

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14A .0401**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

What is the purpose of the sentence on lines 12 through 14? It seems disconnected and unnecessary.

Line 16, add 93B-15.1 to the authority

Please note that G.S. 93B-15.1 is subject to a change that may become effective January 1, 2015: <http://www.ncleg.net/Sessions/2013/Bills/Senate/PDF/S761v2.pdf>

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14A .0401 LICENSE WAIVER FOR ARMED FORCES IS AMENDED AS PUBLISHED IN**
2 **NC REGISTER 28:12 AS FOLLOWS:**

3
4 **SECTION .0400 - LICENSE ~~RENEWAL~~ WAIVER FOR ARMED FORCES**

5
6 **21 NCAC 14A .0401 LICENSE ~~RENEWAL~~ WAIVER FOR ARMED FORCES**

7 (a) Licensees in good stand standing and serving in the armed forces of the United States or spouse of an individual in
8 good standing and serving in the armed forces of the United States are allowed an extension on license renewal payment
9 and required continuing education hours as permitted G.S. 93B-15.

10 (b) Individuals holding current and valid licensure as determined by G.S. 93B-15.1 may apply for licensure with the
11 Board by providing a copy of the current and valid license along with a the license application, fees and documentation of
12 military training. If the individual was not trained by the military, the individual may submit an original, unopened
13 license certification from the Board with which he or she is licensed along with the Board license application a copy of
14 the out of state license and the license fees.

15
16 *History Note: Authority G.S. 93B-15;*
17 *Eff. June 1, 2010-2010;*
18 *Amended Eff. August 1, 2014.*
19

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14B .0504**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Add line numbers for this Rule.

Correct line spacing to 1.5

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

21 NCAC 14B .0504 ISSUANCE OF DECLARATORY RULING IS REPEALED AS PUBLISHED IN NC REGISTER 28:12 AS FOLLOWS:

21 NCAC 14B .0504 ISSUANCE OF DECLARATORY RULING

*History Note: Authority G.S. 150B-17;
 Eff. February 1, 1976;
 Repealed Eff. August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14H .0401**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6, swap the terms "students" and "licensees" to be consistent with the title and the remaining text of the rule. The sentence would read, with the changes reflected in accordance with Rule 26 NCAC 02C .0405: "this Rule applies to licensees and students"

Lines 10 and 19, replace "must" with "shall"

Lines 11 through 17, and 20 through 34, begin the list items with lowercase letters

Line 12, add a comma after "corns"

Lines 14 and 32, what are the "FDA rated Class...devices"? Are these commonly known? Is there an outside standard that should be incorporated? Please note that this phrase as used in this Rule does capitalize "Class" and as used in Rule 14H .0505, the term "class" is not capitalized. Please be consistent.

Line 16, add a comma after "birds"

Line 20, add a comma after "implement"

Line 21, add a comma after "implement's"

Line 22, when would a licensee or student provide a diagnosis after referral by a physician? This language seems unclear and unnecessary

Line 27, add a comma after "raised"

Page 2, line 6, please correct the order of the history notice in accordance with Rule 26 NCAC 02C .0108(8)(f).

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14H .0401 LICENSEES AND STUDENTS IS AMENDED AS PUBLISHED IN NC**
2 **REGISTER 28:12 AS FOLLOWS:**

3 **SECTION .0400 - SANITATION PROCEDURES AND PRACTICES**
4

5 **21 NCAC 14H .0401 LICENSEES AND STUDENTS**

6 (a) Notwithstanding Rule .0201 in this Subchapter, this Rule applies to students and licensees in practice in
7 cosmetic art schools and shops. Each licensee and student shall wash his or her hands with soap and water or an
8 equally effective cleansing agent immediately before and after serving each client.

9 (b) Each licensee and student shall wear clean garments and shoes while serving patrons.

10 (c) Licensees or students must not use or possess in a cosmetic art school or shop any of the following:

- 11 (1) Methyl Methacrylate Liquid Monomer a.k.a. MMA;
- 12 (2) Razor-type callus shavers designed and intended to cut growths of skin including skin tags, corns
13 and calluses;
- 14 (3) FDA rated Class III devices;
- 15 (4) Carboic acid (phenol) over two percent strength;
- 16 (5) Animals including insects, fish, amphibians, reptiles, birds or mammals to perform any service; or
- 17 (6) A variable speed electrical nail file on a natural nail unless it has been designed for use on a
18 natural nail.

19 (d) A licensee or student must not:

- 20 (1) Use any product, implement or piece of equipment in any manner other than the product's,
21 implement's or equipment's intended use as described or detailed by the manufacturer;
- 22 (2) Diagnose any medical condition or treat any medical condition unless referred by a physician;
- 23 (3) Provide any service unless trained prior to performing the service;
- 24 (4) Perform services on a client if the licensee has reason to believe the client has any of the
25 following:
 - 26 (A) ~~a contagious condition or disease; fungus, lice, or nits;~~
 - 27 (B) an inflamed, infected, broken, raised or swollen skin or nail tissue in the area to be
28 worked on; or
 - 29 (C) an open wound or sore in the area to be worked on;
- 30 (5) Alter or duplicate a license issued by the Board;
- 31 (6) Advertise or solicit clients in any form of communication in a manner that is false or misleading;
- 32 (7) Use any FDA rated Class II device without the documented supervision of a licensed physician;
- 33 (8) Use any product that will penetrate the dermis; or
- 34 (9) Make any statement to a member of the public either verbally or in writing stating or implying
35 action is required or forbidden by Board rules when such action is not required or forbidden by
36 Board rules. A violation of this prohibition is considered practicing or attempting to practice by
37 fraudulent misrepresentation.

