

BOARD FOR BARBERS AND COSMETOLOGY

TENTATIVE AGENDA March 25, 2024

9:00 a.m., Board Room 2, Second Floor

**Department of Professional and Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233**

I. CALL TO ORDER

II. EMERGENCY EVACUATION PROCEDURES

III. APPROVAL OF AGENDA

1. Board for Barbers and Cosmetology Board Meeting Tentative Agenda,
March 25, 2024

IV. APPROVAL OF MINUTES

1. Board for Barbers and Cosmetology Meeting Draft Minutes,
January 29, 2024

V. PUBLIC COMMENT PERIOD *

VI. CASES

- | | | | |
|----|------------|---|---------------|
| 1. | 2024-00247 | A Head of the Times Corporation | Consent Order |
| 2. | 2024-00256 | A Head of the Times Corporation | Consent Order |
| 3. | 2023-01791 | Oualid Tayari (Roberts)
t/a Willys Barbershop & Hair Stylist | Disciplinary |
| 4. | 2023-01146 | Sammy Leary (Dang) | Disciplinary |
| 5. | 2024-00206 | Connie Early | Licensing |
| 6. | 2024-00898 | Eugenia Clark | Licensing |
| 7. | 2024-00902 | Kevin Pawul | Licensing |
| 8. | 2024-01333 | John Hopewell Jr | Licensing |

VII. REPORTS

1. Examination Statistics
2. Regulatory Report

VIII. NEW BUSINESS

PAGES

1. NOIRA – General Review – proposed stage language to approve
2. 90 Day Temp Permit language approval

IX. REMINDERS

1. New Board Member Training Conference- October 10 & 11, 2024

X. ADJOURN

* 5-minute public comment, with the exception of any open disciplinary files. Persons desiring to attend the meeting and requiring special accommodations and/or interpretive services should contact the Board Office at (804) 367-8590 at least ten (10) days before the meeting so that suitable arrangements can be made for appropriate accommodation. The Department and Board fully comply with the Americans with Disabilities Act.

2024 MEETING DATES:

April 29, 2024

July 8, 2024

September 30, 2024

November 18, 2024

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

BOARD FOR BARBERS AND COSMETOLOGY

MINUTES OF MEETING

The Board for Barbers and Cosmetology met at 9:00 a.m. on Monday, January 29, 2024, at the Department of Professional and Occupational Regulation Offices, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Matthew D. Roberts
Margaret B. LaPierre
Oanh “Tina” Pham Kim Dang
Marques Blackmon
Emmanuel Gayot
Claudia Espinoza

The following board members were not present:

Bo Machayo
Sandra G. Smith
Kailey Blakeney
Gregory Edwards

The following board liaison was present for the meeting:

Jemmalyn Hewlett

DPOR staff present for all, or part of the meeting included:

Kishore Thota, Director
Brian Wolford, Chief Deputy Director
Stephen Kirschner, Deputy Director, Licensing & Regulatory Programs
Kelley Smith, Executive Director
Tamika Rodriguez, Regulatory Operations Administrator
Wendy Duncan, Licensing Operations Administrator
Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was present for the meeting.

Mr. Roberts, Chair, determined a quorum was present and called the meeting to order at 9:15 a.m.

CALL TO ORDER

Mr. Roberts read the Department of Professional & Occupational Regulations mission and stated Board meeting reminders.

Ms. Smith, Executive Director, explained the emergency egress procedure for board room 2.

**EMERGENCY
EGRESS**

Ms. Smith introduced Board liaison, Ms. Hewlett.

Ms. Hewlett addressed the Board and explained the functions of the BPOR Board.

**BOARD
DEPARTMENT OF
OCCUPATIONAL
REGULATION
OVERVIEW**

The Board took the agenda under consideration.

**APPROVAL OF
AGENDA**

Ms. LaPierre motioned to approve the agenda, second by Mr. Blackmon.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

The Board took the minutes of the Board meeting on December 7, 2023, under consideration.

