

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: All Forms

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

***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.

*Where appropriate, please indicate which rules are being proposed for readoption. Please note that there is a new form on our website that provides a box specifically for readoptions. That form can be found here:*

*<http://www.ncoah.com/rules/Form%20400%20for%20Permanent%20Rule%20October%202015.pdf/>.*

*Please verify that the information provided in box 6 is correct.*

*Please verify the website provided on each of the forms.*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: All Rules

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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.

*In the History Note of any rules that you are amending pursuant to the regular rule-making process, and not because you designated them as necessary with substantive public interest pursuant to the period review process, please add the following language:*

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

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0404

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

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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.

*In (a), line 4, please change "must" to "shall." Please also add a comma following "sterile bandages."*

*In (b), do you mean the dictionary definition of "immediately"?*

*Are the requirements in (b) meant to be done in this particular order? If so, please say so.*

*In (b), please make sure that all verbs are in active voice. Currently, you have a mix.*

*Please consider changing sub-paragraphs (b)(1) through (b)(7) to begin with lower-case letters.*

*In (b)(1), do you mean "a protective glove" or "protective gloves"? "Protective gloves" is used in (c)(1). Please be consistent.*

*In (b)(2), do you mean "clean" or "cleanse"?*

*In (b)(3), please be consistent in your use of "sterilized bandage" and "sterile bandage." In (a), you have used "sterile bandage"; however, here, you have used "sterilized bandage."*

*In (b)(4), how is the implement to be disinfected? Is there an industry standard that addresses this? Also, what do you mean by "before proceeding"?*

*In (b)(5), please change "disposes" to "dispose."*

*Please change the colons at the end of (b)(5) and (b)(6) to semi-colons.*

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

*In (b)(6), how shall the hands be sanitized? Is there an industry standard that addresses this?*

*In (c), do you mean the dictionary definition of "immediately"?*

*Please consider changing sub-paragraphs (c)(1) through (c)(6) to begin with lower-case letters.*

*In (c)(1), do you mean "protective gloves" or "a protective glove"? "A protective glove" is used in (b)(1). Please be consistent.*

*In (c)(2)(a), please change "cleans" to "cleaning" or "cleansing." Whichever is appropriate to maintain consistency with (b)(2).*

*In (c)(2)(b), please change "apply" to "applying." Please also be consistent in your use of "sterilized bandage" and "sterile bandage."*

*In (c)(3), how is the implement to be disinfected? Is there an industry standard that addresses this? Also, what do you mean by "before proceeding"?*

*Please change the colons at the end of (c)(4) and (c)(5) to semi-colons.*

*In (c)(4), please change "disposes" to "dispose."*

*In (c)(5), how shall the hands be sanitized? Is there an industry standard that addresses this?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14H .0404 FIRST AID IS AMDENDED AS PUBLISHED IN NC REGISTER 29:24 AS**  
2 **FOLLOWS:**

3 **21 NCAC 14H .0404 FIRST AID**

4 (a) Each cosmetic art shop and school must have antiseptics, gloves or finger guards, sterile bandages and other  
5 necessary supplies available to provide first aid.

6 (b) If the skin of the licensee or student is punctured, the licensee or student shall immediately do the following:

- 7 (1) ~~Apply antiseptic and a sterilized bandage; a protective glove to remove materials from first aid kit;~~
- 8 (2) ~~Disinfect any implement exposed to blood before proceeding; and~~ Cleans injured area with antiseptic  
9 (e.g. alcohol, hand sanitizer);
- 10 (3) ~~Put on disposable, protective gloves or a finger guard. Apply a sterilized bandage;~~
- 11 (4) Disinfect any implement exposed to blood before proceeding;
- 12 (5) Disposes of all contaminated supplies in a zip lock bag then place in the trash;
- 13 (6) Sanitize hands: and
- 14 (7) Put on disposable, protective gloves or a finger guard.

15 (c) If the skin of the patron is punctured, the licensee or student shall immediately do the following:

- 16 (1) ~~Make available to the patron antiseptic and a sterilized bandage; Apply protective gloves to remove~~  
17 materials from first aid kit;
- 18 (2) ~~Disinfect any implement exposed to blood before proceeding; and~~ Make first aid supplies available to  
19 the patron or assist the patron with:
  - 20 (a) Cleans injured area with antiseptic (e.g. alcohol, hand sanitizer)
  - 21 (b) Apply a sterilized bandage;
- 22 (3) ~~Put on disposable, protective gloves or a finger guard. Disinfect any implement exposed to blood~~  
23 before proceeding;
- 24 (4) Disposes of all contaminated supplies in a zip lock bag then place in the trash;
- 25 (5) Sanitize hands: and
- 26 (6) Put on disposable, protective gloves or a finger guard.

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29  
30 *History Note: Authority G.S. 88B-2; 88B-4; 88B-14;*

31 *Amended Eff. January 1, 2016;*

32 *Eff. April 1, 2012.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14H .0504

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

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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.

*Is your regulated public familiar with what you mean by "clean," "sanitary," and in "good repair" as used throughout this rule? Is this an industry standard?*

*Please change "Bathroom facilities shall be kept cleaned" to "Bathroom facilities shall be kept clean." This is the only place in this Rule that "cleaned" was used.*

*How shall all implements and areas where services are performed be disinfected? Is this an industry standard? Is there a cross-reference available?*

*What do you mean by "The presence of animals and birds"? Are animals and birds prohibited? Please make this a complete sentence.*

*Please correct the amended effective dates in the history note.*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS IS PROPOSED FOR**  
 2 **READOPTION AS FOLLOWS:**

3  
 4 **21 NCAC 14H .0504 SYSTEMS OF GRADING BEAUTY ESTABLISHMENTS**

5 The system of grading the sanitary rating of cosmetic art schools and shops based on the rules set out in this  
 6 subchapter shall be as follows, setting out areas to be inspected and considered, and the maximum points given for  
 7 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 shall 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 shall 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 shall be discarded after use or upon completion of the service.	10
Any product that comes into contact with the patron shall be discarded upon completion of the service.	3
Disinfected implements shall be kept in a clean closed cabinet or clean closed container and shall 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.	1
The presence of animals or birds. Fish in an enclosure and animals trained for the purpose of accompanying disabled persons are exempt.	1
All creams, lotions, wax, cosmetics, and other products dispensed to come in contact with patron's skin shall be kept in clean, closed containers and dispensed in a sanitary manner. No product dispensed in portions shall be returned to the container.	10

After each patron's use each whirlpool or footspa shall be cleaned and disinfected.	10
The water in a vaporizer machine shall 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;*  
*Amended Eff. January 1, 2016;*  
*Amended Eff. August 1, 2014.*

1 **21 NCAC 14H .0505 RULE COMPLIANCE AND ENFORCEMENT MEASURES IS PROPOSED FOR**  
2 **READOPTION IN NC REGISTER 29:24 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  
5 in the 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 skin tags, corns,  
8 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 non-human mammals to perform  
12 any service; or
- 13 (2) variable speed electrical nail file on the natural nail unless it has been designed for use on the  
14 natural nail.

