

ADOPTED REGULATION OF
THE STATE BOARD OF COSMETOLOGY
LCB File No. R099-97

Effective February 25, 1998

EXPLANATION – Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: §§2-6, 10-15, 17-19, 21, 22, 25, 26, 28-39 and 45-49, NRS 644.110; §7, NRS 644.110 and 644.244; §8, NRS 644.110 and 644.245; §9, NRS 644.110 and 644.247; §16, NRS 644.110, 644.195, 644.1955 and 644.197; §20, NRS 644.110 and 644.240; §23, NRS 644.110 and 644.325; §24, NRS 644.110 and 644.220, §27, NRS 644.110 and 644.380; §40-44, NRS 644.110 and 644.120.

Section 1. Chapter 644 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this regulation.

Sec. 2. *“Executive secretary” means the executive secretary of the board, as designated by the board.*

Sec. 3. *“Time record” includes a time card, computerized print out or any other record of the times of the day that a student is in attendance in a school of cosmetology or electrology, that is generated by a time clock, computer, computer program or any other device approved by the board.*

Sec. 4. *An applicant for examination for a license as a cosmetologist, hair designer, manicurist or aesthetician pursuant to NRS 644.200, 644.204, 644.205 or 644.207, respectively, must provide as acceptable proof of:*

- 1.** *The successful completion of the 10th grade in school or its equivalent:*
 - (a)** *An original high school diploma issued to the applicant;*

(b) An original transcript from the high school or school district attended by the applicant that includes, for each of the semesters that the applicant was a student at the high school or in the school district:

- (1) A list of the classes passed;
- (2) The name and address of the school; and
- (3) The name and birth date of the applicant; or

(c) A general equivalency diploma or equivalent certificate, or a transcript of classes, including the grades obtained in those classes, which clearly indicates that the applicant has earned a general equivalency diploma or equivalent certificate.

2. The age of the applicant:

- (a) A photocopy of the birth certificate of the applicant;
- (b) A copy of a current driver's license issued to the applicant;
- (c) A copy of a current passport issued to the applicant; or
- (d) A copy of a current identification card issued to the applicant by the department of motor vehicles pursuant to the provisions of NRS 483.810 to 483.890, inclusive.

Sec. 5. An applicant who has a name which is different than that which appears on any form or other documentation submitted to the board with his application must provide to the board proof of a name change, including:

1. A copy of a marriage license, showing both last names;
2. A copy of divorce papers, showing that a last name has been restored;
3. A copy of citizenship papers, including the front and back of those papers;

4. An original computerized print out from the department of motor vehicles and public safety, or a similar agency from another state, listing all of the names, including, aliases, of the applicant; or
5. A signed court order showing a name change.

Sec. 6. All documents submitted to the board that are written in a language other than English must be translated by a translator acceptable to the board. The board will not accept any such documents that have been translated by the applicant or by a friend or a member of the family of the applicant.

Sec. 7. An examination for licensure as a hair designer will include, but is not limited to, a test on:

1. Sanitation;
2. Knowledge of the provisions of chapter 644 of NRS and the regulations adopted pursuant thereto;
3. Chemical treatments;
4. Haircutting;
5. Hot work; and
6. Shampoo.

Sec. 8. An examination for licensure as a manicurist will include, but is not limited to:

1. A test on:
 - (a) Sanitation; and
 - (b) Knowledge of the provisions of chapter 644 of NRS and the regulations adopted pursuant thereto;

2. *The manicure of one hand, including the massage of the hand and forearm;*
3. *On the same hand upon which the manicure was performed, the completion of a sculptured nail on one finger, the application of one tip with an acrylic overlay on another finger and the application of a fabric wrap on the natural nail of a third finger; and*
4. *Performance of a pedicure on one foot, including a foot massage up to the knee.*

Sec. 9. *An examination for licensure as an aesthetician will include, but is not limited to:*

1. *A test on:*
 - (a) *Sanitation and safety; and*
 - (b) *Knowledge of the provisions of chapter 644 of NRS and the regulations adopted pursuant thereto;*
2. *Performance of a manual facial, including skin analysis, cleaning, scientific manipulation, packs and masks;*
3. *Performance of the arching of an eyebrow, including the use of wax and manual and electric tweezers; and*
4. *Performance and analysis of the application of complete and corrective make-up and the application of false eyelashes.*

Sec. 10. 1. *A school of cosmetology must offer the following subjects for training hair designers:*

- (a) *Blowdrying;*
- (b) *Dispensary;*
- (c) *Finger waving;*
- (d) *Hair coloring;*

- (e) *Hair cutting;*
- (f) *Modeling;*
- (g) *The provisions of chapter 644 of NRS and the regulations adopted pursuant thereto;*
- (h) *Permanent waving and chemical straightening;*
- (i) *Reception desk training;*
- (j) *Salon management;*
- (k) *Scalp treatment;*
- (l) *Shampooing and rinses;*
- (m) *Skipwaving;*
- (n) *Theory, with a minimum of 150 hours mandatory;*
- (o) *Thermal straightening, curling or marcelling;*
- (p) *Wet hairdressing; and*
- (q) *Wigs and hairpieces.*

2. *A student who completes 900 hours of training may receive up to 30 hours of credit for field trips to cosmetological establishments. The school must record each trip on a form signed by a representative of the school, the student and the operator in charge of the cosmetological establishment. To receive credit for a field trip, the field trip must have at least 2 students in attendance.*

