

# PROPOSED REGULATION OF THE STATE BOARD OF COSMETOLOGY

## LCB File No. R117-10

(Note: This draft replaces the draft posted June 28, 2010; the provisions relating to threading have been removed for separate consideration; see R145-10.)

### LIST OF REGULATIONS For Addition, Modification, or Elimination

- NAC 644.151 Application. (NRS 644.110, 644.217, 644.2175) [~~Cosmetologist's Apprentice~~]
- ~~NAC 644.320\* Restrooms. (NRS 644.110, 644.120)~~
- ~~NAC 644.325\* Walls; floors; ceilings; furnishings; equipment and fixtures. (NRS 644.110, 644.120)~~
- ~~NAC 644.335\* Headrests; shampoo bowls; and linens; neck strips; treatment tables; disposal of certain instruments and supplies; brushes. (NRS 644.110, 644.120)~~
- ~~NAC 644.340\* Sanitizing and infection control solutions; instruments, implements and other tools; sterilization equipment; disposable articles; single use items (NRS 644.110, 644.120)~~
- ~~NAC 644.350\* Cleansing of hands. (NRS 644.110, 644.120, 644.471)~~
- ~~NAC 644.355\* Outer garments and footwear. (NRS 644.110, 644.120, 644.417)~~
- ~~NAC 644.360\* Infectious or communicable diseases; infections of animal parasites. (NRS 644.110, 644.120)~~
- ~~NAC 644.365\* Clients with inflamed or infected skin or secretions. (NRS 644.110, 644.120)~~
- NAC 644.700 Schedule of fines; disciplinary hearings. (NRS 644.110, 644.430)

Note: Those regulations marked with an asterisks must be approved by the Nevada State Health Department prior to submittal to the Legislative Commission. (Chapter 644 of the NRS)

### Proposed Changes to Chapter 644 of the Nevada Administrative Code 2010

**NAC 644.151 Application.** (NRS 644.110, 644.217, 644.2175)

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 3 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 applicant's birth certificate, passport or voter registration card issued pursuant to the provisions of NRS 293.517;
- (c) Two photographs of the applicant that:
  - (1) Are identical;
  - (2) Have been taken not more than 90 days before the date of the submission of the application;
  - (3) Are 1 1/2 by 1 1/2 inches in size;
  - (4) Show the front view of the full face of the applicant in color against a plain white or off-white background and are otherwise substantially equivalent to a photograph suitable for use in a passport issued by the United States Government; and
  - (5) Have the name and address of the applicant written on the back;
- (d) 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;
- (e) A statement from the owner of the cosmetological establishment where the applicant will be trained which states that the owner has received written approval from the Board that the cosmetological establishment satisfies the requirements of NAC 644.164; and
- (f) Proof of any name changes of the applicant, if applicable.

**~~NAC 644.320 Restrooms.~~** (NRS 644.110, 644.120)

~~—1. Each cosmetological, *threading* 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 or *threading* establishment or *threading kiosk* are located outside of the cosmetological establishment, the restrooms must be:~~

- ~~—(a) In plain view or clearly marked with appropriate signs, and~~
- ~~—(b) Located within 100 feet of the entrance of the cosmetological or *threading* establishment or *threading kiosk* and under the same roof as the cosmetological or *threading* establishment or *kiosk*.~~

~~—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.~~

~~— **NAC 644.325 Walls, floors, ceilings, furnishings, equipment and fixtures.** (NRS 644.110, 644.120) In each cosmetological or *threading* establishment, *threading kiosk*, or school of cosmetology:~~

~~—1. All floors in restrooms and areas where hair is cut, shampooed or styled must be of a washable material which is not porous or absorbent. Carpeting is allowed in all other areas of the cosmetological establishment or school of cosmetology, including, without limitation, reception areas and areas for manicuring and aesthetics.~~

- ~~— 2. All walls within a cosmetological establishment or school of cosmetology must be of a washable material which is not porous or absorbent.~~
- ~~— 3. All walls, floors, woodwork, ceilings, furnishings, equipment and fixtures must be kept clean and in good repair.~~
- ~~— 4. Clippings of hair must not be allowed to accumulate and must be disposed of in a covered waste receptacle immediately after the hair is cut.~~
- ~~— 5. Refuse and waste must not be allowed to accumulate.~~
- ~~— 6. A footbath or portable spa that has been used for nail services, including any suction screens where hair, skin and nails may accumulate, must be disinfected before the footbath or portable spa may be offered to another client. The disinfection must be performed in accordance with procedures established by the Board, including, without limitation, the use of a product that is registered with the United States Environmental Protection Agency and approved by the Board.~~
- ~~— 7. Portable spas, if any, must have separate hoses or tubes, or both, for draining and refilling the spa. All such hoses and tubes must be appropriately marked.~~

