

ADOPTED REGULATION OF THE STATE

BOARD OF COSMETOLOGY

LCB File No. R112-01

Effective December 17, 2001

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

AUTHORITY: §§1-9, NRS 644.110 and 644.235.

Section 1. Chapter 644 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Board” means the state board of cosmetology.*

Sec. 3. 1. *An applicant for examination shall indicate, on the face of his application, the language in which the applicant wishes to have the examination offered.*

2. The written and practical portions of the examination must be offered in English or Spanish without additional expense to an applicant.

3. An applicant who wishes to take the examination in a language other than English or Spanish must:

(a) Pay all expenses for taking the examination in a language other than English or Spanish, including, without limitation, the costs for the development, preparation, administration, grading and evaluation of the examination.

(b) Not less than 45 days before the date of the examination, file a written notice with the executive secretary containing the name of the interpreter to be used in the examination and the name of the organization with which the interpreter is affiliated.

(c) At the time of the examination and at his own expense, provide an interpreter who meets the qualifications set forth in subsection 4 to translate the written and practical portions of the examination. The executive secretary may allow more than one applicant to share the services of an interpreter to reduce the expenses borne by those applicants.

4. To translate the written and practical portions of an examination pursuant to this section, an interpreter must be:

- (a) Affiliated with an organization that has been approved by the board; and*
- (b) Personally approved by the executive secretary.*

5. The executive secretary shall:

- (a) Maintain a list of the organizations that have been approved by the board to provide interpreters for the examination; and*
- (b) Make the list available to applicants.*

6. At the time of the examination, an interpreter shall provide such identification as is necessary to establish his identity and the identity of the organization with which he is affiliated.

7. For purposes of this section, “examination” means the examination for licensure as a cosmetologist.

Sec. 4. 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 644.032, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 644.0502 is hereby amended to read as follows:

644.0502 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] :~~

1. A notarized affidavit from the applicant establishing the successful completion by the applicant of the 10th grade in school or its equivalent.

2. One of the following documents as proof of 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 ~~and public safety~~ pursuant to the provisions of NRS 483.810 to 483.890, inclusive.

Sec. 6. NAC 644.0539 is hereby amended to read as follows:

644.0539 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 ~~and 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. 7. NAC 644.388 is hereby amended to read as follows:

644.388 *The provisions of* NAC ~~[644.390]~~ **644.388** to 644.580, inclusive, govern practice before the ~~[state board of cosmetology.]~~ **board.**

Sec. 8. NAC 644.050 is hereby repealed.

Sec. 9. This regulation becomes effective on January 1, 2002.

TEXT OF REPEALED SECTION

644.050 Admission to practice as cosmetologist without examination. Any applicant will be admitted to practice as a cosmetologist without examination if he meets the conditions specified in NRS 644.310 and submits satisfactory proof to the board of 1 year of practical working experience within the last 3 years. Satisfactory proof includes, but is not limited to, a notarized affidavit of employment.

INFORMATION STATEMENT

Proposed Revision to the Nevada Administrative Code 644
Adopted by the Nevada State Board of Cosmetology - December 10, 2001

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

Public comments were solicited by mailing to all interested persons, schools of cosmetology and to the list of Nevada County Public Libraries, as well as being posted in six different locations throughout Nevada and both the Las Vegas and Reno Board offices. The Board created the proposed regulations at their October 22, 2001 board meeting. Then held a workshop on November 20, 2001 and a Public Hearing on December 3, 2001 and adopted the regulations.

The board received limited responses during the meetings held. There were no written responses received. A "Notice of Workshop" and a "Notice of Public Hearing" along with a copy of the proposed regulations were posted by October 31, 2001 for the workshop and public hearing. These were posted in six different locations throughout the State, also at the Las Vegas and Reno Board offices. They were sent to all interested persons on the mailing list and to every county library in Nevada. These copies were also maintained in the Las Vegas and Reno board offices.

2. The number of persons who:
a) Attended each hearing;
b) Testified at each hearing; and
c) Submitted to the agency written statements.

At the Workshop held on November 20, 2001, no public attended. The December 3, 2001 Public Hearing had approximately 5 individuals in attendance. There were only two questions from the same person; how would this affect her obtaining a licensing through reciprocity and what is the National exam? There were no other questions or comments from public. The board did not receive any written responses.

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

Same as #1. However. the minutes from the meeting are available at the Las Vegas board office.

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

These regulations were created with the assistance of our Deputy Attorney General and sent to LCB. for review. At this time there were no changes made. At the public hearing, which was held on December 3, 2001, there were no changes made to the regulations. The board adopted them as written.

5. The estimated economic effect of the regulation on the business, which it is to regulate, and on the public. These must be stated separately, and in each case must include:

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

a) The main economic effect on the businesses, would be to the applicants who request their cosmetology tests in any language other than English or Spanish, as they are required by SB-153 to pay all costs of the translation. However, per SB-153 the board must assume all costs for the cosmetologists' tests to be given in Spanish and English, which could be costly depending on how many requests we receive. This is an unknown figure at this time.

b) More people would be able to take their cosmetologists' exams in their native language. Unfortunately, it currently does not address testing in any other licensing categories and they will be required to test in English only. The cosmetologists who request the test in any other language than English or Spanish must wait 6 months after submitting an application before they may test. This could cause an extreme hardship on people needing to obtain licensing to go to work, as well as being impacted to pay the total cost of translating the exam in their specific language.

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

The agency currently examines in English only for all licensing categories. Depending on the number of cosmetologist applicants, there may be a serious financial impact on the board. Currently translation services are charging approximately \$55 to \$60 per hour for translating our exams. The regulations allow for more than one person to use the same translator at a time, however most translators prefer one-on-one. Since SB-153 does not include all licensing categories, the board may be at risk to be sued and there is no estimation on what those expenses could end up costing the board or the State.

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

Not applicable.

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

Not applicable.

9. 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.

Not applicable.