

PROPOSED REGULATION OF THE STATE BOARD OF COSMETOLOGISTS

LCB File No. R121-12

Regulations Needing Changes
2012

Proposed and Conceptual (subject to a rewrite by LCB Legal Staff)

NAC 644.XXX Surety bonds; payment plans.

An owner a licensed school shall have the option of maintaining a surety bond in the amount of \$50,000 or elect to utilize the Board approved payment plan for non-federally funded students modeled after the Code of Federal Regulations – Education Title 34 C.F.R. § 668,4.

- 1. The payment plan provides that an owner of a licensed school that has opted to utilize the payment plan for non-federally funded students shall have the right to invoice and collect the cost for the course in 25% increments (These increments shall also be referred to as quarters).*
- 2. After a student has contracted for the course, the school can invoice and collect the first 25% increment or quarter of the cost of the entire course or program before the course of instruction begins. The second 25% increment or quarter shall not be invoiced or collected until the student has successfully completed 50% of the first increment or quarter. The sequence shall be followed until all four of the increments or quarters are completed.*
- 3. Any course or program that is less than 300 hours in duration shall not be subject to the payment plan.*
- 4. The school shall retain the invoice and payment records for a period of not less than four (4) years from the time of graduation or withdrawal of the student from the course or program.*
- 5. The Board shall have the authority to inspect or audit the records at the discretion of the Board.*
- 6. If the Board has probable cause to believe that the records may be incomplete, have not been maintained in an orderly fashion, or may contain proof of wrongdoing, the Board shall have the authority to hire a qualified firm, at the expense of the school, to conduct a complete audit of the records and report its finding to the Board.*
- 7. The school shall submit an unexecuted copy of its model contract to enroll students to the Board for review and approval to form and compliance with Nevada Statutes.*

Note: This regulation was generated from the repeal of NRS 644.383 (SB193 2011 Session) and at the direction of the Legislature the Board was directed to establish new surety bond requirements and a Board approved payment option similar to United States Department of Education student aid provisions through regulation.

NAC 644.095 Registration of students with Board. ([NRS 644.110](#), [644.400](#)) A school of cosmetology shall register each student with the Board within 45 days after the student has

enrolled in school. To register a student, the school shall submit a completed form provided by the Board that includes:

1. The name of the student;
2. The number of credit hours for which the student is enrolled;
3. If the student has transferred to the school of cosmetology and is requesting to receive credit for courses taken at another school of cosmetology, a copy of the letter issued by the Board verifying the number of hours for which the student has previously earned credit;
4. The signature of an authorized representative of the school;
5. Information about the student, including: *A driver's license or identification card issued to the applicant by this State or another State, the District of Columbia or any territory of the United States;* birth certificate, passport or voter registration card issued pursuant to the provisions of NRS 293.517;
- (b) An affidavit that the student has successfully completed at least the 10th grade in high school or its equivalent;
- (c) If applicable, proof of any name change of the student; and
- (d) If applicable, a copy of the approval of foreign documentation relating to the training of the student which must be issued by the Board before the student enrolls in the school; and
6. Any other information required by the Board.

[Bd. of Cosmetology, No. 20.2, eff. 12-3-80; A 10-15-81]—(NAC A by R099-97, 2-25-98; R029-02, 7-19-2002; R092-06, 9-18-2006; R030-08, 9-18-2008)

NAC 644.0502 Application for licensure as cosmetologist, hair designer, nail technologist or aesthetician. (NRS 644.110, 644.210) An applicant for examination for a license as a cosmetologist, hair designer, nail technologist or aesthetician pursuant to NRS 644.200, 644.204, 644.205 or 644.207, respectively, must provide:

1. A notarized affidavit from the applicant establishing the successful completion by the applicant of the 10th grade in school or its equivalent.
2. Two photographs of the applicant. The photographs must:
 - (a) Be identical;
 - (b) Have been taken not more than 90 days before the date of the submission of the application;
 - (c) Be 1 1/2 by 1 1/2 inches in size;
 - (d) Show the front view of the full face of the applicant in color against a plain white or off-white background and be otherwise substantially equivalent to a photograph suitable for use in a passport issued by the United States Government; and
 - (e) Have the name and address of the applicant written on the back.
3. The applicable fees.
4. One of the following documents as proof of the age of the applicant:
 - (a) *A driver's license or identification card issued to the applicant by this State or another State, the District of Columbia or any territory of the United States;*
 - ~~(a)~~ (b) A photocopy of the birth certificate of the applicant;
 - ~~(b)~~ (c) A copy of a current passport issued to the applicant; or
 - ~~(c)~~ (d) A copy of a voter registration card issued to the applicant pursuant to the provisions of NRS 293.517.

(Added to NAC by Bd. of Cosmetology by R099-97, eff. 2-25-98; A by R112-01, 12-17-2001, eff. 1-1-2002; R092-06, 9-18-2006; R030-08, 9-18-2008)

NAC 644.110 Time records. (NRS 644.110, 644.400)

1. Each student shall register the time of day on a time record at the beginning of each day of training and at the completion of his training for the day. The student shall also document on a time record the period of each break that he takes during his day. To record the period of his breaks, a student may use a time record which is separate from that which is used to record the beginning and ending of his day. *A student may not record more than 9½ hours per day not including the ½ hour lunch period.*

2. A time record which contains any error may be changed only by authorization of the registrar and the instructor. The authorization must be evidenced by the initials of the registrar and instructor on the time record.

3. Original time records are the property of the school and must be maintained on school property at all times during the enrollment of the student to whom the time record pertains. A student, on request, is entitled to receive a copy of any of his time records from the school, unless he owes money to the school for tuition or fees for the period covered by his time records. The school shall provide the requested time records:

(a) Within 3 business days, if the request is made in connection with the withdrawal of the student from the school; or

(b) Within 10 business days after the request under any other circumstances.

4. All time records of a student must be maintained by the school for validation by the Board upon the completion of or withdrawal from the training by the student.

[Bd. of Cosmetology, No. 20.11, eff. 12-3-80]—(NAC A 6-18-91; R099-97, 2-25-98; R029-02, 7-19-2002; R092-06, 9-18-2006)

NAC 644.255 Application. (NRS 644.110, 644.203, 644.215) Each person wishing to become an electrologist's apprentice must apply to the Board on a form prescribed by the Board and show that he:

1. Resides in Nevada;

2. Is 18 years of age or over;

3. Is of good moral character and temperate habits;

4. Has completed the 12th grade in school or its equivalent;

5. Has submitted two photographs of himself that:

(a) Are identical;

(b) Have been taken not more than 90 days before the date of the submission of the application;

(c) Are 1 1/2 by 1 1/2 inches in size;

(d) Show the front view of the full face of the applicant in color against a plain white or off-white background and are otherwise substantially equivalent to a photograph suitable for use in a passport issued by the United States Government; and

(e) Have his name and address written on the back;

~~[6. Has a birth certificate, passport or voter registration card issued pursuant to the provisions of NRS 293.517; and]~~

A copy of one of the following documents as proof of the age of the applicant:

(a) A driver's license or identification card issued by this State or another State, the District of Columbia or any territory of the United States;

(b) The birth certificate of the applicant;

(c) The current passport issued to the applicant; or

(d) A voter registration card issued pursuant to the provisions of NRS 293.517.

7. Is prepared to undertake a training program for at least 1,000 hours, extending over 5 consecutive months.

[Bd. of Cosmetology, No. 23.2, eff. 12-3-80]—(NAC A by R092-06, 9-18-2006; R030-08, 9-18-2008)

NAC 644.340 Sanitizing and infection control solutions; instruments, implements and other tools; sterilization equipment; disposable articles; single-use items. ([NRS 644.110, 644.120](#))

1. In each cosmetological establishment or school of cosmetology:

(a) Sanitizing and infection control solutions must be available for immediate use at all times and must be registered with the Environmental Protection Agency as a bactericide, fungicide or virucide.