~~— **NAC 644.335 Headrests; shampoo bowls; towels and linens; neck strips; treatment tables; disposal of certain instruments and supplies; brushes.** (NRS 644.110, 644.120) 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 and be disinfected with a disinfectant that is registered with the Environmental Protection Agency, and all loose hair must be 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, must not be stored in any restroom, and must not be 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.~~
- ~~— 6. All instruments and supplies, including, without limitation, neck strips, nail files, **[and]** buffers, **and threading string** that come into direct contact with a client and cannot subsequently be disinfected must be disposed of in a waste receptacle immediately following their use.~~
- ~~7. Neck dusters and all other brushes used on a client must be maintained in a clean and sanitary condition.~~
- ~~8. **Threading string and all other instruments used in providing threading services must be kept in a clean container until time of use.**~~
- ~~9. **During each threading service all instruments/threading string and other tools must be kept free of contamination.**~~

~~— NAC 644.340 Sanitizing and infection control solutions; instruments, implements and other tools; sterilization equipment; disposable articles; single-use items. (NRS 644.110, 644.120)~~

~~— 1. In each cosmetological establishment or school of cosmetology:~~

~~— (a) Sanitizing and infection control solutions must be available for immediate use at all times and must be registered with the Environmental Protection Agency as a bactericide, fungicide or virucide.~~

~~— (b) All instruments, implements and other tools must be cleaned and disinfected in the following manner before use:~~

~~— (1) All hair and other adherent foreign material must be removed from the instrument, implement or other tool; and~~

~~— (2) The instrument, implement or other tool must be:~~

~~— (I) Thoroughly washed with soap and hot water;~~

~~— (II) Rinsed in clear hot water; and~~

~~— (III) Placed in a covered wet sanitizer which is large enough for complete immersion of the instrument, implement or other tool, and which contains an infection control solution that is registered with the Environmental Protection Agency and approved by the Board.~~

~~□ During each service, all instruments, implements and other tools must be kept free of contamination by immersion in an infection control solution approved by the Board.~~

~~— (c) All disinfected instruments, implements and other tools that are not in use and not in the process of wet disinfection in a wet sanitizer must be stored in a clean, dry sanitizer. A dry sanitizer consists of a clean, closed container, drawer or storage unit with a fumigant that contains only disinfected instruments, implements and other tools.~~

~~— (d) 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 disinfected as specified in paragraph (b). A container for the disinfectant used that includes the manufacturer's label must be available at all times in the cosmetological establishment or school of cosmetology.~~

~~— (e) All electrolysis instruments must be cleaned in the following manner after each use:~~

~~— (1) All foreign matter must be removed from the instrument; and~~

~~— (2) The instrument must be:~~

~~— (I) Washed in soap and hot water; and~~

~~— (II) Rinsed in hot water.~~

~~— (f) After cleaning, all electrolysis instruments must be sterilized by one of the following methods:~~

~~— (1) Use of a steam sterilizer; or~~

~~— (2) Use of a dry sterilizer,~~

~~□ which is registered and listed with the United States Food and Drug Administration, and is used according to the manufacturer's instructions.~~

~~— (g) Sterilization equipment must be checked daily to ensure that it is reaching the temperature required by the manufacturer's instructions.~~

~~— (h) All sterilized instruments and sanitary disposable articles must be stored in clean, closed containers, drawers or storage units which must be free of other articles.~~

~~— (i) Single-use items must not be used on more than one client and must be disposed of after use on a client.~~

— (j) All single-use items and other items that cannot be disinfected must be stored in closed containers at all times while not in use.

— 2. As used in this section, “single-use items” includes, without limitation, buffers, cotton balls, cotton strips and swabs, disposable gloves, emery boards, nail files, neck and muslin strips, paraffin liners, pedicure slippers, sleeves and sanders for electric files, ~~[and] toe separators, and threading string used in the practice of threading.~~

— ~~NAC 644.350~~ **Cleansing of hands.** (NRS 644.110, 644.120) Every licensee and student in a cosmetological establishment, ~~threading establishment or kiosk,~~ or school of cosmetology must thoroughly wash his hands in an antibacterial liquid before and after serving each client and after each use of the restroom.

— ~~NAC 644.355~~ **Outer garments and footwear.** (NRS 644.110, 644.120, 644.471)

— 1. In each cosmetological establishment, ~~threading establishment or kiosk,~~ or school of cosmetology, all licensees must wear clean outer garments and adequate footwear at all times when serving a client. Instruments or supplies must not be carried in or on a garment.