Sec. 11. *A person applying for licensure pursuant to this chapter and chapter 644 of NRS will not receive credit for incomplete hours in courses that were taken 4 years or more before the person enrolled in a school of cosmetology.*

Sec. 12. 1. *The number of credit hours that may be transferred from one course of study of cosmetology to another will be determined as follows:*

- (a) *A student in cosmetology who transfers to manicuring will receive credit for the number of actual hours taken in courses in manicuring, up to a maximum of 150 hours.*
- (b) *A student in cosmetology who transfers to aesthetics will receive credit for the number of actual hours taken in courses in aesthetics, up to a maximum of 160 hours.*
- (c) *A student in manicuring who transfers to cosmetology will receive credit for the actual number of hours taken, up to a maximum of 150 hours.*
- (d) *A student in aesthetics who transfers to cosmetology will receive credit for the actual number of hours taken, up to a maximum of 160 hours.*
- (e) *A student in hair designing who transfers to cosmetology will receive credit for the actual number of hours taken.*
- (f) *For a student in cosmetology who transfers to hair designing, the number of hours earned by that student for courses in manicuring and aesthetics and 20 percent of all hours earned for courses involving theory only will be deducted from the total number of hours earned by the student. The student will receive credit for any remaining hours.*

2. *A student who receives credit for hours taken upon transferring to a different course of study and who subsequently returns to his first course of study will receive credit for the original total number of hours earned in the first course of study.*

3. *Hours earned by a student while he is outside of this state may be transferred only for credit for courses in cosmetology, electrology, aesthetics and manicuring. To receive credit for*

such hours, the student must provide the board with complete current documentation of the enrolled hours per subject.

Sec. 13. *1. A request for a certification of licensure in this state must be made in writing on a form provided by the board. Upon the receipt of a completed request for a certification of licensure, the board will immediately forward the certification of licensure to the requesting jurisdiction.*

2. The board will accept a certification of licensure from another jurisdiction only if the board receives the certification directly from the agency in the other jurisdiction authorized to provide such certifications. A certification of licensure from another jurisdiction is valid for 6 months after the date on which the board receives the certification. The board will not accept altered forms of a certification of licensure.

Sec. 14. *1. To register students of a school of cosmetology for the written examination, the registrar of the school must:*

- (a) Collect the application and appropriate fees for the written examination from each qualified student seeking to take the written examination;*
- (b) List on a single transmittal sheet:*
 - (1) The names of the students who have submitted an application and the appropriate fees, alphabetically in groups according to their course of study;*
 - (2) The number of hours each student will earn; and*
 - (3) The anticipated date that each student will complete those hours;*
- (c) Sign the transmittal sheet under penalty of perjury that the information contained therein is correct; and*

(d) Submit the transmittal sheet, applications and fees for each examination date to the board during the period of registration for the examination, as specified in the schedule of examinations published by the board.

2. The board will remove from the transmittal sheet the name of any student for whom there is incomplete information or who is otherwise disqualified to sit for the written examination. Such a student, if he is so qualified, may be reregistered by the registrar in accordance with this section for the next available examination.

3. The board will send an acceptance letter to each applicant for the written examination. On the designated day and time of the written examination, the applicant must present the acceptance letter and his picture identification at the location where the examination is being given for admittance into the examination. An applicant who fails to bring his acceptance letter or picture identification:

- (a) Will be denied entrance to the examination;
- (b) Forfeits any fees paid to take the examination; and
- (c) Must reregister if he wishes to take the examination.

4. The results of the written examination will be available for a registrar of a school to pick up not later than 3 weeks after the date of the written examination or, if the examination is graded by a testing company, as soon as the results are available from the testing company, whichever occurs later. The registrar shall forthwith distribute the results to those students from the school who took the examination. An applicant who resides outside of this state will be notified by the board by mail sent to the address of the applicant listed on his application.

5. A student who fails the written examination may reregister for the written examination by submitting to the registrar of the school of cosmetology in which the student is enrolled a written request to retake the written examination, which includes the name and address of the student, and the appropriate fee to retake the written examination. If the student is otherwise qualified to take the written examination, the registrar shall register the student for the next available written examination in accordance with the procedures set forth in this section.

Sec. 15. *1. An applicant for the practical examination must, during the period for registration for the practical examination, as set forth in the schedule of examinations published by the board:*

- (a) Register directly with the board to take the examination; and*
- (b) Provide to the board proof that he has passed the required written examinations and a copy of his complete school record and final time records.*

2. The board will not accept information for registration for a practical examination, regardless of the method of delivery, including courier service or registration in person by the applicant, before or after the dates specified by the board for registration for that practical examination.

3. The board will send an acceptance letter to each properly registered applicant. On the designated day of the practical examination, the applicant must present the acceptance letter and a picture identification at the location where the practical examination is being given for admittance into the examination.

4. An applicant must be on time to take the practical examination. Any applicant who shows up late will not be admitted into the examination and will be considered by the board as

not showing up for the examination. Such an applicant may reregister to take the practical examination by submitting to the board the information and fee required to take an initial practical examination.

