

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

LCB File No. R117-10

October 15, 2010

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

AUTHORITY: §§1-3, NRS 644.110; §4, NRS 644.110, 644.217 and 644.2175; §5, NRS 644.110 and 644.2175; §6, NRS 644.110 and 644.400; §7, NRS 644.110 and 644.120; §8, NRS 644.110 and 644.430.

A REGULATION relating to cosmetology; prohibiting a cosmetologist or electrologist from accepting compensation for supervising and training an apprentice; revising requirements to receive a certificate of registration as a cosmetologist's apprentice; imposing fines for certain violations of the standards relating to the practices and instruction of cosmetology and electrology; making various other changes relating to the practices of cosmetology and electrology; 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. *A cosmetologist shall not accept compensation from a cosmetologist's apprentice to supervise and train the cosmetologist's apprentice.*

Sec. 3. *An electrologist shall not accept compensation from an electrologist's apprentice to supervise and train the electrologist's apprentice.*

Sec. 4. 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 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 or her place of residence to attend a licensed school of cosmetology;

~~(3)~~ (2) Is not less than 16 years of age at the time of application;

~~(4)~~ (3) Is of good moral character; and

~~(5)~~ (4) 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 or she 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.

Sec. 5. 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 or her 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); *and*

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

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

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

(2) Which is the same establishment referred to in the owner's statement of permission and the owner's statement that he or she has received written approval from the Board that were submitted with the application for a certificate of registration pursuant to subsection 3 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. 6. NAC 644.215 is hereby amended to read as follows:

644.215 A school of electrology shall register each student with the Board within 45 days after the student has enrolled in the 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]~~ *electrology* and is requesting to receive credit for courses taken at another school of ~~[cosmetology]~~ *electrology*, 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 the student's birth certificate, passport or voter registration card issued pursuant to the provisions of NRS 293.517;
6. An affidavit stating that the student has successfully completed at least the 10th grade in high school or its equivalent;
7. If applicable, proof of any name change of the student;
8. If applicable, a copy of the validation of foreign documentation required under subsection 3 of NAC 644.124; and
9. Any other information required by the Board.

Sec. 7. NAC 644.365 is hereby amended to read as follows:

644.365 In each cosmetological establishment or school of cosmetology:

1. A licensee shall not ~~massage any client~~ *perform a cosmetological service* 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.

Sec. 8. 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:

Violation	First Offense	Second Offense	Third Offense
COSMETOLOGICAL ESTABLISHMENT			
Operating an establishment without a license.....	\$1,000	\$1,500	\$2,000
Operating an establishment with an expired license.....	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	

Violation	First Offense	Second Offense	Third Offense
<i>Allowing in the work area any instrument, tool or other device with a sharp edge, blade or point that is used to remove a callus in violation of paragraph (e) of subsection 1 of NAC 644.368.....</i>			
	<i>100</i>	<i>200</i>	
SCHOOL OF COSMETOLOGY			
<i>Failure to satisfy the requirements of NRS 644.395.....</i>	<i>200</i>	<i>500</i>	
<i>Failure to keep equipment clean and in good repair as required pursuant to NAC 644.325.....</i>	<i>200</i>	<i>500</i>	
<i>Failure to comply with any provision of NAC 644.310 to 644.365, inclusive</i>	<i>200</i>	<i>500</i>	
COSMETOLOGIST OR OTHER LICENSED NATURAL PERSON			
Practicing 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>Performing an invasive procedure in violation of the provisions of NAC 644.368</i>	<i>200</i>	<i>500</i>	

Violation	First Offense	Second Offense	Third Offense
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Using the terms “advanced” or “medical” in connection with any description of a person’s practice in any branch of cosmetology or otherwise holding the person out to the public as an advanced or medical practitioner of any branch of cosmetology in violation of subsection 3 of NAC 644.711 100 200

COSMETOLOGIST’S APPRENTICE

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

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

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

SUPERVISOR OF A COSMETOLOGIST’S APPRENTICE *OR AN*

ELECTROLOGIST’S APPRENTICE

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

Allowing an apprentice to work if the apprentice is not wearing his or her badge 100 500

Accepting compensation to train and supervise an apprentice in violation of section 2 or 3 of this regulation 500 1,000

Violation	First Offense	Second Offense	Third Offense
ANY PERSON			
Practicing without a license or certificate	1,000	1,500	2,000
Copying or altering a license or certificate	200	500	
Using a copied or altered license or certificate for purposes of fraud, deception, misrepresentation or other illegal purpose	1,000		

2. ~~[A]~~ *Except as otherwise provided in subsection 1, a* licensee 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.