

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14A .0104

DEADLINE FOR RECEIPT: Wednesday, December 10, 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.

Add a line between the introductory statement and the rule citation.

Line 3, the street number does not properly track the Register. Please correct.

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: Wednesday, November 26, 2014

1 **21 NCAC 14A .0104 ADDRESS IS AMENDED AS PUBLISHED IN NC REGISTER 28:23 AS FOLLOWS:**

2 **21 NCAC 14A .0104 ADDRESS**

3 The address for the board is ~~1201~~ 1207-110 Front Street, Raleigh, North Carolina 27609.

4

5 *History Note: Authority G.S. 88-23;*

6 *Eff. February 1, 1976;*

7 *Amended Eff. January 1, 2015; August 1, 1998; December 6, 1991; January 1, 1989; April 1, 1988.*

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: North Carolina Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0201

RECOMMENDED ACTION:

- ☐ Approve, but note staff's comment
- ☒ Object, based on:
 - ☐ Lack of statutory authority
 - ☐ Unclear or ambiguous
 - ☐ Unnecessary
- ☒ Failure to comply with the APA
- ☐ Extend the period of review

COMMENT:

Beginning on page 1, line 34, through page 2, line 20, the highlighted text is new to this Rule and was not published in the Register. See pages 8 and 9 of this document. Under G.S. 150B-21.2(g), an agency should not adopt a substantially different rule after the close of the comment period, unless the text is republished for additional comments.

(g) Adoption. - An agency shall not adopt a rule until the time for commenting on the proposed text of the rule has elapsed and shall not adopt a rule if more than 12 months have elapsed since the end of the time for commenting on the proposed text of the rule. Prior to adoption, an agency shall review any fiscal note that has been prepared for the proposed rule and consider any public comments received in connection with the proposed rule or the fiscal note. **An agency shall not adopt a rule that differs substantially from the text of a proposed rule published in the North Carolina Register unless the agency publishes the text of the proposed different rule in the North Carolina Register and accepts comments on the proposed different rule for the time set in subsection (f) of this section.**

An adopted rule differs substantially from a proposed rule if it does one or more of the following:

- (1) Affects the interests of persons who, based on the proposed text of the rule published in the North Carolina Register, could not reasonably have determined that the rule would affect their interests.

(2) Addresses a subject matter or an issue that is not addressed in the proposed text of the rule.

(3) Produces an effect that could not reasonably have been expected based on the proposed text of the rule.

When an agency adopts a rule, it shall not take subsequent action on the rule without following the procedures in this Part. An agency must submit an adopted rule to the Rules Review Commission within 30 days of the agency's adoption of the rule.

In looking at the text of Rule 21 NCAC 14T .0201, as published in the June 2, 2014 Register, this proposed Rule addresses cosmetology schools, both in the title and in Paragraph (a). See pages 6 and 7 of this document. The addition of Paragraph (b) now addresses "manicuring, esthetics and natural hair care schools." This is a smaller subset of cosmetology schools and was not a subject matter or an issue addressed in the proposed text of the rule published on June 2, 2014.

Based upon this substantial change, it is staff's recommendation that this rule, with the new text as outlined on page 1, line 34, through page 2, line 20, be republished in accordance with G.S. 150B-21.2(f), which states the following:

(f) Comments. - An agency must accept comments on the text of a proposed rule that is published in the North Carolina Register and any fiscal note that has been prepared in connection with the proposed rule for at least 60 days after the text is published or until the date of any public hearing held on the proposed rule, whichever is longer. An agency must consider fully all written and oral comments received.

Summary:

The North Carolina Board of Cosmetic Art Examiners has submitted a permanent rule that differs substantially from the proposed text published in the Register on June 2, 2014. The specific breakout of certain cosmetology schools as now set forth in Paragraph (b) addresses a subject matter not addressed in the proposed text. Therefore, it is staff's recommendation that the Rules Review Commission should object to 21 NCAC 14T .0201 for failure to comply with the Administrative Procedure Act. This Rule, with the additional language added after publication, should be republished in the Register for at least a 60 day comment period.

NORTH CAROLINA REGISTER

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June 2, 2014

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PUBLISHED BY

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wastewater treatment facility meeting the criteria of this Subchapter and where the conjunctive system has been approved by the Department and is permitted under ~~48A-1900~~; 15A NCAC 18A .1900; and

- (11) Reuse of produced waters and flowback waters from oil and gas wells regulated by Article 27 of G.S. 113 for reuse in accordance with water and waste management plans approved pursuant to rules of the Mining and Energy Commission.

(b) Nothing in this Rule shall be deemed to allow the violation of any assigned surface water, groundwater, or air quality standards, and in addition any such violation is a violation of a condition of a permit.

(c) The reclaimed water user shall report any violation of this Rule or discharge to surface waters from the utilization systems listed in Paragraph (a) of this Rule.

(d) Utilization systems deemed permitted under this Subchapter shall remain deemed permitted, notwithstanding any violations of surface water or groundwater standards or violations of this Rule or other Permitted By Regulation rules in this Subchapter, until such time as the Director determines that they should not be deemed permitted in accordance with the criteria established in this Rule.

(e) The Director may determine that a utilization system should not be deemed to be permitted in accordance with this Rule and require the utilization system to obtain an individual permit or a certificate of coverage under a general permit. This determination shall be made based on existing or projected environmental impacts, compliance with the provisions of this Rule and the compliance history of the facility owner.

Authority G.S. 130A-300; 143-215.1(a)(1); 143-215.1(b)(4)(e); 143-215.3(a),(d).