5. Each applicant must bring to the practical examination a model and all equipment necessary to take the examination. The applicant must be able to complete the entire practical examination on his model. An applicant who fails to bring:

- (a) The necessary equipment is subject to forfeiture of any fees paid to take the practical examination.*
- (b) A model will be removed from the practical examination and will forfeit any examination fees paid. Such an applicant may reregister to take the next available practical examination by submitting to the board the information and fee required to take an initial practical examination.*

6. While taking the practical examination, an applicant shall wear outer garments, including shoes, that are all white. An applicant is not required to wear a smock.

7. In lieu of bringing his own supplies, an applicant may rent a supply kit on the day of the practical examination directly from a company that makes such kits. The board will not set or accept any fees for renting supply kits.

8. The results of the practical examination will be determined within 10 days after the date of the practical examination and will be mailed directly to the applicant at the address listed on his application.

9. After the results of a practical examination are determined, the executive secretary shall provide to each school of cosmetology a statistical data sheet which lists the percentages of students from that school who passed and who failed the practical examination.

Sec. 16. 1. An instructor may receive credit for the 30 hours of advanced training required pursuant to NRS 644.195, 644.1955 or 644.197 if:

- (a) The instructor has received 15 hours of instruction from professional classes or seminars, or both, on hair, skin and nail care, sponsored by a professionally recognized company or natural person approved by the board, plus 1 credit or 15 hours of instruction from a course offered at a university or community college in any of the following areas:
- (1) Anthropology;
 - (2) Biology;
 - (3) Chemistry;
 - (4) Communication studies;
 - (5) Computers;
 - (6) Cardiopulmonary resuscitation or first-aid training;
 - (7) Developmental education;
 - (8) Economics;
 - (9) Educational administration;
 - (10) Emergency medical services;
 - (11) English;
 - (12) Foreign languages;
 - (13) General education;

- (14) Human services, including counseling related to substance abuse or death and dying;
- (15) Management;
- (16) Psychology;
- (17) Classes taken for recertification or renewal of teaching credentials;
- (18) Secondary education;
- (19) Sign language;
- (20) Sociology; or
- (21) Special education;
- (b) The instructor has received 2 credits or 30 hours of instruction from courses offered at a university or community college in the areas specified in subsection 1;
- (c) The instructor has received 30 hours of instruction from classes on professional time management that are sponsored by an organization approved by the board; or
- (d) The instructor has received 30 hours of instruction in in-service classes.
2. A school of cosmetology may conduct in-service classes for the purposes of this section. Such classes must be conducted by a person who holds a current teaching license from the superintendent of public instruction and is authorized to teach in the school district in which the in-service class is being conducted.
3. All hours for credits for continuing education must be properly documented in written format, including, but not limited to, report cards, certificates of completion or letters which verify that the licensee attended the class and the number of hours earned. If the information documenting the hours taken is not clearly indicated on the documents provided to the board,

the documents will not be accepted. All documents submitted as evidence that the licensee has met the requirements for continuing education must be submitted during the period provided by the board for the renewal of the license, together with the renewal slip and the required pictures and fees. The falsification of any such documents, or any information contained therein, is a ground for disciplinary action against the licensee.

Sec. 17. NAC 644.010 is hereby amended to read as follows:

644.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 644.015 to 644.030, inclusive, *and sections 2 and 3 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 18. NAC 644.021 is hereby amended to read as follows:

644.021 “Make-up” means any pigment product which is used to cover, camouflage or decorate [the] *facial* skin.

Sec. 19. NAC 644.037 is hereby amended to read as follows:

644.037 The board will interpret NRS 644.370 to mean that in a cosmetological establishment where:

1. More than one branch of cosmetology is practiced, the establishment must at all times be under the immediate supervision of a licensed cosmetologist or a person licensed in each branch of cosmetology practiced in the establishment.
2. Only manicuring is practiced, the establishment must be under the immediate supervision of a licensed cosmetologist or licensed manicurist.
3. Only electrology is practiced, the establishment must be under the immediate supervision of a licensed electrologist.

4. Only aestheticians practice, the establishment must be under the immediate supervision of a licensed cosmetologist or licensed aesthetician.

5. *Only hair designing is practiced, the establishment must be under the immediate supervision of a licensed cosmetologist or licensed hair designer.*

Sec. 20. NAC 644.051 is hereby amended to read as follows:

644.051 An examination for licensure as a cosmetologist will include [:

1. A], but is not limited to, a test on:

[(a) Sanitation;

(b)] 1. Sanitation and safety;

2. The provisions of chapter 644 of NRS and chapter 644 of NAC;

[(c)] 3. Chemical treatments; [and

(d) Haircutting;

2. A demonstration of setting or freestyling of hair; and

3. Two subjects, chosen in a random draw, from the following:

(a)] 4. Haircutting;

5. Facial make-up and arching of the eyebrow [.

(b)];

6. Hot work [.

(c) Treatment of the scalp.

(d) Finger waving and skip waving.

(e) Shampoo.

(f) Pin curls.

(g)];

7. Shampoo; and
8. Manicure, pedicure, and wrapping and extending fingernails.

[(h) Hairstyle.]