1 (e) In using a disinfectant, the user shall wear any personal protective equipment, such as gloves, recommended by
2 the manufacturer in the Material Safety Data Sheet.

3

4 *History Note:* Authority G.S. 88B-2; 88B-4; 88B-14; 88B-24;

5 *Eff. April 1, 2012;*

6 *Amended Eff. March 1, ~~2013~~2013; August, 1, 2014*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14H .0504**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

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Line 4, capitalize the term "subchapter"

Throughout the chart, replace "must" with "shall". Beginning from the title row as row 1, "must" is in rows 7, 13, 17, 18, 19, 22, 23, and 24.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS IS AMENDED AS**
 2 **PUBLISHED IN NC REGISTER 28:12 AS FOLLOWS:**

3 **21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS**

4 The system of grading the sanitary rating of cosmetic art schools and shops based on the rules set out in this subchapter
 5 shall be as follows, setting out areas to be inspected and considered, and the maximum points given for compliance:

Sanitation	Point Value
Each licensee and student shall wash his or her hands with soap and water or an equally effective cleansing agent immediately before and after serving each client.	2
Each licensee and student shall wear clean garments and shoes while serving patrons.	2
The cosmetic art facility shall be kept clean.	3
Waste material shall be kept in receptacles with a disposable liner. The area surrounding the waste receptacles shall be maintained in a sanitary manner.	4
All doors and windows shall be kept clean.	2
Furniture, equipment, floors, walls, ceilings and fixtures must be clean and in good repair.	3
Clean protective capes, drapes, linens and towels shall be used for each patron.	3
After a cape, drape, linen or towel has been in contact with a patron's skin it shall be placed in a clean, closed container until laundered with soap and hot water and dried in a heated dryer.	5
Any paper or nonwoven protective drape or covering shall be discarded after one use.	2
There shall be a supply of clean protective drapes, linens and towels at all times.	2
Clean drapes, capes, linens and towels shall be stored in a clean area.	5
Bathroom facilities must be kept cleaned.	3
All implements shall be washed with warm water and a cleaning solution and scrubbed to remove debris and dried.	2
All implements shall be disinfected.	10
All disinfected electrical implements shall be stored in a clean area.	2
Disposable and porous implements and supplies must be discarded after use or upon completion of the service.	10
Any product that comes into contact with the patron must be discarded upon completion of the service.	3
Disinfected implements must be kept in a clean closed cabinet or clean closed container and must not be stored with any implement or item that has not been disinfected.	10
Lancets, disposable razors, and other sharp objects shall be disposed in puncture-resistant containers.	2 <u>1</u>
<u>The presence of animals or birds. Fish in an enclosure and animals trained for the purpose of accompanying disabled persons are exempt.</u>	<u>1</u>
All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin must be kept in clean, closed containers and dispensed in a sanitary manner. No product dispensed in portions may be returned to the container.	10
After each patron's use each whirlpool or footspa must be cleaned and disinfected.	10

The water in a vaporizer machine must be emptied daily and the unit disinfected daily.	2
The area where services are performed that come in contact with the patron's skin including chairs, tables and beds shall be disinfected between patrons.	3

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History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-26;
Eff. April 1, ~~2012-2012~~;
Amended Eff. August 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14H .0505**

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 6 through 7; 11 through 12; and 16 through 30, begin the list items with lowercase letters

Line 7, delete "but not limited to"

Line 8, add a comma after "corns"

Line 11, add a comma after "birds"

Line 16, add a comma after "implement"

Line 17, add a comma after "implement's"

Line 18, when would a licensee or student provide a diagnosis after referral by a physician? This language seems unclear and unnecessary

Line 30, what is the "FDA rated class II devices"? Are these commonly known? Is there an outside standard that should be incorporated? Please note that this phrase as used in this Rule does not capitalize "class" and as used in Rule 14H .0401, the term "Class" is capitalized. Please be consistent.

Lines 19, 20, 21, and 27, delete "or" at the end of the line

Line 20, why is this line higher in the order than line 33 of Rule 14H .0401. Is the location a concern?

Lines 24 through 26, why is the text in this Rule unchanged when lines 26 through 29 of Rule 14H .0401 has been amended? Is this creating inconsistent rules?

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Tuesday, June 24, 2014

Line 34, and page 2, lines 1, 3, 5, 9, 11, 13, 15, and 17, re-letter the paragraphs accordingly to reflect the deletions

Line 35, add a comma after "reason"

Page 2, line 9, delete "all" before "cosmetic"

Page 2, line 13, define or delete "safely"

Page 2, line 18, add a comma after "shop"

Page 2, line 18, is the "disciplinary hearing" before the Board? Is there a rule to cross-reference that provides notice of the hearing process? If so, please reference the rule.

Page 2, line 20, add 88B-29 to the statutory authority

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

1 **21 NCAC 14H .0505 RULE COMPLIANCE AND ENFORCEMENT MEASURES IS AMENDED AS**
2 **PUBLISHED IN NC REGISTER 28:12 AS FOLLOWS:**

3 **21 NCAC 14H .0505 RULE COMPLIANCE AND ENFORCEMENT MEASURES**

4 (a) The use of or possession of the following products or equipment in a school or shop shall result in civil penalty in the
5 amount of three hundred dollars (\$300.00) per container of product or piece of equipment:

- 6 (1) Methyl Methacrylate Liquid Monomer a.k.a. MMA; or
- 7 (2) Razor-type callus shavers designed and intended to cut growths of skin including but not limited to
8 skin tags, corns and calluses.

