

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14A .0104

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please add a comma before and after "Suite 209"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 **21 NCAC 14A .0104 ADDRESS IS AMENDED AS PUBLISHED IN 35:21 NCR 2366 FOR**
2 **AMENDMENT AS FOLLOWS:**

3 **21 NCAC 14A .0104 ADDRESS**

4 The address for the board is ~~1207-110 Front Street, Raleigh, North Carolina 27609~~. 121 Edinburgh South Drive
5 Suite 209 Cary, North Carolina 27511.

6
7 *History Note: Authority G.S. 88-23;*
8 *Eff. February 1, 1976;*
9 *Amended Eff. September 1, 2021; January 1, 2015; August 1, 1998; December 6, 1991; January*
10 *1, 1989; April 1, 1988;*
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
12 *13, 2015.*

13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14A .0404

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Is (a) also applicable to civil penalties?

In (a), S.L. 2019-77 amended G.S. 25-3-506 to allow for a processing fee not to exceed \$35.00, rather than \$25.00. Is the intent of this rule to track G.S. 25-3-506?

In (a), line 5, please add a comma after "money order"

In (b), line 7, by "GS88B" do you mean "GS 88B-20"? If you want to include the entire Act, please change this to "Chapter 88B of the North Carolina General Statutes"

In (c), please change "will not" to "shall not"

In (c), is there a cross reference available regarding the civil penalties?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 **21 NCAC 14A .0404 IS AMENDED AS PUBLISHED IN 35:21 NCR 2366 AS FOLLOWS:**

2 **21 NCAC 14A .0404 FEES**

3 (a) Fees paid by personal checks that are returned for any reason shall be treated in the same manner as though no
4 fee had been tendered and the bank's returned check fee not to exceed twenty five dollars (\$25.00) shall be assessed
5 to the account holder. All subsequent payments must be submitted via credit card, money order or certified check.

6 (b) All moneys tendered in payment of fees shall be in the exact amount required for said fees. No part of a fee
7 submitted to the Board per GS88B shall be refundable.

8 (c) Licenses, certifications, duplicates, inactivations, or reactivations will not be processed until all fees and
9 assessed civil penalties are paid in full.

10

11 *History Note: Authority G.S. 25-3-506; 88B-2; 88B-4;*

12 *Eff. September 1, 2012;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
14 *13, 2015;*

15 *Amended Eff. September 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0403

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (v), please add a comma after "cleaners"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 **21 NCAC 14H .0403 IS AMENDED AS PUBLISHED IN 35:21 NCR 2366 AS FOLLOWS:**

2 **21 NCAC 14H .0403 DISINFECTION PROCEDURES**

3 (a) Disinfectant, as applicable in this Subchapter, is defined as a disinfectant that is EPA registered as effective
4 against:

- 5 (1) bacteria including Staphylococcus aureus, MRSA and pseudomonas aeruginosa;
- 6 (2) viruses including HIV, Hepatitis B and C;
- 7 (3) fungi including Trichophyton mentagrophytes; and
- 8 (4) human coronavirus.

9 (b) Disinfectants that meet the requirements of Subparagraph (a)(1), (2), and (3) of this Rule may be used if they are
10 listed on EPA list N as effective against pathogen SARS-CoV-2.

11 (c) Infection Control rules that apply to towels and cloths are as follows:

- 12 (1) clean protective capes, drapes, linens, and towels shall be used for each patron;
- 13 (2) after a protective cape has been in contact with a patron's neck it shall be placed in a clean, closed
14 container until laundered with soap and hot water and dried in a heated dryer. Capes that cannot be
15 laundered and dried in a heater dryer may be disinfected in accordance with the manufacturer
16 directions; and
- 17 (3) after a drape, linen, or towel has been in contact with a patron's skin it shall be placed in a clean,
18 covered container until laundered with soap and hot water and dried in a heated dryer. A covered
19 container may have an opening so soiled items may be dropped into the container.

20 (d) Any paper or nonwoven protective drape or covering shall be discarded after one use.