Sec. 21. NAC 644.053 is hereby amended to read as follows:

644.053 [When] 1. *Except as otherwise provided in section 14 of this regulation, when* an applicant for licensure in any branch of cosmetology registers for the *written* examination, he [shall] *must* submit to the board [proof of] :

(a) *If the applicant attended a school of cosmetology that is located in this state, an original record of completion of the required courses of training and a copy of the final [timecard] time record for the courses [.] studied; or*

(b) *If the applicant did not attend a school of cosmetology that is located in this state, a letter or record from the governmental agency that regulates such schools in the appropriate jurisdiction which verifies that the student completed courses of training and attended a number of hours per subject that are comparable to the requirements in this state.*

2. *Any hours taken at a school of cosmetology that is located outside of the United States are subject to the approval of the board for the purposes of determining whether the training received is equivalent to the training which the applicant would have received at a school of cosmetology located in the United States.*

3. *The board will send an acceptance letter to each applicant for the written examination. On the designated day and time of the written examination, the applicant must present the acceptance letter and his picture identification at the location where the examination is being given for admittance into the examination. An applicant who fails to bring his acceptance letter or picture identification:*

- (a) *Will be denied entrance to the examination;*
- (b) *Forfeits any fees paid to take the examination; and*
- (c) *Must reregister if he wishes to take the examination.*

4. *The board will notify the applicant of the results of his written examination not later than 3 weeks after the date of the written examination or, if the examination is graded by a testing company, as soon as the results are available from the testing company, whichever occurs later.*

Sec. 22. NAC 644.0535 is hereby amended to read as follows:

644.0535 1. The written verification of the completion of education required by paragraph (a) of subsection 1 of NRS 644.193 must be a copy of the applicant's:

- (a) High school diploma;
- (b) High school equivalency certificate; or
- (c) Transcript of high school grades showing successful completion of the 12th grade.

2. The written verification of prior experience required by paragraph (b) of subsection 1 of NRS 644.193 must be in the form of [an] :

(a) *An approved affidavit or statement:*
[(a)] (1) Properly *drafted*, signed and notarized by the employer or employers for whom the applicant was working at the time the experience was gained; and
[(b)] (2) Showing that the person has at least 3 years of experience as a full-time licensed cosmetologist, aesthetician or manicurist [.] ; or
(b) *Federal tax returns of the applicant, including all applicable forms and schedules, which clearly show that the applicant earned at least \$5,200 in each tax year practicing cosmetology during the 3-year period.*

3. The two current photographs required to be submitted pursuant to paragraph (e) of subsection 1 of NRS 644.193 must be 1 1/2 by 1 1/2 inches in size.

4. An applicant for a provisional license as an instructor shall provide the board with proof that he is enrolled in a licensed school of cosmetology and his enrollment form must be submitted to the board.

Sec. 23. NAC 644.056 is hereby amended to read as follows:

644.056 The fees for the renewal of certain licenses required pursuant to subsection 2 of NRS 644.325 are:

1. For *instructors, hair designers*, manicurists, electrologists, aestheticians and cosmetologists, \$40.

2. For cosmetological establishments, \$75.

Sec. 24. NAC 644.062 is hereby amended to read as follows:

644.062 The fees for certain examinations required pursuant to subsection 1 of NRS 644.220 are:

1. For examination as a cosmetologist, \$70.

2. For examination as an electrologist, \$70.

3. For examination as a manicurist, \$70.

4. For examination as an aesthetician, \$70.

5. *For examination as a hair designer, \$70.*

6. *For each reexamination, \$40.*

Sec. 25. NAC 644.063 is hereby amended to read as follows:

644.063 The passing score for the examination of a cosmetologist, manicurist, *hair designer*, aesthetician or electrologist is not less than 75 percent on the *national* written portion ,

not less than 75 percent on the test that covers the provisions of chapter 644 of NRS and the regulations adopted pursuant thereto and not less than 70 percent on each segment of the practical examination. *The score on the practical examination will be reported as an average of all the subjects included in that practical examination.*

Sec. 26. NAC 644.070 is hereby amended to read as follows:

644.070 The board's principal place of business is 1785 East Sahara Avenue, Suite [180,] 255, Las Vegas, Nevada 89104. A branch office is located at 4600 Kietzke Lane, Building [C, Suite 121,] I, Suite 200, Reno, Nevada 89502.

Sec. 27. NAC 644.085 is hereby amended to read as follows:

644.085 Each school must have the following working equipment:

1. Ten shampoo bowls [.] *that are located so that all ten bowls may be in use at the same time.*
2. [Twenty] *Ten* hair dryers [.] , *each of which must be equipped with a chair and a device that releases air on the client's hair. For the purpose of this subsection, a hand-held blow dryer does not constitute a hair dryer.*
3. Two facial chairs.
4. [Five] *Ten* manicure tables *or bars*, and stools.
5. Adequate wet and dry sterilizers.
6. Hot work equipment consisting of:
 - (a) Five electric heaters . [;]
 - (b) Combs, as follows:
 - (1) Fine teeth combs;
 - (2) Coarse teeth combs;

- (3) Five electric pressing combs;
 - (4) One shampoo comb per student;
 - (5) Hard rubber combs; and
 - (6) [Three styling combs per student.] *Styling combs.*
- (c) Curling irons, as follows:
- (1) Fifteen marcelling irons with revolving handles; and
 - (2) One electric curling iron per student.
- (d) Oils and conditioners consisting of:
- (1) Pressing oils;
 - (2) Scalp conditioners;
 - (3) Hair conditioners for pressed hair (no soap base);
 - (4) Curling creams (wax); and
 - (5) [Dry cleaning] *Cleaning* fluids for pressed hair.
7. Ten [sets of] *dozen* cold-wave rods of assorted sizes.
8. [One heat cap for treatment.]
- 9.] One covered container for hair pins, clips, nets and similar items for each student.
- [10.] 9. Five brushes (furnished by the school) for each student.
- [11.] 10. Closed waste containers of sufficient size and in sufficient quantity to permit the disposal of all refuse and waste matter by the school and its students.
- [12.] 11. One block, weft or mannequin on a firm stand for each beginning student.
- [13.] 12. One timeclock [,] which punches the date and time on timecards, *or a computer or any other device approved by the board*, for use by the students to record their hours of training at the school.

