

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

LCB File No. R127-16

Amendments to NAC 644.167

NAC 644.167 Duties of supervising cosmetologist. (NRS 644.110, 644.2175, 644.471)
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) Hair coloring, 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 NAC 644.174;

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 ~~140~~ 48 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.

Amendments to NAC 644.345

NAC 644.345 Cosmetics and other preparations. (NRS 644.110, 644.120) In each cosmetological establishment or school of cosmetology:

1. Creams, lotions, cosmetics and other preparations used on clients must be kept in closed containers at all times when not in use.
2. Powder for the face must be kept in a closed container. The use of powder puffs is prohibited.
3. Lotions or liquids used on a client must be poured into a sanitized container and applied to the client using cotton or other type of applicator.
4. Creams or other semisolid substances must be dipped from the container with a sanitized article or spatula. Removing such substances with the fingers is prohibited.
5. Creams, lotions and other preparations must be removed by means of cotton, gauze, facial tissue or other sanitized material.
6. Supplies used for service to clients must not be stored in any restroom.
7. Cosmetics used in the form of a pencil must be sharpened before each use.
8. All bottles and containers must be distinctly and correctly marked with a label which discloses its contents. All articles containing poisonous substances must be distinctly marked as such.
9. *All eyelash extensions or enhancements must be stored in a clean and sanitary container prior to application on a client.*

Amendments to NAC 644.700

644.700

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

COSMETOLOGICAL ESTABLISHMENT

Operating an establishment without a license	\$1,000	\$1,500	\$2,000
Operating an establishment with an expired license	\$ 200	500	1,000
Allowing a licensee to work with an expired license (per person)	\$ 200	500	1,000

Failure to display license in place of business	\$ 200	500	1,000
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	1,000
Operating an establishment with an animal on the premises	\$ 200	500	1,000
Refusal to allow staff of the Board to inspect any licensed space	1,000	2,000	5,000

COSMETOLOGIST OR OTHER LICENSED OR REGISTERED NATURAL PERSON

Practicing with an expired license or registration	200	500	1,000
Failure to display license or registration at a work station	200	500	1,000
Failure to practice in a cosmetological establishment , unless the person holds a limited license to do so	500	1,000	2,000
Failure to comply with NAC 644.368	200	500	1,000
Using advertisements which contain knowingly false or deceptive statements or otherwise engaging in acts described in subsection 3 of NAC 644.711	100	200	500

APPRENTICE

Failure to display a certificate of registration in plain view	100	500	1,000
Failure to wear a badge while working	100	500	1,000
Working on the public without a supervising cosmetologist , hair designer, aesthetician, nail technologist or electrologist, as appropriate, present.....	500	1,000	2,000

SUPERVISOR OF AN APPRENTICE

Allowing an apprentice to work if his or her certificate of registration is not displayed in plain view.....	100	500	1,000
Allowing an apprentice to work if the apprentice is not wearing his or her badge	100	500	1,000
Allowing an apprentice to work on the public without being present to supervise the apprentice	500	1,000	2,000

MAKEUP ARTIST Failure to meet a requirement to engage in the practice of makeup artistry in this State	200	500	1,000
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SCHOOL OF COSMETOLOGY

Failure to comply with NRS 644.395, subsection 1 of NRS 644.400, as amended by section 59 of Assembly Bill No. 246, chapter 151, Statutes of Nevada 2015, at page 611, paragraph (b) of subsection 2 of NRS 644.400, as amended by section 59 of Assembly Bill No. 246, chapter 151, Statutes of Nevada 2015, at page 611, or NAC 644.085	200..	500.	1,000
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ANY PERSON

Practicing without a license or certificate	1,000	1,500	2,000
Copying or altering a license or certificate for purposes of fraud, deception, misrepresentation or other illegal purpose	200	500	1,000
Using a copied or altered license or certificate for purposes of fraud, deception, misrepresentation or other illegal purpose	1,000	2,000	5,000

2. A licensee who violates a provision of NAC 644.307 to 644.355, inclusive, and sections 13 to 16, inclusive, of this regulation, will be fined \$100 for each violation unless, in the judgment of the Executive Director, the violation warrants a disciplinary hearing before the Board.

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, as amended by section 60 of Assembly Bill No. 246, chapter 151, Statutes of Nevada 2015, at page 612, and section 7.3 of Assembly Bill No. 409, chapter 413, Statutes of Nevada 2015, at page 2396.

4. A person who has been issued a citation and ordered to pay a fine has ninety days in which to pay the fine. An additional \$25 per every 30 days will be added to the fine as an additional penalty for not paying the fine in a timely manner.

Amendments to NAC 644.711

644.711 For the purposes of paragraph (m) of subsection 1 of NRS 644.430, as amended by section 60 of Assembly Bill No. 246, chapter 151, Statutes of Nevada 2015, at page 612, the following practices are grounds for disciplinary action by the Board:

1. Copying or altering a license for the purposes of fraud, deception, misrepresentation or other illegal purpose 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. Misrepresenting his or her qualifications to the public.

5. Performing or offering to perform the functions of a licensee under a false or assumed name or social security number.

6. Selling or offering to sell his or her license.

7. Allowing and/or authorizing another person to use his or her license to practice any branch of cosmetology.

8. Failing to cooperate with an investigation conducted by the Board.

9. Failing to respond to communications from the Board.

10. Providing false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government.

11. Uses advertisements which contain knowingly false or deceptive statements, including, without limitation, using the terms “expert,” “advanced” or “medical” in connection with a description of a licensee’s practice in any branch of cosmetology or otherwise holding the licensee out to the public as an expert, advanced or medical practitioner of any branch of cosmetology.

12. Is determined by the Board to be professionally incompetent to engage in the practice of cosmetology

13. *Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of NRS or NAC Chapter 644 if the conduct were committed in this State;*
14. *If the holder of the license is on probation, has violated the terms of the probation; and*
15. *Has failed to pay or make arrangements to pay, as approved by the Board, an administrative fine imposed pursuant to NRS or NAC Chapter 644 or cost reimbursement pursuant to NRS 622.400 according to the terms of the Board's Order or within 60 days after:*
 - (a) *Receiving notice of the imposition of the fine; or*
 - (b) *The final administrative or judicial decision affirming the imposition of the fine, whichever occurs later.*
16. *Engaging in cosmetology activity and/or services outside the licensee's area of competence, training or skill.*
17. *Practicing cosmetology while, with or without good cause, his or her physical, mental or emotional condition impairs his or her ability to act in a manner consistent with established or customary cosmetology standards, or both.*
18. *Opening a cosmetological establishment for the purpose of practicing prostitution or pandering.*

These provisions do not prohibit a licensee from providing health care services during the course of practicing cosmetology on a client in the case of an emergency if the services cannot or will not be provided by a health care provider.

These provisions do not prohibit contact by a licensee with a client that is necessary for a legitimate cosmetology service or health care purpose that meets the standard of appropriate care of a licensee as determined by the Board.
(Sources: NAC 640C.410, NRS 640C.700)

New Regulations:

The Board may refuse to issue or renew an establishment license to any applicant who fails to present satisfactory evidence of personal integrity and moral responsibility, and, if the applicant is a corporation, the provision of this section applies to all the officers thereof.
(Modified from NRS 644.385)