

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

**LCB File No. R092-06**

May 16, 2006

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

AUTHORITY: §§1, 2, 4, 13, 17-19, 26, 27, 40-51 and 53, NRS 644.110; §3, NRS 644.110 and 644.315; §5, NRS 644.110 and 644.370; §6, NRS 644.110, 644.195, 644.1955 and 644.197; §§7 and 14, NRS 644.110 and 644.210; §8, NRS 644.110, 644.206 and 644.246; §9, NRS 644.110 and 644.244; §10, NRS 644.110 and 644.245; §11, NRS 644.110 and 644.247; §12, NRS 644.110 and 644.240; §15, NRS 644.110 and 644.330; §16, NRS 644.110 and 644.193; §§20, 21, 23-25 and 32-35; NRS 644.110 and 644.400; §22, NRS 644.110, 644.395 and 644.400; §28, NRS 644.110, 644.217 and 644.2175; §29, NRS 644.110 and 644.2175; §30, NRS 644.110, 644.120 and 644.2175; §31, NRS 644.110, 644.120 and 644.380; §36, NRS 644.110 and 644.408; §§37 and 38, NRS 644.110 and 644.360; §39, NRS 644.110 and 644.120; §52, NRS 644.110 and 644.430.

A REGULATION relating to cosmetology; making various changes relating to the practice of cosmetology; increasing the fee for a provisional license as an instructor in cosmetology; and providing other matters properly relating thereto.

**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. 1.** *If a matter is set for mediation and the mediation is not successful, the Executive Director shall set the matter for hearing.*

*2. If a matter is set for hearing, the Executive Director shall determine whether the hearing should be formal or informal and:*

*(a) Prepare a complaint and notice of hearing and serve it on each person against whom the complaint is made; or*

*(b) Refer the case to the Attorney General for preparation of a complaint and notice of hearing and for service on each person against whom the complaint is made.*

*3. In cases in which the Executive Director has prepared a complaint and notice of hearing and has served it on each person against whom the complaint is made, the Executive Director shall organize and facilitate the presentation of witnesses and other evidence to the Board and be an active participant in the hearings.*

**Sec. 3.** *In addition to the requirements set forth in NRS 644.315, a person applying for a limited license under that section must present, in person, to the Board:*

*1. A valid license to practice cosmetology from another state or territory of the United States or the District of Columbia;*

*2. The name and address under which the license was issued;*

*3. Valid identification, including, without limitation, a driver's license, passport or identification card issued by another state or territory of the United States or the District of Columbia; and*

*4. Proof of temporary hire by a resort hotel. The proof must consist of a letter or other documentation from the resort hotel stating that the person applying for the limited license has been hired or has contracted to work as a cosmetologist in the hotel for a designated period.*

**Sec. 4.** NAC 644.017 is hereby amended to read as follows:

644.017 “Executive ~~[Secretary]~~ *Director*” means the Executive ~~[Secretary]~~ *Director* of the Board, as designated by the Board.

**Sec. 5.** 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 ~~[ ]~~ *at the time of service.*

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. 6.** NAC 644.0476 is hereby amended to read as follows:

644.0476 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 one credit or 15 hours of instruction from a course offered at a university or community college]~~ *or has received 30 hours of continuing education* in any of the following areas:

- (1) ~~[Anthropology;~~
- ~~—(2) Biology;~~

- ~~(3)~~ ***Biology;***
- (2) ***Business Administration;***
- (3) Chemistry;
- (4) Communication studies;
- (5) Computers;
- (6) Cardiopulmonary resuscitation or first-aid training;
- (7) ~~Developmental education;~~
- ~~(8) Economics;~~
- ~~(9)~~ Educational administration;
- ~~(10)~~ (8) Emergency medical services;
- ~~(11) English;~~
- ~~(12)~~ (9) ***English;***
- (10) Foreign languages;
- ~~(13)~~ (11) General education ~~;~~
- ~~(14)~~ ***with an emphasis on teaching methods;***
- (12) 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)~~ ***;***
- (13) ***Management;***
- (14) ***Psychology;***

(15) Sign language;

~~(20) Sociology; or~~

~~(21)~~ (16) *Sociology*;

(17) Special education; *or*

(18) *Teaching methods*;

(b) The instructor has received two credits or 30 hours of instruction from courses offered at a university or community college in the areas specified in paragraph (a);

(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. 7.** 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:

1. A notarized affidavit from the applicant establishing the successful completion by the applicant of the 10th grade in school or its equivalent.
2. *Two current photographs of the applicant that are 1 1/2 by 1 1/2 inches in size, on the back of which are written the name and address of the applicant.*
3. *The applicable fees.*
4. *The social security number of the applicant.*
5. 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 pursuant to the provisions of NRS 483.810 to 483.890, inclusive.