[14.] 13. Two shampoo capes for each student.

[15.] 14. One chair with armrests for each student , *or a sufficient number of tables and chairs for all of the students*, in classes on theory.

[16.] 15. Mirrors, work tables and styling chairs of sufficient number to accommodate the students enrolled.

[17.] 16. At least one textbook and adequate reference material, charts, teaching aids and other materials to support the instruction in the school.

[18.] 17. Adequate and safe electrical outlets.

Sec. 28. NAC 644.090 is hereby amended to read as follows:

644.090 [Each] *With its initial application for licensure, when any change relating to the information on its license occurs and upon renewal of its license, a* school of cosmetology must file with the board:

1. A copy of its standard contract and its rules . [*upon renewal of its license.*]
2. A notice of any changes made [throughout the year] *during the previous 12 months* with respect to its contracts or rules.
3. A copy of all financial forms utilized by the school with respect to tuition, grants, scholarships and other methods of subsidizing tuition.

Sec. 29. NAC 644.095 is hereby amended to read as follows:

644.095 A school of cosmetology shall register each student with the board within [30] 45 days after the student has enrolled in school. To register a student, the school shall [use] *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. A signature of an authorized representative of the school; and*
- 5. Any other information required by the board.*

Sec. 30. NAC 644.100 is hereby amended to read as follows:

644.100 Each school of cosmetology shall appoint at least one of its employees to serve as registrar and shall file the name of the registrar with the board. Each registrar shall:

1. Keep a daily record showing the attendance of each student.
2. Keep a record showing the training time for each student.
3. Ensure that the records are accurate.
4. Forward to the board the record of a student's withdrawal form or completion of the course within 15 days after the withdrawal or completion. The record must be signed by the student, if available, and the registrar. *If the student owes money to the school, the registrar may substitute a letter, in lieu of the record of withdrawal from or completion of a course, which states that the record is being held for nonpayment of tuition or any fee owed to the school by the student.*

5. Provide any student who withdraws from the school copies of the record of withdrawal and his [timecards,] *time records*, upon his request. These copies must be given to him within 3 working days after his withdrawal from the school.

Sec. 31. NAC 644.105 is hereby amended to read as follows:

644.105 1. A school of cosmetology shall maintain a staff of licensed instructors who are competent to give instruction in all subjects of its curriculum, including the subjects required by regulation of the board.

2. Any student who fails to attend the instruction in theory on a particular day may remain in school for the duration of the day and receive training in another facet of cosmetology not related to the participation of patrons.

3. Each student *in cosmetology or hair designing* shall wear a badge with the word "freshman" inscribed on it. This badge may not be removed *and the student may not work on the public* until the student has completed a preliminary training period of 250 hours . [or an equivalent of 32 days.

4. Before beginning work on the public, each student studying to be an aesthetician must be given 100 hours or the equivalent of 14 days of training. Such a student shall also]

4. *Each student in manicuring shall wear a badge with the word "freshman" inscribed on it. The badge may not be removed and the student may not work on the public until the student has completed a preliminary training period of 80 hours.*

5. *Each student in aesthetics shall* wear a badge with the word "freshman" inscribed on it. This badge must not be removed *and the student may not work on the public* until the [completion of the] *student has completed a* preliminary training period [.

5.] of 100 hours.

6. No instructor in a licensed school of cosmetology may, during the hours in which he is on duty as an instructor, devote his time to the public or to the private practice of cosmetology for compensation. Each instructor shall devote his full time during the hours he is on duty as an instructor to instructing students.

[6.] 7. Students shall not practice at home or in a cosmetological establishment and shall not give demonstrations other than those required of them by the school of cosmetology.

[7.] 8. A student instructor must:

- (a) Be under the direct supervision of an instructor licensed by the board;
- (b) Receive continuous instruction in teaching methods and techniques; and
- (c) Not be used as a student operator.

Sec. 32. NAC 644.110 is hereby amended to read as follows:

644.110 1. Each student shall register *the time of day* on [the timeclock] *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.*

2. [Timecards which are improperly punched, are inadvertently altered, or contain] *A time record which contains* any error may be changed [after authorization] *only* by *authorization of* the registrar and the instructor. The authorization must be evidenced by *the initials of the registrar or instructor* on the [timecard.] *time record.*

3. Original [timecards] *time records* are the property of the school. A student, on request, is entitled to receive a copy of any of his [timecards] *time records* from the school, unless he owes money to the school for tuition or fees for the period covered by his [timecards.] *time records.*

The school shall provide the requested [timecards:] *time records:*

- (a) Immediately, 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.