**APPROVAL OF
MINUTES**

Ms. LaPierre motioned to approve the minutes, second by Mr. Blackmon.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

Mr. Roberts directed the Board to the communication from OSHA concerning Health Hazards in Nail Salons document located in the electronic agenda and presented as a handout.

COMMUNICATIONS

The Board did not have any questions or discussion.

Plus Davis addressed the Board with an inquiry of a merge between barber and cosmetology licenses and concerns of unlicensed individuals.

**PUBLIC
COMMENT**

Matt England addressed the Board concerning an error response from staff within the esthetics and master esthetic performance treatments. Additional esthetics training topics should not be taught from an individual that is not licensed.

CASES

Consent Orders Considered as a Block

Mr. Roberts addressed the audience, if any individual was present to speak upon agenda item Consent Orders. With no one present to speak Ms. LaPierre moved to adopt the Consent Order agenda items 1,2, and 3 as a block. Mr. Blackmon seconded the motion, which was unanimously approved by Board members, Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza.

In the matter of File Number **2023-02816, Joshua Cohn**, Board members reviewed the Consent Order as seen and agreed to by Joshua Cohn.

File Number 2023-02816, Joshua Cohn

Joshua Cohn did not address the Board.

Upon a motion by Ms. LaPierre motioned to adopt the Consent Order and to accept the violations, second by Mr. Blackmon which cites:

Count 1:	18 VAC 41-50-420.A.4	\$1,400.00
Count 2:	18 VAC 41-50-380.D	\$200.00
Sub-total		\$1,600.00
Board Costs		\$150.00
Total		\$1,750.00

In addition, for violation of Counts 1 and 2, Turquoise Panther Tattoo LLC agrees to one (1) year of probation of its license as of the effective date of the Order. During this one (1) year probation, Turquoise Panther LLC agrees to the biannual inspection of its premises and records.

If Turquoise Panther Tattoo LLC violates any terms of this probation, its license may be revoked, pending review by the Board.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

In the matter of File Number **File Number 2024-00744, Turquoise Panther LLC, t/a Turquoise Panther Tattoo**, Board members reviewed the Consent Order as seen and agreed to by Joshua Cohn, responsible manager for Turquoise Panther LLC.

File Number 2024-00744, Turquoise Panther LLC, t/a Turquoise Panther Tattoo

A representative of Turquoise Panther LLC did not address the Board.

Ms. LaPierre motioned to adopt the Consent Order and to accept the violations, second by Mr. Blackmon which cites:

Count 1:	18 VAC 41-50-390.Q	\$2,000.00
Count 2:	18 VAC 41-50-390.R	\$2,500.00
Count 3:	18 VAC 41-50-410.F	\$450.00
Count 4:	18 VAC 41-50-390.C	\$500.00
Count 5:	18 VAC 41-50-390.K	\$500.00
Sub-total		\$5,950.00
Board Costs		\$150.00
Total		\$6,100.00

For violation of Counts 1 and 2, Turquoise Panther LLC agrees to a one (1) year probation of its license as of the effective date of the Order. During this one (1) year probation, Turquoise Panther LLC agrees to the biannual inspection of its premises and records.

If Turquoise Panther LLC violates any terms of this probation, its license may be revoked, pending review by the Board.

It is acknowledged that Turquoise Panther LLC provided proof to Investigative staff after the July 26, 2023, inspection that it was in possession of the required records. Therefore, \$100.00 of the monetary penalty for Count 3 is hereby waived.

It is further acknowledged that Turquoise Panther LLC, after the July 26, 2023, inspection, did obtain a blood spill clean-up kit. Therefore, \$150.00 of the monetary penalty for Count 4 is hereby waived.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

In the matter of File Number **2023-02809, K Nail Spa LLC, t/a Phoenix Nail Spa**, Board members reviewed the Consent Order as seen and agreed to by Annie Thuy Bui, responsible manager for K Nail Spa LLC, t/a Phoenix Nail Spa.