**Sec. 8.** NAC 644.0503 is hereby amended to read as follows:

644.0503 An applicant for examination for a license as a demonstrator of cosmetics must submit to the Board:

1. A completed application on a form furnished by the Board;
2. A copy of his current identification;
3. The applicable fees; ~~and~~

4. Two current photographs *of the applicant* that are 1 1/2 by 1 1/2 inches in size ~~[-]~~, *on the back of which are written the name and address of the applicant; and*

*5. The social security number of the applicant.*

**Sec. 9.** NAC 644.0504 is hereby amended to read as follows:

644.0504 An examination for licensure as a hair designer will include, but is not limited to, a test on:

1. Sanitation ~~[-]~~ *and safety;*
2. Knowledge of the provisions of *this chapter and* chapter 644 of NRS ; ~~[and the regulations adopted pursuant thereto;]~~
3. Chemical treatments;
4. Haircutting;
5. Hot work; and
6. Shampoo.

**Sec. 10.** NAC 644.0506 is hereby amended to read as follows:

644.0506 1. An examination for licensure as a manicurist will include, but is not limited to ~~[-]~~

~~—1.—A]~~, a test on:

- (a) Sanitation ~~[-]~~ and *safety;*
- (b) Knowledge of the provisions of *this chapter and* chapter 644 of NRS ~~[and the regulations adopted pursuant thereto;~~

~~—2.]~~;

(c) The *performance of a* manicure of one hand, including the massage of the hand and forearm; *and*

~~[3.—On the same hand upon which the manicure was performed, the]~~

(d) *The* completion of a sculptured nail on one finger ~~[,]~~ *and* 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]~~

2. *An examination for licensure as a manicurist may also include, without limitation, a test on the performance* of a pedicure on one foot, including a foot massage up to the knee.

**Sec. 11.** NAC 644.0508 is hereby amended to read as follows:

644.0508 An examination for licensure as an aesthetician will include, but is not limited to

~~[-~~

~~—1.—A], a~~ test on:

~~[(a)]~~ 1. Sanitation and safety; ~~[and~~

~~—(b)]~~ 2. Knowledge of the provisions of *this chapter and* chapter 644 of NRS ~~[and the regulations adopted pursuant thereto;~~

~~2.];~~

3. Performance of a manual facial, including skin analysis, cleaning, scientific manipulation, packs and masks;

~~[3.]~~ 4. Performance of the arching of an eyebrow, including the use of wax and manual and electric tweezers; and

~~[4.]~~ 5. Performance and analysis of the application of complete and corrective make-up and the application of false eyelashes.

**Sec. 12.** NAC 644.051 is hereby amended to read as follows:



644.051 An examination for licensure as a cosmetologist will include, but is not limited to, a test on:

1. Sanitation and safety;
2. ~~[The]~~ *Knowledge of the* provisions of this chapter and chapter 644 of NRS;
3. Chemical treatments;
4. Haircutting;
5. ~~[Facial make-up and arching]~~ *Arching* of the eyebrow;
6. Hot work;
7. Shampoo; and
8. Manicure, pedicure, and wrapping and extending fingernails.

**Sec. 13.** NAC 644.0515 is hereby amended to read as follows:

644.0515 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]~~ *will* 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]~~ *Director* 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}~~ *Director* 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}~~ *Director*.

5. The Executive ~~{Secretary}~~ *Director* 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. 14.** NAC 644.053 is hereby amended to read as follows:

644.053 1. ~~{Except as otherwise provided in NAC 644.0532, when}~~ *When* an applicant for licensure in any branch of cosmetology registers for the written examination, he must submit to the Board:

(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 time record for the courses studied;

(b) If the applicant attended a school of cosmetology that is located outside of this State, including, without limitation, a school of cosmetology that is located outside of the United States, a letter or record from the governmental agency, if any, 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; or

(c) If the applicant received his training pursuant to NRS 644.217 and 644.2175 and NAC 644.151 to 644.181, inclusive, as a cosmetologist's apprentice, a copy of the final report submitted to the Board, pursuant to NAC 644.167, by the licensed cosmetologist who supervised and trained the apprentice.

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 *or its designee* will send an acceptance letter to each applicant for the written examination. On the designated day and time of the written *or practical* 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 and 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~~ *before taking* the examination.

4. The Board *or its designee* will notify the applicant *and, if the applicant attended a school of cosmetology, the school* of the results of his written examination *and his percentage*

*score* 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.

*5. Each applicant must be on time to take the examination. Any applicant who arrives late:*

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

*6. Except as otherwise provided in subsection 7, each applicant for licensure as a manicurist, cosmetologist, hair designer, electrologist or aesthetician must bring to the examination a model or mannequin and all equipment required for the examination. The applicant must be able to complete the examination on the model or mannequin brought for the examination. An applicant who fails to bring a model or mannequin and all required equipment to the examination:*

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

*7. An applicant may rent a supply kit for the examination directly from a company that makes such kits. The Board will not set or accept any fees for renting supply kits.*

*8. While taking an examination, each applicant must wear outer garments, including shoes, that are all white. No applicant will be required to wear a smock during the examination.*

**Sec. 15.** NAC 644.0536 is hereby amended to read as follows:

644.0536 The Board may dispense with the examination of a cosmetologist, manicurist, aesthetician, electrologist or instructor pursuant to subsection 3 of NRS 644.330 if the person applying for restoration of his license provides ~~1.~~

~~1. Written verification on a form prescribed and furnished by the Board of at least 1 year of work experience within the last 3 years; and~~

~~2. Proof~~ *proof* of a current license in another state and verification that the license is in good standing.

