



Virginia
Regulatory
Town Hall

townhall.state.va.us

Final Regulation Agency Background Document

Agency name	Board for Barbers and Cosmetology
Virginia Administrative Code (VAC) citation	18 VAC 41- 40
Regulation title	Wax Technician Regulations
Action title	Promulgation of Regulations
Document preparation date	March 11, 2004

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#exereview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Do **not** state each provision or amendment or restate the purpose and intent of the regulation.*

Chapter 797 of the 2002 Acts of the Assembly mandated a separate licensing category for wax technicians under the Board for Barbers and Cosmetology. The regulations contain the requirements for obtaining a license, renewal and reinstatement, safety and sanitation procedures, and standards of professional conduct.

To comply with Chapter 797 of the 2002 Acts of the Assembly and fulfill the Board for Barbers and Cosmetology responsibility to promulgate regulations, new regulations are promulgated to ensure competence and integrity of all licensees and that the health and sanitary standards and safety are adequate in shops, salons, schools, and other facilities where waxing services are provided, and administer the regulatory program.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On February 23, 2004, the Board for Barbers and Cosmetology adopted final amendments to 18 VAC 41-40-10 et seq., Wax Technicians Regulations to implement requirements of Chapter 797 of the 2002 Acts of the Assembly.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

If the final text differs from the text at the proposed stage, please indicate whether the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

The proposed regulatory action to promulgate regulations governing the licensure and practice of wax technicians under the Board for Barbers and Cosmetology is mandated by Chapter 797 of the 2002 Acts of the Assembly.

Regulations are promulgated under the general authority of Chapter 2 of Title 54.1 of the Code of Virginia. Section 54.1-201(5) provides the Board the authority to promulgate regulations to administer the regulatory system:

§ 54.1-201. Powers and duties of regulatory boards.

The powers and duties of regulatory boards shall be as follows:

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-210>

The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulations and that it comports with applicable state and/or federal law.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The Board proposes to promulgate regulations, 18 VAC 41-40-10 et seq., governing the licensure and practice of waxing as directed by Chapter 797 of the 2002 Acts of the Assembly.

The proposed regulatory action is necessary to ensure minimal competence of waxing practitioners. This regulatory action will establish qualifications for licensure, standards of practice and requirements for maintaining licensure as a wax technician, waxing salon, waxing school, and wax technician instructors in the Commonwealth of Virginia. This regulatory action will establish fees necessary to administer the licensure of waxing practitioners, waxing salons, waxing schools, and wax technician instructors in the Commonwealth of Virginia.

As directed by the 2002 General Assembly, this regulatory action is required to protect the health, safety and welfare of citizens of the Commonwealth in that it will provide for and ensure that licensee have met qualifications that demonstrates competency that protects the health, safety and welfare of citizens of the Commonwealth and that health and sanitary standards and safety are adequate in shops, salons and schools where waxing services are being provided.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

Proposed regulations, 18 VAC 41-40-10 et seq., contain provisions for the licensing of wax technicians under the Board for Barbers and Cosmetology as directed by Chapter 797 of the 2002 Acts of the Assembly. In addition to establishing the requirements for licensure, these regulations will ensure competency and integrity of all licensees, provide for, and ensure that health and sanitation standards are adequate in facilities where this service is provided.

These regulatory requirements include: 1) definitions of words and terms relative to the practice of providing waxing services that will ensure that licensees understand the scope and limitations of their profession; 2) general requirements for obtaining a license to provide services as a wax technician or a certification to be a wax technician instructor and licenses to operate a waxing salon or waxing school; 3) detailed curriculum and training requirements to include minimum clock hours acceptable to sit for the board approved written and practical examinations; 4) fees for initial, renewal, and reinstatement applications for wax technicians, wax technician instructors, waxing salons, and waxing schools; 5) sanitation and safety standards for salons and schools that address disinfection and storage of implements, sanitation of equipment, and safety

standards pertaining to the use of chemical products, the proper handling of blood spills, and client health guidelines.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage of the proposed regulatory action is that it will establish the licensing requirements for the specialized practice of waxing. Currently, only licensed cosmetologists, who are required to complete 1500 hours of training, are allowed to provide waxing services in the Commonwealth. This proposed regulatory action would allow individuals interested in only providing waxing services, to receive specialized training in the use physical (wax) depilatory for the removal of hair rather than being required to complete extended cosmetology training provided in the cosmetology program.

The proposed regulatory action will by an advantage the public in that it will provide clear and effective regulations to ensure competency and integrity and prevent deceptive or misleading practices by individuals providing wax technician services.

