

PROPOSED REGULATION OF THE STATE BOARD OF COSMETOLOGY

LCB File No. R064-15

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NOTICE OF PUBLIC HEARING FOR THE ADOPTION AND AMENDMENT OF PERMANENT REGULATIONS OF THE NEVADA STATE BOARD OF COSMETOLOGY

The Nevada State Board of Cosmetology will hold a public hearing on **Monday, November 2, 2015 9:00 a.m.** via Video-Conferencing at the following locations:

Las Vegas, Nevada

Grant Sawyer Building
555 East Washington Avenue, Room 2450
Las Vegas, NV 89101

Carson City, Nevada

Nevada Gaming Control Board
1919 E. College Parkway
Carson City, NV 89706

The Nevada State Board of Cosmetology will receive testimony from all interested persons and consider and take action on the following proposed adoption of amendments, additions and deletions to the Nevada Administrative Code (NAC) pertaining to the State Board of Cosmetology as more detailed and defined in LCB File Number R064-15P. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State Board of Cosmetology may proceed immediately to act upon any written submissions:

1. The Need for and Purpose of the Proposed Permanent Regulations.

The need and purpose of the proposed permanent regulations are to implement changes in NAC Chapter 644 with regard to various procedural and operational processes, and to set forth and clarify substantive procedural matters for administration of the regulations. The need for many of the proposed changes in NAC Chapter 644 is the result of the passage of AB-246 and AB-249 during the 78th Nevada Legislative Session ended sine die on June 1, 2015.

2. Terms or Substance of the Proposed Permanent Regulations or Description of the Subjects and Issues Involved.

Section 1 – establishing revisions 2 through 18

Section 2 – defining classroom

Section 3 – defining cleaning

Section 4 – defining disinfectant

Section 5 – defining disinfection

Section 6 – defining dispensary

Section 7 – defining practical

Section 8 – defining sterilization

Section 9 – defining theory

Section 10 – establishing the places of practice and services that can be offered by a person holding a limited license

Section 11 – establishing the transition from 1,800 hours of training to 1,600 hours of training for eligibility to sit for the cosmetologist examinations

Section 12 – establishing the process for licensing a school of cosmetology in the Nevada Corrections Department

Section 13 – establishing the rights to view any space permitted within a cosmetological establishment

Section 14 – establishing the cleaning procedure for foot spas

Section 15 – establishing the proper use and cleaning of wax pots

Section 16 – establishing the proper use and cleaning of hot towel devices

Section 17 – establishing the types of devices that are banned from cosmetological establishments

Section 18 – establishing the infection control and prevention examination as not qualifying for continuing education credits

Section 19 – including sections 2 through 9 to the definitions section

Section 20 – adding schools of electrolysis to the final time record requirements

Section 21 – revising the infection control and prevention definition to contemporary standards

Section 22 – revising makeup definition to apply to any skin area

Section 23 – revising the definition of schools of cosmetology to specify courses that lead to licensure

Section 24 – revising the definition of time record

Section 25 – establishing makeup artistry supervision standards

Section 26 – revising cosmetological establishment exemptions

Section 27 – revising requirements for communication to the Board

Section 28 – revising licensing standards to include registration for allowing only the registrant to use the registration

Section 29 – revising certification of licensure requirements to allow electronic submission

Section 30 – revising and adding requirements for a limited license application
Section 31 – revising continuing education requirements for instructors
Section 32 – revising requirements for a provisional instructor license
Section 33 – revising requirements for a student instructor license
Section 34 – adding demonstrator of cosmetics, shampoo technologist, and makeup artist to the application process
Section 35 – revising examination requirements for the hair designer license
Section 36 – revising examination requirements for the nail technologist license
Section 37 – revising examination requirements for the aesthetician license
Section 38 – revising examination requirements for the cosmetologist license
Section 39 – adding the license types of hair designer, hair braider, aesthetician, nail technologist, and demonstrator of cosmetics to those license types eligible to take the examination in Spanish
Section 40 – revising test requirements verbiage for licensure as an instructor
Section 41 – revising verbiage on examinations’ general requirements
Section 42 – revising requirements for certification of licensure from other states
Section 43 – revising verbiage on the passing score of examinations
Section 44 – revising terms of initial licensing
Section 45 – revising terms for renewal of licensing
Section 46 – reducing the fee for retake of exams from \$110 to \$75
Section 47 – reducing the square footage requirements for specialty cosmetology schools
Section 48 – revising equipment requirements for cosmetology schools
Section 49 – revising requirements for student records at cosmetology schools
Section 50 – revising requirement to allow electronic submission of forms
Section 51 – revising student requirements for minimum hours of training before working on the public
Section 52 – revising cosmetology school requirements for providing student time records
Section 53 – revising cosmetology school requirements for cosmetologist training
Section 54 – revising cosmetology school requirements for hair designer training
Section 55 – revising cosmetology school requirements for aesthetician training
Section 56 – revising cosmetology school requirements for nail technologist training
Section 57 – revising cosmetology school requirements for student recesses
Section 58 – revising cosmetology school requirements to forbid payment to students for performing services in school
Section 59 – revising apprenticeship requirements to include hair designer’s apprentice, aesthetician’s apprentice, and nail technologist’s apprentice
Section 60 – revising apprenticeship supervisory requirements to include hair designer’s apprentice, aesthetician’s apprentice, and nail technologist’s apprentice
Section 61 – revising apprenticeship application requirements to include hair designer’s apprentice, aesthetician’s apprentice, and nail technologist’s apprentice
Section 62 – revising apprenticeship registration requirements to include hair designer’s apprentice, aesthetician’s apprentice, and nail technologist’s apprentice
Section 63 – revising apprenticeship cosmetological establishment requirements to include hair designer’s apprentice, aesthetician’s apprentice, and nail technologist’s apprentice
Section 64 – revising apprenticeship training requirements to include hair designer’s apprentice, aesthetician’s apprentice, and nail technologist’s apprentice

