REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T – ALL RULES REVIEWED

DEADLINE FOR RECEIPT: TUESDAY, DECEMBER 13, 2011

***NOTE WELL: This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.***

***NOTE ALSO: This set of requests for changes applies to the rules that were reviewed last month, withdrawn and refiled for review this month. This set of technical change requests has a later deadline than the previous set.***

***The earlier you submit the requested changes to us, the earlier we can verify all the changes have been made and that there are not any other problems. If the changes have not been made or there are still some problems, you should have sufficient time to make those corrections if you submit them early.***

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met 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 one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*Be sure to use the copy of the rules printed in the NCR (and supplied by OAH if necessary) for all your submissions and to make any requested changes.*

*The introductory note to* ***all******these******rules*** *– whether or not a further change was made by the board or because of these requests – needs to reflect that they were “adopted as published” or “adopted as published with changes,” not just “published” or “published with changes.”*

*Please be sure that all the changes, both the original changes made by the board along with the changes based upon these requests, are properly formatted. (There is no difference in formatting your original changes and these requested changes; they are all shown the same.)*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0102

DEADLINE FOR RECEIPT: TUESDAY, DECEMBER 13, 2011

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*I believe the contents of this rule are derived primarily from the rule that was published in the NCR as proposed rule .0101. Please check with Dana as to the contents of the introductory note to explain the origin of this rule although there was no notice of a proposed rule .0102.*

*In (a)(2) line 13 delete or define “detailed” and “clearly.”*

*In (a)(5) line 20 delete or define “fair.”*

*In (a)(6) line 22 delete or define “complete.”*

*At the end of (a)(6) line 24 delete the word “and.”*

*In (a)(7) line 25 delete or define “unique.”*

*At the end of (a)(7) and (8), lines 26 and 27, change the periods to semicolons and add the word “and” after the semicolon at the end of (a)(8) line 27.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0202

DEADLINE FOR RECEIPT: TUESDAY, DECEMBER 13, 2011

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In line 7 the words “the maximum of” in “over the maximum of 40” are unnecessary and should be deleted.*

*In line 8 delete “apart center” in “apart center apart,” leaving “apart,” followed by the comma. At the end of that line delete “bowl,” leaving “bowl” followed by the semicolon.*

*In line 9 delete “apart center” in “apart center apart,” leaving “apart,” followed by the comma.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0203

DEADLINE FOR RECEIPT: TUESDAY, DECEMBER 13, 2011

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In lines 7 and 8 the words “the maximum of” in “over the maximum of 20” are unnecessary and should be deleted.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0204

DEADLINE FOR RECEIPT: TUESDAY, DECEMBER 13, 2011

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In line 7 the words “the maximum of” in “over the maximum of 20” are unnecessary and should be deleted.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0205

DEADLINE FOR RECEIPT: TUESDAY, DECEMBER 13, 2011

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In line 7 the words “the maximum of” in “over the maximum of 20” are unnecessary and should be deleted.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0301

DEADLINE FOR RECEIPT: TUESDAY, DECEMBER 13, 2011

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In line 7 please delete the comma in “maintain, for student use.”*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0305

DEADLINE FOR RECEIPT: TUESDAY, DECEMBER 13, 2011

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*Specify in a separate beginning paragraph, which school or schools this rule applies to; the title of the rule is not part of the rule and is not sufficient to fulfill that requirement. You could say: “(a) Natural hair care styling schools must be equipped as set out in this rule.” Of course you would have to relabel the remaining three paragraphs. An alternative to that is you could have that one sentence, or perhaps “Natural hair care styling schools must be equipped as follows:” without a paragraph label and instead used as the introduction to a list and followed by a colon. (a) – (c) would become (1) – (3) and the sub-items would become (a) – (d).*

*In (a)(1) line 7 change the comma following “bowl,” to either a semicolon or the word “and.”*

*The same applies in (b)(1) line 14.*

*In (b)(1) line 13 please verify that only one chair is required.*

*In (b)(2) line 16 and (c)(1) line 21 the words “at least” should be deleted. If you want to emphasize that a school may provide additional ones, then it would be better to add that. By removing “at least” the minimum requirement is clear.*

*In (c) line 19 it is not clear that the colon following “equipment:” has been deleted.*

*In (c)(1) line 21 there should be a semicolon or a period following “two students.” A new sentence would begin if you used a period.*

*I hate to say it because I’m the one that requested this change earlier but under the OAH numbering conventions the “ten” in (c)(2) and (3), lines 23 and 24 , should be “10.”*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0402

DEADLINE FOR RECEIPT: TUESDAY, DECEMBER 13, 2011

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*In Rule .0701(m), page 2 lines 38 and 42, the words “esthetics” and “esthetician” are both applied to a teacher for that cosmetic art. I asked you to be consistent with the use of the term in that paragraph. Please be consistent here with the usage there. (It does seem that you use the term “esthetics” as an adjective to modify “teacher,” “school” or “student” much more frequently than you use “esthetician” for that purpose and that the word “esthetician” is more often used as a noun than an adjective.)*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0404

DEADLINE FOR RECEIPT: TUESDAY, DECEMBER 13, 2011

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*There is no need for the label “(a)” unless there is a paragraph (b); please delete “(a).”*

*Change (5) to: “(5) One blowdryer; and”.*

*Change (6) to: “(6) Two capes.”*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0608