21 (e) There shall be a supply of clean protective drapes, linens and towels at all times. Wet towels used in services
22 must be prepared fresh each day. Unused, prepared wet towels must be laundered daily.

23 (f) Clean drapes, capes, linens, towels and all other supplies shall be stored in a clean area.

24 (g) Bathroom facilities must be kept clean.

25 (h) All implements shall be cleaned and disinfected after each use in the following manner:

- 26 (1) They shall be washed with warm water and a cleaning solution and scrubbed to remove debris and
27 dried.
- 28 (2) They shall be disinfected with either:
 - 29 (A) disinfectant that is mixed and used according to the manufacturer's directions. They shall
30 be rinsed with hot tap water and dried with a clean towel before their next use. They shall
31 be stored in a clean, closed cabinet or container until they are needed; or
 - 32 (B) by UV-C, ultraviolet germicidal irradiation used in accordance with the manufacturer's
33 directions.
- 34 (3) If the implement is shears, a razor, not immersible, or is not disinfected by UV-C irradiation, it
35 shall be cleaned by wiping it with a clean cloth moistened or sprayed with a disinfectant used in
36 accordance with the manufacturer's directions.

37 (i) All disinfected non-electrical implements shall be stored in a clean, closed cabinet or clean, closed container.

- 38 (j) All disinfected electrical implements shall be stored in a clean area separate from other clean implements.
- 39 (k) Disposable and porous implements and supplies must be discarded after use or upon completion of the service.
- 40 (l) Product that comes into contact with the patron must be discarded upon completion of the service.
- 41 (m) Containers with open faces may be covered or closed with plastic wrapping. Disinfected implements must not
42 be stored with any implement or item that has not been disinfected.
- 43 (n) Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.
- 44 (o) All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin must be
45 kept in clean, closed containers, and must conform in all respects to the requirements of the Federal Food, Drug, and
46 Cosmetic Act as set forth in PL 75-717.52 accessible at www.fda.gov. Any product apportioned for use and
47 removed from original containers must be distributed in a sanitary manner that prevents contamination of product or
48 container. Any product dispensed in portions into another container must be dispensed into a clean container and
49 applied to patrons by means of a disinfected or disposable implement or other clean methods. Any product
50 dispensed in portions not dispensed into another container must be used immediately and applied to patrons by
51 means of a disinfected or disposable implement or other clean methods. No product dispensed in portions may be
52 returned to the original container.
- 53 (p) As used in this Rule whirlpool or footspa means any basin using circulating water.
- 54 (q) After use by each patron each whirlpool or footspa must be cleaned and disinfected as follows:
- 55 (1) all water must be drained and all debris removed from the basin;
- 56 (2) the basin must be disinfected by filling the basin with water and circulating a surfactant or
57 enzymatic soap with a disinfectant used according to manufacturer's instructions through the unit
58 for 10 minutes;
- 59 (3) the basin must be drained and rinsed with clean water; and
- 60 (4) the basin must be wiped dry with a clean towel.
- 61 (r) At the end of the day each whirlpool or footspa must be cleaned and disinfected as follows:
- 62 (1) the screen must be removed and all debris trapped behind the screen removed;
- 63 (2) the screen and the inlet must be washed with surfactant or enzymatic soap or detergent and rinsed
64 with clean water;
- 65 (3) before replacing the screen it must be totally immersed in disinfectant in accordance to the
66 manufacturer's instructions;
- 67 (4) the inlet and area behind the screen must be cleaned with a brush and surfactant soap and water to
68 remove all visible debris and residue; and
- 69 (5) the spa system must be flushed with low sudsing surfactant or enzymatic soap and warm water for
70 at least 10 minutes and then rinsed and drained.
- 71 (s) A record must be made of the date and time of each cleaning and disinfecting as required by this Rule including
72 the date, time, reason, and name of the staff member who performed the cleaning. This record must be made for
73 each whirlpool or footspa and must be kept and made available for at least 90 days upon request by either a patron
74 or inspector.