Sec. 33. NAC 644.115 is hereby amended to read as follows:

- 644.115 1. Each school of cosmetology must offer the following subjects for training barbers and students to be [hairdressers and] cosmetologists:
- (a) Blowdrying.
 - (b) Dispensary.
 - (c) Extensions and wrapping [.] *of nails*.
 - (d) Facials, arching, skin and make-up.
 - (e) [Fingerwaving.] *Finger waving*.
 - (f) Haircoloring.
 - (g) Haircutting.
 - (h) Manicuring.
 - (i) Miscellaneous practical and technical instruction. After completing 1,200 hours of training, a student may obtain 40 hours of credit for field trips to [beauty salons,] *cosmetological establishments*, if a record of each trip is signed by a representative of the school, by the student and by the operator in charge of the [beauty salon.] *cosmetological establishment. Each field trip must have at least 2 students in attendance.*
 - (j) Modeling.
 - (k) [Nevada law and regulations.] *The provisions of chapter 644 of NRS and the regulations adopted pursuant thereto.*
 - (l) Pedicuring.
 - (m) Permanent waving and chemical straightening.
 - (n) Reception desk training.
 - (o) Salon management.

- (p) Scalp treatments.
 - (q) Shampooing and rinses.
 - (r) Skipwaving.
 - (s) Theory, with a minimum of 50 hours mandatory for *students who are* barbers [.] *and 250 hours mandatory for all other students.*
 - (t) Thermal straightening, curling and marcelling.
 - (u) Wet hairdressing.
 - (v) Wigs and hairpieces.
2. If a barber enrolls in a school of cosmetology, the school shall administer an examination to determine his areas of knowledge. The school may, if it deems it appropriate, excuse a barber from any of the subjects listed in subsection 1.

3. *As used in this section:*

(a) “Barber” means a practitioner of barbering as defined in subsection 6 of NRS 643.010 [.]

4.] who is studying to become a cosmetologist.

(b) “Student” means a person receiving instruction in a school of cosmetology.

Sec. 34. NAC 644.117 is hereby amended to read as follows:

644.117 1. Each school of cosmetology shall offer the following subjects for training students to be aestheticians:

- (a) Massaging of the body, including the face.
- (b) Removal of hair of the body, including the face.
- (c) Treatment of the skin.
- (d) Packs and masks.
- (e) Application of make-up.

- (f) Application of false eyelashes.
 - (g) Arching of eyebrows.
 - (h) Tinting of eyelashes and eyebrows.
 - (i) Lightening of hair on the body, except the scalp.
 - (j) Theory, 150 hours.
 - (k) Training in the use of:
 - (1) Electrical devices which use high-frequency current in the treatment of the skin including , but not limited to:
 - (I) A device equipped with a brush to cleanse the skin.
 - (II) An electrical device which uses galvanic current for the treatment of the skin.
 - (III) A device which applies a mixture of steam and ozone to the skin.
 - (IV) A device which is used to spray water or other liquids on the skin and to stimulate circulation in the skin.
 - (2) Any mechanical device for the care and treatment of skin which is approved by the board.
- The provisions of this paragraph do not apply to a student who is enrolled in a school of cosmetology before November 24, 1987.
- (l) Any other practical or technical instruction which the board may require.
2. A student who completes 450 hours of training is entitled to receive up to 18 hours of credit for visits to cosmetological establishments in order to observe the cosmetological establishments if a record of each such visit is signed by the student, a representative of the school and the operator in charge of the cosmetological establishment. *Each such visit must have at least 2 students in attendance.*

Sec. 35. NAC 644.120 is hereby amended to read as follows:

644.120 1. The following subjects constitute the curriculum for manicurists:

(a) Manicuring.

(b) Modeling.

(c) [Nevada law and regulations.] *The provisions of chapter 644 of NRS and the regulations adopted pursuant thereto.*

(d) Pedicuring.

(e) Theory, [50] 80 hours.

(f) Wraps and extensions [.] *for nails.*

(g) Any other practical or technical instruction which the board may require.

2. A student who completes 375 hours of training is entitled to receive up to 15 hours of credit for visits to cosmetological establishments in order to observe the cosmetological establishments if a record of each such visit is signed by the student, a representative of the school and the operator in charge of the cosmetological establishment. *Each such visit must have at least 2 students in attendance.*

Sec. 36. NAC 644.130 is hereby amended to read as follows:

644.130 A school of cosmetology shall not require students to purchase beauty supplies for use in the course of study [.] , *including, but not limited to, shampoos, conditioners, nail files, nail tips and any other consumable item.*

Sec. 37. NAC 644.220 is hereby amended to read as follows:

644.220 Each school of electrology shall appoint at least one of its employees to serve as a registrar and file the name of the registrar with the board. The registrar shall:

1. Keep a daily record of the attendance of each student.

2. Keep a record of training time.
3. Send to the board on the 15th day of each month a copy of the record of attendance and training time, and furnish a copy to each student upon request. The school shall keep the original for its own records. The record must be signed by the registrar, instructor and student.
4. Maintain each student's file for the duration of his attendance. At the completion of training, the registrar shall send to the board the original record of the completion and a copy of the final [**timecard.**] *time record*.
5. Ensure that the records are accurate.
6. Send the student's record of withdrawal or completion to the board within 15 days after the student has withdrawn or completed his course. Each such record must be signed by the student, if available, and the registrar.
7. Provide each student who withdraws from the school copies of the record of his withdrawal and his [**timecards,**] *time records*, upon his request. These records must be given to the student within 3 working days after his withdrawal from school if such a request has been made.