**Sec. 16.** NAC 644.0545 is hereby amended to read as follows:

644.0545 The fee for a provisional license as an instructor is ~~[\$30.]~~ *\$70.*

**Sec. 17.** 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 255, Las Vegas, Nevada 89104. A branch office is located at 4600 Kietzke Lane, Building ~~H, Suite 200.]~~ *K, Suite 221,* Reno, Nevada 89502.

**Sec. 18.** NAC 644.080 is hereby amended to read as follows:

644.080 1. ~~[A]~~ *Each* school of cosmetology , *aesthetics, manicuring or hair design* must:

(a) Have at least 5,000 square feet of floor space;

(b) Provide properly equipped lecture rooms of sufficient size to accommodate all students;

and

(c) Provide separate lockers with sufficient space to store the student's equipment.

2. In order to determine the total number of square feet of a school of cosmetology, the floor space must be measured from the interior walls.

**Sec. 19.** 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 10 bowls may be in use at the same time.
2. 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. Ten manicure tables or bars, and stools.
5. Adequate wet and dry disinfectants that are registered with the Environmental Protection Agency.
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) Styling combs.
  - (c) Curling irons, as follows:
    - (1) ~~Fifteen~~ *Twenty* 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 made without a soap base, such as petroleum jelly;

(4) Curling creams made with wax or ~~petroleum jelly; and~~

~~(5) Cleaning fluids for pressed hair, such as alcohol.] other acceptable oils; and~~

*(5) Products for cleaning curling irons.*

7. Ten dozen cold-wave rods of assorted sizes.

8. One covered container for hairpins, clips, nets and similar items for each student.

9. Five brushes, furnished by the school, for each student.

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.

11. One block, weft or mannequin on a firm stand for each beginning student.

12. One time clock which punches the date and time on time cards, 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.

13. Two shampoo capes for each student.

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.

15. Mirrors, worktables and styling chairs of sufficient number to accommodate the students enrolled.

16. At least one textbook *per student* and adequate reference material, charts, teaching aids and other materials to support the instruction in the school.

17. Adequate and safe electrical outlets.

**Sec. 20.** NAC 644.095 is hereby amended to read as follows:

644.095 A school of cosmetology shall register each student with the Board within 45 days after the student has enrolled in school. To register a student, the school shall 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. The signature of an authorized representative of the school;
5. Information about the student, including:
  - (a) A copy of valid identification of the student ~~(f)~~, *including, without limitation, a driver's license, passport or identification card issued by the Department of Motor Vehicles pursuant to the provisions of NRS 483.810 to 483.890, inclusive;*
  - (b) *A copy of the social security card of the student;*
  - (c) An affidavit that the student has successfully completed at least the 10th grade in high school or its equivalent;
  - ~~(e)~~ (d) If applicable, proof of any name change of the student; and
  - ~~(d)~~ (e) If applicable, a copy of the approval of foreign documentation relating to the training of the student which must be issued by the Board before the student enrolls in the school; and
6. Any other information required by the Board.

**Sec. 21.** 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 from 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 time records, upon his request. These copies must be given to him within 3 ~~working~~ *business* days after his withdrawal from the school.

**Sec. 22.** 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.

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 student has completed a preliminary training period 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.]~~ *Each student in electrology 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 student has completed a preliminary training period of 160 hours.*

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.

8. *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.*

9. A student instructor must:

(a) Be under the direct supervision of an instructor licensed by the Board;

(b) Receive ~~continuous~~ *at least 700 hours of* instruction in teaching methods and techniques; and

(c) Not be used as a student operator.

**Sec. 23.** NAC 644.110 is hereby amended to read as follows:

644.110 1. Each student shall register the time of day on 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. A time record which contains any error may be changed only by authorization of the registrar and the instructor. The authorization must be evidenced by the initials of the registrar and instructor on the time record.

3. Original time records are the property of the school and must be maintained on school property at all times during the enrollment of the student to whom the time record pertains. A student, on request, is entitled to receive a copy of any of his time records from the school, unless he owes money to the school for tuition or fees for the period covered by his time records. The school shall provide the requested time records:

(a) ~~Immediately,~~ *Within 3 business days*, 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.

4. All time records of a student must be maintained by the school for validation by the Board upon the completion of or withdrawal from the training by the student.

**Sec. 24.** 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~~ *was* 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 two students in attendance.

**Sec. 25.** NAC 644.123 is hereby amended to read as follows:

644.123 The following subjects constitute the curriculum for student instructors:

1. Teaching ~~principles.~~ *methods.*
2. Developing measurable objectives for performance.
3. Lesson planning.
4. Use of teaching aids.
5. Use of questioning and problem-solving strategies.
6. Classroom management.
7. Nevada law and regulations.

**Sec. 26.** NAC 644.124 is hereby amended to read as follows:

644.124 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, including, without limitation, hours earned by a student while he is outside of the United States, 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. Such hours must be properly validated by the appropriate regulatory entity for the jurisdiction in which the hours were earned, if that entity provides such validations.