- 75 (t) The water in a vaporizer machine must be emptied daily and the unit disinfected daily after emptying.
- 76 (u) The area where services are performed that come in contact with the patron's skin including treatment chairs,
77 treatment tables, and beds shall be disinfected between patrons.
- 78 (v) A manufacturers label for all products, cleaners and disinfectant concentrate must be available at all times. If a
79 concentrate bottle is emptied, it must remain available until a new bottle is available.
- 80 (w) When mixed disinfectant concentrate is placed in a secondary container such as a spray bottle, tub or jar, that
81 container must be labeled to indicate what chemical is in the container. SDS sheets must be available for all
82 disinfectants in use at all times.
- 83 (x) Disinfectants must be stored and disposed of in accordance with all local, State, and federal requirements.
- 84 (y) The cabinet and supplies of a towel warmer machine must be emptied daily and the unit dried daily after
85 emptying.

86

87 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14;*

88 *Eff. April 1, 2012;*

89 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
90 *13, 2015;*

91 *Amended Eff. September 1, 2021; September 1, 2020; October 1, 2019; March 1, 2018.*

1 **21 NCAC 14T .0201 IS AMENDED AS PUBLISHED IN 35:21 NCR 2371 PROPOSED FOR AMENDMENT**
2 **AS FOLLOWS:**

3 **SECTION .0200 - PHYSICAL REQUIREMENTS FOR COSMETIC ART SCHOOLS**
4

5 **21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS**

6 (a) Cosmetology schools must have the following physical departments:

- 7 (1) Practice Department – a minimum of 200 square feet with a table or tables and or stands to
8 accommodate at least 10 students and have at least 40 inches between each mannequin. Cosmetic
9 art schools must provide an additional 5 square feet in the practice department for each student
10 over the maximum of 10. This area shall have at least one mirror of a minimum of two square feet.
- 11 (2) Clinic Department – the clinic floor for performance of all cosmetic art services. Within the clinic
12 area each school shall have:
 - 13 (A) 48 inches of space from the center to the center of each styling chair, esthetics table or
14 manicuring table;
 - 15 (B) 24 inches from the center of the chair forward;
 - 16 (C) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or
17 manicuring table; and
 - 18 (D) at least 30 inches of space from the back of each styling chair, esthetics table to the wall
19 of the school.
- 20 (3) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all
21 implements and a sink with hot and cold running water. All cosmetic art schools must have the
22 required equipment to carry out disinfection procedures per 21 NCAC 14H .0403 and .0404;
- 23 (4) Theory classroom – classroom with a minimum of 300 square feet to accommodate a maximum of
24 25 students. Cosmetic art schools must provide an additional 8 square feet in the theory classroom
25 for each student over the maximum of 25;
- 26 (5) Office – administrative office for the secure and locked facilitation of student records and files.
27 This office shall be outfitted with a minimum of one desk and one chair;
- 28 (6) Reception area – a reception area for clients to wait prior to receiving services;
- 29 (7) Break room for student use;
- 30 (8) Restrooms for student and public use;
- 31 (9) Locker or dressing room – a locker or room for students to secure and lock personal belongings
32 throughout the day; and
- 33 (10) All stations as defined in Rule .0302 of this Subchapter must be numbered numerically.

34 (b) Manicuring, esthetics and natural hair care schools must have the following physical departments:

- 35 (1) Clinic Department – the clinic floor for performance of all cosmetic art services. Within the clinic
36 area each school shall have:

- 37 (A) 48 inches of space from the center to the center of each styling chair, esthetics table or
38 manicuring table;
- 39 (B) 24 inches from the center of the chair forward;
- 40 (C) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or
41 manicuring table; and
- 42 (D) at least 30 inches of space from the back of each styling chair or esthetics table to the
43 wall of the school.
- 44 (2) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all
45 implements and a sink with hot and cold running water. All cosmetic art schools shall have the
46 required equipment to carry out disinfection procedures per 21 NCAC 14H .0403 and .0404;
- 47 (3) Theory classroom – a room or area with equipment for theory training appropriate to both
48 practical and theory learning including desks and chairs.
- 49 (4) Office – administrative office for the secure and locked facilitation of student records and files.
50 This office shall be outfitted with a minimum of one desk and one chair;
- 51 (5) Reception area – a reception area for clients to wait prior to receiving services;
- 52 (6) Break room for student use;
- 53 (7) Restrooms for student and public use;
- 54 (8) Locker or dressing room – a locker or room for students to secure and lock personal belongings
55 throughout the day; and
- 56 (9) All stations as defined in Rule .0304 of this Subchapter must be numbered numerically.
- 57 (c) Each cosmetic art school must display a sign in the reception area. The sign cannot be smaller than 12 inches by
58 18 inches, with lettering at least one and one half inches in size and must read as follows: "Cosmetic Art School
59 Work Done Exclusively by Students."
- 60 (d) Each of the requirements listed within this Rule must be located within the same building with the exception of
61 the theory classroom which may be located in an adjacent building or another building within 500 feet of the main
62 cosmetic art building and a proctored examination center, which may be located on the school campus. Theory
63 classrooms located in an adjacent building or another building within 500 feet of the main cosmetic art building
64 shall not be used for student practice.
- 65 (e) All Cosmetic Art schools must post hours of operation per cosmetic art discipline and submit this information to
66 the Board. Any changes to the hours of operation must be posted and submitted to the Board. A school shall be
67 considered open by the Board when cosmetic art instruction, services or performances are provided.
- 68 (f) Cosmetic art schools may not offer student hours or performances unless they are in compliance with Paragraph
69 (a) of this Rule.
- 70 (g) All cosmetic art schools must adhere to any federal, state and local government regulation or ordinance
71 regarding fire safety codes, plumbing and electrical work.
- 72 (h) All cosmetic art schools must maintain a ventilation system with temperature control. During school operating
73 hours the temperature must be maintained between 60 and 85 degrees Fahrenheit.

- 74 (i) All equipment in cosmetic art schools shall be in working order; kept in repair; and installed in such a manner as
75 to facilitate usage.
- 76 (j) All cosmetic art school buildings shall be maintained. Maintenance includes the safe and working condition of
77 the physical building, furniture, equipment and supplies.
- 78 (k) All cosmetic art schools must maintain a bulletin board in sight of the clinic floor. The bulletin board shall be
79 used to display at all times the Board Infection Control rules in 21 NCAC 14H .0200, .0300, .0400, and .0500 and
80 the sanitation grade card issued to the school.
- 81 (l) All cosmetic art schools must post together the school letter of approval, the school license and all cosmetic art
82 licenses issued to the teachers on staff.
- 83 (m) Each room in a cosmetic art school must be labeled according to its assigned purpose.
- 84 (n) Each theory classroom shall be equipped with desks or chairs suitable for classroom work and one chair suitable
85 for demonstrating cosmetic art practices.
- 86 (o) When a school and a shop are under the same ownership:
- 87 (1) separate operation of the shop and school shall be maintained;
- 88 (2) if the school and shop are located in the same building, they must be separated by a solid wall of at
89 least seven feet in height; separate entrances and visitor reception areas shall be maintained; and
- 90 (3) the school and shop shall have separate public information releases, advertisements, names and
91 advertising signs.
- 92 (p) A cosmetic art school must maintain space and equipment appropriate to both practical and theory learning
93 including desks and chairs, and station requirements so that each student in attendance has a location within which
94 to complete assigned tasks. Each station or desk space shall be designated for only one student at a time.

95

96 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*
97 *Eff. January 1, 2012;*
98 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
99 *13, 2015;*
100 *Amended Eff. September 1, 2021; October 1, 2019; January 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0502

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(6), please end "evaluation plans" with a period, rather than a semi-colon. Please also change "should" to "shall." I note that it appears as though there is new language in this Sub-paragraph that has not been tracked. Please be sure to underline all new language.

In (a)(7), please change "should" to "shall"

Please end (a)(7) with a semi-colon, as opposed to a period.