9 (b) The use of or possession of the following in a school or shop shall result in civil penalty in the amount of one
10 hundred dollars (\$100.00) per use or possession:

- 11 (1) Animals including insects, fish, amphibians, reptiles, birds or mammals to perform any service; or
- 12 (2) Variable speed electrical nail file on the natural nail unless it has been designed for use on the natural
13 nail.

14 (c) The action of any student or licensee to violate the Board rules in the following manner shall result in civil penalty in
15 the amount of one hundred dollars (\$100.00) per instance of each action:

- 16 (1) Use of any product, implement or piece of equipment in any manner other than the product's,
17 implement's or equipment's intended use as described or detailed by the manufacturer;
- 18 (2) Diagnosis of any medical condition or treatment of any medical condition unless referred by a
19 physician; or
- 20 (3) Use of any product that will penetrate the dermis; or
- 21 (4) Provision of any service unless trained prior to performing the service; or
- 22 (5) Performance of services on a client if the licensee has reason to believe the client has any of the
23 following:
 - 24 (A) a contagious condition or disease;
 - 25 (B) inflamed infected, broken, raised or swollen skin or nail tissue; or
 - 26 (C) an open wound or sore in the area to be worked on; or
- 27 (6) Alteration of or duplication of a license issued by the Board; or
- 28 (7) Advertisement or solicitation of clients in any form of communication in a manner that is false or
29 misleading; or
- 30 (8) Use of any FDA rated class II device without the documented supervision of a licensed physician.

31 ~~(d) The presence of animals or birds in a cosmetic art shop or school shall result in civil penalty in the amount of twenty-~~
32 ~~five dollars (\$25.00) per animal or bird. Fish in an enclosure and animals trained for the purpose of accompanying~~
33 ~~disabled persons are exempt.~~

34 (e) The failure to record the date and time of each cleaning and disinfecting of a footspa in a cosmetic art school or shop
35 as required by this Subchapter including the date, time, reason and name of the staff member who performed the cleaning
36 or the failure to keep or make such record available for at least 90 days upon request by either a patron or inspector shall
37 result in civil penalty in the amount of twenty-five dollars (\$25.00) per footspa.

1 (f) The failure to clean and disinfect a footspa in a cosmetic art shop or school as required by this Subchapter shall result
2 in civil penalty in the amount of one hundred dollars (\$100.00) per footspa.

3 (g) The failure to maintain in a cosmetic art shop and school antiseptics, gloves or finger guards, and sterile bandages
4 available to provide first aid shall result in civil penalty in the amount of twenty-five dollars (\$25.00) per item.

5 (h) The failure to maintain a sink with hot and cold running water in the clinic area, separate from restrooms, shall result
6 in civil penalty in the amount of one hundred dollars (\$100.00).

7 ~~(i) The failure to maintain a water supply within 20 feet of the door or 25 feet from the service table or chair shall result
8 in civil penalty in the amount of fifty dollars (\$50.00) per inspection occurrence.~~

9 (j) The failure to provide ventilation at all times in the areas where patrons are serviced in all cosmetic art shops shall
10 result in civil penalty in the amount of twenty-five dollars (\$25.00).

11 (k) The failure to effectively screen all doors and windows open for ventilation shall result in civil penalty in the amount
12 of twenty-five dollars (\$25.00).

13 (l) The failure to maintain equipment and supplies necessary to safely perform any cosmetic art service offered in the
14 shop shall result in civil penalty in the amount of one hundred dollars (\$100.00).

15 (m) The failure to maintain a sanitation grade of 80 percent or higher shall result in a civil penalty in the amount of two
16 hundred dollars (\$200.00).

17 (n) Repeated violations of the rules in this Subchapter exceeding three written notifications of any one rule documented
18 to any one individual, shop or school shall result in a mandatory disciplinary hearing.

19

20 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-24; 88B-26; 88B-27;*

21 *Eff. April 1, 2012-2012;*

22 *Amended Eff. August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14I .0401**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 10 through 11, what is the purpose of the phrase "is not binding on the Board with respect to any future application from the individual reviewed"? Is seems unclear and unnecessary.

Line 13, add a comma after "crime"

Lines 17, 23, 25, and 29, re-number the subparagraphs to reflect the deletions.

Line 25, add a comma after "hair care"

Line 29, replace "which" with "that"

Page 2, line 2, please correct the order of the history notice in accordance with Rule 26 NCAC 02C .0108(8)(f).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14I .0401 APPLICATION/LICENSURE/INDIVIDUALS WHO HAVE BEEN CONVICTED**
2 **OF FELONY IS AMENDED AS PUBLISHED IN NC REGISTER 28:12 AS FOLLOWS:**

3
4 **SECTION .0400 - LICENSURE OF INDIVIDUALS WHO HAVE BEEN CONVICTED OF A FELONY**

5
6 **21 NCAC 14I .0401 APPLICATION/LICENSURE/INDIVIDUALS WHO HAVE BEEN CONVICTED OF**
7 **FELONY**

8 (a) Any applicant convicted of a felony or charged with a felony that is still pending may apply for Board approval upon
9 enrollment in a cosmetic art school. All documentation submitted shall have no effect on an individual's ability to attend
10 a cosmetic art school, take an examination administered by the Board, or apply for a license; is not binding on the Board
11 with respect to any future application from the individual reviewed; and is not a final agency decision.

