unsafe equipment, or equipment not repaired in violation of NRS 644.400(2)(b) and/or NAC 644.085</i>	200	500	
ANY PERSON			
Practicing without a license or certificate.....	1,000	1,500	2,000
Copying or altering a license or certificate.....	200	500	
Using a copied or altered license or certificate for purposes of fraud, deception, misrepresentation or other illegal purpose.....	1,000		

2. A licensee who violates a provision of NAC 644.307 to 644.355, inclusive, will be fined not more than \$100 for the first violation.

3. A person who violates a provision of this chapter or chapter 644 of NRS for which this section does not provide a specific fine, including, without limitation, a second or subsequent violation, may be:

- (a) Ordered to appear at a disciplinary hearing before the Board; and
- (b) Punished by the Board as set forth in NRS 644.430.

NAC 644.705 Acts constituting gross malpractice. (NRS 644.110, 644.430) For the purposes of NRS 644.430, a violation of any provision of NRS 644.470 *and any other act or violation of NRS Chapter 644 or NAC Chapter 644, which in the judgment of the Board warrants classification as gross malpractice*, constitutes gross malpractice *and is ground for disciplinary action*.

NAC 644.711 Practices constituting grounds for disciplinary action. (NRS 644.110, 644.430)
For the purposes of paragraph (k) of subsection 1 of NRS 644.430, the following practices are grounds for disciplinary action by the Board:

1. Copying or altering a license in violation of NRS 644.476.
2. Using a license that has been copied or altered for the purposes of fraud, deception, misrepresentation or other illegal purpose.
3. Using the terms “advanced” or “medical” in connection with any description of a person’s practice in any branch of cosmetology or otherwise holding the person out to the public as an advanced or medical practitioner of any branch of cosmetology.
- 4. Any other act or violation of NRS Chapter 644 or NAC Chapter 644, which in the judgment of the Board warrants classification as an unfair or unjust practice, method, or dealing.***

New Provision to add to NAC Chapter 644 (pursuant to NRS 644.2175(7)):

- 1. A supervisor of a cosmetologist’s apprentice or an electrologist’s apprentice may not accept compensation from the apprentice for the apprenticeship, whether directly or indirectly.***
- 2. This provision is not intended to prohibit the supervisor of a cosmetologist’s apprentice or an electrologist’s apprentice from receiving money from clients for services performed by the apprentice.***