DEADLINE FOR RECEIPT: TUESDAY, DECEMBER 13, 2011

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*Please review this rule for consistency with the labeling of the boxes and within the boxes. I’ll reprint the general questions I raised for the other .0600 set of rules that seem to apply to this rule as well:*

*It seems that based on some of the questions that are to follow that these boxes or tables need some better division, organization, or at least labeling. It could also be that some definitions would help.*

*In the table beginning at line 6 isn’t there a better term than “Requirement Description” that you could use or should this be a heading for something else like “Theory Requirements” and “Performance Requirements”?*

*It seems to me that at least some of the beginners courses in the first box sound as if they might be some of the same items as taught in the advanced department compared with e.g. Rule .0612(b).*

*Please be consistent in the use of “esthetics” and “esthetician” as found in (a) line 5. If there is no difference you should use the preferred adjective consistently throughout these rules.*

*In (b) please verify that it is 120 hours of both “theory” and “practical application” that are required. It does seem somewhat strange that of the total 650 hours required training to become a teacher the same number, 120 hours, applies to both “theory” training and the combined 120 hours of “theory and practical application” training that a student must receive before “being permitted to instruct in a ... classroom.”*

*At the same time please verify that there is no minimum number of hours that must be attained in either “theory” or “practical application.” Under the language in this rule it seems that a trainee could have 119 hours in one category and 1 hour in the other for a total of 120 and satisfy the requirement in (b).*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0609

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*I’ll raise the same issue here as in the previous rule. Please review this rule for consistency with the labeling of the boxes and within the boxes. I’ll reprint the general questions I raised for the other .0600 set of rules that seem to apply to this rule as well:*

*It seems that based on some of the questions that are to follow that these boxes need some better division, organization, or at least labeling. It could also be that some definitions would help.*

*In the table beginning at line 6 isn’t there a better term than “Requirement Description” that you could use or should this be a heading for something else like “Theory Requirements” and “Performance Requirements”?*

*It seems to me that at least some of the beginners courses in the first box sound as if they might be some of the same items as taught in the advanced department compared with e.g. Rule .0612(b).*

*The same issue concerning hours applies here as in the previous rule. This time it is 115 hours.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0610

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*I’ll raise the same issue here as in the previous rule. Please review this rule for consistency with the labeling of the boxes and within the boxes. I’ll reprint the general questions I raised for the other .0600 set of rules that seem to apply to this rule as well:*

*It seems that based on some of the questions that are to follow that these boxes need some better division, organization, or at least labeling. It could also be that some definitions would help.*

*In the table beginning at line 6 isn’t there a better term than “Requirement Description” that you could use or should this be a heading for something else like “Theory Requirements” and “Performance Requirements”?*

*It seems to me that at least some of the beginners courses in the first box sound as if they might be some of the same items as taught in the advanced department compared with e.g. Rule .0612(b).*

*The same issue concerning hours applies here as in the previous rule. This time it is 115 hours.*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0611

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*In line 5 change “can” to “may.”*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0613

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*In (c) line 9 restore the word “name” since the term “name tag” is used in the next line.*

*In (c) line 10 it seems to me that “something similar” to a name tag would still be a “name tag.” Unless you believe there is something else that could qualify and wouldn’t be called or considered a “name tag” please delete “or something similar.”*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0614

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*Typically in a list such as this, where each of the items is a complete sentence, each item would end with a period rather than a semicolon.*

*In line 15 change “may only provide” to “may provide only.”*

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0615

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*In (d) please specify whether these 4 hours are “additional” to the hours in (c) or whether they are “included within the hours set out in (c)” or similar language.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0616

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*What is currently (b)(1) – (5), including (b)(5)(a) – (c), lines 16 – 23 (and not including lines 13 – 15 in (b)), need to be moved to (a) following current line 8. Change the period following “Board.” in line 8 to a colon.*

*The sub-sub-paragraph labels in (b)(5) are not properly labeled. They are correct in the NCR notice of text. Please correct. This is an error that would not have occurred if you had used the notice of text copy of the rule in doing your submission.*

*Be sure also to change the colon following “deficiency:” in line 15 to a period.*

*In line 14 change “3” to “three.”*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

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Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0617

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*Rewrite (c) as follows: “A manicurist, natural hair care, or esthetics [or ‘esthetician’ – whichever you end up using] teacher may supervise a cosmetic art teacher trainee with regard to manicuring, natural hair care, or esthetics as appropriate.”*

*Make sure that “esthetician [or ‘esthetics’]” teacher agrees with the other uses of the term.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC BOARD OF COSMETIC ARTS EXAMINERS

RULE CITATION: 21 NCAC 14T .0702

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (a) line 5 delete “will” in “will shall not.”*

*In (b) make the second sentence, lines 8 and 9, a new labeled paragraph (c).*

*In current (b), second sentence, I am a little confused as to what is allowed. It is not abundantly clear whether 160 hours could be transferred to only one other program or whether that same 160 hours could be transferred to each of the other programs. What would happen if a person had completed at least 160 hours in one program and a different 160 hours in another program. Could they transfer the 320 hours to yet another program? This sentence needs a little more explanatory work and is yet another reason why it should be a separate paragraph.*

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Joseph J. DeLuca, Jr.

Commission Counsel