*4. Except as otherwise provided in this section, hours earned by a student at a school of barbering will be accepted in their entirety as they apply to a desired field of cosmetology. The Board will not give credit for courses in shaving or tonic applications.*

*5. A student receiving credit under subsection 4 will not receive credit for more than 20 percent of the credits earned in theory classes.*

*6. To receive credit under subsection 4, a student must have training in permanent waving and wet hair sculpting.*

*7. To receive credit for hours under subsection 4, a student must provide the Board with complete current documentation of the enrolled hours per subject. Such hours must be properly validated by the appropriate regulatory entity for the jurisdiction in which the hours were earned, if that entity provides such validations.*

**Sec. 27.** NAC 644.145 is hereby amended to read as follows:

644.145 1. A school's advertising of cosmetological services must not be false, misleading or deceptive.

2. No school may advertise that its students will earn commissions, salaries, or pay of any other kind, other than gratuities, for services rendered.

3. A sign must be posted within each school of cosmetology to read: "School of Cosmetology, Work Done Exclusively by Students," or words of similar substance. ~~in letters large enough to be read the length of the room.~~ The sign must be displayed in the reception room and in full view of all patrons, students and instructors in the school.

**Sec. 28.** NAC 644.151 is hereby amended to read as follows:

644.151 1. To receive a certificate of registration as a cosmetologist's apprentice, an applicant must complete and submit to the Board an application on the appropriate form provided by the Board.

2. In addition to the information specified in subsection 2 of NRS 644.217, the form must be accompanied by:

(a) Proof satisfactory to the Board that the applicant:

(1) Is a resident of a county in this State whose population is less than 50,000;

(2) Is required to travel more than 60 miles from his place of residence to attend a licensed school of cosmetology;

(3) Is not less than 16 years of age at the time of application;

(4) Is of good moral character; and

(5) Has completed at least the 10th grade in high school or its equivalent;

(b) *A copy of the social security card of the applicant;*

(c) *A copy of valid identification of the applicant, including, without limitation, a driver's license, passport or identification card issued by the Department of Motor Vehicles pursuant to the provisions of NRS 483.810 to 483.890, inclusive;*

(d) Two current photographs of the applicant which are 1 1/2 by 1 1/2 inches, on the back of which are written the name and address of the applicant;

~~(e)~~ (e) A copy of the petition of the licensed cosmetologist who will be supervising and training the applicant if he is approved to be a cosmetologist's apprentice;

~~(f)~~ (f) A statement from the owner of the cosmetological establishment where the applicant will be trained which states that the owner has received ~~oral~~ *written* approval from the Board that the cosmetological establishment satisfies the requirements of NAC 644.164; and



~~[(e)]~~ (g) Proof of any name changes of the applicant, if applicable.

**Sec. 29.** NAC 644.154 is hereby amended to read as follows:

644.154 1. To supervise and train a cosmetologist's apprentice, a licensed cosmetologist must complete a petition on the appropriate form provided by the Board. The applicant for a certificate of registration as a cosmetologist's apprentice must obtain this completed petition and include it with his application submitted pursuant to NAC 644.151.

2. The petition must be accompanied by proof, satisfactory to the Board, that the petitioner:

(a) Has been licensed by the Board to practice cosmetology in this State for not less than 3 years immediately preceding the date of submittal of an application for a certificate of registration pursuant to NAC 644.151;

(b) Has been in good standing with the Board during the 3-year period specified in paragraph (a);

(c) Resides in the same county of this State as the applicant for a certificate of registration as a cosmetologist's apprentice whom he seeks to supervise; and

(d) Currently works in or operates a licensed cosmetological establishment:

(1) In which all the occupations of cosmetology are practiced;

(2) Which is the same establishment referred to in the owner's statement of permission and the owner's statement that he has received ~~[(oral)]~~ *written* approval from the Board that were submitted with the application for a certificate of registration pursuant to ~~[(NAC 644.151 and)]~~ subsection 2 of NRS 644.217 ~~[(;)]~~ *and NAC 644.151, respectively*; and

(3) Which is located in the same county of this State in which the applicant for a certificate of registration as a cosmetologist's apprentice resides.

**Sec. 30.** NAC 644.164 is hereby amended to read as follows:

644.164 1. Before an application for a certificate of registration as a cosmetologist's apprentice may be approved by the Board, the owner of the cosmetological establishment where the applicant will be trained must contact the Board and request an oral review to determine whether the cosmetological establishment meets the requirements of this section. The Board will conduct an on-site inspection of the cosmetological establishment not later than 90 days after the date on which the certificate of registration is issued to the applicant.