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

- 17 (1) use of any product, implement, or piece of equipment in any manner other than the product's,  
18 implement's, or equipment's intended use as described or detailed by the manufacturer;
- 19 (2) treatment of any medical condition unless referred by a physician;
- 20 (3) use of any product that will penetrate the dermis;
- 21 (4) provision of any service unless trained prior to performing the service;
- 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) fungus, lice, or nits;
  - 25 (B) inflamed infected, broken, raised, or swollen skin or nail tissue in the area to be worked  
26 on; or
  - 27 (C) an open wound or sore in the area to be worked on; or
- 28 (6) alteration of or duplication of a license issued by the Board;
- 29 (7) advertisement or solicitation of clients in any form of communication in a manner that is false or  
30 misleading; or
- 31 (8) use of any FDA rated Class II device without the documented supervision of a licensed physician.

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

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

- 1 (f) The failure to maintain in a cosmetic art shop and school antiseptics, gloves or finger guards, and sterile  
2 bandages available to provide first aid shall result in civil penalty in the amount of twenty-five dollars (\$25.00) per  
3 item.
- 4 (g) The failure to maintain a sink with hot and cold running water in the clinic area, separate from restrooms, shall  
5 result in civil penalty in the amount of one hundred dollars (\$100.00).
- 6 (h) The failure to provide ventilation at all times in the areas where patrons are serviced in cosmetic art shops shall  
7 result in civil penalty in the amount of twenty-five dollars (\$25.00).
- 8 (i) The failure to screen all doors and windows open for ventilation shall result in civil penalty in the amount of  
9 twenty-five dollars (\$25.00).
- 10 (j) The failure to maintain equipment and supplies necessary to perform any cosmetic art service offered in the shop  
11 shall result in civil penalty in the amount of one hundred dollars (\$100.00).
- 12 (k) The failure to maintain a sanitation grade of 80 percent or higher shall result in a civil penalty in the amount of  
13 two hundred dollars (\$200.00).
- 14 (l) Repeated violations of the rules in this Subchapter exceeding three written notifications of any one rule  
15 documented to any one individual, shop, or school shall result in a mandatory disciplinary hearing in accordance  
16 with 21 NCAC 14C.

17

18 *History Note:* Authority G.S. 88B-2; 88B-4; 88B-14; 88B-23; 88B-24; 88B-26; 88B-27; 88B-29;

19 *Eff. April 1, 2012;*

20 *Readoption Eff. January 1, 2016;*

21 *Amended Eff. August 1, 2014.*

22

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0201

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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.

*In (a)(3), what is the required equipment to carry out disinfection procedures? Is this an industry standard? Is this set forth in another rule or statute?*

*In (a)(5), what do you mean by "secure/locked"? Do you mean "secure and locked" or "secure or locked"? Please replace the slash by and or or, whichever you mean.*

*In (a)(8), what do you mean by "student/public" use? Do you mean "student and public use" or "student or public use"? Please replace the slash by and or or, whichever you mean.*

*In (a)(9), what do you mean by "locker/dressing room" and "secure/lock"? Do you mean "locker and dressing room" or "locker or dressing room"? Do you mean "secure and lock" or "secure or lock"? Please replace the slash by and or or, whichever you mean.*

*In (a)(10), what are stations required to consist of?*

*In (b), are "manicuring, esthetics and natural hair care schools" not included in (a) as cosmetology schools? If not, then should there be a reference to esthetics tables and manicuring tables in (a)(2)(A) through (a)(2)(D)?*

*In (b)(1)(D), please remove the comma following "styling chair."*

*In (b)(2), please change "must" to "shall." Also, what is the required equipment to carry out disinfection procedures? Is this the same equipment provided for in (a)(3)?*

*In (b)(4), what do you mean by "secure/locked"? Do you mean "secure and locked" or "secure or locked"? Please replace the slash by and or or, whichever you mean. Please also change "must" to "shall."*

Amber Cronk May  
Commission Counsel

Date submitted to agency: Wednesday, November 25, 2015

*In (b)(7), what do you mean by “student/public” use? Do you mean “student and public use” or “student or public use”? Please replace the slash by and or or, whichever you mean.*

*In (b)(8), what do you mean by “locker/dressing room” and “secure/lock”? Do you mean “locker and dressing room” or “locker or dressing room”? Do you mean “secure and lock” or “secure or lock”? Please replace the slash by and or or, whichever you mean.*

*In (a)(9), what are stations required to consist of?*

*In (e), please change “will” to “shall.”*

*In (j), what do you mean by “shall be maintained”?*

*In (k), please provide the cross-reference to the sanitation rules.*

*In (o), please consider rewording into two sentences.*

*In (p), what are the station requirements? Is there a cross-reference available?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0201 ALL COSMETIC ART SCHOOLS IS AMENDED AS PUBLISHED IN NC**  
2 **REGISTER 28:23 AS FOLLOWS WITH CHANGES:**

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

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

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

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

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

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

- 1                   (A) 48 inches of space from the center to the center of each styling chair, esthetics table or  
2                   manicuring table;  
3                   (B) 24 inches from the center of the chair forward;  
4                   (C) 48 inches from the backrest behind the chair to any other styling chair, esthetics table or  
5                   manicuring table; and  
6                   (D) at least 30 inches of space from the back of each styling chair, or esthetics table to the  
7                   wall of the school.  
8                   (2) Dispensary – a room or area to organize and maintain supplies, equipment for disinfection of all  
9                   implements and a sink with hot and cold running water. All cosmetic art schools must have the  
10                   required equipment to carry out disinfection procedures;  
11                   (3) Theory classroom – a room or area with equipment for theory training appropriate to both  
12                   practical and theory learning including desks and chairs.  
13                   (4) Office – administrative office for the secure/locked facilitation of student records and files. This  
14                   office must be outfitted with a minimum of one desk and one chair;  
15                   (5) Reception area – a reception area for clients to wait prior to receiving services;  
16                   (6) Break room for student use;  
17                   (7) Restrooms for student/public use;  
18                   (8) Locker/dressing room – a locker or room for students to secure/lock personal belongings  
19                   throughout the day; and  
20                   (9) All stations must be numbered numerically.

21  
22 ~~(b)~~(c) Each cosmetic art school must display a sign in a conspicuous place in the reception area. The sign cannot be  
23 smaller than 12 inches by 18 inches, with lettering at least one and one half inches in size and must read as follows:  
24 "Cosmetic Art School Work Done Exclusively by Students."

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

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

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

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

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

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

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

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

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

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

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

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

15 ~~(o)~~ (p) A cosmetic art school must maintain space and equipment appropriate to both practical and theory learning  
16 including desks and chairs, and station requirements so that each student in attendance has a location within which  
17 to complete assigned tasks.

18

19 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
20 *Eff. January 1, 2012.*  
21 *Amended Eff. January 1, 2016.*  
22

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0205

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

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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.