12 (b) The applicant shall supply the following;

13 (1) A statement of facts of the crime accompanied by a certified copy of the indictment (or, in the absence
14 of an indictment, a copy of the "information" that initiated the formal judicial process), the judgment
15 and any commitment order for each felony for which there has been a conviction;

16 ~~(2) A copy of the applicant's restoration of rights certificate, if applicable;~~

17 (3) At least three letters attesting to the applicant's character from individuals unrelated by blood or
18 marriage. ~~If available, one of these letters must be from someone familiar with the applicant's~~
19 ~~cosmetology training and experience, one from the applicant's probation or parole officer, and one~~
20 ~~from the applicant's vocational rehabilitation officer. If letters from persons in these positions are~~
21 ~~unavailable, the applicant shall submit an explanatory statement as to why they are unavailable;~~

22 ~~(4) The name and address of the applicant's current employer;~~

23 (5) A summary of the applicant's personal history since conviction including, if applicable, date of release,
24 parole or probation status, employment, and military service;

25 (6) Records of any cosmetology, esthetics, natural hair care or manicurist school disciplinary actions; or a
26 statement from the school indicating no disciplinary actions were taken;

27 ~~(7) A description of any pending criminal charges with a copy of the indictment or, if there is not yet an~~
28 ~~indictment, the arrest warrant for each pending charge; and~~

29 (8) Any other information which in the opinion of the applicant would be useful or pertinent to the
30 consideration by the Board of the applicant's request;

31 ~~(c) If a felony conviction was for an offense involving drugs or alcohol, the applicant shall also provide evidence~~
32 ~~showing that he or she is drug/alcohol free. Examples of evidence which will be considered are:~~

33 ~~(1) enrollment in an on-going licensed treatment program;~~

34 ~~(2) drug analysis test results; and~~

35 ~~(3) certification of completion of a licensed treatment program.~~

36
37 *History Note: Authority G.S. 88B-4; 88B-24(1);*

1 *Eff. June 1, 1995;*
2 *Amended Eff. September 1, 2010; December 1, 2008; April 1, 2001; August 1, ~~1998~~1998; August 1,*
3 *2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14K .0107**

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Add line numbers for this Rule.

Correct line spacing to 1.5

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

21 NCAC 14K .0107 LIVE MODEL PERFORMANCES IS REPEALED AS PUBLISHED IN NC REGISTER 28:12 AS FOLLOWS:

21 NCAC 14K .0107 LIVE MODEL PERFORMANCES

History Note: Authority G.S. 88B-4; 88B-10;
Eff. July 1, 1990;
Amended Eff. April 1, 1991; December 1, 1990;
Temporary Amendment Eff. January 1, 1999;
Amended Eff. July 1, 2010; December 1, 2008; April 1, 2001; August 1, 2000;
Repealed Eff. August 1, 2014

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14O .0106**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

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Add line numbers for this Rule.

Correct line spacing to 1.5

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

21 NCAC 140 .0106 LIVE MODEL PERFORMANCES IS REPEALED AS PUBLISHED IN NC REGISTER 28:12 AS FOLLOWS:

21 NCAC 140 .0106 LIVE MODEL PERFORMANCES

*History Note: Authority G.S. 88B-4;
Temporary Adoption Eff. January 1, 1999;
Eff. August 1, 2000;
Repealed Eff. August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14P .0113**

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4, 8, 13, 18, 22, 27, 31, 36, and page 2, line 3, what is the role of the term "presumptive" in this Rule? Is the list penalty not assessed in certain circumstances? The term seems unclear. Please delete or define "presumptive."

Lines 5, 10, 15, 19, 24, and 37, what is the role of the term "warning" and then the penalty contained within the parentheses? Are those first offenses only a warning with fine occurring only sometime? It seems that the first offense is both a "warning and [specified penalty amount]"

Line 14, add a comma after "specialist"

Page 2, line 3, add a clause to cross reference the bond statute. Insert the language "in accordance with G.S. 88B-17" between "alternative is"

Page 2, line 9, add 88B-17 to the statutory authority

Page 2, line 12, please correct the order of the history notice in accordance with Rule 26 NCAC 02C .0108(8)(f).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14P .0113 OPERATIONS OF SCHOOLS OF COSMETIC ART IS AMENDED AS**
2 **PUBLISHED IN NC REGISTER 28:12 AS FOLLOWS:**

3 **21 NCAC 14P .0113 OPERATIONS OF SCHOOLS OF COSMETIC ART**

4 (a) The presumptive civil penalty for failure to record student's hours of daily attendance is:

- 5 (1) 1st offense warning (\$100.00)
- 6 (2) 2nd offense \$200.00
- 7 (3) 3rd offense \$300.00

8 (b) The presumptive civil penalty for failure to report withdrawal or graduation of a student within 30 working days
9 is:

- 10 (1) 1st offense warning (\$50.00)
- 11 (2) 2nd offense \$100.00
- 12 (3) 3rd offense \$200.00

13 (c) The presumptive civil penalty for failure to submit cosmetology enrollments within 30 working days or
14 manicurist, natural hair care specialist and esthetician enrollments within 15 working days is:

- 15 (1) 1st offense warning (\$50.00)
- 16 (2) 2nd offense \$100.00
- 17 (3) 3rd offense \$200.00

18 (d) The presumptive civil penalty for failure to display a copy of the sanitation rules is:

- 19 (1) 1st offense warning (\$50.00)
- 20 (2) 2nd offense \$100.00
- 21 (3) 3rd offense \$200.00

22 (e) The presumptive civil penalty for failure to post consumer sign "Cosmetic Art School - Work Done Exclusively
23 by Students" is:

- 24 (1) 1st offense warning (\$50.00)
- 25 (2) 2nd offense \$100.00
- 26 (3) 3rd offense \$200.00

27 (f) The presumptive civil penalty for allowing a cosmetic art shop to operate within a cosmetic art school is:

- 28 (1) 1st offense \$200.00
- 29 (2) 2nd offense \$400.00
- 30 (3) 3rd offense \$600.00