Section 65 – revising apprenticeship minimum training requirements before working on the public to include hair designer’s apprentice, aesthetician’s apprentice, and nail technologist’s apprentice

Section 66 – revising apprenticeship registration posting requirements to include hair designer’s apprentice, aesthetician’s apprentice, and nail technologist’s apprentice

Section 67 – revising apprenticeship registration posting requirements to include hair designer’s apprentice, aesthetician’s apprentice, and nail technologist’s apprentice

Section 68 – revising apprenticeship supervisor requirements to include hair designer’s apprentice, aesthetician’s apprentice, and nail technologist’s apprentice

Section 69 – revising school equipment requirements for each student

Section 70 – revising electrologist apprentice application requirements

Section 71 – revising electrologist apprentice supervisor requirements

Section 72 – revising infection control requirements for electrologist apprentice

Section 73 – revising mixed use separation for cosmetological establishments

Section 74 – revising license types who may lease space in a cosmetological establishment

Section 75 – revising mechanical exhaust requirements

Section 76 – removing data specific exemptions for toilets

Section 77 – removing foot spa infection control procedures

Section 78 – removing data specific exemptions for permanent plumbing

Section 79 – revising infection control procedures

Section 80 – revising disinfection procedures

Section 81 – revising storage procedures after disinfection of instruments

Section 82 – revising infection control procedures

Section 83 – revising hand cleaning procedures

Section 84 – revising work restraints when the public has communicable diseases

Section 85 – revising work restraints when the public has secretion of body fluids

Section 86 – revising needle types for restrictions on use

Section 87 – revising disinfection procedures for wigs and hairpieces

Section 88 – revising practice location restrictions

Section 89 – revising mobile establishment definition

Section 90 – revising mobile establishment application requirements

Section 91 – revising standards for mobile establishments

Section 92 – revising mobile establishment requirements

Section 93 – revising schedule for disciplinary actions

Section 94 – revising grounds for disciplinary action

Section 95 – repeal of sections 644.0503, 644.0538, and 644.0545

3. Estimated Economic Effect of the Proposed Permanent Regulations on Small Business.

The proposed permanent regulation has no adverse economic effect on the Nevada State Board of Cosmetology, the licensed cosmetology professionals, licensed cosmetological establishments, licensed cosmetology schools, or the public. The regulation has no negative impact on Small Business. The new registration fees of \$25 per year for registered shampoo technologists, registered makeup artists, and registered threaders is de minimis to their operations. The permanent regulation could have a beneficial economic effect on the Board of Cosmetology, Small Business, and the public. The regulation should enable the ability for shampoo technologists and makeup artists to practice within cosmetological establishments

creating new jobs and specialized workers requiring minimal to no training to receive their registration. It will also enable the reduction of illegal, *non-licensed* activities through the proposed fining system for not listing your license number in advertising, thus increasing the potential clientele for all *licensed* cosmetology professionals. The regulation could also benefit Small Businesses by allowing vendors, distributors, and manufacturers to demonstrate their products by limited license professionals and through a more specific definition of the training received within cosmetology schools.

4. Estimated Cost to Agency for Enforcement of Proposed Permanent Regulations.

The proposed permanent regulation will present no additional incremental net cost to the State Board of Cosmetology in administering these new regulations.

5. Regulations of Other State or Local Governmental Agencies which the Proposed Permanent Regulations Overlap or Duplicate and the Necessity Therefore.

The proposed permanent regulations do not appear to overlap or duplicate regulations of other state or local governmental agencies.

6. Establishment of New Fee or Existing Fee Increase.

The permanent regulations would not increase any existing fee, but would create new fees for the licensure of in-state limited licensees, registered shampoo technologists, registered makeup artists, and registered threaders. The fee for retaking an examination has been reduced from \$110 to \$75. There are new fines associated with citations issued for violating sections of NRS 644 and NAC 644. Since these new fines are initiated upon a violation of laws and regulations, the licensed cosmetology professionals who obey the law would never have to pay one of these fines.