Sec. 38. NAC 644.230 is hereby amended to read as follows:

644.230 Each school of electrology must have a timeclock [**. The timecards]**, *computer or other device approved by the board that generates a time record. Such devices, and the records generated by those devices*, used in schools of electrology must be administered *and maintained* in the same manner as in schools of cosmetology.

Sec. 39. NAC 644.307 is hereby amended to read as follows:

644.307 1. The owner of a cosmetological establishment may lease space only to licensed manicurists, electrologists, *hair designers*, aestheticians and cosmetologists within the premises of his establishment.

2. As used in this section, "premises" does not include any area that:
 - (a) Has a different entrance from that of the cosmetological establishment and [which] is separated from the establishment by a [wall;] *door that can be locked and surrounding walls that are at least 6 feet high;*
 - (b) Is located on a floor different from the floor on which the cosmetological establishment is located; [or]
 - (c) Is otherwise located to avoid creating the impression that the area is a part of the cosmetological establishment [. ; and]
(d) Is being used for activities that are not under the jurisdiction of the board, including, but not limited to, tattooing and body piercing.

Sec. 40. NAC 644.320 is hereby amended to read as follows:

644.320 1. Each cosmetological establishment or school of cosmetology must have fully operable toilets which are accessible to clients and employees. Each area in which a toilet is located must have a sink with an adequate and readily available supply of hot and cold running water at all times and a mechanical exhaust system for ventilation which completely circulates the air. *If the restrooms for the cosmetological establishment are located outside of the cosmetological establishment, the restrooms must be in plain view, be located within 50 feet of the entrance of the cosmetological establishment and under the same roof as the cosmetological establishment, and be clearly marked with appropriate signs.*

2. The floor covering in each restroom located in a cosmetological establishment or school of cosmetology must be made of a washable material which is not porous or absorbent, if the operator of the establishment or school is issued a license:
- (a) After July 1, 1992; or
 - (b) On or before July 1, 1992, and the establishment or school is sold or a majority interest is transferred after July 1, 1992.

Sec. 41. NAC 644.330 is hereby amended to read as follows:

644.330 1. Each cosmetological establishment or school of cosmetology must have suitable permanent plumbing which provides an adequate and readily available supply of hot and cold running water at all times and is permanently connected for drainage of sewage and potable water within the areas where work is performed and supplies dispensed.

2. Each cosmetological establishment or school of cosmetology must contain a dispensary sink if the operator of the establishment or school is issued a license:

- (a) After June 1, 1982; or
- (b) On or before June 1, 1982, and the establishment or school is sold or a majority interest is transferred after June 1, 1982.

3. The floor coverings [in the dispensary area of each cosmetological establishment or school of cosmetology] *within a distance from all exposed sides of the dispensary sink that is the same distance as the width of the sink* must be made of a washable material which is not porous or absorbent if the operator of the establishment or school is issued a license:

- (a) After July 1, 1992; or
- (b) On or before July 1, 1992, and the establishment or school is sold or a majority interest is transferred after July 1, 1992.

Sec. 42. NAC 644.335 is hereby amended to read as follows:

644.335 In each cosmetological establishment or school of cosmetology:

1. The headrest of each chair must be covered with a clean towel or paper sheet for each client.
2. The part of a shampoo bowl on which a client's neck rests must be covered with a clean towel during each shampoo. The bowls must be carefully washed, sanitized with an effective disinfectant and all loose hair removed from the drains after each use.
3. After a towel or linen has been used once, it must be deposited in a receptacle provided for soiled towels and linens, and must not be stored in any restroom, nor used again until properly laundered and sanitized. All towels, after being laundered and sanitized, must be kept in closed, dust-free cabinets *[.] that have fumigants.*
4. Sanitary neck strips *or towels* must be wrapped around the neck of the client to prevent all coverings from coming into direct contact with the client. *Proper draping of towels must be used for all services, except that sanex strips may be used for dry services.*
5. Treatment tables must be sanitized after each use with a sanitizing solution acceptable to the board.

Sec. 43. NAC 644.340 is hereby amended to read as follows:

644.340 In each cosmetological establishment or school of cosmetology:

1. Sanitizing and disinfecting solutions must be available for immediate use at all times.
2. All instruments, implements and other tools must be cleaned and sanitized in the following manner before use:
 - (a) All hair and other adherent foreign material must be removed *[; from the instrument, implement or other tool; and*

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

(1) Thoroughly washed with soap and *hot* water;

[(c)] (2) Rinsed in clear *hot* water; and

[(d) *Then placed*]

(3) *Placed* in a covered wet sterilizer which is large enough for complete immersion of the instrument, *implement or other tool*, and which contains a disinfecting solution acceptable to the board and utilized in accordance with the manufacturer's instructions.

During each service all instruments, implements and other tools must be kept free of contamination by immersion in a sanitizing solution acceptable to the board.