File Number 2023-02809, K Nail Spa LLC, t/a Phoenix Nail Spa

A representative from K Nail Spa LLC did not address the Board.

Ms. LaPierre motioned to adopt the Consent Order and to accept the violations, second by Mr. Blackmon which cites:

Count 1:	18 VAC 41-20- 270.B.8.c	\$150.00
Sub-total		\$150.00
Board Costs		\$150.00
Total		\$300.00

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

Prima Facia

In the matter of File Number **2024-00073, Kevin Weisert LLC dba Wise Art Tattoos**, the Board members reviewed the Prima Facia record.

File Number 2024-00073, Kevin Weisert LLC dba Wise Art Tattoos

A representative from Kevin Weisert LLC did not address the Board.

Ms. LaPierre motioned to adopt the Report of Findings which contains the facts regarding the regulatory and/or statutory issues in this matter, and found substantial evidence that Kevin Weisert LLC violated the following sections of its Regulations and imposes the listed monetary penalties, second by Mr. Blackmon:

Count 1:	18 VAC 41-50- 420.A.6	\$1,000.00
Count 2:	18 VAC 41-50- 420.A.4	\$250.00
Total		\$1,250.00

In addition, for violation of Count 2, the Board imposes license revocation.

The members voting “yes” were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

Licensing

In the matter of File Number **2023-03025, Linda Deguzman**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2023-03025, Linda Deguzman

Linda Deguzman, counsel, nor any other qualified representative addressed the Board.

Mr. LaPierre motioned accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Linda Deguzman's nail technician license, second by Mr. Blackmon.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

In the matter of, File Number **2024-00205, Mike Do**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2024-00205, Mike Do

Mike Do, counsel, nor any other qualified representative addressed the Board.

Ms. LaPierre motioned to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Mike Do's application for nail technician, second by Mr. Blackmon.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

In the matter of, File Number **2024-00606, Donicia Ryland**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2024-00606, Donicia Ryland

Donicia Ryland, counsel, nor any other qualified representative addressed the Board.

Ms. LaPierre motioned to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Donicia Ryland's application for cosmetology license, second by Ms. Espinoza.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

In the matter of, File Number **2024-00758, Omar Alsamraay**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2024-00758, Omar Alsamraay

Omar Alsamraay, counsel, nor any other qualified representative addressed the Board.

Ms. LaPierre motioned to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approve Omar Alsamraay's application for barber license, second by Mr. Blackmon.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

In the matter of, File Number **2024-00755, Mina Jafari**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the Informal Fact-Finding Conference, transcript, investigative file, Report of Findings, and exhibits.

File Number 2024-00755, Mina Jafari

Mina Jafari addressed the Board.

Ms. LaPierre motioned to accept the recommendation in the Summary of the Informal Fact-Finding Conference and deny Mina Jafari's application for cosmetology instructor, second by Ms. Espinoza.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

REPORTS

Ms. Duncan presented the examination statistics that were provided in the electronic agenda and presented as a handout.

Examination Statistics

The Board did not have any questions or discussion.

Ms. Smith presented the regulatory report that were provided in the electronic agenda and presented as a handout.

Regulatory Report

The Board did not have any questions or discussion.

NEW BUSINESS

Ms. Smith requested the Board consider approving remote examination proctoring for all written theory examinations.

Exam Remote Proctoring

Upon Board consensus, the Board would like PSI to provide a demonstration at a future Board meeting.

Ms. Rodriguez presented the Board with the Regulatory Review Committee's changes to the cosmetology apprenticeship hours. The hours correspond with the proposed reduction in cosmetology school training hours and performances.

Cosmetology Apprenticeship Standards

Mr. Blackmon motioned to accept the changes to the cosmetology apprenticeship hours and performances, second by Mr. Gayot.

The members voting "yes" were Mr. Roberts, Ms. LaPierre, Ms. Dang, Mr. Blackmon, Mr. Gayot, and Ms. Espinoza. There were no negative votes. The motion carries.