31 (g) The presumptive civil penalty for a cosmetic art school that is not separated from a cosmetic art shop or other
32 business by a solid wall, floor to ceiling, with an separate entrance and a door that stays closed at all times is:

- 33 (1) 1st offense \$200.00
- 34 (2) 2nd offense \$400.00
- 35 (3) 3rd offense \$600.00

36 (h) The presumptive civil penalty for failure to have any student wear a clean washable uniform or identification is:

- 37 (1) 1st offense warning (\$50.00)

1 (2) 2nd offense \$100.00

2 (3) 3rd offense \$200.00

3 (i) The presumptive civil penalty for failure to renew or file school bond or bond alternative is:

4 (1) 1st offense \$200.00

5 (2) 2nd offense \$400.00

6 (3) 3rd offense \$600.00

7

8

9 *History Note: Authority G.S. 88B-4; 88B-16; 88B-29;*

10 *Temporary Adoption Eff. January 1, 1999;*

11 *Eff. August 1, 2000;*

12 *Amended Eff. September 1, 2012; July 1, 2010; December 1, 2008; April 1, ~~2004-2004~~; August 1,*

13 *2014.*

14

15

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14R .0105**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 7 through 10, begin the list items with lowercase letters

Lines 11 and 13, is the correct term "must ensure"? How is this assurance made?

Lines 15 and 31, capitalize the term "board"

Line 18, add a comma after "request"

Line 26, add a comma after "cycle"

Line 30, begin the list item with a lowercase "a"

Page 2, line 8, please correct the order of the history notice in accordance with Rule 26 NCAC 02C .0108(8)(f).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14R .0105 CONTINUING EDUCATION IS AMENDED AS PUBLISHED IN NC REGISTER**
2 **28:12 AS FOLLOWS:**

3 **21 NCAC 14R .0105 CONTINUING EDUCATION**

4 (a) This Rule pertains to all cosmetic art licensees. Each licensee wishing to maintain his or her license shall obtain
5 continuing education during each licensing period. The licensee shall maintain records of attendance at a continuing
6 education course including the following information:

- 7 (1) Course title and description;
- 8 (2) Date conducted;
- 9 (3) Address of location where the course was conducted; and
- 10 (4) Continuing education hours earned.

11 (b) Each licensee must ensure at least 50 percent of the subject matter in a course broadens the licensee's knowledge
12 of the cosmetic arts profession in which he or she is licensed.

13 (c) Each cosmetic art teacher must ensure at least 50 percent of the subject matter in a course taken for the purpose
14 of license renewal relates to teacher training techniques and enhances the ability to communicate.

15 (d) Continuing education courses shall be approved by the board providing the courses meet the requirements
16 above.

17 (e) The Board or an agent of the Board may conduct audits of the licensee's continuing education at any time. Upon
18 the Board's request each licensee shall provide completed records to the Board to support the last affirmation given
19 pursuant to Subparagraph (j)(3) of this Rule. Records must be maintained until the end of the next renewal cycle
20 after the affirmation for audit purposes.

21 (f) Continuing education courses completed prior to an individual's being licensed by the Board shall not qualify for
22 continuing education credit.

23 (g) Apprentices do not need to earn continuing education for license renewal.

24 (h) Licensees are exempt from the eight hours of continuing education requirement until the licensing period
25 commencing after their initial licensure.

26 (i) After completion of the continuing education requirements for any licensing cycle the licensee shall forward to
27 the Board the following:

- 28 (1) the license renewal application;
- 29 (2) the license renewal fee; and
- 30 (3) ~~A date and signature affirming~~ Affirmation of the following pledge: "I hereby certify that I have
31 obtained all continuing education hours required in accordance with the G.S. 88B-21 and board
32 rules and regulations. I am aware that 1) false or dishonest misleading information may be
33 grounds for disciplinary action against my license; and further that 2) false statements are
34 punishable by law."

35 (j) Failure to produce documents or file a response to a request for audit from the Board within 30 days of the
36 request shall result in a civil penalty to the licensee in the amount of two hundred fifty dollars (\$250.00).

1 (k) The presentation of fraudulent continuing education documentation to the Board by a licensee shall result in a
2 civil penalty of five hundred dollars (\$500.00).

3 (l) Licensees in inactive status may reactivate licensure by taking no fewer than eight hours of continuing education
4 per year of inactivity up to 24 total hours.

5

6 *History Note: Authority G.S. 88B-2; 88B-4; 88B-21; 88B-24; 88B-29;*

7 *Eff. April 1, 2012;*

8 *Amended Eff. March 1, ~~2013-2013~~; August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14T .0604**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4, replace "must" with "shall"

In the table, add a comma after "packs" within the "Facials Manual" row

Lines 8 and 9, replace "is" with "shall be"

Line 9, add a comma after "required"

Line 10, add "Board's" before "examination"

Lines 13 and 15, replace "is not" with "shall not be"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14T .0604 ESTHETICS CURRICULUM IS AMENDED AS PUBLISHED IN NC REGISTER**
 2 **28:12 AS FOLLOWS:**

3 **21 NCAC 14T .0604 ESTHETICS CURRICULUM**

4 (a) To meet the approval of the Board, an esthetician training course must consist of at least 600 hours of instruction
 5 in theory and practical application, divided as follows:

Theory and Performance Requirements	Hours	Services	
Beginners: anatomy/physiology, hygiene, disinfection, first aid, chemistry, draping, facial/body treatment (cleansing, manipulations, masks), hair removal, basic dermatology, machines, electricity, apparatus, aromatherapy, nutrition, make-up/color theory,	75 40		
Advanced: Styles and techniques of esthetics services including facials, makeup application, performing skin care, hair removal, eyelash extensions and applying brow and lash color; business management; and professional ethics	525 560		
Performance Requirements		Mannequin	Live Model
Facials Manual (skin analysis, cleansing, surface manipulations, packs and masks)		10	30
Facials Electronic (the use of electrical modalitus, including dermal lights, and electrical apparatus for facials and skin care including galvanic and faradic)			30
Eyebrow arching		5	15
Hair removal (hard wax, soft wax, depilatories)		5	25
Makeup application (skin analysis, complete and corrective makeup)		10	20
Eyelash extensions		5	5
Brow and lash color		5	5

7
 8 (b) A minimum of ~~75~~ 40 hours of theory is required prior to conducting live model performances on the public.