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 14 – BOARD OF COSMETIC ART EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Board of Cosmetic Examiners intends to amend the rules cited as 21 NCAC 14A .0104; 14H .0504-.0505; 14T .0201, .0602-.0606, and .0705 .

Agency obtained G.S. 150B-19.1 certification:

- ☐ OSBM certified on:
☐ RRC certified on:
☒ Not Required

Link to agency website pursuant to G.S. 150B-19.1(c):
www.nccosmeticarts.com/uploads/board/May2014.pdf

Proposed Effective Date: *October 1, 2014*

Public Hearing:

Date: *June 17, 2014*

Time: *9:00 a.m.*

Location: *1207 Front Street Suite 110, Raleigh, NC 27609*

Reason for Proposed Action: *These rule changes fulfill a statutory change requirement, update the Board's address and eliminate mannequin requirements in order to decrease restrictions established by the Board.*

Comments may be submitted to: *Stefanie Kuzdrall, 1207 Front Street, Suite 110, Raleigh, NC 27609, email skuzdrall@nccosmeticarts.com*

Comment period ends: *August 1, 2014*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
☐ Environmental permitting of DOT affected
☐ Analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥\$1,000,000)
☒ No fiscal note required by G.S. 150B-21.4

SUBCHAPTER 14A – DEPARTMENTAL RULES

SECTION .0100 – ORGANIZATION RULES

21 NCAC 14A .0104 ADDRESS

The address for the board is ~~1201-140~~1207-110 Front Street, Raleigh, North Carolina 27609.

Authority G.S. 88-23.

SUBCHAPTER 14H – SANITATION

SECTION .0500 – ENFORCEMENT, MAINTENANCE OF LICENSURE

21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS

The system of grading the sanitary rating of cosmetic art schools and shops based on the rules set out in this subchapter 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.	<u>2</u> 1
<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

Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-26.

21 NCAC 14H .0505 RULE COMPLIANCE AND ENFORCEMENT MEASURES

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

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

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

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

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

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

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

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

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

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

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

~~(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 in civil penalty in the amount of fifty dollars (\$50.00) per inspection occurrence.~~

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

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

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

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

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

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

Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-24; 88B-26; 88B-27.

SUBCHAPTER 14T – COSMETIC ART SCHOOLS

SECTION .0200 - PHYSICAL REQUIREMENTS FOR COSMETIC ART SCHOOLS

21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS

(a) Cosmetic Art schools must have the following physical departments:

- (1) Beginner Department – a minimum of 200 square feet with a table or ~~maneuvering~~ tables and or stands to accommodate at least 10 students and have at least 40 inches between each mannequin. Cosmetic art schools must provide an additional 5 square feet in the beginner department for each student over the maximum of 10. This area shall have at least one mirror of a minimum of two square feet. This area shall be dedicated to the instruction of beginner students;
- (2) Advanced Department – the clinic floor for performance of all cosmetic art services. Within the clinic area each school shall have:

- (A) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring table;
 - (B) 24 inches from the center of the chair forward;
 - (C) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring table; and
 - (D) at least 30 inches of space from the back of each styling chair, esthetics table or manicuring table to the wall of the shop.
- (3) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all implements and a sink with hot and cold running water. All cosmetic art schools must have the required equipment to carry out disinfection procedures;
 - (4) Theory classroom – classroom with a minimum of 300 square feet to accommodate a maximum of 25 students. Cosmetic art schools must provide an additional 8 square feet in the theory classroom for each student over the maximum of 25;
 - (5) Office – administrative office for the secure/locked facilitation of student records and files. This office must be outfitted with a minimum of one desk and one chair;
 - (6) Reception area – a reception area for clients to wait prior to receiving services;
 - (7) Break room for student use;
 - (8) Restrooms for student/public use;
 - (9) Locker/dressing room – a locker or room for students to secure/lock personal belongings throughout the day; and
 - (10) All stations must be numbered numerically.

(b) Each cosmetic art school must display a sign in a conspicuous place in the reception area. The sign cannot be smaller than 12 inches by 18 inches, with lettering at least one and one half inches in size and must read as follows: "Cosmetic Art School Work Done Exclusively by Students."

(c) Each of the requirements listed within this Rule must be located within the same building with the exception of the theory classroom which may be located in an adjacent building or another building within 500 feet of the main cosmetic art building.

(d) All Cosmetic Art schools must post hours of operation per cosmetic art discipline and submit this information to the Board. Any changes to the hours of operation must be posted and submitted to the Board. A school will be considered open by the Board when cosmetic art instruction, services or performances are provided.

(e) Cosmetic art schools may not offer student hours or performances unless they are in compliance with Paragraph (a) of this Rule.

(f) All cosmetic art schools must adhere to any federal, state and local government regulation or ordinance regarding fire safety codes, plumbing and electrical work.

(g) All cosmetic art schools must maintain a ventilation system in good working order with temperature control. During school operating hours the temperature must be maintained between 60 and 85 degrees Fahrenheit.

(h) All equipment in cosmetic art schools shall be in working order; kept in safe repair; and installed in such a manner as to facilitate proper usage.

(i) All cosmetic art school buildings shall be maintained.

(j) All cosmetic art schools must maintain a bulletin board in plain sight of the clinic floor. The bulletin board shall be used to display at all times the Board sanitation rules and the sanitation grade card issued to the school.

(k) All cosmetic art schools must post together the school letter of approval, the school license and all cosmetic art licenses issued to the teachers on staff.

(l) Each room in a cosmetic art school must be labeled according to its assigned purpose.