2. A cosmetological establishment where a cosmetologist's apprentice will be trained must have available in a designated area for the use of the cosmetologist's apprentice:

- (a) One styling chair;
- (b) One shampoo bowl;
- (c) One hand-held blow-dryer and one dryer that is equipped with a chair and a device that releases air onto the client's hair;
- (d) One table for administering a manicure;
- (e) Supplies for performing a process, that is acceptable to the Board, for the wet and dry disinfecting of instruments used in cosmetology through the use of disinfectants that are registered with the Environmental Protection Agency;
- (f) Equipment for hot work, consisting of:
  - (1) An electric heater;
  - (2) A pressing comb;
  - (3) A marcel curling iron; and
  - (4) ~~Cream or~~ *Petroleum* jelly for the protection of the client's skin while hot work is being performed;

- (g) A sufficient amount of equipment and supplies to block, wrap and complete one permanent cold wave, including rollers, rods, end papers and cotton;
- (h) Equipment and supplies for tinting, including one bowl, one brush and two bottles for the application of the tint;
- (i) Supplies, creams and lotions for performing a facial;
- (j) One head of a mannequin;
- (k) At least one standard textbook concerning cosmetology, a workbook for the theory of cosmetology and a workbook for the practice of cosmetology;
- (l) A copy of the provisions of chapter 644 of NRS and the regulations adopted pursuant thereto;
- (m) Combs and brushes for the performance of all services requiring combs and brushes;
- (n) Tapering shears;
- (o) Strips for protecting the neck of the client;
- (p) Scissors;
- (q) One razor and blade with a guard;
- (r) One plastic spray bottle;
- (s) Bandages;
- (t) Protective gloves;
- (u) Instruments for holding rollers in the hair, commonly referred to as “clippies”;
- (v) Equipment for hot waxing;
- (w) Oils and conditioners, consisting of:
  - (1) Pressing oils;

(2) Scalp conditioners, including at least one conditioner made without a soap base, especially for pressed hair;

(3) Hair conditioners made without a soap base, especially for pressed hair, such as petroleum jelly;

(4) Curling creams made with wax or petroleum jelly; and

(5) Dry, cleaning fluids for pressing hair, such as alcohol;

(x) One heated cap for the treatment of hair;

(y) A covered container for the storage of hairpins, clips, nets and similar items;

(z) One shampoo cape; and

(aa) Supplies for performing manicures and pedicures, including:

(1) Emery boards;

(2) Cream for cuticles;

(3) Base coat;

(4) Top coat;

(5) Nail polish;

(6) A bowl for water;

(7) Supplies for sanitizing instruments used to perform a manicure or pedicure;

(8) Sticks made of orangewood *for single use* or other instruments *that can be sanitized professionally* for pushing back cuticles; and

(9) Tips, wraps, extensions and sculptured nails.

**Sec. 31.** NAC 644.205 is hereby amended to read as follows:

644.205 Each school must have the following working equipment for each student:

1. One high frequency generator or thermalysis machine, or one galvanic generator or electrolysis machine;
2. Twelve *disposable* needles ranging in size from 0.003 to 0.008 inches;
3. One complete set of electrodes and connections with each machine;
4. One stool which is adjustable in height;
5. One table or chair per patron;
6. One utility stand per setup;
7. One towel cabinet;
8. One pair of fine-pointed epilation forceps;
9. One set of magnifying glasses;
10. Covered containers for lotions, creams, ointments, soaps, sanitizing agents , *disinfecting agents* and cotton;
11. ~~{Containers}~~ *Hospital-grade containers* in which to immerse ~~{needles}~~ *equipment* for sterilization;
12. Covered containers ~~{in-which}~~ *for keeping* items such as instruments and needles ~~{may be-kept}~~ sanitized; and
13. A covered receptacle for waste.

**Sec. 32.** NAC 644.215 is hereby amended to read as follows:

644.215 A school of electrology shall register each student with the Board within ~~{30}~~ *45* days after the student has enrolled in the school. To register a student, the school shall submit ~~{~~  
~~—1.— A photograph of the student for identification which must be 1 1/2 by 1 1/2 inches, and have written on the back the name of the student and the school. A duplicate photograph must be kept in the student's file at the school for the duration of the student's attendance.~~

~~—2. A photostatic copy of the student's birth certificate.]~~

*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. The signature of an authorized representative of the school;*
- 5. A copy of valid identification of the student, including, without limitation, a driver's license, passport or identification card issued by the Department of Motor Vehicles pursuant to the provisions of NRS 483.810 to 483.890, inclusive;*
- 6. A copy of the social security card of the student;*
- 7. An affidavit stating that the student has successfully completed at least the 10th grade in high school or its equivalent;*
- 8. If applicable, proof of any name change of the student;*
- 9. If applicable, a copy of the validation of foreign documentation required under subsection 3 of NAC 644.124; and*
- 10. Any other information required by the Board.*

**Sec. 33.** 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 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 time records, upon his request. These records must be given to the student within 3 ~~working~~ *business* days after his withdrawal from school if such a request has been made.

**Sec. 34.** NAC 644.240 is hereby amended to read as follows:

644.240 ~~[1.—A school of electrology shall be operated as a separate business entity and no part of the school may be used for any other business. No department for retail sales may be operated as part of the school unless the department is separated from the school by a wall or partition. Students of the school shall not work in the department for retail sales.~~

~~—2.]~~ Schools of electrology may be ~~[affiliated with]~~ *located within* schools of cosmetology.

