

Legislative Review of Adopted Regulations as Required by NRS 233B.066
LCB File R020-21

The following statement is submitted for adopted amendments to the Nevada Administrative Code (NAC) Chapter 644A.

1. Clear and concise explanation of the need for the adopted regulation.

The proposed regulation would allow for students to continue earning hours towards their cosmetology licenses even when schools of cosmetology are closed due to a Governor declared state of emergency. Giving students the ability to earn remote practical hours is meant to encourage students to complete their cosmetology programs and seeks to avoid delays in graduation due to school closures.

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

Copies of the proposed regulations, notices of workshop and notices of intent to act upon regulation were sent by U.S. mail and emailed to persons who were known to have an interest in the subject of remote practical learning as well as any persons who had specifically requested such notice and all licensed schools of cosmetology. These documents were also made available at the website of the Nevada State Board of Cosmetology, www.nvcosmo.com, mailed to all county libraries in Nevada and posted at the following locations.

Nevada State Board of Cosmetology
8945 W. Russell Rd., Suite 100
Las Vegas, Nevada 89148

Nevada State Board of Cosmetology
740 Del Monte Lane., Suite 12
Reno, Nevada 89511

On May 10, 2021, a workshop was held to solicit comments from the general public related to the proposed regulation change to NAC 644A.618. At the time of the meeting, no public comments or written comments were submitted to the Board related to the proposed regulation change and as such, the Board voted to move forward with the regulation making process without any changes made to the draft regulation.

On January 31, 2021 Nevada State Board of Cosmetology issued a Notice of Intent to Act Upon a Regulation and on March 7, 2022 a public hearing was held in accordance with open meeting law. At the time of the hearing, none of the meeting participants, including Board members, had any comments on the unchanged, proposed regulation and as such, the Board voted to adopt the regulation as it appears in R020-021.

3. The number of persons who:

- a. Attended each hearing:** May 10, 2021 - 7; March 7, 2022- 11
- b. Testified at each hearing:** May 10, 2021 - 7; March 7, 2022- 6
- c. Submitted to the agency written comments:** No written comments were submitted.

4. The list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency.

Both the May 10, 2021 workshop and the March 7, 2022 adoption hearing were held via remote technology system pursuant to AB 253 and NRS 241.023. Both meetings were held via ZOOM technology. The meeting minutes from both meetings are attached hereto as Exhibit A.

None of the attendees at either meeting (March 10, 2021 or March 7, 2022) offered any comments related to the proposed regulation. All of the comments made during the meeting were made during one of the public comment periods on a matter unrelated to the proposed regulation.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

To determine whether this proposed regulation change was likely to have an impact on small businesses, the Board of Cosmetology requested input from school owners and operators. A Typeform survey was sent to each of Nevada's licensed cosmetology schools asking for input as to the projected adverse and beneficial impacts of the proposed regulation change. A summary of the responses is attached as Exhibit B.

Any interested party may obtain a copy of the summary by emailing inspection@nvcosmo.com or in writing:

Nevada State Board of Cosmetology
8945 W. Russell Rd. #100
Las Vegas, NV 89148.
Attn: Compliance Dept.

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted on March 7, 2022. During both the workshop and the adoption hearing no comments were made by members of the board or the public related to the proposed regulation change. Any comments that were put forth were done so as part of a general public comment and were not related to the proposed regulation and therefore not considered in the drafting or modification of this proposed regulation.

- 7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- a. Both adverse and beneficial effects; and**
- b. Both immediate and long-term effects**

(a) Both adverse and beneficial effects

The Board does not foresee any adverse or beneficial economic effects.

(b) Both immediate and long-term effects.

The Board does not foresee any immediate or long-term economic effects.

- 8. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

- 9. A description of any regulations of other state or government agencies which they proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed regulation duplicates.

- 10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of the such provisions.**

There are no federal regulations that apply.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The regulation does not provide a new fee or increase an existing fee.

EXHIBIT A

MINUTES

Nevada State Board of Cosmetology Board Meeting May 10 2021 NVBOC WORKSHOP Monday, May 10, 2021, 9:00 am - 4:30 pm



NOTICE IS HEARBY GIVEN that the Nevada State Board of Cosmetology will hold a public workshop at 9:00 a.m. on Monday, May 10, 2021 via ZOOM. The purpose of the workshop is to receive comments from all interested persons regarding the potential adoption of regulations that pertain to Chapter 644A of the Nevada Administrative Code.