There are no disadvantages to the public or the Commonwealth with regards to regulations governing the licensure and practice of wax technicians.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
18 VAC 41-40-20.	To be eligibility to sit for board-approved examination. (1) Training in the Commonwealth of Virginia. Any person completing an approved wax technician training program in a Virginia licensed waxing school, or a Virginia public school's wax technician program approved by the State Department of Education shall be eligible for	* Text was added to state for persons completing esthetician training in the Commonwealth of Virginia that is substantially equivalent to the Virginia program or training outside of the Commonwealth of Virginia that is substantially equivalent to the Virginia waxing program to be eligible for the Virginia examination.	It was determined that there is esthetician training that includes waxing training which is substantially equivalent to the Virginia program and that there is waxing training outside the Commonwealth of Virginia that is training

<p>18 VAC 41-40- 30</p>	<p>examination. (2) Training outside of the Commonwealth of Virginia, but within the United States and its territories. Any person completing a wax technician training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of 115 hours of training to be eligible for examination. If less than 115 hours of wax technician training was completed, an applicant must submit a certificate, diploma or other documentation acceptable to the board verifying the completion of a substantially equivalent wax technician course and documentation of six months of wax technician work experience in order to be eligible for the wax technician examination.</p> <p>License by endorsement.</p> <p>Upon proper application to the board, any person currently licensed to practice as a wax technician or who is a licensed wax technician instructor in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by these regulations may be issued a wax technician license or a wax technician instructor certificate, respectively, without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-40-20.A.</p>	<p>* Text was added to state for any person currently licensed to practice as an esthetician in any other state or jurisdiction of the United states and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by these regulations may be eligible for license through endorsement.</p>	<p>that is substantially equivalent to the Virginia program to be eligible to take the examination for licensure</p> <p>Enables persons who are currently licensed to practice as an esthetician in another state or jurisdiction to be eligible to apply for a Virginia wax technician license by endorsement.</p>
---------------------------------	--	--	---

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
<p>Carolyn Thomas 657 North Laburnum Avenue Richmond, Virginia 23223 License Esthetician in two States</p>	<p>Requesting that Estheticians be eligible to be licensed by the Board as Wax Technicians. In part, because the required number of hours spent training and also because esthetician licenses cover waxing for the full body.</p>	<p>Text was added to state for persons completing esthetician training in the Commonwealth of Virginia that is substantially equivalent to the Virginia program or training outside of the Commonwealth of Virginia that is substantially equivalent to the Virginia waxing program to be eligible for the Virginia examination.</p> <p>Text was added to state for any person currently licensed to practice as an esthetician in any other state or jurisdiction of the United states and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by these regulations may be eligible for license through endorsement.</p>
<p>Amanda D. Dreelin 7600 Fernwood Street, #4131 Richmond, Virginia 23228</p>	<p>Requesting that licensed aestheticians be exempt from the course requirement for the state of Virginia; feels that a licensed aesthetician has equal training and knowledge of hair removal as a Cosmetologist who is exempt from licensure. Copy of school transcript attached w/response (60 hours of methods of hair removal)</p>	<p>Text was added to state for persons completing esthetician training in the Commonwealth of Virginia that is substantially equivalent to the Virginia program or training outside of the Commonwealth of Virginia that is substantially equivalent to the Virginia waxing program to be eligible for the Virginia examination.</p> <p>Text was added to state for any person currently licensed to practice as an esthetician in any other state or jurisdiction of the United states and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by these regulations may be eligible for license through endorsement.</p>
<p>Karen Wyatt, Esthetician (DC) & Cosmetologist (VA) 5926 Ambassador Way Alexandria, Virginia 22231 703-982-1119</p>	<p>Request exemption from the 115 hours of training for wax technicians as well as sitting for the exam. Feels that as a trained and licensed esthetician since 1993 her training and education in the area of skin care well prepares her to qualify for a wax technician license. Does continuing education.</p>	<p>Text was added to state for persons completing esthetician training in the Commonwealth of Virginia that is substantially equivalent to the Virginia program or training outside of the Commonwealth of Virginia that is substantially equivalent to the Virginia waxing program to be eligible for the Virginia examination.</p> <p>Text was added to state for any person currently licensed to practice as an esthetician in any other state or jurisdiction of the United</p>