9 (c) Certification of live model or mannequin performance completions is required along with the graduation form
 10 and application for the examination.

11 (d) A live model may be substituted for a mannequin for any mannequin service.

12 (e) All mannequin services may be performed using a simulated product.

13 (f) Simulated product is not allowed for credit for live model performance.

14 (g) Mannequin services shall not be substituted for live model services.

15 (h) Sharing of performance completions is not allowed.

16 (i) Credit for a performance shall be given to only one student.

1

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

3 *Eff. January 1, ~~2012~~2012;*

4 *Amended Eff. August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14T .0605**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4, replace "must" with "shall"

In the table, add a comma after "decorating" within the "Manicures including..." row

Lines 7 and 8, replace "is" with "shall be"

Line 8, add a comma after "required"

Line 9, add "Board's" before "examination"

Lines 12 and 14, replace "is not" with "shall not be"

Line 16 is defining "nail set" so the term should be set apart in quotation marks. Replace "is" with "means"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14T .0605 MANICURING CURRICULUM IS AMENDED AS PUBLISHED IN NC**
 2 **REGISTER 28:12 AS FOLLOWS:**

3 **21 NCAC 14T .0605 MANICURING CURRICULUM**

4 (a) To meet the approval of the Board, a manicurist training course must consist of at least 300 hours of instruction
 5 in theory and practical application, divided as follows:

Theory and Performance Requirements	Hours	Services	
Beginners: Manicuring theory, disinfection, first aid, trimming, filing, shaping, decorating, arm and hand manipulation, sculptured and artificial nails; and pedicuring	60 <u>25</u>		
Advance: Styles and techniques for the care, treatment and decoration of fingernails, toenails, cuticles, nail extensions and artificial nails; electric file; business management; and professional ethics	240 <u>275</u>		
Performance Requirements		Mannequin	Live Model
Manicures including trimming, filing, shaping, decorating and arm and hand manipulations		5	10
Applications or repair of sculptured or artificial nail sets		5	15
Pedicures			10

- 6
- 7 (b) A minimum of ~~60~~ 25 hours theory is required prior to conducting live model performances on the public.
- 8 (c) Certification of live model or mannequin performance completions is required along with the graduation form
 9 and application for the examination.
- 10 (d) A live model may be substituted for a mannequin for any mannequin service.
- 11 (e) All mannequin services may be performed using a simulated product.
- 12 (f) Simulated product is not allowed for credit for live model performance.
- 13 (g) Mannequin services shall not be substituted for live model services.
- 14 (h) Sharing of performance completions is not allowed.
- 15 (i) Credit for a performance shall be given to only one student.
- 16 (j) A nail set is one hand including all four fingers and thumb.

17

18 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*
 19 *Eff. January 1, ~~2012~~2012;*
 20 *Amended Eff August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14T .0606**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4, replace "must" with "shall"

In the table, delete the "and" before "business" and add a semicolon after "management" in the "Advanced" row

Lines 6 and 7, replace "is" with "shall be"

Line 7, add a comma after "required"

Line 10, add an "s" to "Board" before "examination" to show possession

Lines 11 and 13, replace "is not" with "shall not be"

Line 13, add a comma after "allowed"

Line 20, please correct the order of the history notice in accordance with Rule 26 NCAC 02C .0108(8)(f).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14T .0606 NATURAL HAIR CARE CURRICULUM IS AMENDED AS PUBLISHED IN NC**
 2 **REGISTER 28:12 AS FOLLOWS:**

3 **21 NCAC 14T .0606 NATURAL HAIR CARE CURRICULUM**

4 (a) To meet the approval of the Board, a natural hair care styling training course must consist of 300 hours of instruction
 5 in theory and practical application, divided as follows:

Theory	Hours	Services	
Beginners: Sanitation, bacteriology, disinfection, first aid, shampooing, draping, anatomy, disorders of the hair and scalp, client consultation.	60 <u>25</u>		
Advanced: Styles and techniques of natural hair styling including twisting, wrapping, extending, locking, blowdry and thermal iron; and business management and professional ethics.	240 <u>275</u>		
Performance Requirements		Mannequin	Live Model
Braids		5	5
Twists		5	5
Knots		3	2
Corn rows		3	2
Hairlocking		5	5
Artificial hair and decorations		5	5
Blow dry and thermal iron		5	5
Braid Removal		5	5

- 6 (b) A minimum of ~~60~~ 25 hours of theory is required prior to conducting live model performances on the public.
 7 (c) Certification of live model or mannequin performance completions is required along with the graduation form and
 8 application for the Board examination.
 9 (d) A live model may be substituted for a mannequin for any mannequin service.
 10 (e) All mannequin services may be performed using a simulated product.
 11 (f) Simulated product is not allowed for credit for live model performance.
 12 (g) Mannequin services shall not be substituted for live model services.
 13 (h) Sharing of performance completions is not allowed unless the live model service consists of 20 or more lengths of
 14 hair.
 15 (i) Credit for a performance shall be given to only one student.
 16 (j) A performance shall consist of 10 or more lengths of hair.