Mr. Roberts brought to the Board attention that the Child Labor Law §40.1-100 does not allow licensed individuals under the age of 18 to work in salons.

Code of Virginia- Chapter 5. Child Labor

The Board discussed this limitation and upon consensus Board Staff will research additional information.

Mr. Roberts called a 10-minute recess.

Recess

Mr. Roberts invited Board members to participate in the Regulatory and Legislative Training.

Regulatory and Legislative Training

Mr. Roberts reminded the Board of the next scheduled Board meeting and SOEI filing is due January 31, 2024.

Next Board Meeting and Reminders

There being no further business to be brought before the Board, Mr. Roberts adjourned the meeting at 11:12 a.m.

Adjourn

Matthew Roberts, Board Chair

Kishore S. Thota, Board Secretary

Draft Agenda

Draft Agenda

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position

Exam Statistics (scores through January 31, 2024)

Barber

- The Barber theory exam pass rates for 2024 are **consistent** with 2023, ranging 46% (2023 48%).
- The Barber practical exam pass rates for 2024 **decreased** from 2023 averaging 86% (2023 90%).

Master Barber

- The Master Barber theory exam pass rates for 2024 **decreased** from 2023 averaging 17% (2023 20%).
- The Master Barber practical exam pass rates for 2024 **increased** from 2023 averaging 67% (2023 63%).

Cosmetology

- The Cosmetology theory exam pass rates for 2024 **decreased** from 2023 averaging 45% (2023 48%).
- The Cosmetology practical pass rates for 2024 are **consistent** with 2023 averaging 91% (2023 90%).

Nail Technician

- The Nail Technician theory exam pass rates for 2024 **decreased** from 2023 averaging 46% (2023 54%).
- The Nail Technician practical pass rates for 2024 **decreased** from 2023 averaging 76% (2023 81%).

Esthetician

- The Esthetician theory exam pass rates for 2024 **decreased** from 2023 averaging 60% (2023 64%).
- The Esthetician practical pass rates for 2024 **decreased** from 2023 averaging 83% (2023 96%).

Master Esthetics

- The Master Esthetics theory exam pass rates for 2024 **decreased** from 2023 averaging 60% (2023 73%).
- The Master Esthetics practical pass rates for 2024 are **consistent** from 2023 averaging 99% (2023 99%).

Tattoo

- The Tattoo theory exam pass rates for 2024 **increased** from 2023 averaging 100% (2023 83%).

Permanent Cosmetic Tattooer

- The Permanent Cosmetic Tattooer theory exam pass rates for 2024 **decreased** from 2023 averaging 34% (2023 49%).

Body Piercer

- The Body Piercer theory exam pass rates for 2024 **increased** from 2023 averaging 83% (2023 74%).

Wax Technician

- The Wax Technician theory exam pass rates for 2024 **decreased** from 2023 averaging 60% (2023 77%).
- The Wax Technician practical exam pass rates for 2024 **increased** from 2023 averaging 83% (2023 77%).

Board for Barbers and Cosmetology
Current Regulatory Actions
As of March 25, 2024

In the Governor's Office:

VAC	Stage	Subject Matter	Date Submitted for Executive Branch Review	Office; time in office	Notes
18 VAC 41-20	Proposed	Amendment to the instructor training program	07/01/2022 Re-submitted recommended changes to the Governor's office on 07/18/23	Governor 633 days 251 days since re-submittal	Establish a uniform instructor program among licensed cosmetology, barber, nail, wax, and esthetic schools.

In the Secretary's Office:

None

At Department of Planning and Budget (DPB)/OAG:

None

Public Comment:

None

Completed Public Comment and awaiting Proposed Regulatory Stage:

VAC	Stage	Subject Matter	Date Public Comment period begins and ends	Notes
18 VAC 41-20	NOIRA	General review of Barbering and Cosmetology Regulations	Public comment period began on 12/18/23 and ended on 01/17/24	A general review of the barber and cosmetology regulations was necessary due to the Executive Directive Number One (2022). The regulatory review committee ensured the regulations provides minimum burdens on regulants while still protecting the public.