The purpose of the proposed regulation is to allow for cosmetology students to earn practical hours remotely, outside of a licensed school of cosmetology, in times of "emergency" as declared by Nevada's Governor and upon a majority vote by the Board. Any remote practical learning would be limited to work on mannequins.

Anyone wishing to comment upon the proposed action of the Nevada State Board of Cosmetology may attend the May 10, 2021 ZOOM meeting or may address their comments, data, views, or arguments, in written form, to Gary Landry, Executive Director, 8945 W. Russell Road, Suite #100 Las Vegas, NV 89148. Written submissions must be received by the Board on or before May 6, 2021.

THIS MEETING WILL BE HELD VIA VIDEO CONFERENCE ONLY

ZOOM MEETING ID: 924 1237 3697

The Board is pleased to invite individuals to participate remotely using ZOOM. To learn more about ZOOM, go to [zoom.com](https://zoom.us).

On the scheduled day and time, from the ZOOM website, click "Join a Meeting" and enter your name and this Meeting ID: 924 1237 3697

NV Board Cosmetology is inviting you to a scheduled Zoom meeting:

Join Zoom Meeting

<https://zoom.us/j/92412373697>

Meeting ID: 924 1237 3697

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Dial by your location

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+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 312 626 6799 US (Chicago)
+1 646 558 8656 US (New York)
+1 301 715 8592 US (Washington DC)

Meeting ID: 924 1237 3697

Find your local number: <https://zoom.us/j/92412373697>

Due to the current state of emergency in Nevada, and as allowed in the Governor's Executive Order and Directive Number 006, as extended through Directive 029, there will be no physical meeting place.

The State of Nevada Board of Cosmetology is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the State Board of Nevada, in writing, at 8945 W. Russell Road, Suite 100 Las Vegas, NV 89148 or by calling (702) 850-2907 at least 24 business hours prior to the date of the meeting. *Please note the Board's office hours are 7am-5pm, M-Th.

Members of the public may request the supporting materials for this meeting from: Lisa Nguyen, Compliance Specialist- 8945 W. Russell Road, Suite #100 Las Vegas, NV 89148, (702)-850-2907. Email: lisa@nvcosmo.com

STACKED CALENDAR: In accordance with Nevada's Open Meeting Law, the Board may consider agenda items taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Board may continue the meeting as deemed necessary. The Board, at its discretion, may take public comment during times other than the designated Public Comment agenda items. The Board reserves the right to limit public comment to three minutes. Comment may not be restricted based on viewpoint. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS 233B.126.

Pursuant to NRS 241.030(1), the State of Nevada Board of Cosmetology may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.

ALL CELLULAR TELEPHONES ARE TO BE TURNED OFF OR SET TO SILENT NOTIFICATION MODE DURING THE PROCEEDINGS.

This meeting has been properly noticed and posted at the following locations:

Euphoria Institute of Beauty Arts & Sciences-9340 W. Sahara Ave. #205 Las Vegas, NV 89117

Nevada State Library & Archives- 100 N. Stewart St. Carson City, NV 89701

Carson City Library- 900 N. Roop St. Carson City, NV 89701

Clark County Library- 1401 E. Flamingo Rd. Las Vegas, NV 89119

Office of the Attorney General -555 E. Washington Ave. Las Vegas, NV 89101

State of Nevada Board of Cosmetology-8945 W. Russell Road, Suite #100 Las Vegas, NV 89148

State of Nevada Board of Cosmetology (Reno)- 740 Del Monte Lane, Suite 12 Reno, NV 89511

Nevada State Board of Cosmetology website www.nvcosmo.com

State of Nevada Website <https://notice.nv.gov>

In Attendance

Bryan Baltazar; Gary Landry; Gwendolyn Braimoh; Justin Taruc; Kai Stanton; Lisa Nguyen; Tialutrell Ridley

A. Roll Call

The meeting was called to order at 9:06AM.

B. Mission Statement

The mission of the Nevada State Board of Cosmetology is to protect the public health, safety and welfare of those that obtain cosmetology related services through the delivery of quality Testing, Licensing, Inspection and Education Services that focus on consumer protection.

C. Comments from the General Public-*for discussion only*

The Board of Cosmetology will entertain comments from the general public for any item that is or is not on the published agenda and is related to the Nevada State Board of Cosmetology.

No action can be taken on a matter unless it is included in an agenda.

Comments should be limited to three (3) minutes or less.

There were no comments from the general public.