*On line 4, what do you mean by "clinic department"? You will see in the notes for 21 NCAC 14T .0302 that I suggest defining "practice department" and "clinic department." Depending on your definition, this issue may be taken care of in your definition. Please note that the definition does not necessarily have to be in this particular rule, and providing the definition in one place is sufficient.*

*On lines 4 and 6, please change "must" to "shall."*

*On line 5, please change "which" to "that."*

*On lines 5 and 6, do you mean "advanced students"? It appears as though you are changing this to "advanced" to "clinic." Please be sure that you are consistent in your terminology to avoid any clarity issues.*

*On line 6, did you mean "of clinic floor," rather than "on the clinic floor?"*

*Overall, this Rule is a bit awkward and rather unclear. I think the part that makes it awkward is "the following physical departments." This appears to only require a Clinic Department? If this is correct, a suggested rewrite is as follows:*

*"Natural Hair Care Styling Schools **must shall** have **the following physical departments: Advanced a Clinic Department with** a minimum clinic floor of 600 square feet **which shall accommodate for** a maximum of 16 enrolled advanced students. Schools **must shall** provide an additional 7.5 square feet **on the of** clinic floor for each enrolled advanced student over 16.*

***Please note that this is only a suggestion.*** If my understanding of the rule is not correct, please rewrite to make more clear.

Amber Cronk May  
Commission Counsel

Date submitted to agency: Wednesday, November 25, 2015

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0205 NATURAL HAIR CARE SCHOOLS IS AMENDED AS PUBLISHED IN NC**  
2 **REGISTER 29:24 AS FOLLOWS:**

3 **21 NCAC 14T .0205 NATURAL HAIR CARE SCHOOLS**

4 Natural Hair Care Styling Schools must have the following physical departments: ~~Advanced~~ Clinic Department - a  
5 minimum clinic floor of 600 square feet which shall accommodate a maximum of 16 enrolled advanced students.  
6 Schools must provide an additional 7.5 square feet on the clinic floor for each enrolled advanced student over 16.

7

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

9 *Eff. January 1, 2012;*

10 *Amended Eff. January 1, 2016; October 1, 2012.*

## 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: Board of Cosmetic Art Examiners

RULE CITATION: **21 NCAC 14T .0302**

RECOMMENDED ACTION:

- X Approve, but note staff's comment
- X Object, based on:
  - Lack of statutory authority
  - Unclear or ambiguous
  - Unnecessary
- X Failure to adopt the rule in accordance with the APA
- Extend the period of review
- Return the rule to the agency for failure to comply with the Administrative Procedure Act

COMMENT:

As adopted by the Board and submitted for RRC for review, Counsel is concerned that there has been a substantial change that “produces an effect that could not reasonably have been expected based on the proposed text of the rule” pursuant to G.S. 150B-21.2(g)(3).

In (d), schools were required to have an additional station per every five students as published in the North Carolina Register on August 17, 2015; however, as submitted for review by the Rules Review Commission, the Rule now indicates that schools are required to have an additional station per every two students. It is Counsel’s opinion that increasing the number of stations required creates a result that could not have reasonably been expected; therefore, Counsel is recommending objection to the revision in (d) for adopting a rule that differs substantially from the text of a proposed rule published in the North Carolina Register in accordance with 150B-21.2(g).

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0302

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

***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.

*Please add a definition for "practice" and "clinic" somewhere in Rule. Perhaps 21 NCAC 14T .0201 would be an appropriate place, **but this is only a suggestion**. I do see that you have somewhat of a definition in 21 NCAC 14T .0612, is this a complete definition for these?*

*In (a), please change "must" to "shall."*

*In (a), please consider deleting "equipment."*

*In (a), is there a maximum number of students that the requirements in (a)(1) through (a)(6) will accommodate as there is in (b)?*

*In (a)(2), please change "bowls and chairs" to "bowl and chair", given that you are only requiring one of each. Also, are the qualifications in (a)(2) necessary given that you are changing the requirements to only one bowl and chair? If this is necessary, please change "must" to "shall." Please also consider breaking this information into a list as follows:*

(3) ~~Two~~ One shampoo ~~bowls and chairs.~~ bowl and chair. If a school has more than one shampoo and bowl in the practice department, the following shall apply:

(A) ~~Each~~ each side approach shampoo bowl ~~must shall~~ be at least 40 inches apart, center of bowl to center of ~~bowl,~~ bowl; and

(B) each free standing shampoo ~~bowls must bowl shall~~ be at least 31 inches apart, center of bowl to center of bowl;

***Please note that this is only a suggestion.***

*Also in (a)(2), did you intend on including information concerning "all other types of shampoo bowls" as you have in (b)(3)?*

*In (a)(3), please delete "the" before "the hair."*

Amber Cronk May  
Commission Counsel

Date submitted to agency: Wednesday, November 25, 2015

*In (a)(4), please add “and” following the semi-colon.*

*In (a)(5), do you mean “practice table or stand” or “practice table and stand”? Please change “practice table/stand” to whichever is appropriate.*

*In (a)(5), please delete the semi-colon and “and” following the sub-paragraph, and end it with a period.*

*In (b), please change “must” to “shall.” Please also consider deleting “equipment.”*

*In (b)(1), please consider changing “20 stations: a station” to “20 ~~stations: stations.~~ ~~Each a~~ station shall include...” Please add a comma following “electrical outlet.”*

*In (b)(3), please change “must” to “shall.” Please also consider breaking (b)(3) into a list. A suggestion for this would be as follows:*

- (3) Four shampoo bowls and ~~chairs.~~ ~~chairs as follows:~~
  - (A) ~~Each each~~ side approach shampoo bowl ~~must shall~~ be at least 40 inches apart, center of bowl to center of ~~bowl;~~ ~~bowl;~~
  - (B) ~~each~~ free standing shampoo ~~bowls must~~ ~~bowl shall~~ be at least 31 inches apart, center of bowl to center of ~~bowl;~~ ~~bowl;~~ ~~and~~
  - (C) all other types of shampoo bowls ~~must shall~~ be at least 31 inches apart, center of bowl to center of bowl;

***Please note that this is only a suggestion.***

*In (b)(5), please change “One pedicure station: a pedicure station shall include” to “One pedicure ~~station: a pedicure station that shall include~~ a chair...” Please also add a comma following “a foot bath.”*

*In (c), did you mean “clinic” rather than “advanced”? Please be sure that you are consistent in your terminology.*

*In (c), please change “must” to “shall.”*

*In (d), please change “must” to “shall.”*

*In (d), what do you mean by “as defined in this section per discipline” and “specific to the discipline.” Can you instead provide a specific cross-reference to the appropriate rule?*

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

1 **21 NCAC 14T .0302 EQUIPMENT FOR COSMETOLOGY SCHOOLS IS AMENDED IN NC**  
2 **REGISTER 30:04 AS FOLLOWS WITH CHANGES:**

3 **21 NCAC 14T .0302 EQUIPMENT FOR COSMETOLOGY SCHOOLS**

4 (a) The ~~beginner practice~~ department in a cosmetology school must be equipped with the following equipment:

- 5 (1) One manicure table and stool;
- 6 (2) ~~Two~~ One shampoo bowls and chairs. Each side approach shampoo bowl must be at least 40  
7 inches apart, center of bowl to center of bowl, free standing shampoo bowls must be at least 31  
8 inches apart, center of bowl to center of bowl;
- 9 (3) Thermal styling equipment for the purpose of curling and straightening the hair;
- 10 (4) Visual aids;
- 11 (5) One mannequin practice table/stand to accommodate each student ~~enrolled~~ in the ~~beginner practice~~  
12 department; and
- 13 ~~(6) Five dozen cold wave rods for each student in the department.~~

14 (b) The ~~advanced clinic~~ department in a cosmetology school must be equipped with the following equipment for up  
15 to 40 students in the department:

- 16 (1) 20 stations: a station shall include one mirror, one electrical outlet and one hydraulic chair;
- 17 (2) ~~Six~~ Four hooded floor type dryers and chairs;
- 18 (3) Four shampoo bowls and chairs. Each side approach shampoo bowl must be at least 40 inches  
19 apart, center of bowl to center of bowl, free standing shampoo bowls must be at least 31 inches  
20 apart, center of bowl to center of bowl, all other types of shampoo bowls must be at least 31 inches  
21 apart, center of bowl to center of bowl;
- 22 (4) Two manicure tables and stools;
- 23 (5) One pedicure station: a pedicure station shall include a chair, a foot bath and a stool; and
- 24 (6) One facial treatment table or chair and a stool.