(m) Each theory classroom shall be equipped with desks or chairs suitable for classroom work and one chair suitable for demonstrating cosmetic art practices.

(n) When a school and a shop are under the same ownership, separate operation of the shop and school shall be maintained and if the school and shop are located in the same building, separate entrances and visitor reception areas shall be maintained and the school and shop shall have separate public information releases, advertisements, names and advertising signs.

(o) A cosmetic art school that enrolls no more than 10 students may use the theory and beginner rooms concurrently but must maintain equipment appropriate to both practical and theory learning including desks and chairs, and advanced station requirements at a 1:2 equipment to student ratio.

Authority G.S. 88B-2; 88B-16; 88B-17.

SECTION .0600 - CURRICULA

21 NCAC 14T .0602 COSMETOLOGY CURRICULUM

(a) To meet the approval of the Board, a cosmetologist training course must consist of 1500 hours of instruction in theory and practical application, divided as follows:

Theory	Hours	Services
Advanced: Styles and techniques of cosmetology services including arranging, dressing, curling, waving, cutting techniques and implements including razors, clippers, thinning shears, and shears, cleansing, cutting, singeing, bleaching or coloring hair; esthetics and manicuring; and business management and salon business.	1200	

21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS IS AMENDED AS PUBLISHED IN NC
REGISTER 28:23 AS FOLLOWS WITH CHANGES:

SECTION .0200 - PHYSICAL REQUIREMENTS FOR COSMETIC ART SCHOOLS

21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS

(a) ~~Cosmetic Art~~ Cosmetology schools must have the following physical departments:

- (1) Beginner Department – a minimum of 200 square feet with a table or tables and or stands to accommodate at least 10 students and have at least 40 inches between each mannequin. Cosmetic art schools must provide an additional 5 square feet in the beginner department for each student over the maximum of 10. This area shall have at least one mirror of a minimum of two square feet. This area shall be dedicated to the instruction of beginner students;
- (2) Advanced Department – the clinic floor for performance of all cosmetic art services. Within the clinic area each school shall have:
 - (A) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring table;
 - (B) 24 inches from the center of the chair forward;
 - (C) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring table; and
 - (D) at least 30 inches of space from the back of each styling chair, esthetics table or manicuring table to the wall of the shop- school.
- (3) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all implements and a sink with hot and cold running water. All cosmetic art schools must have the required equipment to carry out disinfection procedures;
- (4) Theory classroom – classroom with a minimum of 300 square feet to accommodate a maximum of 25 students. Cosmetic art schools must provide an additional 8 square feet in the theory classroom for each student over the maximum of 25;
- (5) Office – administrative office for the secure/locked facilitation of student records and files. This office must be outfitted with a minimum of one desk and one chair;
- (6) Reception area – a reception area for clients to wait prior to receiving services;
- (7) Break room for student use;
- (8) Restrooms for student/public use;
- (9) Locker/dressing room – a locker or room for students to secure/lock personal belongings throughout the day; and
- (10) All stations must be numbered numerically.

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

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

(A) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring table;

(B) 24 inches from the center of the chair forward;

(C) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring table; and

(D) at least 30 inches of space from the back of each styling chair, or esthetics table to the wall of the school.

(2) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all implements and a sink with hot and cold running water. All cosmetic art schools must have the required equipment to carry out disinfection procedures;

(3) Beginner/Theory classroom – a room or area with equipment for beginner/theory training appropriate to both practical and theory learning including desks and chairs.

(4) Office – administrative office for the secure/locked facilitation of student records and files. This office must be outfitted with a minimum of one desk and one chair;

(5) Reception area – a reception area for clients to wait prior to receiving services;

(6) Break room for student use;

(7) Restrooms for student/public use;

(8) Locker/dressing room – a locker or room for students to secure/lock personal belongings throughout the day; and

(9) All stations must be numbered numerically.

~~(b)(c)~~ Each cosmetic art school must display a sign in a conspicuous place in the reception area. The sign cannot be smaller than 12 inches by 18 inches, with lettering at least one and one half inches in size and must read as follows: "Cosmetic Art School Work Done Exclusively by Students."

~~(e)~~ (d) Each of the requirements listed within this Rule must be located within the same building with the exception of the theory classroom which may be located in an adjacent building or another building within 500 feet of the main cosmetic art building.

~~(d)~~ (e) All Cosmetic Art schools must post hours of operation per cosmetic art discipline and submit this information to the Board. Any changes to the hours of operation must be posted and submitted to the Board. A school will be considered open by the Board when cosmetic art instruction, services or performances are provided.

~~(e)~~ (f) Cosmetic art schools may not offer student hours or performances unless they are in compliance with Paragraph (a) of this Rule.

~~(f)~~ (g) All cosmetic art schools must adhere to any federal, state and local government regulation or ordinance regarding fire safety codes, plumbing and electrical work.

~~(g)~~ (h) All cosmetic art schools must maintain a ventilation system in good working order with temperature control. During school operating hours the temperature must be maintained between 60 and 85 degrees Fahrenheit.

~~(h)~~ (i) All equipment in cosmetic art schools shall be in working order; kept in safe repair; and installed in such a manner as to facilitate proper usage.

~~(i)~~ (j) All cosmetic art school buildings shall be maintained.

~~(j)~~ (k) All cosmetic art schools must maintain a bulletin board in plain sight of the clinic floor. The bulletin board shall be used to display at all times the Board sanitation rules and the sanitation grade card issued to the school.

~~(k)~~ (l) All cosmetic art schools must post together the school letter of approval, the school license and all cosmetic art licenses issued to the teachers on staff.