3. All sterilized instruments, implements and other tools not in use, nor in the process of wet sterilization in a wet sterilizer, must be stored in a clean dry sterilizer. A dry sterilizer consists of a clean closed container, drawer or storage unit containing sterilized instruments only.

4. 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 sterilized as specified in subsection 2.

5. All electrolysis instruments must be cleaned in the following manner after each use:

(a) [Removal of all] *All* foreign matter [;] *must be removed from the instrument; and*

(b) *The instrument must be:*

(1) Washed in soap and *hot* water; and

[(c)] (2) Rinsed in warm water.

6. After cleaning, all electrolysis instruments must be sterilized by one of the following methods:

(a) Use of a steam sterilizer; or

(b) Use of a dry sterilizer,

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

7. Sterilization equipment must be checked weekly to ensure that it is reaching the temperature required by the manufacturer's instructions.

8. All sterilized instruments and sanitary disposable articles must be stored in clean, closed containers which must be free of other articles.

Sec. 44. NAC 644.350 is hereby amended to read as follows:

644.350 Every licensee *and student* in a cosmetological establishment or school of cosmetology must thoroughly wash his hands in an antiseptic or disinfecting liquid before and after serving each client and after each use of the restroom.

Sec. 45. NAC 644.375 is hereby amended to read as follows:

644.375 *1.* Cosmetology may be practiced in private residences only when the rooms used for the practice are completely separate from any rooms used for living quarters. The rooms used for the practice must be completely and permanently sealed off from the living quarters so that the only entrances to and exits from that portion of the residence used for the practice of cosmetology are from the street. A room used in a private residence for the practice of cosmetology must meet all requirements for cosmetological establishments in NAC 644.310 to 644.385, inclusive, and must:

[1.] *(a)* Have a ceiling *that is* not less than 8 feet in height;

[2.] *(b)* Be equipped to give proper service to clients;

[3.] *(c)* Have toilets which are separate from any toilets used by residents; and

[4.] (d) Have a sign outside of the building denoting the name of the cosmetological establishment.

2. *A private residence in which cosmetology is practiced must be located in a geographical area in which the practice of cosmetology is allowed by local zoning ordinances. If the private residence is not located in such an area, the owner must receive a variance from the appropriate local governing body before applying to the board for a license for the cosmetological establishment.*

Sec. 46. NAC 644.380 is hereby amended to read as follows:

644.380 1. Except as otherwise provided in this section and NAC 644.385, a person licensed to practice cosmetology may practice only in a currently licensed cosmetological establishment.

2. In the event of an emergency or death, a person so licensed may practice elsewhere as the circumstances warrant [.] *if the licensee notifies and receives approval from the board before he engages in that practice. The notification to the board must include:*

- (a) *The name of the person to receive the service;*
- (b) *A description of the type of service to be provided;*
- (c) *The address or the location at which the service will be provided;*
- (d) *The date and time when the service will be provided; and*
- (e) *The name, type of license and number of the license of the licensee.*

3. A person may engage in emergency practice only if he regularly operates or is employed in a cosmetological establishment. A person who engages in an emergency practice shall indicate in the appointment book of the establishment that the appointment is an out-call service.

4. A licensee may perform services outside of a licensed cosmetological establishment if the customer to receive the services has received a letter from his doctor which states that the customer is under the long-term care of the doctor and such services can be performed safely, in consideration of the medical condition of the customer. Services provided by a licensee to such a customer must be provided in compliance with this section.

Sec. 47. NAC 644.470 is hereby amended to read as follows:

644.470 The following provisions govern review of a complaint filed by a person who is not one of the board's members or investigators:

1. Upon the receipt of a complaint filed by a person other than a member or investigator of the board, the secretary shall review the document to determine whether the matter is proper for administrative review and whether the complaint has been properly verified.

2. Thereafter, the secretary 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 secretary as quickly as feasible but not later than [5] 30 days after receipt of the complaint.

3. After receiving the investigator's report, the secretary shall transmit the complaint and report to the board's president or to another member appointed to review complaints, to determine whether there are sufficient facts to warrant an administrative hearing and, if so, whether the hearing should be formal or informal.

4. If the president or other member determines that there are sufficient facts to constitute a hearing, he shall direct the secretary to:

- (a) Set the complaint for a hearing;
- (b) Send a copy of the complaint to the respondent; and

- (c) Prepare a notice of hearing.
- 5. If the president or other member determines that there are not sufficient facts to warrant an administrative hearing, the complaint must be set for the board's review at the next scheduled meeting to determine whether the board wishes to conduct a hearing on the matter.

Sec. 48. NAC 644.560 is hereby amended to read as follows:

644.560 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 [10] 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 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.

Sec. 49. NAC 644.036 and 644.0525 are hereby repealed.

TEXT OF REPEALED SECTIONS

644.036 “Performance by a demonstrator of a complete treatment of the skin”

interpreted. The board will interpret “the performance by a demonstrator of a complete treatment of the skin” to mean a treatment of more than either the right side or the left side of the face using more than cleansers, toners, moisturizers or make-up.

644.0525 Examination for licensure as demonstrator. The examination for a license as a demonstrator consists of a written multiple-choice examination which tests the applicant’s knowledge of chapter 644 of NRS and this chapter. A score of not less than 75 percent is required to pass. Copies of chapter 644 of NRS and this chapter are available at the main office of the board for a charge equal to the cost of reproducing the material.