25 (c) The advanced department in a cosmetology school must be equipped with the following equipment if there are  
26 more than 40 enrolled advanced students:

- 27 (1) One station for each additional two students;
- 28 ~~(2) One hooded floor type dryer for each additional 10 students;~~
- 29 ~~(3)~~(2) One shampoo bowl for each additional 10 students;
- 30 ~~(4)~~(3) One manicure table and stool for each additional 15 students;
- 31 ~~(5)~~(4) One pedicure station for each additional 20 students; and
- 32 ~~(6)~~(5) One facial lounge or chair for each additional 40 students.

33 (d) Cosmetology schools that also offer the disciplines of esthetics, ~~manicuring and natural hair care~~ and  
34 manicuring must be equipped with one additional station (as defined in this section per discipline) per ~~five~~ two  
35 students and the equipment requirements specific to the discipline.

36  
37 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*

1                    Amended Eff. January 1, 2016:  
2                    *Eff. January 1, 2012.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0303

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

***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.

*Please note that 21 NCAC 14T .0203, Esthetics Schools, still refers to "an advanced Department" and "advanced students." Is this also being changed? I don't see that it has been put out for publication, but I may have missed it. If it hasn't, is the competing names of "advanced" and "clinic" going to be an issue with your regulated public? You may wish to address this issue in a definition or some other way. It has the potential to be a clarity issue.*

*In (a), please change "must" to "shall."*

*In (a), please make into one paragraph. This would require you to make "One mannequin" into "One one mannequin..."*

*In (a), do you mean "practice table or stand" or "practice table and stand"? Please change "practice table/stand" to whichever is appropriate.*

*In (b), please consider deleting "equipment."*

*In (b), please change "for 1-20 students:" to "for 4-20 up to 20 students:" for purposes of consistency.*

*In (b)(2), why is "waste container" included here? It seems as though it should be a separate requirement as it is in 21 NCAC 14T .0304(b)(4).*

*Also in (b)(2), what is considered "a station"? You have spelled out what is to be included in a station in (c)(1). You may want to consider moving that up to (b) when you first use the term if it is the same thing. If you do not mean it in the same way, please indicate what is to be considered "a station" for these purposes.*

*In (c), please consider deleting "equipment."*

Amber Cronk May  
Commission Counsel

Date submitted to agency: Wednesday, November 25, 2015

*In (c), please change “must” to “shall.”*

*In (c), line 23, did you mean “clinic students” rather than “advanced students”?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1    **21 NCAC 14T .0303     EQUIPMENT FOR ESTHETICS SCHOOLS IS AMENDED AS PUBLISHED IN**  
2                                   **NC REGISTER 30:04 AS FOLLOWS:**

3    **21 NCAC 14T .0303     EQUIPMENT FOR ESTHETICS SCHOOLS**

4    (a) The ~~beginner practice~~ department in an esthetics school must be equipped with ~~the following equipment:~~

5            (1)     One mannequin practice table/stand to accommodate each student ~~enrolled~~ in the beginner practice  
6                    department. ~~department;~~

7            (2) ~~One sink with hot and cold running water.~~

8    (b) The ~~advanced clinic~~ department in an esthetics school shall be equipped with the following equipment for 1-20  
9    students:

10           (1)     Ten facial treatment chairs or treatment tables;

11           (2)     Ten esthetician's stools and waste container at each station;

12           (3)     One facial vaporizer;

13           (4)     One galvanic current apparatus;

14           (5)     One infra-red lamp;

15           (6)     One woods lamp;

16           (7)     One magnifying lamp;

17           (8)     One hair removal wax system;

18           (9)     One thermal wax system;

19           (10)    One suction machine;

20           (11)    One exfoliation machine with brushes; and

21           (12)    One hand washing sink with hot and cold running water, separate from restrooms.

22    (c) The ~~advanced clinic~~ department in an esthetics school must be equipped with the following equipment if there  
23    are more than 20 enrolled advanced students:

24           (1)     One station for each additional two students: a station shall include one facial treatment table or  
25                    chair and one stool; and

26           (2)     Two hand washing sinks with hot and cold running water, separate from restrooms.

27

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

29                    *Eff. January 1, 2012;*

30                    *Amended Eff. January 1, 2016; October 1, 2012.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0304

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

***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.

*Please note that 21 NCAC 14T .0204, Manicuring Schools, still refers to “an advanced Department” and “advanced students.” Is this also being changed? I don’t see that it has been put out for publication, but I may have missed it. If it hasn’t, is the competing names of “advanced” and “clinic” going to be an issue with your regulated public? You may wish to address this issue in a definition or some other way. It has the potential to be a clarity issue.*

*In (a), please change “must” to “shall.”*

*In (a), please make into one paragraph. This would require you to make “One mannequin” into “One one mannequin...”*

*In (a), do you mean “practice table or stand” or “practice table and stand”? Please change “practice table/stand” to whichever is appropriate.*

*In (b), please change “must” to “shall.”*

*In (b), please consider deleting “equipment*

*In (b), are these requirements for up to 20 students? I assume so, but if this is correct, please say so.*

*In (c), please change “must” to “shall.”*

*In (c), please consider deleting “equipment.”*

*In (c), line 16, did you mean “clinic students” rather than “advanced students”?*

*In (c)(1), please add some sort of punctuation between “students” and “a station.”*

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0304 EQUIPMENT FOR MANICURING SCHOOLS IS AMENDED AS PUBLISHED**  
2 **IN NC REGISTER 30:04 AS FOLLOWS:**

3 **21 NCAC 14T .0304 EQUIPMENT FOR MANICURING SCHOOLS**

4 (a) The ~~beginner practice~~ department in a manicuring school must be equipped with ~~the following equipment:~~

5 (1) ~~One one~~ mannequin practice table/stand to accommodate each student enrolled in the ~~beginner~~  
6 ~~department; and practice department.~~

7 (2) ~~One hand washing sink with hot and cold running water, separate from restrooms.~~

8 (b) The ~~advanced clinic~~ department in a manicuring school must be equipped with the following equipment:

9 (1) Two hand washing sinks with hot and cold running water, separate from restrooms, located in or  
10 adjacent to the clinic area;

11 (2) Ten work tables with two chairs per table;

12 (3) Ten pedicure chairs and basins;

13 (4) A waste container at each station; and

14 (5) A covered container for soiled or disposable towels located in the clinic area.