~~(l)~~ (m) Each room in a cosmetic art school must be labeled according to its assigned purpose.

~~(m)~~ (n) Each theory classroom shall be equipped with desks or chairs suitable for classroom work and one chair suitable for demonstrating cosmetic art practices.

~~(n)~~ (o) When a school and a shop are under the same ownership, separate operation of the shop and school shall be maintained and if the school and shop are located in the same building, separate entrances and visitor reception areas shall be maintained and the school and shop shall have separate public information releases, advertisements, names and advertising signs.

~~(o)~~ (p) A cosmetic art school that enrolls no more than 10 students may use the space designated as the advanced clinic floor as the theory and beginner rooms but must maintain equipment appropriate to both practical and theory learning including desks and chairs, and advanced station requirements at a 1:2 equipment to student ratio.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012.
Amended Eff. January 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0201

DEADLINE FOR RECEIPT: Wednesday, December 10, 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.

Add a line between the introductory statement and the section name.

Lines 6, 9, 22, 28, 34, and 35, replace "must" with "shall"

Line 10, delete "of"

Line 14, please clarify what is "48 inches of space from the center".

Line 22, add a comma after "implements"

Line 23, what is the "required equipment"? Please clarify.

Lines 27 and 32, replace "secure/locked" with either "secure" or "locked"

Line 31, replace "student/public" with "student and public"

Line 32, replace "Locker/dressing" with "Locker or dressing"

Page 2, line 1, please clarify what is "48 inches of space from the center".

Page 2, line 9, add a comma after "implements"

Page 2, line 11, replace "Beginner/Theory" with "Beginner or Theory"

Page 2, lines 13 and 18, replace "secure/locked" with either "secure" or "locked"

Page 2, lines 15, 22, 23, 25, 28, 29, 33, 35, and 36, replace "must" with "shall"

Page 2, line 17, replace "student/public" with "student and public"

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 2014

Page 2, line 18, replace "Locker/dressing" with "Locker or dressing"

Page 2, line 21, what is the purpose of this blank line? Please delete.

Page 2, line 22, replace "cannot" with "shall not"

Page 2, line 26, replace "which" with "that"

Page 2, line 28, why are the terms "Cosmetic" and "Art" capitalized here? The term is normally lowercase letters in the remainder of this Rule. Please be consistent.

Page 2, line 30, add a comma after "services"

Page 2, line 32, should the phrase "Paragraph (a)" not also include "and (b)" since there was the addition of a new paragraph?

Page 3, line 34, add a comma after "plumbing"

Page 3, line 3, please clarify what is meant by this statement? Maintained how?

Page 3, lines 4, 8, and 16, replace "must" with "shall"

Page 3, line 6, add a comma after "license"

Page 3, line 16, add a comma after "rooms"

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: Wednesday, November 26, 2014

21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS IS AMENDED AS PUBLISHED IN NC
REGISTER 28:23 AS FOLLOWS WITH CHANGES:

SECTION .0200 - PHYSICAL REQUIREMENTS FOR COSMETIC ART SCHOOLS

21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS

(a) ~~Cosmetic Art~~ Cosmetology schools must have the following physical departments:

- (1) Beginner Department – a minimum of 200 square feet with a table or tables and or stands to accommodate at least 10 students and have at least 40 inches between each mannequin. Cosmetic art schools must provide an additional 5 square feet in the beginner department for each student over the maximum of 10. This area shall have at least one mirror of a minimum of two square feet. This area shall be dedicated to the instruction of beginner students;
- (2) Advanced Department – the clinic floor for performance of all cosmetic art services. Within the clinic area each school shall have:
 - (A) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring table;
 - (B) 24 inches from the center of the chair forward;
 - (C) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring table; and
 - (D) at least 30 inches of space from the back of each styling chair, esthetics table or manicuring table to the wall of the shop- school.
- (3) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all implements and a sink with hot and cold running water. All cosmetic art schools must have the required equipment to carry out disinfection procedures;
- (4) Theory classroom – classroom with a minimum of 300 square feet to accommodate a maximum of 25 students. Cosmetic art schools must provide an additional 8 square feet in the theory classroom for each student over the maximum of 25;
- (5) Office – administrative office for the secure/locked facilitation of student records and files. This office must be outfitted with a minimum of one desk and one chair;
- (6) Reception area – a reception area for clients to wait prior to receiving services;
- (7) Break room for student use;
- (8) Restrooms for student/public use;
- (9) Locker/dressing room – a locker or room for students to secure/lock personal belongings throughout the day; and
- (10) All stations must be numbered numerically.

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

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

(A) 48 inches of space from the center to the center of each styling chair, esthetics table or manicuring table;

(B) 24 inches from the center of the chair forward;

(C) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or manicuring table; and

(D) at least 30 inches of space from the back of each styling chair, or esthetics table to the wall of the school.

(2) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all implements and a sink with hot and cold running water. All cosmetic art schools must have the required equipment to carry out disinfection procedures;

(3) Beginner/Theory classroom – a room or area with equipment for beginner/theory training appropriate to both practical and theory learning including desks and chairs.

(4) Office – administrative office for the secure/locked facilitation of student records and files. This office must be outfitted with a minimum of one desk and one chair;

(5) Reception area – a reception area for clients to wait prior to receiving services;

(6) Break room for student use;

(7) Restrooms for student/public use;

(8) Locker/dressing room – a locker or room for students to secure/lock personal belongings throughout the day; and

(9) All stations must be numbered numerically.