D. Action Items

1. Proposed modifications to NAC 644A.618- *for discussion and possible action*

The Nevada State Board of Cosmetology is seeking to modify the current language of NAC 644A.618 to allow for cosmetology students to earn practical hours remotely (outside of a licensed school of cosmetology) in times of "emergency" as declared by the Governor and upon majority vote by the Board. Any remote practice would be limited to work on mannequins.

The Board affirmed the modification of the current language of NAC 644A.618 as submitted to LCB.

Move: Bryan Baltazar Second: Kai Stanton Status: Passed

2. Discussion of the potential for small business impact- *for discussion and possible action*

On January 14, 2021 the staff of the Nevada State Board of Cosmetology sent a Typeform survey to all of the cosmetology school owners and operators in Nevada. That survey was sent to determine whether the

proposed changes to NAC 644A.618 would have any economic impact on licensed schools of cosmetology.

Executive Director Landry reviewed the survey results.

Board President Braimoh requested clarity on the long-form survey and asked if it can be discussed during the next Board meeting.

Executive Director Landry explained once the package is sent to the LCB, it will come back to the Board and we can discuss the changes the LCB made. Director Landry further explained that the Board's submission of the package, including the survey to the LCB, is so that the LCB may see the documentation and evaluate the impact on small business.

Board member McCormick asked if it would be appropriate to submit a motion to send the packet to LCB

Board Member Baltazar asked if we could hear from schools.

Board Member Stanton stated that reading the comments seems to mean the Board needs to get details down and finalize the process.

Director Landry stated that after everything is submitted we will discuss the number of hours at the next Board meeting.

The Board voted to take the survey and submit it to LCB for review.

Move: Tialutrell Ridley Second: Kai Stanton Status: Passed

E. Comments from the general public-*for discussion only*

The Board of Cosmetology will entertain comments from the general public for any item that is or is not on the published agenda and is related to the Nevada State Board of Cosmetology.

No action can be taken on a matter unless it is included in an agenda.

Comments should be limited to three (3) minutes or less.

Lu Suarez from Euphoria Institute discussed needing to slow the pace of progression. The hours we were lowered to 20 a week. It would be nice to be able to add practical.

Brent Vanschoiack from Paul Mitchell stated being able to incorporate some sort of practical would help students engage. It would hold students more accountable. He agreed with the 50% breakdown and was grateful for the conversation.

Jan Garrett DeSimone from the Clark County School district agreed that having some limited hands-on practice helps keep students engaged and with the technology today it's a possibility. Suggested that remote practical learning include entry-level skills, like a simple manicure, haircut, or blow-dry. 25-20 hours per week at 50/50 would be fair and support the students as they move forward.

Board Member Stanton requested a student survey to see how successful students feel online theory learning was during the pandemic.

In response to Board Member Stanton's comment, Board President Braimoh said she would like to see Board Staff put that together for when the students come in to take the test.

Jan Garret DeSimone suggested the result could be skewed depending on how the student(s) performed on the test, if they failed they would blame distance learning.

Board President Braimoh suggested a survey could be sent to new licensees.

Lu Suarez agreed with Jan Garret DeSimone and suggested that attendance was a more accurate measurement. The survey would be inaccurate for so many reasons including that not everyone graduates and takes the test right away.

DAG Taruc recommended this not be discussed until it was put on the next Board meeting agenda.

Board President Braimoh stated she wants to see it on the next Board meeting agenda and that there needs to be some type of survey to be able to show the legislature how it impacts the industry.

F. Comments from Board Members- *for discussion only*

Board member Braimoh would like to add an agenda item to set the practical hours for remote learning in the next Board meeting and apply for the next state of emergency if any.

Board member Stanton would like to discuss and institute some type of survey for graduates regarding the efficacy of remote learning in the schools at the State Board office after they take their examinations.

G. Adjournment- *for possible action*

The meeting adjourned at 10:04 AM PT.

Move: Kai Stanton Second: Bryan Baltazar Status: Passed

MINUTES

**Nevada State Board of Cosmetology
Board Meeting
March 7 2022 NVBOC REGULATION ADOPTION HEARING
Monday, March 7, 2022, 9:00 am - 4:30 pm
NOTICE OF INTENT TO ACT UPON A REGULATION**



Notice of Hearing for the Amendment of Regulations of the Nevada State Board of Cosmetology

NOTICE IS HEREBY GIVEN that the Nevada State Board of Cosmetology will hold a public hearing at 9:00 a.m. on March 7, 2022, via ZOOM. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to Chapter 644A of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603.