15 (c) The ~~advanced clinic~~ department in a manicuring school must be equipped with the following equipment if there  
16 are more than 20 enrolled advanced students:

17 (1) One station for each additional two students a station shall include one work table and two chairs;  
18 and

19 (2) Two hand washing sinks with hot and cold running water, separate from restrooms.  
20

21 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
22 *Eff. January 1, 2012;*  
23 *Amended Eff. January 1, 2016; October 1, 2012.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0305

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

***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.

*In (a), please change "must" to "shall."*

*Please add an "and" at the end of (a)(2)*

*In (a)(3), do you mean "practice table or stand" or "practice table and stand"? Please change "practice table/stand" to whichever is appropriate.*

*In (b), please change "must" to "shall."*

*In (b), are these requirements for up to 16 students? I assume so, but if this is correct, please say so.*

*Please consider changing (b)(1) to a list as follows:*

- (3) Two shampoo bowls and ~~chairs.~~ chairs as follows:
  - (A) ~~Each each~~ side approach shampoo bowl ~~must shall~~ be at least 40 inches apart, center of bowl to center of ~~bowl; bowl; and~~
  - (B) ~~each~~ free standing shampoo ~~bowl; must bowl shall~~ be at least 31 inches apart, center of bowl to center of bowl;

***Please note that this is only a suggestion.***

*In (b)(3), please change "dryers" to "dryer."*

*In (c), please change "must" to "shall"*

*In (c), line 19, did you mean "clinic students" rather than "advanced students"?*

*Please change the punctuation from a semicolon at the end of (c) to a period.*

Amber Cronk May  
Commission Counsel

Date submitted to agency: Wednesday, November 25, 2015

Please rewrite (c) to make it one paragraph. A suggested rewrite is as follows:

(c) The ~~advanced clinic~~ department in a natural hair care styling school ~~must shall~~ be equipped with ~~an additional station for every two students the following~~ if there are more than 16 enrolled ~~advanced students: clinic students. A-a~~ station shall include one mirror and one hydraulic ~~chair; chair~~.

**Please note that this is only a suggestion.**

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0305 EQUIPMENT FOR NATURAL HAIR CARE STYLING SCHOOLS IS**  
2 **AMENDED IN NC REGISTER 29:24 WITH CHANGES AS FOLLOWS:**

3 **21 NCAC 14T .0305 EQUIPMENT FOR NATURAL HAIR CARE STYLING SCHOOLS**

4 (a) The ~~beginner practice~~ department in a natural hair care styling school must be equipped with the following:

- 5 (1) ~~One shampoo bowl and chair. Each side approach shampoo bowl must be at least 40 inches apart,~~  
6 ~~center of bowl to center of bowl; free standing shampoo bowls must be at least 31 inches apart,~~  
7 ~~center of bowl to center of bowl;~~  
8 ~~(2)~~(1) Styling equipment for the purpose of natural hair care;  
9 ~~(3)~~(2) Visual aids;  
10 ~~(4)~~(3) One mannequin practice table/stand to accommodate each student.

11 (b) The ~~advanced clinic~~ department in a natural hair care styling school must be equipped with the following:

- 12 (1) Two shampoo bowls and chairs. Each side approach shampoo bowl must be 40 inches apart  
13 center of bowl to center of bowl; free standing shampoo bowls must be 31 inches apart center of  
14 bowl to center of bowl;  
15 (2) Eight stations. A station shall include one mirror and one hydraulic chair;  
16 (3) ~~Two~~ One hooded floor type dryers; and  
17 (4) Styling equipment for the purpose of natural hair care.

18 (c) The ~~advanced clinic~~ department in a natural hair care styling school must be equipped with the following if there  
19 are more than 16 enrolled advanced students:

- 20 ~~(1)~~ **(1)** One station for each additional two students; a station shall include one mirror and one hydraulic  
21 chair;  
22 ~~(2)~~ ~~One hooded dryer for each additional 10 students; and~~  
23 ~~(3)~~ ~~One shampoo bowl for each additional 10 students.~~

24  
25 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
26 *Eff. January 1, 2012;*  
27 *Amended Eff. January 1, 2016; October 1, 2012.*  
28

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0601

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

***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.

*In (a), lines 6 and 7, please change "must" to "shall."*

*In (a), please add a comma following ".0602-.0610."*

*In (b), please change "must" to "shall."*

*In (b), what do you mean by "respective mannequin service evaluation plan"? What are "service evaluation plans" and "disinfection procedure evaluation plans"? What is required by these plans? Is there a cross-reference that you can provide that would give some additional information?*

*What do you mean by (c)? Are you defining "performances" as referenced in (d)? What are the "steps for safe and effective cosmetic art services to a client"?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0601 COSMETIC ART CURRICULA IS AMENDED AS PUBLISHED IN NC**  
2 **REGISTER 29:24 AS FOLLOWS:**

3 **SECTION .0600 - CURRICULA**  
4

5 **21 NCAC 14T .0601 COSMETIC ART CURRICULA**

6 (a) Cosmetic art schools must develop and submit to the Board a curriculum of each discipline to be taught at the  
7 school. The curriculum, once approved by the Board's standards listed in Rules .0602-.0610 of this Section must be  
8 adhered to and lessons developed from the approved curriculum.

9 (b) Before a student may perform a live model service the student must pass the respective mannequin service  
10 evaluation plan and blood exposure and disinfection procedure evaluation plan. ~~move from the beginner department~~  
11 ~~to the advanced, the minimum requirements shall be met.~~

12 (c) Performances shall be defined as the systematic completion of the steps for safe and effective cosmetic art  
13 services to a client.

14 (d) All cosmetic art students shall receive training on Material Safety Data Sheets prepared by the manufacturer on  
15 all products used by the school's students in performances.

16  
17 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
18 *Amended Eff. January 1, 2016;*  
19 *Eff. January 1, 2012.*  
20

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0602

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

***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.

*As formatted, this rule is unclear. I understand that when these were broken into requirements for beginners and advanced students, that the boxes may have been helpful; however, since these designations appear to be removed, I don't understand why they are separated. Please consider reformatting, perhaps into a list, rather than the boxes.*

*Please provide some additional information regarding the numbers under performances? You may want to make the performances section of the box into a (b), and of course shift all of your other Paragraphs) in order to provide that information. This too may be better served as a list at this point. As formatted and written, it's unclear if these numbers (assuming they are hours that are required to be dedicated to each subject) falls into the required 1500 hours, or are in addition to.*

*In (c), what is required and contained in the graduation form and application? Are the contents of this form provided for elsewhere in rule or statute?*

*Do (d) and (e) mean the same thing? Are both necessary?*

*Why not include (f) in the box with "nail set"?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0602 COSMETOLOGY CURRICULUM IS AMENDED IN NC REGISTER 29:24**  
 2 **WITH CHANGES AS FOLLOWS:**

3 **21 NCAC 14T .0602 COSMETOLOGY CURRICULUM**

4 (a) To meet the approval of the Board, a cosmetologist training course shall consist of 1500 hours of instruction in  
 5 theory and practical application, divided as follows:  
 6

<b>Theory</b>	<b>Hours</b>	<b>Performances</b>
<del>Beginners:</del> 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 or thermal, hair cutting, partings, perm wraps, relaxer sectioning, color application sectioning, scalp treatments, manicures, pedicures, and artificial nails.	300	
<del>Advanced:</del> 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	
<b>Performance Requirements</b>		<b>Performances</b>
Scalp and hair treatments		10
Fullhead fingerwave and style		<del>40</del> 5
Fullhead pincurl and style		<del>40</del> 5
Hair styling - sets, blowdrying, thermal press or flat iron, and artificial hair		170
Haircuts		85
Chemical reformation or permanent waving and relaxers		35
Temporary color		2
Color application - semi, demi, permanent color, and hair lightening		40
Multidimensional color - low or high lighting, cap, or bleach		25
Lash and brow color		2
Nail care - manicures and pedicures		15
Artificial nails sets		<del>40</del> 5
Facials with surface manipulations		10

Makeup application		2
Hair <del>removal</del> – removal – razor, cream, waxing, or tweezing		5

1 (b) ~~A minimum of 300 hours of theory shall be required prior to conducting live model performances on the public.~~

2 Performances shall be defined as the systematic completion of all steps for safe and effective cosmetic art services to  
3 a client.