~~(b)(c)~~ Each cosmetic art school must display a sign in a conspicuous place in the reception area. The sign cannot be smaller than 12 inches by 18 inches, with lettering at least one and one half inches in size and must read as follows: "Cosmetic Art School Work Done Exclusively by Students."

~~(e)~~ (d) Each of the requirements listed within this Rule must be located within the same building with the exception of the theory classroom which may be located in an adjacent building or another building within 500 feet of the main cosmetic art building.

~~(d)~~ (e) All Cosmetic Art schools must post hours of operation per cosmetic art discipline and submit this information to the Board. Any changes to the hours of operation must be posted and submitted to the Board. A school will be considered open by the Board when cosmetic art instruction, services or performances are provided.

~~(e)~~ (f) Cosmetic art schools may not offer student hours or performances unless they are in compliance with Paragraph (a) of this Rule.

~~(f)~~ (g) All cosmetic art schools must adhere to any federal, state and local government regulation or ordinance regarding fire safety codes, plumbing and electrical work.

~~(g)~~ (h) All cosmetic art schools must maintain a ventilation system in good working order with temperature control. During school operating hours the temperature must be maintained between 60 and 85 degrees Fahrenheit.

~~(h)~~ (i) All equipment in cosmetic art schools shall be in working order; kept in safe repair; and installed in such a manner as to facilitate proper usage.

~~(i)~~ (j) All cosmetic art school buildings shall be maintained.

~~(j)~~ (k) All cosmetic art schools must maintain a bulletin board in plain sight of the clinic floor. The bulletin board shall be used to display at all times the Board sanitation rules and the sanitation grade card issued to the school.

~~(k)~~ (l) All cosmetic art schools must post together the school letter of approval, the school license and all cosmetic art licenses issued to the teachers on staff.

~~(l)~~ (m) Each room in a cosmetic art school must be labeled according to its assigned purpose.

~~(m)~~ (n) Each theory classroom shall be equipped with desks or chairs suitable for classroom work and one chair suitable for demonstrating cosmetic art practices.

~~(n)~~ (o) When a school and a shop are under the same ownership, separate operation of the shop and school shall be maintained and if the school and shop are located in the same building, separate entrances and visitor reception areas shall be maintained and the school and shop shall have separate public information releases, advertisements, names and advertising signs.

~~(o)~~ (p) A cosmetic art school that enrolls no more than 10 students may use the space designated as the advanced clinic floor as the theory and beginner rooms but must maintain equipment appropriate to both practical and theory learning including desks and chairs, and advanced station requirements at a 1:2 equipment to student ratio.

*History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012.
Amended Eff. January 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0602

DEADLINE FOR RECEIPT: Wednesday, December 10, 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, replace "must" with "shall"

Page 2, first box, replace "pressing/thermal" with "pressing or thermal"

Page 2, second box, add a comma after "bleaching"

Page 2, for Performance Requirements Hair styling, replace "thermal press/flat iron" with "thermal press or flat iron"

Page 2, for Performance Requirements Color application, add a comma after "color"

Page 2, for Performance Requirements Multidimensional color, replace "low/high" with "low or high"

Page 2, for Performance Requirements Multidimensional color, add an "or" before "bleach"

Page 3, lines 1 and 2, replace "is" with "shall be"

Page 3, line 8, replace "is not" with "shall not be"

Page 3, line 10, replace "nail set is" with " "nail set" means" The term being defined should be in quotation marks. Look at 21 NCAC 14T .0605(j), as is currently in the Code.

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: Wednesday, November 26, 2014

21 NCAC 14T .0602 COSMETOLOGY CURRICULUM IS AMENDED AS PUBLISHED IN NC REGISTER 28:23 AS FOLLOWS WITH CHANGES:

21 NCAC 14T .0602 COSMETOLOGY CURRICULUM

(a) To meet the approval of the Board, a cosmetologist training course must consist of 1500 hours of instruction in theory and practical application, divided as follows:

Theory	Hours	Services	
Beginners: Professional image, sanitation, bacteriology, disinfection, first aid, anatomy, electricity, chemistry, professional ethics, draping, shampooing, roller sets, pin curls, ridge curls with C shaping, fingerwaves, braids, artificial hair, up styles, blowdrying brush control, blowdrying with curling iron, pressing/thermal, hair cutting, partings, perm wraps, relaxer sectioning, color application sectioning, scalp treatments, manicures, pedicures, and artificial nails.	300		
Advanced: Styles and techniques of cosmetology services including arranging, dressing, curling, waving; cutting techniques and implements including razors, clippers, thinning shears, and shears, cleansing, cutting, singeing, bleaching or coloring hair; esthetics and manicuring; and business management and salon business.	1200		
Performance Requirements		Mannequin	Live Model
Scalp and hair treatments			10
Fullhead fingerwave and style		5 or	5
Fullhead pincurl and style		5 or	5
Hair styling sets, blowdrying, thermal press/flat iron, and artificial hair		70	100
Haireuts		10	75
Chemical reformation or permanent waving and relaxers		25	10
Temporary color			2
Color application semi, demi, permanent color and hair lightening		10	30
Multidimensional color low/high lighting, cap, bleach		10	15
Lash and brow color			2
Nail care manicures and pedicures			15
Artificial nails sets		5 or	5
Facials with surface manipulations			10