**Sec. 35.** NAC 644.255 is hereby amended to read as follows:

644.255 Each person wishing to become an electrologist's apprentice must apply to the Board on Form No. 7,\* and show that he:

1. Resides in Nevada;
2. Is 18 years of age or over;
3. Is of good moral character and temperate habits;
4. Has completed the 12th grade in school or its equivalent;
5. Has submitted two photographs of himself, size 1 1/2 by 1 1/2 inches, on the back of which are written his name and address; ~~and~~
6. *Has a social security card, driver's license, passport or identification card issued by the Department of Motor Vehicles pursuant to the provisions of NRS 483.810 to 483.890, inclusive; and*
7. Is prepared to undertake a training program for at least 1,000 hours, extending over 5 consecutive months.

\*See adopting agency for form.

**Sec. 36.** NAC 644.295 is hereby amended to read as follows:

644.295 Before he commences work on patrons, an electrologist's apprentice must have received at least 250 hours ~~[, or the equivalent of 32 days.]~~ of training covering all phases of electrology.

**Sec. 37.** NAC 644.307 is hereby amended to read as follows:

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

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 is separated from the establishment by a 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]~~ *and is* being used for activities that are not under the jurisdiction of the Board, including, but not limited to, tattooing , ~~[and]~~ body piercing ~~[-]~~ *and licensed massage therapy.*

**Sec. 38.** NAC 644.308 is hereby amended to read as follows:

644.308 **1.** A licensed cosmetologist, aesthetician, electrologist or manicurist who is leasing space from an operator of a cosmetological establishment shall ensure compliance with the requirements set forth in subsection 3 of NAC 644.325 and NAC 644.335 to 644.372, inclusive, 644.380 and 644.385.

**2.** *Each operator of a cosmetological establishment who leases space to a health care provider shall make the health care provider aware of the requirements set forth in subsection 3 of NAC 644.325 and NAC 644.335 to 644.372, inclusive, 644.380 and 644.385.*

**Sec. 39.** NAC 644.370 is hereby amended to read as follows:

644.370 Wigs and hairpieces must be cleaned with a sanitizing agent approved by the Board. ~~[All wigs and hairpieces must be placed on a covered block when restyling.]~~ *A microwave oven used for wig styling may be used only for that purpose.*

**Sec. 40.** NAC 644.385 is hereby amended to read as follows:

644.385 A ~~hairdresser,~~ *cosmetologist*, aesthetician, *hair designer* or manicurist licensed in Nevada may perform services outside a cosmetological establishment if the services are being donated to a charitable organization and prior *written* approval has been given by the Board. Every possible effort must be made to ensure that proper sanitation is maintained.

**Sec. 41.** NAC 644.460 is hereby amended to read as follows:

644.460 1. A complaint may be filed against any person licensed under this chapter and must allege one or more of the causes of action set forth in NRS 644.430. A complaint may be filed by the *Executive Director, the* Board or any of ~~its~~ *the Board's* members or investigators.

2. Each complaint must contain a statement of facts showing that a provision of this chapter or chapter 644 of NRS has been violated. The complaint must be sufficiently detailed to enable the respondent to prepare a defense. All applicable statutes and regulations or orders of the Board must be cited in the complaint, together with the date on which the act or omission is alleged to have occurred.

3. If more than one cause of action is alleged, each cause of action must be stated and numbered separately. Two or more complainants may join in one complaint if their respective causes of action are against the same person and deal substantially with the same violation of law, or of a regulation or order of the Board.

4. A complaint must be in writing and be signed and verified by the complainant.

5. A complaint must be filed with the ~~Secretary of the Board,~~ *Executive Director.*

**Sec. 42.** NAC 644.465 is hereby amended to read as follows:

644.465 The following provisions govern review of a complaint filed by *the Executive Director or* one of the Board's members or investigators:

1. The ~~{Secretary}~~ *Executive Director* shall assign the report for investigation by a staff investigator, who shall prepare an investigative report.
2. If a member of the Board filed the complaint, the ~~{Secretary}~~ *Executive Director* shall, after receiving the *investigative* report, send the *investigative* report to ~~{the}~~ a member *other than the member who filed the complaint* for ~~{him to determine}~~ *a determination of* whether there are sufficient facts to warrant an administrative action.
3. If the member determines that there are such facts, he shall notify the ~~{Secretary}~~ *Executive Director* to set the matter for *mediation or* hearing . ~~{and whether the hearing should be formal or informal.}~~
4. A staff investigator may file a complaint only if an investigative report has been prepared . ~~{and is submitted therewith. The Secretary shall}~~ *The investigative report must be submitted with the complaint. The Executive Director* then *shall* submit the complaint to the President of the Board or other presiding officer for ~~{review in the same manner as for any other complaint.}~~ *a determination of whether there are sufficient facts to warrant an administrative action.*
5. *If the President of the Board or other presiding officer determines that there are sufficient facts to warrant an administrative action, he shall notify the Executive Director to set the matter for mediation or hearing.*

**Sec. 43.** 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 *the Executive Director or* one of the Board's members or investigators:

1. Upon the receipt of a complaint filed by a person other than *the Executive Director or* a member or investigator of the Board, the ~~{Secretary}~~ *Executive Director* 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}~~ *Executive Director* 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}~~ *Executive Director* as quickly as feasible but not later than 90 days after receipt of the complaint.