4 (c) Certification of performance completions shall be required on the graduation form and application for the Board  
5 examination.

6 (d) Sharing of performance completions shall not be allowed.

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

8 (f) A "nail set" means one hand including all four fingers and thumb.

9

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

11 *Eff. January 1, 2012;*

12 *Amended Eff. January 1, 2016; January 1, 2015; June 1, 2013; October 1, 2012.*

13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0603

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

***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.

*As formatted, this rule is unclear. I understand that when these were broken into requirements for beginners and advanced students, that the boxes may have been helpful; however, since these designations appear to be being removed, I don't understand why they are separated. Please consider reformatting, perhaps into a list, rather than the boxes.*

*Also, please provide some additional information regarding the numbers under performances? You may want to make the performances section of the box into a (b), and of course shift all of your other Paragraphs) in order to provide that information. This too may be better served as a list at this point. As formatted and written, it's unclear if these numbers (assuming they are hours that are required to be dedicated to each subject) falls into the required 1200 hours, or are in addition to.*

*In (c), what is required and contained in the graduation form and application? Are the contents of this form provided for elsewhere in rule or statute?*

*Do (d) and (e) mean the same thing? Are both necessary?*

*Why not include (f) in the box with "nail set"?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM IS AMENDED IN NC**  
 2 **REGISTER 29:24 AS FOLLOWS:**

3 **21 NCAC 14T .0603 APPRENTICE COSMETOLOGY CURRICULUM**

4 (a) To meet the approval of the Board, an apprentice cosmetologist training course shall consist of 1200 hours of  
 5 instruction in theory and practical application, divided as follows:  
 6

<b>Theory</b>	<b>Hours</b>	<b>Performances</b>
<b>Beginners:</b> 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 or thermal, hair cutting, partings, perm wraps, relaxer sectioning, color application sectioning, scalp treatments, manicures, pedicures, and artificial nails.	300	
<b>Advanced:</b> 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	
<b>Performance Requirements</b>		<b>Performances</b>
Scalp and hair treatments		8
Fullhead fingerwave and style		<del>6</del> 3
Fullhead pincurl and style		<del>6</del> 3
Hair styling - sets, blowdrying, thermal press or 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 or high lighting, cap, or bleach		8
Lash and brow color		1
Nail care - manicures and pedicures		12
Artificial nails sets		84

Facials with surface manipulations		7
Makeup application		1
Hair <del>removal</del> – razor, cream, waxing, or tweezing		3

- 1 ~~(b) A minimum of 300 hours of theory shall be required prior to conducting live model performances on the public.~~  
2 Performances shall be defined as the systematic completion of all steps for safe and effective cosmetic art services to  
3 a client.
- 4 (c) Certification of performance completions shall be required on the graduation form and application for the Board  
5 examination.
- 6 (d) Sharing of performance completions shall not be allowed.
- 7 (e) Credit for a performance shall be given to only one student.
- 8 (f) A "nail set" means one hand including all four fingers and thumb.

9

10 *History Note: Authority G.S. 88B-4; 88B-16;*  
11 *Eff. January 1, 2012;*  
12 *Amended Eff. January 1, 2016; January 1, 2015; June 1, 2013; September 1, 2012.*

13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0604

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

***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.

*As formatted, this rule is unclear. I understand that when these were broken into requirements for beginners and advanced students, that the boxes may have been helpful; however, since these designations appear to be being removed, I don't understand why they are separated. Please consider reformatting, perhaps into a list, rather than the boxes.*

*Also, please provide some additional information regarding the numbers under performances? You may want to make the performances section of the box into a (b), and of course shift all of your other Paragraphs) in order to provide that information. This too may be better served as a list at this point. As formatted and written, it's unclear if these numbers (assuming they are hours that are required to be dedicated to each subject) falls into the required 600 hours, or are in addition to.*

*In (c), what is required on the graduation form and application? Are the contents of this form provided for elsewhere in rule or statute?*

*Do (d) and (e) mean the same thing? Are both necessary?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0604 ESTHETICS CURRICULUM IS AMENDED AS PUBLISHED IN NC REGISTER**  
 2 **29:24 AS FOLLOWS:**

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

4 (a) To meet the approval of the Board, an esthetician training course shall consist of at least 600 hours of instruction  
 5 in theory and practical application, divided as follows:  
 6

<b>Theory and Performance Requirements</b>	<b>Hours</b>	<b>Performances</b>
<del>Beginners:</del> anatomy or physiology, hygiene, disinfection, first aid, chemistry, draping, facial or body treatment (cleansing, manipulations, masks), hair removal, basic dermatology, machines, electricity, apparatus, aromatherapy, nutrition, and make-up or color theory,	40	
<del>Advanced:</del> 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	
<b>Performance Requirements</b>		<b>Performances</b>
Facials Manual (skin analysis, cleansing, surface manipulations, packs, and masks)		40
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		20
Hair removal (hard wax, soft wax, and depilatories)		30
Makeup application (skin analysis, complete and corrective makeup)		30
Eyelash extensions		10
Brow and lash color		10

7  
 8 (b) ~~A minimum of 40 hours of theory shall be required prior to conducting live model performances on the public.~~  
 9 Performances shall be defined as the systematic completion of the steps for safe and effective cosmetic art services  
 10 to a client.

11 (c) Certification of performance completions shall be required on the graduation form and Board's application for  
 12 the examination.

13 (d) Sharing of performance completions shall not be allowed.

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

15  
 16 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
 17 *Eff. January 1, 2012;*

1  
2

*Amended Eff. January 1, 2016; 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 9, 2015**

***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.

*As formatted, this rule is unclear. I understand that when these were broken into requirements for beginners and advanced students, that the boxes may have been helpful; however, since these designations appear to be being removed, I don't understand why they are separated. Please consider reformatting, perhaps into a list, rather than the boxes.*

*Also, please provide some additional information regarding the numbers under performances? You may want to make the performances section of the box into a (b), and of course shift all of your other Paragraphs) in order to provide that information. This too may be better served as a list at this point. As formatted and written, it's unclear if these numbers (assuming they are hours that are required to be dedicated to each subject) falls into the required 300 hours, or are in addition to.*

*In (c), what is required on the graduation form and application? Are the contents of this form provided for elsewhere in rule or statute? Also, please bring (c) to the next line.*

*Do (d) and (e) mean the same thing? Are both necessary?*

*Why not include (f) in the box with "nail set"?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0605 MANICURING CURRICULUM IS AMENDED AS PUBLISHED IN NC**  
 2 **REGISTER 29:24 AS FOLLOWS:**

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

4 (a) To meet the approval of the Board, a manicurist training course shall consist of at least 300 hours of instruction  
 5 in theory and practical application, divided as follows:  
 6

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

- 7  
 8 (b) ~~A minimum of 25 hours of theory shall be required prior to conducting live model performances on the public.~~  
 9 Performances shall be defined as the systematic completion of the steps for safe and effective cosmetic art services  
 10 to a client. (c) Certification of performance completions shall be required on the graduation form and Board's  
 11 application for the examination.  
 12 (d) Sharing of performance completions shall not be allowed.  
 13 (e) Credit for a performance shall be given to only one student.  
 14 (f) A "nail set" means one hand including all four fingers and thumb.