— 2. For the purposes of this section, “outer garments” means one garment or a combination of garments which provides adequate protection at least of the torso of the wearer’s body from debris, infectious or communicable diseases, infestations of animal parasites and chemical hazards which may injure the body through absorption, inhalation or physical contact. The term includes, without limitation:

- (a) Blouses;
- (b) Shirts;
- (c) Sweaters;
- (d) Smocks;
- (e) Dresses;
- (f) Pants;
- (g) Jeans;
- (h) Bermuda, walking or jean shorts; and
- (i) Tee shirts

~~3. Thread and instruments used in the practice of threading shall not be carried or stored in or on a garment.~~

— ~~NAC 644.360~~ **Infectious or communicable diseases; infestations of animal parasites.** (NRS 644.110, 644.120)

— 1. A person afflicted with an infectious or communicable disease which may be transmitted during the practice of cosmetology, ~~threading,~~ or with an infestation of animal parasites shall not work or train in a cosmetological ~~or threading~~ establishment, ~~threading kiosk,~~ or school of cosmetology.

— 2. A cosmetological establishment or school of cosmetology shall not knowingly require, permit or allow a student or person licensed by the Board, to perform any service on a client who is afflicted with any infectious or communicable disease which may be transmitted to a person who is practicing cosmetology.

— 3. A cosmetological establishment or school of cosmetology shall not require or allow a student or licensee of the Board to perform any service on a client who is afflicted with an infestation of animal parasites.

~~— NAC 644.365 Clients with inflamed or infected skin or secretions. (NRS 644.110, 644.120) In each cosmetological establishment, *threading establishment or kiosk*, or school of cosmetology:~~

~~— 1. A licensee shall not *[massage]* *provide any cosmetological or threading service to* any client upon a surface of the skin or scalp where such skin is inflamed or where a skin infection or eruption is present.~~

~~— 2. Licensees shall wear protective gloves while performing any service on a client whose skin shows signs of secretion of any bodily fluids.~~

### DISCIPLINARY ACTIONS

**NAC 644.700 Schedule of fines; disciplinary hearings.** (NRS 644.110, 430)

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

Violation	First Offense	Second Offense	Third Offense
<b>COSMETOLOGICAL ESTABLISHMENT</b>			
Operating an establishment without a license.....	\$1,000	\$1,500	\$2,000
Operating an establishment with an expired an expired license (per person).....	200	500	
Allowing a licensee to work with an expired license (per person).....	200	500	
Failure to display license in place of business.....	200	500	
Allowing an unlicensed person to work in an establishment.....	1,000	1,500	2,000
Operating an establishment without supervision by a licensed person .....	200	500	
Operating an establishment with an animal on the premises .....	200	500	
<i>Invasive procedures tool in the work area (Credo Blade) .....</i>	<i>100</i>	<i>200</i>	<i>Board</i>
<b>COSMETOLOGIST OR OTHER LICENSED NATURAL PERSON</b>			
Practice with an expired license .....	\$200	\$500	
Failure to display license at a work station .....	200	500	
Failure to practice in a cosmetological establishment .....	500	1,000	2,000
<i>Practicing with an invasive tool (Credo Blade) .....</i>	<i>200</i>	<i>500</i>	<i>Board</i>

*Cosmetology practitioner representing themselves as advanced or medical to the public* .....100      200      Board

**COSMETOLOGIST’S APPRENTICE**

Failure to display certificate of registration in plain view .....100      500

Failure to display a badge while working .....100      500

Working on the public without a supervising cosmetologist present .....500      1,000

**SUPERVISOR OF A COSMETOLOGIST’S *OR ELECTROLOGIST’S* APPRENTICE**

Allowing an apprentice to work if his certificate of registration is not displayed in plain view .....100      500

Allowing an apprentice to work if he is not wearing his badge .....100      500

*Supervisor accepting monetary compensation for supervising apprentice* .....500      1,000      Board

**SCHOOL ESTABLISHMENT**

*Failure to have sufficient instructors or improper use of Provisionally Licensed Instructors or Student Instructors to meet requirements of NRS 644.395* .....200      500      Board

*Allowing unsanitary conditions and/or using unsafe equipment that is damaged or in need of repair* .....200      500      Board

2. A licensee ~~or a person registered to do threading~~ who violates a provision of NAC 644.307 to [644.355] 644.365, inclusive, will be fined not more than \$100 for the first violation.

3. A person who violates a provision of this chapter or chapter 644 of NRS for which this section does not provide a specific fine, including, without limitation, a second or subsequent violation, may be:

- (a) Ordered to appear at a disciplinary hearing before the Board; and
- (b) Punished by the Board as set forth in NRS 644.430.