Statement of need for and purpose of the proposed regulation or amendment:

The purpose of the regulation is to allow cosmetology students to earn practical hours remotely, outside of a licensed school of cosmetology, in times of "emergency" as declared by Nevada's Governor and upon a majority vote by the Board. Any remote practical learning would be limited to work on mannequins. This regulation amendment would allow for students to continue to earn practical hours when schools are closed or have limited capacity due to a governor-declared emergency.

Terms or substance of the proposed regulation or subjects and issues involved:

The proposed regulation seeks to modify the language of NAC 644A.618 which notes that students shall not practice at home or in a cosmetological establishment and shall not give demonstrations other than those required by them by their school of cosmetology. The proposed modification would add a subsection that notes that during a state of emergency or declaration of disaster as proclaimed by the Governor or by resolution of the Legislature, the Board may, by vote, authorize students to complete practical hours at home provided those hours are earned while working on a mannequin and not a live person. The full text of the proposed regulation is attached to this agenda and can be found on the Board's website, nvcosmo.com.

Estimated economic effect on business and public:

- (a) The survey results indicated that the majority of those polled felt that a proposed regulation change would not, directly or indirectly, negatively impact their businesses.
- (b) The Board does not foresee any adverse or beneficial effects both in the immediate and long-term on members of the public.

Estimated cost to the agency for enforcement:

The Nevada State Board of Cosmetology does not foresee there being a cost to enforce these proposed changes.

Overlap or duplication of regulations:

The proposed regulation does not include provisions that duplicate or are more stringent than federal, state, or local standards regulating the same activity.

Regulation required by federal law:

This regulation is not required by federal law.

More stringent than federal regulation:

The proposed regulation is not more stringent than a federal regulation that regulates the same activity.

Fees:

The proposed regulation does not establish a new fee or increase an existing fee.

In January '21, the Nevada State Board of Cosmetology sent out a survey to all of the then licensed schools of cosmetology in Nevada. Those responses were then reviewed to determine whether the proposed changes to NAC 644A would have an impact on small businesses. Subsequently, a workshop was held on May 20, 2021, at which time public comments were heard in support of the proposed modifications. There were no public comments made in opposition to the proposed modifications.

The full text of the Small Business Impact Statement is attached to this notice.

Persons wishing to comment upon the proposed action of the Nevada State Board of Cosmetology may attend the March 7, 2022 ZOOM meeting or may address their comments, data, views, or arguments, in written form, to Gary Landry, Executive Director, 8945 W. Russell Road, Suite #100 Las Vegas, NV 89148. Written submissions must be received by the Board on or before March 3, 2022 at 5PM PDT. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Board of Cosmetology may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation 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 the Board offices (see below) and in all counties in which an office of the Board is not maintained, the main public library, for inspection and copying by members of the public during business hours. The text of the proposed regulation is 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>. Copies of this notice and the

proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the Board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall 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 MEETING WILL BE HELD VIA VIDEO CONFERENCE ONLY

ZOOM MEETING ID: 889 7953 5442

The Board is pleased to invite individuals to participate remotely using ZOOM. To learn more about ZOOM, go to [zoom.com](https://zoom.us).

On the scheduled day and time, from the ZOOM website, click "Join a Meeting" and enter your name and this Meeting ID: 889 7953 5442

NV Board Cosmetology is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us06web.zoom.us/j/88979535442>

Meeting ID: 889 7953 5442

One tap mobile

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Dial by your location

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+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 889 7953 5442

Find your local number: <https://us06web.zoom.us/j/88979535442>

The meeting agenda and any supporting documents can be found on the Board's website, nvcosmo.com. Per NRS 241.020 (11) any supporting material provided to the Board during the meeting will be available on the Board's website no later than 24 hours after the conclusion of the meeting.

The State of Nevada Board of Cosmetology is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for

the meeting are necessary, please notify the State Board of Nevada, in writing, at 8945 W. Russell Road, Suite 100 Las Vegas, NV 89148 or by calling (702) 979-5918 at least 24 business hours prior to the date of the meeting. *Please note the Board's office hours are 7 am-5 pm, M-Th.

Members of the public may request the supporting materials for this meeting from: Lauren Gossage, Regulatory Compliance Specialist- 8945 W. Russell Road, Suite #100 Las Vegas, NV 89148, (702)-979-5918. Email: lauren@nvcosmo.com

STACKED CALENDAR: In accordance with Nevada's Open Meeting Law, the Board may consider agenda items taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Board may continue the meeting as deemed necessary. The Board, at its discretion, may take public comment during times other than the designated Public Comment agenda items. The Board reserves the right to limit public comment to three minutes. The comment may not be restricted based on viewpoint. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS 233B.126.