18 VAC 41-50	NOIRA	General review of Tattooing Regulations	Public comment period began on 12/18/23 and ended on 01/17/24	A general review of the tattoo regulations was necessary due to the Executive Directive Number One (2022). The regulatory review committee ensured the regulations provides minimum burdens on regulants while still protecting the public.
18 VAC 41-60	NOIRA	General review of Body-Piercing Regulations	Public comment period began on 12/18/23 and ended on 01/17/24	A general review of the body piercing regulations was necessary due to the Executive Directive Number One (2022). The regulatory review committee ensured the regulations provides minimum burdens on regulants while still protecting the public.
18 VAC 41-70	NOIRA	General review of Esthetics Regulations	Public comment period began on 12/18/23 and ended on 01/17/24	A general review of the esthetics regulations was necessary due to the Executive Directive Number One (2022). The regulatory review committee ensured the regulations provides minimum burdens on regulants while still protecting the public.

Submitted Final Regulatory Stage:

VAC	Stage	Subject Matter	Date Submitted to Senior Management	Notes
18 VAC 41-20	Proposed to Final	Lower Cosmetology Training to 1,000 Hours	2/2/2024	Changes the cosmetology curriculum from 1500 hours to 1000 hours. Revised the number of performances in the cosmetology curriculum.



TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: KELLEY SMITH, EXECUTIVE DIRECTOR
SUBJECT: APPROVAL OF PROPOSED LANGUAGE FOR GENERAL REVIEW OF
BARBERING AND COSMETOLOGY REGULATIONS
DATE: FEBRUARY 7, 2024

At the August 14, 2023 meeting, the Board approved a Notice of Intended Regulatory Action to initiate a General Review of the Barbering and Cosmetology Regulations. The public comment period on the NOIRA is complete, and it is now time for the Board to adopt proposed regulations. There was no public comment.

You will find attached a copy of the proposed language that needs to be adopted by the Board.

If the Board concurs with the proposed regulations, the Board can vote to “adopt the proposed Barbering and Cosmetology regulations [OR as amended if there are changes].”

Please come to the meeting prepared to discuss.

Project 7708 - NOIRA

Board For Barbers And Cosmetology

General Review of Barbering and Cosmetology Regulations

Chapter 20

Barbering and Cosmetology Regulations

Part I

General

18VAC41-20-10. Definitions.

A. The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter ascribed to them in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia:

"Barber"

"Barbering"

"Barber instructor"

"Barbershop"

"Board"

"Cosmetologist"

"Cosmetology"

"Cosmetology instructor"

"Cosmetology salon"

"Master barber"

"Nail care"

"Nail salon"

"Nail School"

"Nail technician"

"Nail technician instructor"

"Physical (wax) depilatory"

"School of cosmetology"

"Wax technician"

"Waxing"

"Waxing salon"

"Waxing school"

B. The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Apprenticeship program" means an approved cosmetology, barber, nail technician, or wax technician training program conducted by an approved registered apprenticeship sponsor.

"Barber school" means a place or establishment licensed by the board to accept and train students and that offers a barber, master barber, or dual barber/master barber curriculum approved by the board.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Clock hours" means a minimum of 50 minutes of supervised or directed instruction and appropriate breaks.

"Credit hour" means a combination of the number of hours in class each week and the number of hours per week in a laboratory by which a school may measure its course work. One unit of credit equals one hour of classroom study, two hours of laboratory experience or three hours of internship or practicum or a combination of the three times the number of weeks in the term. Emerging delivery methodologies may necessitate a unit of undergraduate credit to be measured in nontime base methods. These courses shall use the demonstration of competency, proficiency, or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.