<u>Makeup application</u>			2
<u>Hair removal</u>			5

1
2

<u>Theory</u>	<u>Hours</u>	<u>[Services] Performances</u>
<u>Beginners: Professional image, sanitation, bacteriology, disinfection, first aid, anatomy, electricity, chemistry, professional ethics, draping, shampooing, roller sets, pin curls, ridge curls with C shaping, fingerwaves, braids, artificial hair, up-styles, blowdrying brush control, blowdrying with curling iron, pressing/thermal, hair cutting, partings, perm wraps, relaxer sectioning, color application sectioning, scalp treatments, manicures, pedicures, and artificial nails.</u>	300	
<u>Advanced: Styles and techniques of cosmetology services including arranging, dressing, curling, waving; cutting techniques and implements including razors, clippers, thinning shears, and shears, cleansing, cutting, singeing, bleaching or coloring hair; esthetics and manicuring; and business management and salon business.</u>	1200	
<u>Performance Requirements</u>		<u>[Live Model] Performances</u>
<u>Scalp and hair treatments</u>		10
<u>Fullhead fingerwave and style</u>		10
<u>Fullhead pincurl and style</u>		10
<u>Hair styling - sets, blowdrying, thermal press/flat iron, and artificial hair</u>		170
<u>Haircuts</u>		85
<u>Chemical reformation or permanent waving and relaxers</u>		35
<u>Temporary color</u>		2
<u>Color application - semi, demi, permanent color and hair lightening</u>		40
<u>Multidimensional color - low/high lighting, cap, bleach</u>		35
<u>Lash and brow color</u>		2
<u>Nail care - manicures and pedicures</u>		15
<u>Artificial nails sets</u>		10
<u>Facials with surface manipulations</u>		10
<u>Makeup application</u>		2

Hair removal		5
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(b) A minimum of 300 hours of theory is required prior to conducting live model performances on the public.

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

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

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

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

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

~~(h)~~ (d) Sharing of performance completions is not allowed.

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

~~(j)~~ (f) A nail set is one hand including all four fingers and thumb.

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

Eff. January 1, 2012;

Amended Eff. January 1, 2015; June 1, 2013; October 1, 2012.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0603

DEADLINE FOR RECEIPT: Wednesday, December 10, 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, replace "must" with "shall"

Page 2, first box, replace "pressing/thermal" with "pressing or thermal"

Page 2, second box, add a comma after "bleaching"

Page 2, for Performance Requirements Hair styling, replace "thermal press/flat iron" with "thermal press or flat iron"

Page 2, for Performance Requirements Color application, add a comma after "color"

Page 2, for Performance Requirements Multidimensional color, replace "low/high" with "low or high"

Page 2, for Performance Requirements Multidimensional color, add an "or" before "bleach"

Page 2, line 3, replace "is" with "shall be"

Page 3, line 1 replace "is" with "shall be"

Page 3, line 7, replace "is not" with "shall not be"

Page 3, line 9, replace "nail set is" with " "nail set" means" The term being defined should be in quotation marks. Look at 21 NCAC 14T .0605(j), as is currently in the Code.

Page 3, line 13, please correct the history note as this Rule was not amended on August 1, 2014

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Wednesday, November 26, 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: Wednesday, November 26, 2014

21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM IS AMENDED AS PUBLISHED IN NC REGISTER 28:23 AS FOLLOWS WITH CHANGES:

21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM

(a) To meet the approval of the Board, an apprentice cosmetologist training course must consist of 1200 hours of instruction in theory and practical application, divided as follows:

Theory	Hours	Services	
Beginners: Professional image, sanitation, bacteriology, disinfection, first aid, anatomy, electricity, chemistry, professional ethics, draping, shampooing, roller sets, pin curls, ridge curls with C-shaping, fingerwaves, braids, artificial hair, up-styles, blowdrying brush control, blowdrying with curling iron, pressing/thermal, hair cutting, partings, perm wraps, relaxer sectioning, color application sectioning, scalp treatments, manicures, pedicures, and artificial nails.	300		
Advanced: Styles and techniques of cosmetology services including arranging, dressing, curling, waving; cutting techniques and implements including razors, clippers, thinning shears, and shears; cleansing, cutting, singeing, bleaching or coloring hair; esthetics and manicuring; and business management and salon business.	900		
Performance Requirements		Mannequin	Live Model
Scalp and hair treatments			8
Fullhead fingerwave and style		3 or	3
Fullhead pineurl and style		3 or	3
Hair styling—sets, blowdrying, thermal press/flat iron, and artificial hair		56	80
Haircuts		8	60
Chemical reformation or permanent waving and relaxers		19	8
Temporary color			4
Color application—semi, demi, permanent color and hair lightening		8	44
Multidimensional color—low/high lighting, cap, bleach		3	8
Lash and brow color			4
Nail care—manicures and pedicures			42
Artificial nails sets		4 or	4
Facials with surface manipulations			7
Makeup application			4
Hair removal			3

1
2

<u>Theory</u>	<u>Hours</u>	<u>[Services]</u> <u>Performances</u>
Beginners: Professional image, sanitation, bacteriology, disinfection, first aid, anatomy, electricity, chemistry, professional ethics, draping, shampooing, roller sets, pin curls, ridge curls with C shaping, fingerwaves, braids, artificial hair, up-styles, blowdrying brush control, blowdrying with curling iron, pressing/thermal, hair cutting, partings, perm wraps, relaxer sectioning, color application sectioning, scalp treatments, manicures, pedicures, and artificial nails.	300	
Advanced: Styles and techniques of cosmetology services including arranging, dressing, curling, waving; cutting techniques and implements including razors, clippers, thinning shears, and shears. cleansing, cutting, singeing, bleaching or coloring hair; esthetics and manicuring; and business management and salon business.	900	
<u>Performance Requirements</u>		<u>[Live Model]</u> <u>Performances</u>
Scalp and hair treatments		8
Fullhead fingerwave and style		6
Fullhead pincurl and style		6
Hair styling - sets, blowdrying, thermal press/flat iron, and artificial hair		136
Haircuts		68
Chemical reformation or permanent waving and relaxers		27
Temporary color		1
Color application - semi, demi, permanent color and hair lightening		19
Multidimensional color - low/high lighting, cap, bleach		8
Lash and brow color		1
Nail care - manicures and pedicures		12
Artificial nails sets		8
Facials with surface manipulations		7
Makeup application		1
Hair removal		3

3 (b) A minimum of 300 hours of theory is required prior to conducting live model performances on the public.