15  
 16 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
 17 *Eff. January 1, 2012;*  
 18 *Amended Eff. January 1, 2016; January 1, 2015; August 1, 2014.*

19

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0606

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

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

*As formatted, this rule is unclear. I understand that when these were broken into requirements for beginners and advanced students, that the boxes may have been helpful; however, since these designations appear to be being removed, I don't understand why they are separated. Please consider reformatting, perhaps into a list, rather than the boxes.*

*Also, please provide some additional information regarding the numbers under performances? You may want to make the performances section of the box into a (b), and of course shift all of your other Paragraphs) in order to provide that information. This too may be better served as a list at this point. As formatted and written, it's unclear if these numbers (assuming they are hours that are required to be dedicated to each subject) falls into the required 300 hours, or are in addition to.*

*In (c), what is required on the graduation form and application Are the contents of this form provided for elsewhere in rule or statute? Also, please bring (c) to the next line.*

*Do (d) and (e) mean the same thing? Are both necessary?*

*In (f), what do you mean by "lengths of hair"? Is this defined elsewhere in rule?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0606 NATURAL HAIR CARE CURRICULUM IS AMENDED AS PUBLISHED IN NC**  
 2 **REGISTER 29:24 WITH CHANGES 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 shall consist of 300 hours of  
 5 instruction in theory and practical application, divided as follows:  
 6

Theory	Hours	Performances
<del>Beginners:</del> Sanitation, bacteriology, disinfection, first aid, shampooing, draping, anatomy, disorders of the hair and scalp, and client consultation.	25	
<del>Advanced:</del> 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		Performances
Braids		10
Twists		10
Knots		5
Corn rows		5
Hairlocking		10
Artificial hair and decorations		10
Blow dry and thermal iron		10
Braid Removal		10

7  
 8 (b) ~~A minimum of 25 hours of theory shall be required prior to conducting live model performances on the public.~~  
 9 Performances shall be defined as the systematic completion of the steps for safe and effective cosmetic art services

10 to a client. (c) Certification of performance completions shall be required on the graduation form and Board's  
 11 application for the Board examination.

12 (d) Sharing of performance completions shall not be allowed unless the live model service consists of 20 or more  
 13 lengths of hair.

14 (e) Credit for a performance shall be given to only one ~~student~~ student unless the performance meets the  
 15 requirements of paragraph d in this rule.

16 (f) 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. January 1, 2016; January 1, 2015; August 1, 2014; June 1, 2013.*  
 21

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0607

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

***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.

*In (a), please change "must" to "shall."*

*In the Theory box classes, please add a comma in between "grading" and "and G.S. 88B..."*

*In the Practical Application box, please add a comma in between "examinations" and "and giving practical demonstrations..."*

*In (b), please delete the apostrophe in "trainees'."*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0607 COSMETOLOGY TEACHER TRAINEE CURRICULUM IS READOPTED AS**  
2 **PUBLISHED IN NC REGISTER 29:24 AS FOLLOWS:**

3 **21 NCAC 14T .0607 COSMETOLOGY TEACHER TRAINEE CURRICULUM**

4 (a) To meet the approval of the Board, a cosmetologist teacher training course must consist of at least 800 hours of  
5 instruction in theory and practical application, divided as follows:

<b>Requirement Description</b>	<b>Hours</b>
Theory: observation theory, motivation, business management, student relations, teaching techniques, preparing lesson plans, facilitating student shop internship, preparing class lectures and presentations, preparing examinations, grading and G.S. 88B and the rules of the Board	150
Practical Application: Conducting theory classes from prepared lessons, preparing and giving examinations and giving practical demonstrations	650

6  
7 (b) A minimum of 150 hours of theory is required prior to trainees' being permitted to instruct in a cosmetic art  
8 classroom.

9  
10 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
11 *Readoption Eff. January 1, 2016;*  
12 *Eff. January 1, 2012.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0608

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

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

*In (a), please move the comma following "of the Board" and move it after "set out in these Rules."*

*In (a), please change "must" to "shall."*

*In the Theory box classes, please add a comma in between "grading" and "and G.S. 88B..."*

*In the Practical Application box, please add a comma in between "examinations" and "and giving practical demonstrations..."*

*In (b), please delete the apostrophe in "trainees'."*

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

Amber Cronk May  
Commission Counsel

Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0608 ESTHETIC TEACHER TRAINEE CURRICULUM IS READOPTED AS**  
2 **PUBLISHED IN NC REGISTER 29:24 AS FOLLOWS:**

3 **21 NCAC 14T .0608 ESTHETIC TEACHER TRAINEE CURRICULUM**

4 (a) To meet the approval of the Board, under the standards set out in these Rules an esthetician teacher training  
5 course must consist of at least 650 hours of instruction in theory and practical application, divided as follows:

<b>Requirement Description</b>	<b>Hours</b>
Theory: observation theory, motivation, business management, student relations, teaching techniques, preparing lesson plans, preparing class lectures and presentations, preparing examinations, grading and G.S. 88B and the rules of the Board	120
Practical Application: Conducting theory classes from prepared lessons, preparing and giving examinations and giving practical demonstrations	530

6  
7 (b) A minimum of 120 hours of theory is required prior to trainees' being permitted to instruct in a cosmetic art  
8 classroom.

9  
10 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
11 *Readoption Eff. January 1, 2016;*  
12 *Eff. January 1, 2012.*

13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0609

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

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

*In (a), please move the comma following "of the Board" and move it after "set out in these Rules."*

*In (a), please change "must" to "shall."*

*In the Theory box classes, please add a comma in between "grading" and "and G.S. 88B..."*

*In the Practical Application box, please add a comma in between "examinations" and "and giving practical demonstrations..."*

*In (b), please delete the apostrophe in "trainees'."*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0609 MANICURIST TEACHER TRAINEE CURRICULUM IS READOPTED AS**  
2 **PUBLISHED IN NC REGISTER 29:24 AS FOLLOWS:**

3 **21 NCAC 14T .0609 MANICURIST TEACHER TRAINEE CURRICULUM**

4 (a) To meet the approval of the Board, under the standards set out in these Rules a manicurist teacher training  
5 course must consist of at least 320 hours of instruction in theory and practical application, divided as follows:

<b>Requirement Description</b>	<b>Hours</b>
Theory: observation theory, motivation, business management, student relations, teaching techniques, preparing lesson plans, grading, preparing class lectures and presentations, preparing examinations and G.S. 88B and the rules of the Board	115
Practical Application: Conducting theory classes from prepared lessons, preparing and giving examinations and giving practical demonstrations	205

6  
7 (b) A minimum of 115 hours of theory is required prior to trainees' being permitted to instruct in a cosmetic art  
8 classroom.