(b) All instruments, implements and other tools must be cleaned and disinfected in the following manner before use:

(1) All hair and other adherent foreign material must be removed from the instrument, implement or other tool; and

(2) The instrument, implement or other tool must be:

(I) Thoroughly washed with soap and hot water;

(II) Rinsed in clear hot water; and

(III) Placed in a covered wet sanitizer which is large enough for complete immersion of the instrument, implement or other tool, and which contains an infection control solution that is registered with the Environmental Protection Agency and approved by the Board.

↪ During each service, all instruments, implements and other tools must be kept free of contamination by immersion in an infection control solution approved by the Board.

(c) All disinfected instruments, implements and other tools that are not in use and not in the process of wet disinfection in a wet sanitizer must be stored in a clean, dry sanitizer. A dry sanitizer consists of a clean, closed container, drawer or storage unit with a fumigant that contains only disinfected instruments, implements and other tools.

(d) Any instrument, implement or other tool dropped on the floor or otherwise made unsanitary must be deposited in a separate labeled container for soiled articles only and must not be used until it has been thoroughly disinfected as specified in paragraph (b). A container for the disinfectant used that includes the manufacturer's label must be available at all times in the cosmetological establishment or school of cosmetology.

(e) All electrolysis instruments must be cleaned in the following manner after each use:

(1) All foreign matter must be removed from the instrument; and

(2) The instrument must be:

(I) Washed in soap and hot water; and

(II) Rinsed in hot water.

(f) After cleaning, all electrolysis instruments must be sterilized by one of the following methods:

(1) Use of a steam sterilizer; or

(2) Use of a dry sterilizer,

↪ which is registered and listed with the United States Food and Drug Administration, and is used according to the manufacturer's instructions.

(g) Sterilization equipment must be checked daily to ensure that it is reaching the temperature required by the manufacturer's instructions.

(h) All sterilized instruments and sanitary disposable articles must be stored in clean, closed containers, drawers or storage units which must be free of other articles.

(i) Single-use items must not be used on more than one client and must be disposed of after use on a client.

(j) All single-use items and other items that cannot be disinfected must be stored in closed containers at all times while not in use.

2. As used in this section, “single-use items” includes, without limitation, buffers, cotton balls, cotton strips and swabs, disposable gloves, emery boards, nail files, *pumice stones*, *wood sticks*, neck and muslin strips, paraffin liners, pedicure slippers, sleeves and sanders for electric files, and toe separators.

[Bd. of Cosmetology, Nos. 14.5, 14.13 & 14.14, eff. 12-3-80]—(NAC A 10-16-87; 5-15-92; R099-97, 2-25-98; R029-02, 7-19-2002; R035-08, 8-26-2008)

NAC 644.0XX Examination for licensure as hair braiders: Scope of examination. ([NRS 644.110](#), [644.240](#)) An examination for licensure as a cosmetologist will include, but is not limited to, a test on:

1. Fifty (50) hours of Nevada Laws and Regulations;
2. The provisions of this chapter and [chapter 644](#) of NRS;
3. Seventy-five (75) hours of infection control and sanitation;
4. Seventy-five (75) hours of health, scalp, and skin of the human body; and
5. Fifty (50) hours of clinical floor practice.

NAC 644.112 Final time records. ([NRS 644.110](#))

1. A school of cosmetology shall:

(a) Prepare a final time record for each student not later than 15 days after the student completes or withdraws from a course of training. The final time record must:

- (1) Be compiled from the student’s original time records;
- (2) Show the number of hours that the student has completed in each subject of training;

and

(3) Except as otherwise provided in this section, be signed by the registrar and the student.

(b) Provide each student an opportunity to review and sign his final time record. If the student fails to sign his final time record or refuses to sign his final time record because he believes it to be in error, the school shall maintain the student’s original time records for not less than 1 year after the student completes or withdraws from the course of study.

(c) Maintain each final time record for not less than ~~3~~ 4 years after the student completes or withdraws from the course of study. The final time record must be readily available for inspection by the Board.

2. For the purposes of this section, a student shall be deemed to have withdrawn from a course of training if the school ceases to operate before the student completes the course of training.

(Added to NAC by Bd. of Cosmetology by R030-08, eff. 9-18-2008)