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

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

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

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

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

~~(h)~~ (d) Sharing of performance completions is not allowed.

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

~~(j)~~ (f) A nail set is one hand including all four fingers and thumb.

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

Eff. January 1, 2012;

Amended Eff. January 1, 2015; August 1, 2014; June 1, 2013; September 1, 2012.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0604

DEADLINE FOR RECEIPT: Wednesday, December 10, 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 5, replace "must" with "shall"

Page 1, first box, replace "anatomy/physiology" with "anatomy or physiology"

Page 1, first box, replace "facial/body" with "facial or body"

Page 1, first box, add an "and" after "nutrition,"

Page 1, first box, replace "make-up/color" with "make-up or color"

Page 2, first box, add a comma after "extensions"

Page 2, for Performance Requirements Facials Manual, add a comma after "packs"

Page 2, for Performance Requirements Hair removal, add an "or" or "and" before "depilatories" Please verify the spelling of this word, as it appears to actually be "depilatories"

Page 2, lines 2 and 3, replace "is" with "shall be"

Page 2, line 4, add "Board's" before "application"

Page 3, line 9, replace "is not" with "shall not be"

Page 3, line 14, there is no need to underline the August 1, 2014 date. Please correct.

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: Wednesday, November 26, 2014

**21 NCAC 14T .0604 ESTHETICS CURRICULUM IS AMENDED AS PUBLISHED IN NC REGISTER
28:23 AS FOLLOWS WITH CHANGES:**

21 NCAC 14T .0604 ESTHETICS CURRICULUM

(a) To meet the approval of the Board, an esthetician training course must consist of at least 600 hours of instruction 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.	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	560	-	
Performance Requirements		Mannequin	Live Model
Facials Manual (skin analysis, cleansing, surface manipulations, packs and masks)		40	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)		40	20
Eyelash extensions		5	5
Brow and lash color		5	5

Theory and Performance Requirements	Hours	[Services] Performances
<u>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.</u>	40	

<u>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</u>	560	
<u>Performance Requirements</u>		<u>[Live Model]</u> <u>Performances</u>
<u>Facials Manual (skin analysis, cleansing, surface manipulations, packs and masks)</u>		<u>40</u>
<u>Facials Electronic (the use of electrical modalitus, including dermal lights, and electrical apparatus for facials and skin care including galvanic and faradic)</u>		<u>30</u>
<u>Eyebrow arching</u>		<u>20</u>
<u>Hair removal (hard wax, soft wax, depilatories)</u>		<u>30</u>
<u>Makeup application (skin analysis, complete and corrective makeup)</u>		<u>30</u>
<u>Eyelash extensions</u>		<u>10</u>
<u>Brow and lash color</u>		<u>10</u>

- (b) A minimum of 40 hours of theory is required prior to conducting live model performances on the public.
- (c) Certification of live model or mannequin performance completions is required along with on the graduation form and application for the examination.
- ~~(d) A live model may be substituted for a mannequin for any mannequin service.~~
- ~~(e) All mannequin services may be performed using a simulated product.~~
- ~~(f) Simulated product is not allowed for credit for live model performance.~~
- ~~(g) Mannequin services shall not be substituted for live model services.~~
- ~~(h)~~ (d) Sharing of performance completions is not allowed.
- ~~(i)~~ (e) Credit for a performance shall be given to only one student.

History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;
Eff. January 1, 2012;
Amended Eff. January 1, 2015; August 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0605

DEADLINE FOR RECEIPT: Wednesday, December 10, 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 5, replace "must" with "shall"

Page 1, third box, add a comma after "treatment"

Page 1, fifth box, add a comma after "decorating"

Line 9, replace "is" with "shall"

Page 2, line 1, replace "is" with "shall be"

Page 2, line 2, add "Board's" before "application"

Page 2, line 7, replace "is not" with "shall not be"

Page 2, line 9, replace "nail set is" with " "nail set" means" The term being defined should be in quotation marks. Look at the current version of this Rule in the Code.

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: Wednesday, November 26, 2014

21 NCAC 14T .0605 MANICURING CURRICULUM IS AMENDED AS PUBLISHED IN NC REGISTER 28:23 AS FOLLOWS WITH CHANGES:

21 NCAC 14T .0605 MANICURING CURRICULUM

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

<u>Theory and Performance Requirements</u>	<u>Hours</u>	<u>Services</u>	
<u>Beginners: Manicuring theory, disinfection, first aid, trimming, filing, shaping, decorating, arm and hand manipulation, sculptured and artificial nails; and pedicuring</u>	<u>25</u>		
<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</u>	<u>275</u>		
<u>Performance Requirements</u>		<u>Mannequin</u>	<u>Live Model</u>
<u>Manicures including trimming, filing, shaping, decorating and arm and hand manipulations</u>		<u>5</u>	<u>10</u>
<u>Applications or repair of sculptured or artificial nail sets</u>		<u>5</u>	<u>15</u>
<u>Pedicures</u>			<u>10</u>