		<p>states and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by these regulations may be eligible for license through endorsement.</p> <p>State examination is a requirement for licensure.</p>
<p>Laura Abdelaziz 9210 Beaverdam Trace Mechanicsville, Virginia 23116</p>	<p>Requesting that estheticians be allowed to wax in Virginia. Ms. Abdelaziz stated that estheticianery should be included in the practice of waxing and estheticians should be allowed to wax.</p>	<p>Text was added to state for persons completing esthetician training in the Commonwealth of Virginia that is substantially equivalent to the Virginia program or training outside of the Commonwealth of Virginia that is substantially equivalent to the Virginia waxing program to be eligible for the Virginia examination.</p> <p>Text was added to state for any person currently licensed to practice as an esthetician in any other state or jurisdiction of the United states and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by these regulations may be eligible for license through endorsement.</p> <p>Esthetician licensure not under the authority of wax technician regulations.</p>
<p>Vernell T. Strecker, Owner & President of Yvonne de Vilar Scientific Skin Care Salon and School, Ltd. 301 Maple Avenue West Dogwood Building Suite B Vienna, VA 22180 703.890.0369 fax: 703.890.0387</p> <p>AND</p> <p>Laura Abdelaziz Esthetician</p>	<p>Propose amendments to Part II. Entry 18 VAC 41-40-20. (1) Any future proposals for legislature for VA esthetician licensure include the authorization to perform waxing procedures. (2) Any esthetician licensed in another state, whose training requirements meet Part V. 18 VAC 41-40-170 be allowed to sit for the wax exam. (3) Any esthetician who completes an esthetician program whose training meets Part V. 18 VAC 41-40-170 be allowed to sit for the wax exam without attending a licensed school.</p> <p>VA cosmetology exam did not include demo of waxing proficiency only 3% of the 1500 hours for cosmetology was covered for waxing. Proposed (1) Cosmetologist be allowed to wax the brow area only.</p>	<p>Esthetician licensure not under the authority of wax technician regulations.</p> <p>Text was added to state for persons completing esthetician training in the Commonwealth of Virginia that is substantially equivalent to the Virginia program or training outside of the Commonwealth of Virginia that is substantially equivalent to the Virginia waxing program to be eligible for the Virginia examination.</p> <p>Text was added to state for any person currently licensed to practice as an esthetician in any other state or jurisdiction of the United states and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by these regulations may be eligible for license through endorsement.</p> <p>Cosmetology licensure not under the authority of wax technician regulations.</p> <p>Electrology licensure not under the authority of wax technician regulations.</p>

	<p>Proposed (1) Licensure and regs for individuals performing electrolysis (2) Electrolysis schools and curriculum require licensure.</p> <p>Submitted supporting evidence on research and gathered signatures for support of proposals; 32 signatures</p>	
--	--	--

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
N/A	18 VAC 41-40-90	N/A	Provides the general requirements for obtaining a wax technician instructor certificate to include license, training, and examination qualifications.
N/A	18 VAC 41-40-100	N/A	Establishes the requirements for obtaining a waxing salon license in compliance with § 54.1-704.1 of the Code of Virginia. This section also specifies actions to be taken by an owner of a waxing in the event the facility closes.
N/A	18 VAC 41-40-110	N/A	Sets forth the requirements for obtaining a wax technician school license in compliance with § 54.1-704.2 of the Code of Virginia, and the qualifications for individuals providing instruction. This section also specifies actions to be taken by an owner in the event of a closing of a wax technician school.
N/A	18 VAC 41-40-120	N/A	Establishes the fees for initial, renewal and reinstatement applications for individuals, salons, and schools that are licensed or certified under this chapter.
N/A	18 VAC 41-40-130	N/A	Establishes that all fees are nonrefundable and shall not be prorated.
N/A	18 VAC 41-40-140	N/A	Prescribes the dates for renewal of wax technician, waxing salon, and waxing school licenses and wax instructor certificates.
N/A	18 VAC 41-40-150	N/A	Sets forth that the Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or certificate holder outlining the procedures for renewal, however, failure to receive this notice shall not relieve the licensee or certification holder of the obligation to renew.

N/A	18 VAC 41-40-160	N/A	Establishes to criteria and procedures for reinstatement in the event that a licensee or certificate holder fails to renew their license or certification.
N/A	18 VAC 41-40-170	N/A	Sets forth the requirements for obtaining a license to operate a waxing school.
N/A	18 VAC 41-40-180	N/A	Sets forth the general requirements for operating a waxing school to include qualifications of instructors and minimum clock hours for waxing curricula.
N/A	18 VAC 41-40-190	N/A	Prescribes specific curriculum requirements for a wax technician training program.
N/A	18 VAC 41-40-200	N/A	Establishes that the curriculum and performance requirements for a wax technician training program.
N/A	18 VAC 41-40-210	N/A	Sets forth that each waxing school licensed by the board shall identify itself to the public as a teaching institution.
N/A	18 VAC 41-40-220	N/A	Establishes requirements for waxing schools to keep records of the hours and performances of students upon graduation, termination or withdrawal. This section also sets forth a retention period of five years for these records.
N/A	18 VAC 41-40-230	N/A	Prescribes a timeframe upon which a licensed waxing school shall provide a written report on the performances and hours of each of its students to the board in the event that the school closes.
N/A	18 VAC 41-40-240	N/A	Establishes the standards of practice for waxing salons and waxing schools to include the proper display of all licenses and certifications issued by the board.
N/A	18 VAC 41-40-250	N/A	Sets forth the sanitation and safety standards for salons and schools to include disinfection and storage of implements, sanitation of equipment, articles, tools, and products. This section also establishes safety standards pertaining to the use of chemical products, the proper handling of blood spills, and client health guidelines.
N/A	18 VAC 41-40-260	N/A	Establishes the grounds for license revocation or suspension, denial of application, renewal or reinstatement, or imposition of monetary penalties for licensees or certificate holders.

New regulations, no current numbers.

Impact on family

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

The proposed regulatory action is not expected to have any significant impact on the institution of the family and family stability.