Pursuant to NRS 241.030(1), the State of Nevada Board of Cosmetology may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.

ALL CELLULAR TELEPHONES ARE TO BE TURNED OFF OR SET TO SILENT NOTIFICATION MODE DURING THE PROCEEDINGS.

This meeting has been properly noticed and posted at the following locations:

State of Nevada Board of Cosmetology-8945 W. Russell Road, Suite #100 Las Vegas, NV 89148

State of Nevada Board of Cosmetology (Reno)- 740 Del Monte Lane, Suite 12 Reno, NV 89511

Nevada State Board of Cosmetology website www.nvcosmo.com

The NV State Library and Archives Administrator-nslapr-admin@admin.nv.gov

Carson City Library-900 N. Roop St. Carson City, NV 89701

Churchill County Library-533 S. Main St. Fallon, NV 89406

Las Vegas-Clark County Library District HQ- 833 Las Vegas Blvd. North, Las Vegas, NV 89101

Douglas County Public Library-1625 Library Lane, Minden, NV 89423

Elko County Library- 720 Court St. Elko, NV 89801

Esmeralda County Library- P.O. Box 430 Goldfield, NV 89013

Eureka County Library-10190 Monroe St. Eureka, NV 89316

Humboldt County Library- 85 E. 5th St. Winnemucca, NV 89445

Battle Mountain Library- 625 S. Broad St. Battle Mountain, NV 89820

Lincoln County Library-63 Main St, Pioche, NV 89043

Lyon County Library System- 20 Nevin Way, Yerington NV 89447

Mineral County Public Library- P.O. Box 1390 Hawthorne, NV 89415
Pershing County Library-1125 Central Ave. Lovelock, NV 89419
Storey County Treasurer and Clerk's Office Drawer D, Virginia City, NV 89440
Tonopah Public Library- P.O. Box 449 Tonopah, NV 89049
Washoe County Library System- 301 S. Center St. Reno, NV 89501
White Pine County Library-950 Campton St. Ely, NV 89301
State of Nevada Website <https://notice.nv.gov>

*In addition to the places listed above, a copy of the notice was sent to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations.

In Attendance

Anita Douglass; Bertha Jackson; Bryan Baltazar; Gary Landry; Gwendolyn Braimoh; Janie Huggins; Kai Stanton; Lauren Gossage; Rodney Moore; Roxanne Pruitt Harris; Tialutrell Ridley

Not In Attendance

Andrew Helms; Victoria Negrete

A. Roll Call

The Board Meeting was called to order by Board Chair Braimoh at 9:00 AM PST

B. Mission Statement

The mission of the Nevada State Board of Cosmetology is to protect the public health, safety and welfare of those that obtain cosmetology related services through the delivery of quality Testing, Licensing, Inspection and Education Services that focus on consumer protection.

C. Comments from the General Public - *For discussion only*

The Board will entertain comments from the general public for any item that is or is not on the published agenda and is related to the Nevada State Board of Cosmetology.

No action can be taken on a matter unless it is included in an agenda.
Comments should be limited to three (3) minutes or less.

There were no comments from the general public.

D. Action Items- *For discussion and possible action*

1. Proposed Modifications to NAC 644A.618 (R020-21)- for discussion and possible action

The board voted to accept the proposed modifications to NAC 644A.618 (R020-21)

Move: Tialutrell Ridley Second: Anita Douglass Status: Passed

2. Adoption of NAC 644A.618 (R020-21)- for discussion and possible action

The board voted to adopt NAC 644A.618 (R020-21) as written.

Move: Kai Stanton Second: Roxanne Pruitt Harris Status: Passed

E. Comments from the General Public - *For discussion only*

The Board will entertain comments from the general public for any item that is or is not on the published agenda and is related to the Nevada State Board of Cosmetology.

No action can be taken on a matter unless it is included in an agenda.

Comments should be limited to three (3) minutes or less.

Sharona Shelton- Expressed concerns in regards to SB291.

Warda Ali- Expressed concerns in regards to SB291.

F. Comments from Board Members - *For discussion only*

Board Member Gwen Braimoh: Expressed concerns regarding SB291.

Board Member Bryan Baltazar: Expressed concerns regarding SB291.

Board Member Tialutrell Ridley: Requested for the board to provide notification to Estheticians regarding March 14, 2022 Board Meeting.

Board Member Kai Stanton: Requested for the board to provide notification to Estheticians regarding March 14, 2022 Board Meeting. Board Member Kai Stanton would like to add discussion on Lash Technician License to the next Board Meeting in April. Board Member Kai Stanton would also like to review communication processes between licensees and board staff.