Persons wishing to comment on the proposed action of the State Board of Cosmetology may appear at the above scheduled public hearing or may address their comments, views, or arguments, in written form, to the Nevada State Board of Cosmetology, 1785 E. Sahara Avenue, Suite 255, Las Vegas, Nevada 89104. Written submissions must be received by the Nevada State Board of Cosmetology on or before October 26, 2015. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Cosmetology may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed permanent regulations to be adopted and amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted and amended will be available at Nevada State Board of Cosmetology in each office location: 1785 E. Sahara Avenue, Suite 255, Las Vegas, Nevada 89104 and 4600 Kietzke Lane, Building O, Suite 262, Reno, Nevada, 89502 and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours.

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the

Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>.

The text of the proposed permanent regulations will include the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. Copies will be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has also been posted at the following locations.

SOUTHERN NEVADA SCHOOLS

Academy of Hair Design ~ 5191 W. Charleston Boulevard, #150, Las Vegas, NV 89146
Advanced Beauty School of Cosmetology ~ 4001 S. Decatur Blvd, #22,23,24, Las Vegas, NV 89103
Aveda Institute Las Vegas ~ 4856 S. Eastern Ave., Las Vegas, NV 89119
Cosmetology Institute of Las Vegas~3249 E. Craig Rd., #100, North Las Vegas, NV 89031
Euphoria Institute of Beauty Arts & Sciences ~ 11041 S. Eastern Ave., #112, Henderson, NV 89052
Euphoria Institute of Beauty Arts & Sciences ~ 9340 W. Sahara Ave., #205, Las Vegas, NV 89117
Expertise Cosmetology Institute ~ 1911 Stella Lake, Las Vegas, NV 89106
Expertise Cosmetology Institute ~ 2225 N. Civic Center Drive, #100, N. Las Vegas, NV 89030
G Skin & Beauty Institute ~ 1300 W. Warm Springs Road, Henderson, NV 89014
Marinello School of Beauty ~ 5001 E. Bonanza Road., #100, Las Vegas, NV 89110
Marinello School of Beauty ~ 4451 E Sunset Road, #14, Henderson, NV 89014
Paul Mitchell The School Las Vegas ~ 9490 S. Eastern Avenue, #100, Las Vegas, NV 89123
Southeast Career Technical Academy ~ 5710 Mountain Vista Road, Las Vegas, NV 89121

NORTHERN NEVADA SCHOOLS

International Academy of Style ~ 2295 Market Street, Reno, NV 89502
Milan Institute of Cosmetology ~ 4020 Kietzke Lane, Reno, NV 89502
Marinello School of Beauty ~ 5093 South Mc Carran Boulevard, Reno, NV 89502
Paul Mitchell The School Reno ~ 1600 Holcomb Avenue, Reno, NV 89502

LIBRARIES

Battle Mountain Branch Library ~ 625 Broad Street, Battle Mountain, NV 89820
Carson City Library ~ 900 North Roop Street, Carson City, NV 89701
Clark County Library ~ 1401 E. Flamingo Road, Las Vegas, NV 89119
Churchill County Library ~ 553 South Maine Street, Fallon, NV 89406
Douglas County Library ~ 1625 Library Lane, Minden, NV 89423
Elko County Library ~ 720 Court Street, Elko, NV 89801
Eureka Branch Library ~ 210 South Monroe, Eureka, NV 89316
Goldfield Public Library ~ Fourth & Crook Street, Goldfield, NV 89013
Green Valley Library ~ 2797 N. Green Valley Parkway, Henderson, NV 89015
Humboldt County Library ~ 85 East 5th Street, Winnemucca, NV 89445

Lincoln County Library ~ 63 Main Street, Pioche, NV 89043
Lyon County Library ~ 20 Nevin Way, Yerington, NV 89447
Nevada State Library & Archives~100 N. Stewart St., Carson City, NV 89701
Pershing County Library ~ 1125 Central Avenue, Lovelock, NV 89419
Storey County Library ~ 95 South R Street, Virginia City, NV 89440
Summerlin Library ~ 1771 Inner Circle Drive, Las Vegas, NV 89134
Washoe County Library ~ 301 South Center Street, Reno, NV 89501
White Pine County Library ~ 950 Campton Street, Ely, NV 89301

GOVERNMENT AGENCIES

Attorney General's Office ~ 555 E. Washington Avenue, #3900, Las Vegas, NV 89101
State Board of Cosmetology ~ 1785 E. Sahara Ave., #255, Las Vegas, NV 89104
State Board of Cosmetology ~ 4600 Kietzke Lane, Building O, #262, Reno, NV 89502
State Board of Cosmetology Website
State of Nevada Website
Legislative Counsel Bureau Website

Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call 702-486-6542 by 3:00 pm on Wednesday, October 28, 2015 so that arrangements can be made.