17
 18 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16;*
 19 *Eff. January 1, 2012;*
 20 *Amended Eff. June 1, ~~2013~~2013; August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14T .0615**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4 and 17, replace "must" with "shall"

Lines 6 through 16, begin the list items with lowercase letters

Line 17, replace "these" with "the"

Line 20, add a comma after "students"

Line 22, this sentence appears unclear. Consider adding the phrase "for curriculum requirements" between "credits for"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14T .0615 FIELD TRIPS IS AMENDED AS PUBLISHED IN NC REGISTER 28:12 AS**
2 **FOLLOWS:**

3 **21 NCAC 14T .0615 FIELD TRIPS**

4 (a) Cosmetic art schools must notify the Board prior to any field trip and record the field trip hours of each student.

5 Cosmetic Art Educational Field Trips include the following activities:

- 6 (1) Cosmetic art shops;
- 7 (2) Cosmetic art Conventions;
- 8 (3) Competition Training;
- 9 (4) Other Schools;
- 10 (5) State Board Office;
- 11 (6) Supply Houses;
- 12 (7) College or Career Day at School;
- 13 (8) Fashion Shows;
- 14 (9) Rest Homes/Nursing Homes;
- 15 (10) Hospitals; and
- 16 (11) Funeral Homes.

17 (b) An instructor must be present during these educational field trips listed in Paragraph (a) of this Rule, for credit
18 to be given to students, with a ratio of one instructor per 25 students present.

19 (c) The maximum number of hours a student may earn for field trips is 40 credit hours for cosmetology students, 20
20 credit hours for esthetician students and 10 credit hours for manicurist or natural hair care students.

21 (d) Students may earn up to four additional hours of credit for interviews at a licensed cosmetic art shop.

22 (e) Students may not earn credit for any service performances completed outside of the school.

23

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

25 *Eff. January 1, ~~2012~~2012;*

26 *Amended Eff. August 1, 2014.*

27

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14T .0616**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5, add a comma after "specialist"

Line 7, consider re-writing the clause "examination shall be accepted by the Board" as "the Board may accept an application"

Lines 10 through 13, re-number the subparagraphs to reflect the addition

Lines 17 through 18, consider deleting "to fulfill three time examination failure requirements" with "in accordance with Paragraph (a) of this Rule,"

Line 18, should the "and" be an "or"?

Lines 19 through 21, what is the purpose of this text in this Rule? It appears to out of place. Is the information contained within this Paragraph related to the rest of the Rule?

Line 23, add 88B-18 to the statutory authority

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14T .0616 ADDITIONAL HOURS IS AMENDED AS PUBLISHED IN NC REGISTER 28:12**
2 **AS FOLLOWS:**

3 **21 NCAC 14T .0616 ADDITIONAL HOURS**

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

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

17 (b) Schools shall evaluate students returning to complete additional hours to fulfill three time examination failure
18 requirements and shall provide remedial assistance and training in the areas of deficiency.

19 (c) Teacher candidates with no prior cosmetic art teacher training program experience shall provide a written
20 affidavit documenting a minimum of required work experience as outlined in 21 NCAC 14N .0115 or complete a
21 minimum of the hours required for the teacher curriculum in the discipline in which they hold a license.

22

23 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*
24 *Eff. January 1, ~~2012-2012~~;*
25 *Amended Eff. August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14T .0617**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4, is the correct term "patron" or "client" The use of "client" appears consistent with the other rules.

Lines 7 and 8, add a comma after "hair care"

Line 8, what is the purpose of the phrase "as appropriate"? It seems unclear and ambiguous. What are the standards? Clarify this phrase.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14T .0617 TEACHER TRAINEES IS AMENDED AS PUBLISHED IN NC REGISTER 28:12**
2 **AS FOLLOWS:**

3 **21 NCAC 14T .0617 TEACHER TRAINEES**

- 4 (a) A cosmetic art teacher trainee may not perform clinical services on a patron at the cosmetic art school.
- 5 (b) A cosmetic art teacher trainee shall be supervised by a cosmetic art teacher at all times when the trainee is at a
6 cosmetic art school except as set out in Paragraph (c) of this Rule.
- 7 (c) A manicurist, natural hair care or esthetician teacher may supervise a cosmetic art teacher trainee with regard to
8 manicuring, natural hair care or esthetics, as appropriate.
- 9 (d) A cosmetic art teacher trainee program may be a full time program or a part time program. A cosmetic art
10 teacher trainee, however, may not receive credit for more than ~~eight~~ 10 hours per day.
- 11 (e) Teacher trainees may present lessons they have prepared under the direct supervision of a licensed cosmetic art
12 teacher as long as the supervising teacher is present in the classroom.
- 13 (f) Persons receiving teacher training in a cosmetic art school shall be furnished a teacher's manual and shall spend
14 all of their training time under the direct supervision of a licensed cosmetic art teacher and shall not be left in charge
15 of students or the school at any time.

16

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

18 *Eff. January 1, ~~2012-2012~~;*

19 *Amended Eff. August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: **North Carolina Board of Cosmetic Art Examiners**

RULE CITATION: **21 NCAC 14T .0701**

DEADLINE FOR RECEIPT: Wednesday, July 9, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 7, add a comma after "enrolled"

Lines 8, 9, 13, and 21; page 2, lines 9 and 20, replace "must" with "shall"

Line 11, add a comma after "implements"

Line 31, add a comma after "classes"

Page 2, lines 7 and 8, what is the process if the substitution is only for one class one day? Is the intent to be so broad as to catch "any change"?