G. Adjournment - *For possible action*

This meeting was adjourned at 9:47 AM PST.

Move: Kai Stanton Second: Roxanne Pruitt Harris Status: Passed

EXHIBIT B

PROPOSED REGULATION OF THE STATE OF NEVADA BOARD OF COSMETOLOGY

SMALL BUSINESS IMPACT STATEMENT

This statement was prepared to comply with NRS 233B.0608 and NRS 233B.0609. This statement addresses the fiscal impact of proposed regulation change.

To determine whether this regulation change is likely to have an impact on small businesses, the Board of Cosmetology considered the purpose and scope of the proposed and potential regulations in conjunction with existing regulations. Based on this review, the Board of Cosmetology determined that the listed proposed regulation is not likely to have an adverse effect on small businesses.

The Board of Cosmetology does not anticipate that adopting the regulation will have any adverse effects or beneficial economic effects, either immediate or long-term on small businesses such as schools of cosmetology.

- A. Description of the manner in which comment was solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.*

The Nevada State Board of Cosmetology requested input from school owners and operators. A Typeform survey was sent to each of Nevada's licensed cosmetology schools asking for input as to the projected adverse and beneficial impacts of a proposed regulation change.

At the time this survey was sent, the Nevada State Board of Cosmetology licensed sixteen (16) schools of cosmetology. The Board of Cosmetology received twelve (12) survey responses. The representative from Milan institute responded on behalf of the Milan locations in both Reno and Las Vegas. The school representative from Expertise Cosmetology Institute submitted responses on behalf of both Expertise locations. The final, licensed school of cosmetology is located within the Florence McClure Women's Correctional Center and is a branch of Expertise Cosmetology Institute. One licensed school did not submit a response.

Response Summary:

Question #1: Do you anticipate a regulation allowing for remote practical learning in times of emergency having an adverse economic effects upon your business?

NO: 7

YES: 4

UNKNOWN: 1

Question #2: Do you anticipate a regulation allowing for remote practical learning in times of emergency having any beneficial effects upon your business?

NO: 1

YES: 7

UNKNOWN: 4

Question #3: Do you anticipate any indirect adverse effects upon your business?

NO: 7

YES: 3

UNKNOWN: 2

Question #4: Do you anticipate any indirect beneficial effects upon your business?

NO: 4

YES: 3

UNKNOWN: 5

The end of the survey left room for open-ended comments and was intended to give the school owner/operator the ability to expand on his/her responses.

Any person interested in obtaining a copy of the summary may mail in a request to:

**Nevada State Board of Cosmetology
% Compliance Division
8945 W. Russell Road, Suite #100
Las Vegas, NV 89148**

B. *The manner in which the analysis was conducted.*

Surveys were sent to each of Nevada's licensed cosmetology schools along with an email explaining the purpose of the survey. In addition to the open-ended comment section at the end of the survey, school owners/operators were asked whether they anticipated any direct or indirect economic benefits or adverse effects upon their businesses. Survey participants were able to select "yes", "no" or "unknown" as their response.

Board staff reviewed the "yes" responses for schools that indicated that a regulation change was likely to have a negative impact on their business'. Any "yes" response was compared to the open-ended comment response at the end of the survey to determine the specific concerns of the individual school.

- C. *The estimated economic effect of the proposed regulation on the small businesses which it is to regulate including, without limitation*
- a. *Both adverse and beneficial effects; and*
 - b. *Both direct and indirect effects.*

The proposed amendment would allow for schools to utilize remote practical learning in times of emergency, as declared by the Governor and upon majority vote of the Board of Cosmetology.

Survey results indicated that the majority of those polled felt that a proposed regulation change would not, directly or indirectly, negatively impact their businesses.

Under the proposed regulation, even during times of Governor declared emergency and upon majority vote, the decisions to utilize remote practical learning would be left up to the individual schools.

- D. *A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.*

The majority of the schools polled did not believe that their school would be adversely impacted by the proposed regulation change. Four responses indicated that they felt the proposed regulation would have an adverse effect. Two of those four schools provided no open-ended response elaborating on their position, one school noted that it felt the quality of the student education may suffer with remote

distance learning and the fourth school indicated it approved of remote practical learning in times of emergency.

Any school that feels this regulation change would cause a direct or indirect burden would have the option not to offer remote practical learning.

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

The Nevada State Board of Cosmetology does not anticipate there being a cost to enforce the proposed regulation.

F. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expected to collect, and the manner in which the money will be used.

The proposed regulation does not provide for a new fee or increase an existing fee.

G. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

The proposed regulation does not include provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity.

H. The reasons for the conclusions of the agency regarding the impact of the regulation on small businesses.

The Nevada State Board of Cosmetology has concluded that a regulation change allowing for remote practical learning during times of Governor declared emergency and upon majority vote of the Board does not create a significant economic impact on small businesses, specifically schools of cosmetology.

This regulation change would only have an impact during times of emergency and any school that does not wish to offer remote practical learning would not be required to do so.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

DocuSigned by:
Gary K. Landry
037A8F524B9D44F...

Gary K. Landry
Executive Director
Nevada Board of Cosmetology

04-14-2021

Date

Small Business Impact Survey January 2021

12 responses

Do you anticipate a regulation allowing for remote practical learning in times of emergency having an **adverse economic** effects upon your business?

12 out of 12 answered



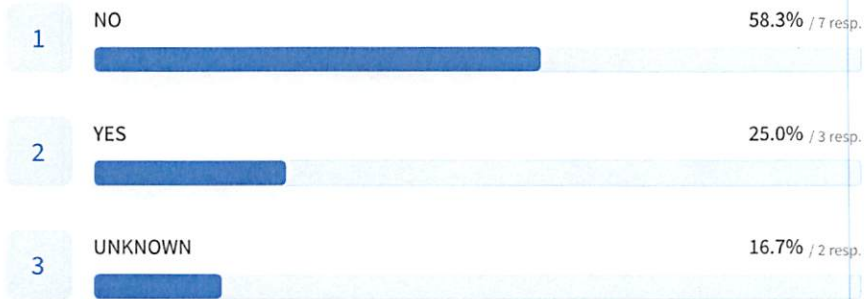
Do you anticipate a regulation allowing for remote practical learning in times of emergency having any **beneficial** effects upon your business?

12 out of 12 answered



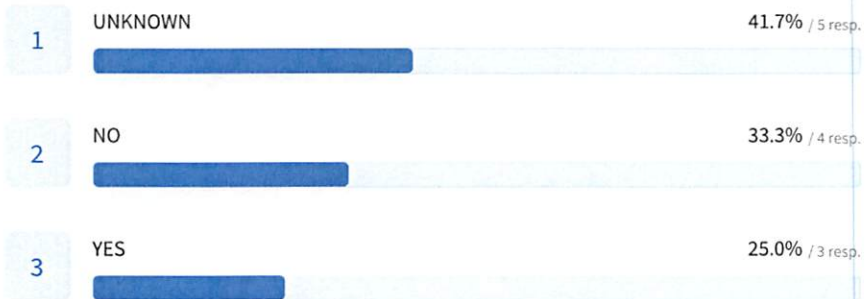
Do you anticipate any **indirect adverse** effects upon your business?

12 out of 12 answered



Do you anticipate any **indirect beneficial** effects upon your business?