"Direct supervision" means that a Virginia licensed barber, cosmetologist, nail technician, or wax technician shall be present in the barbershop, cosmetology salon, nail salon, or waxing salon at all times when services are being performed by a temporary permit holder or registered apprentice. (i) a Virginia licensed barber, cosmetologist, nail technician, or wax technician must be present in the barbershop, cosmetology salon, nail salon, or waxing salon at all times when services are being performed by a temporary license holder or registered apprentice; (ii) that a Virginia licensed and certified barber, cosmetologist, nail technician, or wax technician instructor or a student instructor temporary license holder must be present in the barber, cosmetology, nail technician, or wax technician school at all times when services are being performed by a student, student instructor, or temporary license holder.

"Each and every location" means, for the purposes of schools with multiple suites or classrooms, a single location is one that is enclosed under one roof and all classrooms or suites are within 500 feet of the main office. Any suites or classrooms that are located in a different building or are further than 500 feet from the main office are considered a separate location, and require the school hold an additional license.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

"Licensee" means any person, sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law individual or firm holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

"Post-secondary educational level" means an accredited college or university that is approved or accredited by the Southern Association of Colleges and Schools Commission on Colleges or by an accrediting agency that is recognized by the U.S. Secretary of Education.

"Reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

"Reciprocity" means a conditional agreement between two or more states that will recognize one another's regulations and laws for equal privileges for mutual benefit.

"Reinstatement" means having a license or certificate restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or certificate for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his that individual's own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Substantially equivalent exam" means an examination administered by the licensing entity which covers Virginia's scope of practice for that profession.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education or the Virginia Department of Corrections.

"Wet disinfection unit" is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions.

18VAC41-20-15. Gratuitous Services.

Any licensee who engages in barbering, master barbering, cosmetology, nails, or waxing without receiving compensation, reward, or obligation is considered to be performing gratuitous services and is exempt from the provisions of this chapter. Gratuitous services do not include services provided at no charge when goods are purchased. An unlicensed individual cannot perform gratuitous services in a salon or shop.

Part II

Entry

18VAC41-20-20. General requirements for a barber, master barber, cosmetologist, nail technician, or wax technician license~~Requirements for a Barber, Master Barber, Cosmetologist, Nail Technician, or Wax Technician License.~~

A. Any individual wishing to engage in barbering, cosmetology, nail care, or waxing shall obtain a license in compliance with § 54.1-703 of the Code of Virginia and ~~shall~~ must meet the following qualifications:

1. The applicant ~~shall~~ must be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in Virginia and all other jurisdictions where licensed, certified, or registered. The applicant ~~shall~~ must disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other

jurisdictions, in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician. This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if he has been previously licensed in Virginia as a barber, master barber, cosmetologist, nail technician, or wax technician.~~

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in barbering, cosmetology, nail care, or waxing. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall must disclose the applicant's physical address. A post office box is ~~not acceptable.~~ may be provided as a secondary address.

3. The applicant shall must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall must disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. ~~All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and~~ All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury; and

b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall must provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by independent examiners.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia. Any person completing ~~an approved barber, master barber, cosmetology, nail technician, or wax technician training program in a Virginia licensed barber, cosmetology, nail technician, or wax technician school, respectively, or a Virginia public school's barber, master barber, cosmetology, nail technician, or wax technician program approved by the Virginia Department of Education shall be eligible for examination.~~ one of the following programs can be approved for the examinations:

a. An approved barber, master barber, cosmetology, nail technician, or wax technician training program in a Virginia licensed barber, cosmetology, nail technician, or wax technician school.

b. A Virginia public school's barber, master barber, cosmetology, nail technician, or wax technician program approved by the Virginia Department of Education.

c. A registered apprenticeship.

d. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.

e. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for the master barber examination; likewise, a Virginia licensed master barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.

f. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.