Please delete the "and" at the end of (b)(2) and move it to the end of (b)(3).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 **21 NCAC 14T .0502 IS AMENDED AS PUBLISHED IN 35:21 NCR 2369 AS FOLLOWS:**

2 **21 NCAC 14T .0502 PERMANENT RECORDS, FORMS AND DOCUMENTATION**

3 (a) Cosmetic art schools must maintain locked storage for the permanent files of all enrolled students and students
4 who have withdrawn or graduated together in one room within the approved square footage of the cosmetic art
5 school. Withdrawal and graduation forms reviewed by the Board or an agent of the Board may be removed from this
6 room. The permanent file shall include a copy of:

- 7 (1) Board Enrollment Form;
- 8 (2) Documentation of student receipt of evaluation plans, school policies, school and student contract;
9 the Board Infection Control rules as set forth in 21 NCAC 14H .0200, .0300, .0400, and .0500 and
10 21 NCAC 14I .0401, and 21 NCAC 14T .0703.
- 11 (3) All Board Withdrawal Forms;
- 12 (4) Social security card for any individual who has a social security number or tax ID card or student
13 visa information;
- 14 (5) Government issued photo ID and proof of date of birth;
- 15 (6) Grades for all examinations and performance evaluation plans; performance evaluation plans
16 should be dated, graded, and signed by a teacher; along with documentation for pass
17 performances;
- 18 (7) Documentation for any leave of absence over 30 ~~days;~~ days. Documentation should include an
19 anticipated return date and updated notes every 30 days if the return date exceeds the anticipated
20 return date.
- 21 (8) Transfer of hours form documenting hours earned in other schools and hours accepted by current
22 school; and
- 23 (9) Graduation Form.

24 (b) The school shall keep onsite, records of hours earned daily including field trip hours and documentation of field
25 trip hours updated with a running grand total, as well as a total of the following through the prior week:

- 26 (1) A daily record of the actual number of hours of attendance;
- 27 (2) A daily record of the actual number of hours and educational achievements completed via online;
28 and
- 29 (3) An updated Performance evaluation plan Record showing the actual date of the performance and
30 the teacher who approved the ~~performance.~~ performance evaluation plan;
- 31 (4) A record of hours and subtotaled weekly.

32 (c) When a student enrolled in a cosmetic art school withdraws from the school, the cosmetic art school shall report
33 the withdrawal to the Board.

34 (d) If a student withdraws from a cosmetic art discipline within the first five days, the school need not submit the
35 enrollment to the Board. The unsubmitted enrollment must be maintained in the student file until reviewed by the
36 Board or an agent of the Board after which, it may be removed.