12 out of 12 answered



Please enter the name of your school. If you're completing this survey on behalf of more than one school you may list the names of each school below or you may complete a survey for each of your schools.	How many full and part-times employees does your school employ?	Do you anticipate a regulation allowing for remote practical learning in times of emergency having an *adverse* *economic* effects upon your business?	Do you anticipate a regulation allowing for remote practical learning in times of emergency having any *beneficial* effects upon your business?	Do you anticipate any *indirect* adverse effects upon your business?	Do you anticipate any *indirect* beneficial effects upon your business?	Additional Comments
International Academy of Style	fluctuates	UNKNOWN	UNKNOWN	YES	NO	I believe online education will result in a lower quality of education resulting in a negative experience for the students. It will also lead to a lower level of hands on experience for students who graduate and take their craft to the public.
G Skin & Beauty Institute	14 in Henderson also staff at corporate	NO	UNKNOWN	NO	UNKNOWN	OK during an emergency situation only.
Cosmetology Institute of Las Vegas	10	YES	YES	NO	UNKNOWN	I believe during this pandemic it's crucial that schools are able to offer both theory and practical hours. The length and effects of this virus is unknown. We need to be able to continue the students education game plan despite the current challenge. We've adapted already by making our curriculums connect with hybrid models. This is the next vital step and quite honestly the future.
NIMA Institute	16	NO	YES	NO	NO	NA
Academy of Hair Design	26	YES	UNKNOWN	UNKNOWN	UNKNOWN	Practical learning remote should be for emergency ONLY Milan Institute is supportive of distance education both on an emergency/temporary basis and on a permanent basis for the future. Distance education affords students the opportunity to learn their craft under the supervision and guidance of a qualified instructor who can supervise many of the skills a student needs to learn from afar. We fully recognize that there are limits to what can be taught safely and successfully and therefore Milan is also supportive of a hybrid model of education wherein students would spend a portion of their time on campus practicing more challenging and complicated skills that need direct, in-the-moment interaction with a qualified instructor. By providing the option to offer distance education, students who otherwise might seek out education in another state would have the opportunity to get that education right here in Nevada thus creating jobs for instructors and staff members at institutions like Milan; it would allow customers to receive services from those students at an affordable rate; and it would demonstrate the value of institutions that offer career and vocational education that are a necessary part of our state's economic fabric. The trend across all institutions of higher education, from traditional 4-year research and liberal arts institutions, to community colleges and career and technical colleges, is to offer education that is flexible, easily accessible at times that are convenient to students, and meet the needs of the communities and industries that we serve. Robust Learning Management Systems (LMS) like Blackboard, Canvas and other systems make distance education a viable and attractive option for the future of which schools governed by the Nevada State Board of Cosmetology should be a part. The Paul Mitchell Schools successfully demonstrated the rigorous nature that distance education classes can take on if properly structured. Schools are able to deliver the didactic components of their programs in a highly interactive environment to keep students engaged and to monitor those students practical activities closely. This past Tuesday, January 19, 2021 Governor Sisolak put forth five initiatives to propel Nevada forward, the third of which was preparing our workforce for the new Nevada economy. Specifically he stated: "Nevada has never experienced an economic recovery challenge as great as the one it faces now. Many of the jobs lost during the pandemic will not come back as businesses move toward automation. Job training - and retaining our displaced workforce - as well as connecting Nevada workers with remote working opportunities and emerging industries will be key to the State's economic future. To achieve this goal, I will be creating the Nevada Job Force. I will be calling on some of Nevada's leading companies to fund, design, and implement training programs to prepare and qualify employees for these new jobs. In addition, we need to recognize that our community colleges will play an even bigger role in workforce training. That's why I will be asking the Legislature to work with the Nevada System of Higher Education over the next two years to develop a framework transitioning Nevada's 10 community colleges to a new independent authority that will focus on making Nevadans' job ready. Community colleges, together with union apprenticeship programs, are critical elements in building Nevada's workforce and economic future." Schools and colleges like Milan Institute, along with the continued guidance and support from the Nevada State Board of Cosmetology, should be at the forefront of preparing our future workforce using all of the tools available to us.
Milan Institute Reno and Las Vegas	46	NO	YES	NO	YES	

be it on-ground, in-person or distance education. Anything less is shortsighted. The chief concern about whether students/graduates are prepared to safely provide cosmetology services to our citizenry is addressed through the shared licensure testing model that the State Board currently has in place wherein local schools/programs administer the practical exam qualifying students and the State Board administers the written exam to assess students' knowledge base, including necessary health/safety standards. Nihon Institute strongly urges the State Board to put forth legislation that would address short-term/emergency distance education as well as approval for permanent hybrid education that prepares our workforce for the future.									
Aveda Institute Las Vegas	32	YES	NO	YES	NO	NO	YES	NO	We are committed to in person learning to maintain the integrity of the industry
Paul Mitchell the school Reno	22	NO	YES	UNKNOWN	UNKNOWN	NO	UNKNOWN	UNKNOWN	I think practical distance education should be use only in time of emergency/shut downs. As a licensed and practicing cosmetologist I believe the best education is hands on in person. But we can make a meaningless learning experience through DE when necessary.
SECTA - CCSD	6	NO	YES	NO	YES	NO	YES	YES	In a Governor declared emergency/pandemic, like we are currently in, requires us to be prepared to continue educating students. Students are falling behind and will not be able to receive licensure in a timely fashion. Therefore; the impact financially is felt by the student not being able to enter the workforce, but also has a negative impact on the economics of our State. The State of Nevada should always have a plan of action for emergency actions, education, and financial recovery.
Expertise Cosmetology Institute	7 part time	NO	UNKNOWN	NO	NO	NO	YES	YES	No comments at this time.
Euphoria Institute of Beauty Arts & Sciences	27 FT and 31 PT	NO	YES	NO	NO	NO	UNKNOWN	UNKNOWN	In the best interest of the student, allowing theoretical and practical application to happen simultaneously serves the student best for comprehension and retention of said skill.
Sierra Academy of Style	7	YES	YES	YES	YES	YES	YES	NO	