3. After receiving the investigator's report, the ~~{Secretary}~~ *Executive Director* shall transmit the complaint and report to the ~~{Board's}~~ President *of the Board* 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}~~ *warrant an administrative* 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.}~~ *notify the Executive Director to set the matter for mediation or hearing.*

5. If the President or other member determines that there are not sufficient facts to warrant an administrative hearing, the *facts alleged in the* complaint must be ~~{set}~~ *submitted to the Board* for the Board's review at the next scheduled meeting to determine whether the Board wishes to conduct a hearing on the matter ~~{.}~~ *or whether the facts, if assumed to be true, do not constitute a ground for disciplinary action. If the assumed facts do not constitute a ground for disciplinary action, the complaint will be dismissed. If the Board determines that the assumed*

*facts warrant administrative action, the Executive Director shall set the matter for mediation or hearing.*

**Sec. 44.** NAC 644.480 is hereby amended to read as follows:

644.480 ~~[If the Board determines that a complaint warrants administrative action, it will send a copy of the complaint to each person against whom the complaint is made. Such a]~~ *A person on whom a complaint is served may respond to the complaint by filing an answer within 20 days after ~~[receipt thereof. If he]~~ the date on which the complaint is served. A complaint shall be deemed to have been served when a true copy of the complaint, addressed to the person's address of record and with postage prepaid, is deposited with the United States Postal Service. If the person fails to answer within the time prescribed, he shall be deemed to have ~~[denied generally]~~ admitted the allegations of the complaint.*

**Sec. 45.** NAC 644.482 is hereby amended to read as follows:

644.482 If the complainant and respondent submit their dispute for mediation, the Executive ~~[Secretary or the officer designated by the Board]~~ *Director or other staff person, or the President of the Board or other member appointed* to review complaints, or both of them together, may act as a mediator.

**Sec. 46.** NAC 644.485 is hereby amended to read as follows:

644.485 A person may petition to appear and be heard on any matter before the Board, as follows:

1. The petitioner may use Form No. 3 or a similar form, which may be obtained from the Board. The petition must contain a brief summary of the subject matter and contain the reasons for bringing the matter before the Board.

2. The petition must be received by the Board at least 30 ~~working~~ *business* days before the meeting at which the petitioner wishes to be heard, but the ~~Secretary~~ *Executive Director* may waive this time requirement.

3. Upon receipt of the petition, the ~~Secretary~~ *Executive Director* or any member of the Board may make an initial evaluation to determine whether the subject of the petition is a proper item for *mediation or for* the agenda of a formal *or informal* hearing and, if so, whether a special meeting of the Board must be called for the hearing.

4. If the ~~Secretary~~ *Executive Director* or member evaluates the petition as presenting a ~~cause~~ *ground* for a disciplinary action involving a *fine, the* revocation ~~of~~ *or* suspension *of a license*, or *the* probation ~~of~~ *of a licensee*, the petitioner must file a formal complaint, and the ~~Secretary~~ *Executive Director* shall notify the petitioner of the requirements for making the complaint.

5. If the evaluation results in a determination that there is no possibility for a *fine, the* revocation ~~of~~ *or* suspension *of a license*, or *the* probation of a ~~licensee~~ *licensee*, and if the item is a subject within the jurisdiction of the Board, the matter stated in the petition will be placed on the agenda as an item of new business for discussion ~~and~~ *and action*.

**Sec. 47.** NAC 644.490 is hereby amended to read as follows:

644.490 Notice of a hearing ~~will~~ *must* be served at least 20 ~~working~~ *business* days before the time set for the hearing. A hearing which has previously been continued may be reset on notice of not less than 20 ~~working~~ *business* days. *A notice shall be deemed to have been served when a true copy of the notice, addressed to the person's address of record and with postage prepaid, is deposited with the United States Postal Service.*

**Sec. 48.** NAC 644.495 is hereby amended to read as follows:

644.495 1. If a party fails to appear at a hearing scheduled by the Board and no continuance has been requested or granted, the Board may hear testimony of witnesses who have appeared and proceed to consider the matter and dispose of it on the basis of the evidence before it.

2. Where, because of accident, sickness or other reasonable cause, a person fails to appear for a hearing or request a continuance thereof, he may within a reasonable time, but not more than 15 days, apply to the ~~Secretary of the Board~~ *Executive Director* to reopen the proceedings. *The Executive Director shall include the request on the agenda for the next scheduled meeting of the Board.* Upon finding the cause sufficient and reasonable, the Board will set a new time and place for hearing and give the person notice thereof. Witnesses who have previously testified will not be required to appear at the second hearing unless so directed by the Board.

**Sec. 49.** NAC 644.535 is hereby amended to read as follows:

644.535 1. The Board may hold an informal hearing to:

~~1.]~~ (a) Mediate a problem;

~~2.]~~ (b) Discuss a factual or legal question concerning the propriety of certain conduct;

~~3.]~~ (c) Warn a licensee that certain conduct would be in violation of the law or regulations of the Board; or

~~4.]~~ (d) Determine the appropriateness of holding a formal hearing on any matter.