- 37 (e) The graduation form documentation must be signed by on site school staff or on site school administrators and
38 must have the seal of the school affixed. The original graduation form documentation must be prepared on the Board
39 form and shall indicate that the applicable requirement of this Chapter have been met. The cosmetic art school shall
40 mail the graduation form to the Board at the Board's address set forth in Rule 14A .0104 or submit the graduation
41 form via the Board's school documents portal at www.ncccosmeticarts.com within 30 days of the student's graduation
42 date.
- 43 (f) All forms submitted to the Board must be sealed originals or a digital scan of sealed originals and a copy shall be
44 maintained in the school permanent file storage. Except for student signatures, all forms submitted to the Board must
45 be completed by on site school staff or on site school administrators. Board forms shall be used for the sole purpose
46 of documenting to the Board student records and shall not be used to notify students of enrollment, transfer of hours,
47 withdrawal, or graduation.
- 48 (g) Changes or corrections made by the school to any Board form must be submitted to the Board with supporting
49 documentation.
- 50 (h) All cosmetic art schools must maintain on file at the school an original daily record of enrolled students' hours
51 and performances. This record must be kept in a secured location under lock and key but made available for review
52 by the Board or its agent at any time.
- 53 (i) All records kept by a cosmetic art school on a student who has withdrawn or graduated must be kept in the
54 school's locked files for future reference until the date the student is accepted for the Board examination or five
55 years after the date the student first enrolled in the school, whichever occurs earlier. Forms reviewed by the Board or
56 an agent of the Board may be removed from this room.
- 57 (j) The record of all hours and ~~performances~~ performance evaluation plans must be documented in writing. Credit
58 issued to students that cannot be verified shall be eliminated from the student record by an agent of the Board.
- 59 (k) Access to student records must be limited to agents of the Board, teachers, and administrators of the school.
60 Records shall not be altered offsite. Records that are altered must be altered onsite and must have documentation
61 supporting the change attached. The format, school name, and school code on Board forms cannot be altered.
- 62 (l) All individuals in a cosmetic art school receiving cosmetic art education, earning hours, or performing or
63 practicing cosmetic art services must be enrolled in the school.
- 64 (m) Only teachers reported to the Board as employees of a cosmetic art school may grade practical student
65 examinations and evaluate pass or fail of student performances. Only on site teachers, on site school administrators,
66 or on site school staff shall record student hours and performances, grade examinations, and determine completion
67 and record credit of live model and mannequin performances.
- 68 (n) Minimum scores required for examinations and the successful completion of live model and mannequin
69 performances as determined through the school's evaluation plan that is approved by the Board at the time of
70 application shall be disclosed to students at the time of enrollment. Teachers must use the evaluation plan approved
71 by the Board to assess student competency. Passing grades and performances shall not be credited to students who
72 fail to meet the requirements of the evaluation plan.

73 (o) Cosmetic art schools must provide to each student a copy of school policies and 21 NCAC 14I .0401. The
74 school shall retain for the permanent file a copy of the student's acknowledgement of receipt of these documents.

75 (p) The names of students with unsatisfied academic obligations shall not be submitted to the Board as graduates
76 but may be submitted as withdrawn.

77 (q) Cosmetic art schools shall not report to the Board the unsatisfied financial obligations of any cosmetic art
78 student. Cosmetic art schools shall not prevent the graduation of students who have met the Board minimum
79 requirements and passed all school academic requirements.

80 (r) Records of hours must be rounded to no more than the nearest quarter hour. Cosmetic art schools shall not give
81 or deduct hours or performances as rewards or penalties.

82 (s) An applicant shall receive credit for instruction taken in another state if the applicant's record is certified by the
83 state agency or department that issues licenses to practice in the cosmetic arts. If this agency or department does not
84 maintain any student records or if the state does not give license to practice in the cosmetic arts, then the records
85 may be certified by any state department or state agency that does maintain such records and is willing to certify
86 their accuracy. If no state department or board will certify the accuracy of the student's records, then the Board shall
87 review the student's records for validity on a case-by-case basis using the documentation provided by the student.

88 (t) Hours transferred between open North Carolina schools must be obtained by the submission of the Board
89 transfer form mailed directly from the school in which the hours are earned with the school seal affixed, with grades
90 for examinations and performances to the new school in which a student enrolls. Such original documentation shall
91 be submitted to the Board with enrollment. Transfer forms shall include the following:

- 92 (1) Student name and social security number;
- 93 (2) School code;
- 94 (3) Course type and total number of live model and mannequin service performances;
- 95 (4) Enrollment date and last date of attendance;
- 96 (5) Number of hours and minutes completed;
- 97 (6) School owner name and signature; and
- 98 (7) School seal.

99 (u) A student must pass an entrance examination including mannequin evaluations given by the school to which the
100 student is transferring for the hours to be transferred from one cosmetic art school to another.

101

102 *History Note: Authority G.S. 88B-4; 88B-16;*

103 *Eff. January 1, 2012;*

104 *Amended Eff. January 1, 2014; June 1, 2013;*

105 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
106 *13, 2015;*

107 *Amended Eff. September 1, 2021; September 1, 2020; October 1, 2019; December 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0616

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), please consider changing "any other provision of the rules in this Subchapter" to "any other Rule in this Subchapter"

In (a), line 6, please consider changing "before the Board may accept an application" to "before an applicant may reapply" to more closely track the statute.