9  
10 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
11 *Readoption Eff. January 1, 2016;*  
12 *Eff. January 1, 2012.*

13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0610

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

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

*In (a), please move the comma following "of the Board" and move it after "set out in these Rules."*

*In (a), please change "must" to "shall."*

*In the Theory box classes, please add a comma in between "grading" and "and G.S. 88B..."*

*In the Practical Application box, please add a comma in between "examinations" and "and giving practical demonstrations..."*

*In (b), please delete the apostrophe in "trainees'."*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0610 NATURAL HAIR CARE TEACHER CURRICULUM IS READOPTED AS**  
2 **PUBLISHED IN NC REGISTER 29:24 FOLLOWS:**

3 **21 NCAC 14T .0610 NATURAL HAIR CARE TEACHER CURRICULUM**

4 (a) To meet the approval of the Board, under the standards set out in these Rules natural hair care teacher training  
5 course must consist of at least 320 hours of instruction in theory and practical application, divided as follows:

Requirement Description	Hours
Theory: observation theory, motivation, business management, student relations, teaching techniques, preparing lesson plans, grading, preparing class lectures and presentations, preparing examinations and GS 88B and the rules of the Board	115
Practical Application: Conducting theory classes from prepared lessons, preparing and giving examinations and giving practical demonstrations	205

6  
7 (b) A minimum of 115 hours of theory is required prior to trainees' being permitted to instruct in a cosmetic art  
8 classroom.

9  
10 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*  
11 *Readoption Eff. January 1, 2016;*  
12 *Eff. January 1, 2012.*

13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0612

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

***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.

*In (l), please change "will be" to "shall be."*

*Please change "must" to "shall" in (c), (g), (l), and (n).*

*In (l), please change "an clinic" to "a clinic."*

*In (l), what is the "required space and equipment for practice"? Is there a cross-reference available?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0612 INSTRUCTION GUIDELINES IS AMENDED AS PUBLISHED IN NC REGISTER**  
2 **29:24 AS FOLLOWS:**

3 **21 NCAC 14T .0612 INSTRUCTION GUIDELINES**

4 (a) The hours earned in the ~~advanced~~ clinic department must be devoted to study and performance completions.

5 (b) Work in the ~~advanced~~ clinic department may be done on the public. ~~Cosmetology and apprentice students with fewer~~  
6 ~~than 300 hours, esthetician students with fewer than 75 hours, and manicurist and natural hair care students with fewer~~  
7 ~~than 60 hours shall not work in this department and are not allowed to work on the public except shampoo and scalp~~  
8 ~~manipulations.~~

9 (c) All work done by students on the public must be checked by the cosmetic art teacher as the work is being performed  
10 and after the service has been completed so that the teacher may point out errors to the student in order that the errors  
11 may be corrected.

12 (d) Cosmetic art students shall receive training on theory of any cosmetic art service prior to performing that service.

13 (e) Theory work shall include lectures on theory subjects as well as demonstrations, questions and answers on textbooks,  
14 written examinations, and in-class practice of procedures and methods.

15 (f) Cosmetic art teacher trainees must be enrolled in school to earn hours.

16 (g) Cosmetic art schools must supply each student with a copy of the North Carolina Cosmetic Art Act, Board rules, and  
17 the student handbook.

18 (h) All of the work outlined in the ~~beginners' practice~~ department and the ~~advanced~~ clinic department shall be given to  
19 the students through practical demonstrations and lectures, questions and answers on textbooks, and written exam.

20 (i) A minimum of 10 percent of scheduled attendance time each week will be spent on theory instruction, questions and  
21 answers on textbooks, and the administration of a written exam to full time students.

22 (j) All papers shall be graded and returned to the students.

23 (k) Cosmetic art students shall receive training and practice only in the discipline in which they are enrolled.

24 (l) All live model performances on the public must be done in the ~~advanced~~ clinic department. Mannequin performances  
25 and live model performances on other students may be performed in the ~~advanced~~ clinic department or in an ~~advanced~~  
26 clinic department classroom or room within the school with the required space and equipment for practice.

27 (m) Textbooks shall not be used more than five years after original publication date.

28 (n) Schools must provide textbooks and supplementary educational materials and equipment to students.

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

31 *Eff. January 1, 2012;*

32 *Amended Eff. January 1, 2016; June 1, 2013; October 1, 2012.*

33

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0701

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

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

*In (g), what are the Board requirements for graduation? Is there a cross-reference available providing these requirements?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

1 **21 NCAC 14T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE IS AMENDED AS**  
2 **PUBLISHED IN NC REGISTER 29:24 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  
7 granted a license, before the student is enrolled, or after graduation or withdrawal of the student without a new  
8 enrollment.

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

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

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

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

18 (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

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

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

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

24 (j) All cosmetic art schools shall provide:

- 25 (1) One teacher for every 25 students enrolled in the ~~beginner practice~~ practice department;  
26 (2) One teacher for every 20 students during practical work on live models in the ~~advanced clinic~~  
27 department; and  
28 (3) Cosmetic art teachers at a ratio of 1:25 teacher to teacher trainees; or  
29 (A) one teacher and up to 25 ~~beginner practice~~ practice cosmetic art students and 5 teacher trainees; or  
30 (B) one teacher and up to 20 cosmetic art students in practice on the clinic floor and 5 teacher  
31 trainees.

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

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

1 (m) A teacher may administer instruction to up to 10 students enrolled in ~~beginner practice~~ and ~~advanced clinic~~  
2 departments at the same time. A teacher shall not administer instruction to more than 10 students enrolled in  
3 ~~beginner practice~~ and ~~advanced clinic~~ 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  
5 practice 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 shall be taught by a licensed cosmetology teacher, except as  
10 follows:

11 (A) manicuring courses may be taught by either a licensed cosmetology teacher or a licensed  
12 manicurist teacher;

13 (B) natural hair care courses may be taught by either a licensed cosmetology teacher or a  
14 licensed natural hair care teacher;

15 (C) esthetics courses may be taught by either a licensed cosmetology teacher or a licensed  
16 esthetician teacher.

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

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

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

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

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

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

37

1 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16;*  
2 *Eff. February 1, 2012;*  
3 *Amended Eff. January 1, 2016; August 1, 2014; June 1, 2013; October 1, 2012*  
4

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Cosmetic Art Examiners

RULE CITATION: 21 NCAC 14T .0705

**DEADLINE FOR RECEIPT: Wednesday, December 9, 2015**

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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.

*In (e), to what "financial, hours academic, and performance requirements" are you referring? Those of the school? Please provide some additional information.*

*Also in (e), to what examination application are you referring? Is there a cross-reference available for this application?*

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

Amber Cronk May  
Commission Counsel  
Date submitted to agency: Wednesday, November 25, 2015

**21 NCAC 14T .0705 SCHOOL PERFORMANCE REQUIREMENTS IS READOPTED AS  
PUBLISHED IN NC REGISTER 29:24AS 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 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 shall 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 shall 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) 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. 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;  
Readoption Eff. January 1, 2016;  
Amended Eff. January 1, 2015; September 1, 2012.*