~~2. Training outside of the Commonwealth of Virginia, but within the United States and its territories. Any person completing a barber, master barber, cosmetology, nail care, or waxing 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 substantially equivalent training to be eligible for examination. Applicants who completed a training program that is not substantially equivalent to Virginia's training, including out of country training, may substitute five years of work experience for training. Applicants should provide their work history demonstrating five years of experience as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in any other state or jurisdiction of the United States on a form provided by the board.~~

a. Any person completing a barber, master barber, cosmetology, nail care, or waxing 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 substantially equivalent training to be eligible for examination. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated and evaluated by an education evaluation service if credit is sought for the education. The board in its discretion may decline to accept any an evaluation submitted by an applicant.

b. Applicants who completed a training program that is not substantially equivalent to Virginia's training must submit documentation acceptable to the board verifying three years of work experience. Applicants should provide their work history demonstrating three years of experience as a licensed barber, master barber, cosmetologist, nail technician, or wax technician in any other state or jurisdiction of the United States on a form provided by the board.

18VAC41-20-30. License by endorsement Endorsement.

A. Upon proper application to the board, any person currently licensed to practice as a barber, master barber, cosmetologist, nail technician, or wax technician or who is a licensed instructor in the respective profession 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 this chapter, may be issued a barber, master barber, cosmetologist, nail technician, or wax technician license or the respective instructor certificate without an examination. ~~The applicant must also meet the requirements set forth in 18VAC41-20-20 A and 18VAC41-20-100.~~

~~B. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute five years of work experience for training. Applicants should provide their work history demonstrating five years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.~~

B. Applicants for licensure by endorsement who completed an equivalent training program and whose state only utilizes one licensing examination (written or practical) that is substantially equivalent to that required by this chapter may take the other examination (written or practical) in Virginia to qualify for licensure.

C. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute three years of work experience for training. Applicants should provide their work history demonstrating three years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.

18VAC41-20-40. Apprenticeship training Training.

~~A. Licensed barbers, master barbers, cosmetologists, and nail technicians who train apprentices shall must comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology. Owners of barbershops, cosmetology salons, and nail salons who train apprentices shall comply with the standards for apprenticeship training established by the Division of Apprenticeship Training of the Virginia Department of Labor and Industry.~~

~~B. Any person completing the Virginia apprenticeship program in barbering, master barbering, cosmetology, or nail care shall be eligible for examination.~~

B. Licensed barbershops, cosmetology salons, and nail salons where apprentices train must comply with the standards for registered apprenticeship training.

18VAC41-20-50. Exceptions to training requirements. (Repealed.)

~~A. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for the master barber examination; likewise, a Virginia licensed master barber with a minimum of two years of work experience shall be eligible for the cosmetology examination.~~

~~B. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having been trained as a barber, master barber, cosmetologist, nail technician, or wax technician in any Virginia state institution shall be eligible for the respective examination.~~

~~C. Any barber, master barber, cosmetologist, nail technician, or wax technician applicant having a minimum of two years of experience in barbering, master barbering, cosmetology, nail care, or waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the respective examination.~~

~~D. Any licensed barber or barber student enrolling in a master barber training program in a licensed barber school shall be given educational credit for the training and performances completed in a barbering program at a licensed barber school.~~

18VAC41-20-60. Examination requirements and fees Requirements and Fees.

~~A. Applicants for initial licensure shall must pass both a practical examination and a written portion of the examination approved by the board. The examinations may be administered by the board or by a designated testing service.~~

~~B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year of the initial examination date.~~

~~C. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

~~D.C.~~ The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

~~E.D.~~ Any candidate failing to apply for initial licensure within five years of passing both a practical examination and a written portions of an examination shall be required to retake both portions. ~~Records of examinations shall be maintained for a maximum of five years.~~

E. Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application.

18VAC41-20-70. Reexamination requirements. (Repealed.)

~~Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.~~

18VAC41-20-80. Examination administration Administration.

A. The examinations shall be administered by the board or the designated testing service. The practical examination shall be supervised by a chief examiner.