<u>Theory and Performance Requirements</u>	<u>Hours</u>	<u>[Services]</u> <u>Performances</u>
<u>Beginners: Manicuring theory, disinfection, first aid, trimming, filing, shaping, decorating, arm and hand manipulation, sculptured and artificial nails; and pedicuring</u>	<u>25</u>	
<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</u>	<u>275</u>	
<u>Performance Requirements</u>		<u>[Live Model]</u> <u>Performances</u>
<u>Manicures including trimming, filing, shaping, decorating and arm and hand manipulations</u>		<u>15</u>
<u>Applications or repair of sculptured or artificial nail sets</u>		<u>20</u>
<u>Pedicures</u>		<u>10</u>

(b) A minimum of 25 hours theory is required prior to conducting live model performances on the public.

1 (c) Certification of ~~live model or mannequin~~ performance completions is required ~~along with~~ on the graduation
2 form and application for the examination.

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

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

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

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

7 ~~(h)~~ (d) Sharing of performance completions is not allowed.

8 ~~(i)~~ (e) Credit for a performance shall be given to only one student.

9 ~~(j)~~ (f) A nail set is one hand including all four fingers and thumb.

10
11 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*

12 *Eff. January 1, 2012;*

13 *Amended Eff. January 1, 2015; August 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0606

DEADLINE FOR RECEIPT: Wednesday, December 10, 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, replace "must" with "shall"

Page 1, second box, add an "and" after "scalp,"

Page 1, third box, add a semicolon after "management"

Page 2, lines 2 and 3, replace "is" with "shall be"

Page 2, line 4, add "Board's" before "application"

Page 3, line 9, 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: Wednesday, November 26, 2014

21 NCAC 14T .0606 NATURAL HAIR CARE CURRICULUM IS AMENDED A PUBLISHED IN NC REGISTER 28:23 AS FOLLOWS WITH CHANGES:

21 NCAC 14T .0606 NATURAL HAIR CARE CURRICULUM

(a) To meet the approval of the Board, a natural hair care styling training course must consist of 300 hours of instruction 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.	25		
Advanced: Styles and techniques of natural hair styling including twisting, wrapping, extending, locking, blowdry and thermal iron; and business management and professional ethics.	275		
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

Theory	Hours	[Services] Performances
<u>Beginners: Sanitation, bacteriology, disinfection, first aid, shampooing, draping, anatomy, disorders of the hair and scalp, client consultation.</u>	<u>25</u>	
<u>Advanced: Styles and techniques of natural hair styling including twisting, wrapping, extending, locking, blowdry and thermal iron; and business management and professional ethics.</u>	<u>275</u>	
Performance Requirements		[Live Model] Performances
<u>Braids</u>		<u>10</u>
<u>Twists</u>		<u>10</u>
<u>Knots</u>		<u>5</u>
<u>Corn rows</u>		<u>5</u>

<u>Hairlocking</u>		<u>10</u>
<u>Artificial hair and decorations</u>		<u>10</u>
<u>Blow dry and thermal iron</u>		<u>10</u>
<u>Braid Removal</u>		<u>10</u>

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

History Note: Authority G.S. 88B-2; 88B-4; 88B-16;
Eff. January 1, 2012;
Amended Eff. January 1, 2015; August 1, 2014; June 1, 2013.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0705

DEADLINE FOR RECEIPT: Wednesday, December 10, 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 9 and 12, replace "must" with "shall"

Line 11, replace the semicolon at the end of the sentence with a period.

Line 14, why is "Art" capitalized? The term is normally lowercase letters in the remainder of this Rule. Please be consistent.

Lines 16 through 18, consider the following suggested rewrite:

At the time of renewal, each school shall submit to the Board financial records of prepaid tuition and a letter signed by an authorized representative of the school documenting the calculations made and the method of computing the amount of the bond for the preceding year.

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: Wednesday, November 26, 2014

**21 NCAC 14T .0705 SCHOOL PERFORMANCE REQUIREMENTS IS AMENDED AS PUBLISHED
IN NC REGISTER 28:23 AS FOLLOWS:**

21 NCAC 14T .0705 SCHOOL PERFORMANCE REQUIREMENTS

(a) Each cosmetic art school shall meet or exceed a program completion rate of at least 50 percent during any five year period and shall meet or exceed a student pass rate on state licensure examinations of at least 70 percent during any ~~three~~ two year period.

(b) The school shall allow the teachers to have the opportunity to prepare for class, evaluate students' progress in the course, counsel students individually, and participate in activities of continuing education.

(c) Cosmetic art schools must provide to substitutes copies of lesson plans and the performance evaluation plan for the successful grading of clinical performances.

(d) School attendance policies shall give appropriate performances attendance credit for all hours attended;

(e) If a graduate meets all the financial, hours, academic, and performance requirements, the school must provide the student with the examination application.

(f) Cosmetic Art schools shall maintain current bond according to G.S. 88B-17 and shall submit certification of renewal or new bond prior to expiration of the bond approved by the Board.

(g) Each school shall submit to the Board upon renewal financial records of prepaid tuition and a letter signed by an authorized representative of the school documenting the calculations made and the method of computing the amount of the bond for the preceding year. Each school shall maintain and submit to the Board proof of bond in an amount of ten thousand dollars (\$10,000), or equivalent to prepaid tuition received during the previous year, whichever is greater.

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

Eff. January 1, 2012;

Amended Eff. January 1, 2015; September 1, 2012.