Page 2, line 9, delete "that" and replace with "as follows"

Page 2, lines 10 through 13, consider breaking these categories into a list, such as:

- "(A) manicuring...teacher;*
- (B) natural....teacher; and*
- (C) esthetics...teacher."*

Page 2, line 36, please correct the order of the history notice in accordance with Rule 26 NCAC 02C .0108(8)(f).

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Tuesday, June 24, 2014

1 **21 NCAC 14T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE IS AMENDED AS**
2 **PUBLISHED IN NC REGISTER 28:12 AS FOLLOWS:**
3 **SECTION .0700 - SCHOOL LICENSURE, OPERATIONS, CLOSING AND RELOCATING SCHOOLS**
4

5 **21 NCAC 14T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE**

6 (a) No individual shall be given credit for any hours earned in a cosmetic art school before the date the school is granted
7 a license, before the student is enrolled or after graduation or withdrawal without a new enrollment.

8 (b) All Cosmetic Art schools must submit hours of operation per cosmetic art discipline to the Board. Any changes to the
9 hours of operation must be submitted to the Board. A school will be considered open by the Board when cosmetic art
10 instruction, services or performances are provided.

11 (c) Students may be required to clean and disinfect work areas, reception areas, implements and the dispensary. Students
12 shall not be required to perform regular maintenance.

13 (d) All cosmetic art schools must adhere to all Board sanitation regulations located in 21 NCAC 14H Sanitation.

14 (e) Cosmetic art schools may permit students to leave the cosmetic art school during instructional time to visit on campus
15 libraries and other educational resource rooms such as computer labs for research and study under the supervision of a
16 cosmetic art instructor.

17 (f) Cosmetic art schools shall use the following grading scale as a minimum for passing grades:

Grade A	100-90
Grade B	80-89
Grade C	70-79
Grade F (Fail)	0-69

18 (g) Cosmetic art schools shall not graduate any student who has not met the minimum school and Board requirements for
19 graduation.

20 (h) Examinations shall be administered in all subjects of the cosmetic art curriculum.

21 (i) Students present at school must be supervised by a cosmetic art teacher at all times. If a guest lecturer is leading a
22 class, at least one cosmetic art teacher must be present in the lecture.

23 (j) All cosmetic art schools shall provide:

24 (1) One teacher for every 25 students enrolled in the beginner department;

25 (2) One teacher for every 20 students during practical work on live models in the advanced department;
26 and

27 (3) Cosmetic art teachers at a ratio of 1:25 teacher to teacher trainees; or

28 (A) one teacher and up to 25 beginner cosmetic art students and 5 teacher trainees; or

29 (B) one teacher and up to 20 cosmetic art students in practice on the clinic floor and 5 teacher
30 trainees.

31 (k) In theory classes the teacher-student ratio may exceed the ratios established in this Rule.

32 (l) The teacher student ratios established in this Rule shall be adhered to when schools are in operation.

1 (m) A teacher ~~shall not~~ may administer instruction to up to 10 students enrolled in beginner and advanced departments at
2 the same time. A teacher shall not administer instruction to more than 10 students enrolled in beginner and advanced
3 departments at the same time.

4 (n) At no time can any one teacher be simultaneously responsible for students in a theory class and students in practice
5 on the clinic floor.

6 (o) In cases of change in teaching staff, the school shall notify the Board of the change in writing prior to beginning
7 instruction. A change in teaching staff includes any substitution for the regularly scheduled teacher and any change,
8 scheduled or otherwise, in the list of teachers last given to the Board.

9 (1) All courses in a cosmetic art school must be taught by a licensed cosmetology teacher, except that
10 manicuring courses may be taught by either a licensed cosmetology teacher or a licensed manicurist
11 teacher, natural hair care courses may be taught by either a licensed cosmetology teacher or a licensed
12 natural hair care teacher, and esthetics courses may be taught by either a licensed cosmetology teacher
13 or a licensed esthetician teacher.

14 (2) A licensed cosmetologist not licensed as a cosmetology teacher may substitute for a cosmetology,
15 esthetician, natural hair care or manicurist teacher; a licensed manicurist not licensed as a manicurist
16 teacher may substitute for a manicurist teacher; a licensed natural hair care specialist not licensed as a
17 natural hair care teacher may substitute for a natural hair care teacher; and a licensed esthetician not
18 licensed as an esthetician teacher may substitute for an esthetician teacher.

19 (p) In no event may any cosmetic art licensee substitution last for more than 15 consecutive working days per year per
20 teacher. If any teacher substitution is 16 consecutive days or longer, the school must provide a new cosmetic art teacher.

21 (q) Enrolled students may earn a maximum of 10 hours per day per discipline of cosmetic art and a maximum of 48
22 hours per week per discipline. A student enrolled in more than one cosmetic art discipline may not earn hours or
23 complete performances concurrently.

24 (r) A cosmetic art student must complete at least 1/3 of the minimum required hours in the cosmetic art school certifying
25 his or her application for the state board examination.

26 (s) Upon written petition by the student and the school, the Board shall make an exception to the requirements set forth
27 in Paragraph (r) of this Rule if the student shows that circumstances beyond the student's control prohibited him or her
28 from completing a minimum of 1/3 hours at the school certifying his or her application.

29 (t) The Board shall certify student hours for any North Carolina cosmetic art school that is closed. The Board shall not
30 certify student hours between any North Carolina open cosmetic art schools. The Board shall certify student hours
31 earned at North Carolina cosmetic art schools to other state boards and schools open outside of the state of North
32 Carolina as set forth in Rule .0502 of this Subchapter.

33
34 *History Note:* Authority G.S. 88B-2; 88B-4; 88B-16;
35 Eff. February 1, 2012;
36 Amended Eff. June 1, 2013; October 1, ~~2012~~2012; August 1, 2014.