In (c), are these the additional hours required in Paragraph (a)? If so, please make that clear.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 **21 NCAC 14T .0616 IS AMENDED AS PUBLISHED IN 35:21 NCR 2370 AS FOLLOWS:**

2 **21 NCAC 14T .0616 ADDITIONAL HOURS**

3 (a) Notwithstanding any other provision of the rules in this Subchapter, pursuant to G.S. 88B-18(d) a cosmetologist,
4 apprentice, esthetician, manicurist, natural hair care specialist, or teacher candidate who has failed either section of
5 the examination three times, shall complete the following amounts of study at an approved cosmetic art school
6 before the Board may accept an application:

- 7 (1) Cosmetologist ~~200~~ 100 hours;
- 8 (2) Apprentice ~~150~~ 75 hours;
- 9 (3) Esthetician ~~80~~ 40 hours;
- 10 (4) Manicurist ~~40~~ 20 hours;
- 11 (5) Natural Hair Care Specialist ~~40~~ 20 hours; and
- 12 (6) Teacher:
 - 13 (A) cosmetology 100 hours;
 - 14 (B) esthetician 80 hours; and
 - 15 (C) manicurist 40 hours.

16 (b) Schools shall evaluate students returning to complete additional hours in accordance with Paragraph (a) of this
17 Rule and shall provide remedial assistance or training in the areas of deficiency.

18 (c) Additional hours may be completed through online study or instruction.

19

20 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17; 88B-18;*

21 *Eff. January 1, 2012;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
23 *13, 2015;*

24 *Amended Eff. September 1, 2021; August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0706

DEADLINE FOR RECEIPT: Tuesday, August 10, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), did you also intend to delete "or"?

In (a), please remove the comma after "...art school changes"

In (a), please add a comma after "lease" and "or otherwise"

In (a), please change "a new approval application is required" to say who shall do what. Do you mean something like "the person operating the school shall submit a new application for approval in accordance with Rule .0102 of this Subchapter"?

In (b), please add commas after "square footage" on lines 8 and 10.

In Paragraph (d), please provide the cross-reference for the document storage requirements. By "schools must make provisions...", do you mean "schools shall comply with the document storage requirements set forth in this Subchapter"?

In (f), please begin a new sentence with "an inspection..." Also, do you mean something like "the school shall allow the Board to verify the change"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: July 27, 2021

1 **21 NCAC 14T .0706 IS AMENDED AS PUBLISHED IN 35:21 NCR 2371 FOR AMENDMENT AS**
2 **FOLLOWS:**

3 **21 NCAC 14T .0706 SCHOOL APPROVAL CHANGES AND SCHOOL CLOSING**

4 (a) If the ~~square footage, instructional layout~~ or location of a cosmetic art school changes, or if there is a transfer of
5 majority ownership of a cosmetic art school, whether by sale, lease or otherwise a new approval application is
6 required.

7 (b) License and letters of approval issued to cosmetic art schools are not transferrable, and are valid only for the
8 location, square footage and enrollment capacity for which issued, and to the owner to whom issued. The letter of
9 approval shall contain the school name, school owner name, school location, date of approval, the signature of the
10 Board members, the amount of approved square footage and the maximum number of enrollments for which the
11 school has been approved.

12 (c) Schools intending to close must notify the Board not less than 30 days in advance.

13 (d) Schools must make provisions for the long term storage of school documents, and facilitate the retrieval of any
14 school documents upon the request of a student or the Board. Schools shall notify the Board of the contact
15 information for retrieval of any school information.

16 (e) Schools must facilitate and cooperate in the final inspection and processing of student hours.

17 (f) If the square footage or instructional layout of a cosmetic art school changes the school shall notify the Board of
18 the change and submit a diagram of the new instructional layout, an inspection shall be scheduled to verify the
19 change.

20

21 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*

22 *Eff. January 1, 2012;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
24 *13, 2015;*

25 *Amended Eff. September 1, 2021.*