*2. The Board will not engage in mediation in any matter unless the licensee agrees in advance that, if the mediation is not successful, the Board may hold a formal hearing on the matter and may decide the case. By agreeing to mediation, the licensee waives any right to object to the future participation of any Board member in the matter based on the Board*

*member's prior knowledge of the matter gained through the mediation or the Board member's statements or actions in the mediation.*

**Sec. 50.** NAC 644.570 is hereby amended to read as follows:

644.570 After the Board renders its declaratory order or advisory opinion, the ~~Secretary~~ *Executive Director* shall give notice of it to the petitioner.

**Sec. 51.** NAC 644.580 is hereby amended to read as follows:

644.580 1. A petition for the adoption, amendment or repeal of a regulation must be in writing and be prepared substantially in accordance with Form No. 2.\*

2. The following procedure applies to such a petition:

(a) If the petition is received within 30 days before the next regular meeting, the petition will be placed on the agenda for discussion to determine whether the petition should be denied or regulation-making procedures commenced.

(b) If the petition is received by the Board during any period in which a regular meeting is not scheduled within 30 days, the Executive ~~Secretary~~ *Director* shall begin the procedures necessary for adoption of the regulations. The Board may call a special meeting to deny the petition, thus terminating those procedures.

\*See adopting agency for form.

**Sec. 52.** NAC 644.700 is hereby amended to read as follows:

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

	First	Second	<i>Third</i>
Violation	offense	offense	<i>offense</i>



COSMETOLOGIST ESTABLISHMENT

Operating establishment without <i>having acquired a</i>	<del>[\$500]</del>	<del>[\$1,000]</del>	
license.....	<i>\$1,000</i>	<i>\$1,500</i>	<i>\$2,000</i>
Operating establishment with expired license .....	200	500	
Allowing licensee to work with expired license ( <i>per</i>			
<i>person</i> ) .....	200	500	
Failure to display license in place of business .....	200	500	
Failure to employ licensed persons.....	<del>[\$500]</del>	<del>[\$1,000]</del>	
	<i>1,000</i>	<i>1,500</i>	<i>2,000</i>
Operating establishment without supervision of licensed			
person .....	200	500	
Operating establishment with animal on premises .....	200	500	

COSMETOLOGIST OR OTHER LICENSED NATURAL PERSON

Practicing without license .....	500	1,000	
Practicing with expired license .....	200	500	
Altering or copying license.....	<del>[\$100]</del>	<del>[\$500]</del>	
	<i>1,000</i>	<i>1,500</i>	<i>2,000</i>
Failure to display license at position of work .....	<del>[\$100]</del>	500	
	<i>200</i>		
Failure to practice in cosmetological establishment .....	500	1,000	<i>2,000</i>

Violation	First offense	Second offense	<i>Third offense</i>
<b>COSMETOLOGICAL APPRENTICE</b>			
Failure to display certificate of registration in plain view .....	100	500	
Failure to wear badge while working.....	100	500	
Working on public without supervising cosmetologist present .....	500	1,000	
<del><b>EDUCATIONAL PERMIT</b></del>			
<del>Failure to comply with NRS 644.425 .....</del>	<del>100</del>	<del>500</del>	

2. In the case of a third or subsequent violation, the accused party must appear at a disciplinary hearing before the Board.

3. A licensee who violates a provision of NAC 644.307 to 644.355, inclusive, will be fined not more than \$100 for the first violation. In the case of a second or subsequent violation, the accused party must appear at a disciplinary hearing before the Board.

**Sec. 53.** NAC 644.0532, 644.0534 and 644.140 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**644.0532 Written examination: Registration of students of school of cosmetology; acceptance letter; notice of results; reregistration. (NRS 644.110)**

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.

**644.0534 Practical examination: Registration; acceptance letter; procedure for taking examination; reregistration; notice of results. (NRS 644.110, 644.210)**

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:

(1) Proof that he has passed the required written examinations; and

(2) A copy of his complete school record and final time records or, if he received his training pursuant to NRS 644.217 and 644.2175 and NAC 644.151 to 644.181, inclusive, as a cosmetologist's apprentice, a copy of the final report submitted to the Board, pursuant to NAC 644.167, by the licensed cosmetologist who supervised and trained him.

2. The Board will not accept a registration for a practical examination:

(a) Before or after the dates specified by the Board for registration for that practical examination; or

(b) That is delivered in person, by a courier service, or by a facsimile machine or a similar method of electronic transmission.

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 his 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 for licensure as a manicurist or an aesthetician 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. Each applicant for licensure as a cosmetologist or hair designer must bring to the practical examination a mannequin and all equipment necessary to take the examination. The applicant must be able to complete the entire practical examination on his mannequin. 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 mannequin 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.

7. 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.

8. 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.

9. 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.

10. 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.

**644.140 Schools required to be separate entities; students prohibited from working in departments for retail sales.** A school of cosmetology shall be operated as a separate entity. No part of any school of cosmetology may be used for any business other than a school of cosmetology. No department for retail sales may be operated as part of a school of cosmetology unless the department is separated from the school by a wall or partition. Students shall not work in the retail sales section of the department.