B. Every barber, master barber, cosmetology, nail technician, or wax technician examiner shall must hold a current Virginia license in his their respective profession, have three or more years of active experience as a licensed professional, and be currently practicing in that profession. Examiners shall must attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

C. No certified barber, master barber, cosmetology, nail technician, or wax technician instructor who is (i) currently teaching, (ii) or is a school owner, (iii) or is an apprentice sponsor shall be an examiner.

D. Each barber, master barber, cosmetology, nail technician, and wax technician chief examiner (i) shall must hold a current Virginia license in his their respective profession, (ii) have five or more years of active experience in that profession, (iii) have three years of active experience as an examiner, (iv) and be currently practicing in his respective profession. A licensed cosmetology my serve as an examiner for any license type that is included in the cosmetology profession. Chief examiners shall must attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

E. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include written instructions communicated prior to the examination date and instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

18VAC41-20-90. Barber, master barber, cosmetology, nail technician, and wax technician temporary permits Master Barber, Cosmetology, Nail Technician, and Wax Technician Temporary License.

A. A temporary permit license to work under the direct supervision of a currently licensed barber, master barber, cosmetologist, nail technician, or wax technician, respectively, may be issued only to applicants for initial licensure who the board finds eligible for examination. There shall be no fee for a temporary permit license.

~~B. The temporary permit shall remain in force for 45 days following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board that an examination is offered to the applicant by the board.~~

~~C. Any person continuing to practice barbering, master barbering, cosmetology, nail care, or waxing services after a temporary permit has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.~~

~~D. No applicant for examination shall be issued more than one temporary permit.~~

~~E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-20-20.~~

B. Licensed cosmetologists may also supervise nail and waxing temporary license holders. Licensed estheticians and master estheticians may also supervise waxing temporary license holders. Licensed master barbers may also supervise barber temporary license holders.

C. The temporary license shall remain in force for 90 days and no subsequent temporary license shall be issued.

D. Any person continuing to practice barbering, master barbering, cosmetology, nail care, or waxing services after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.

E. Temporary licenses shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-20-20.

18VAC41-20-100. General requirements for a barber instructor certificate, cosmetology instructor certificate, nail technician instructor certificate, or wax technician instructor certificate Requirements for an Instructor Certificate.

A. Any individual wishing to engage in barbering instruction, master barbering instruction, cosmetology instruction, nail care instruction, or waxing instruction shall meet the following qualifications: in barbering, master barbering, cosmetology, nail care, or waxing must meet the following qualifications:

1. The applicant shall must be in good standing as a licensed barber, master barber, cosmetologist, nail technician, or wax technician, and instructor, respectively, in Virginia and all other every jurisdictions where licensed, certified, or registered. The applicant shall must disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or in the practice of teaching any of those professions. This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the instruction of barbering, cosmetology, nail care, or waxing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant ~~shall~~ must hold a current Virginia barber, master barber, cosmetology, nail technician, or wax technician license, respectively;

3. The applicant ~~shall~~ must complete one of the following qualifications:

a. Pass a course in teaching techniques at the post-secondary educational level; or

~~b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, master barber, cosmetologist, nail technician, or wax technician instructor in a barber, cosmetology, nail technician, or wax technician school, respectively; or~~

~~c.b.~~ Pass an instructor examination in barber, master barber, cosmetology, nail technician, or wax technician instruction respectively, administered by the board or by a testing service acting on behalf of the board; and

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant ~~shall~~ must disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application; and~~

b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

B. Instructors ~~shall must be required to~~ maintain a barber, master barber, cosmetology, nail technician, or wax technician license, respectively.

C. Certified instructors may teach in any profession in which they hold the underlying license.

18VAC41-20-110. Student instructor temporary permit Instructor Temporary License.

A. A licensed barber, master barber, cosmetologist, nail technician, or wax technician may be granted a twelve (12) month student instructor temporary permit license to function under the direct supervision of a barber instructor, master barber instructor, cosmetology instructor, nail technician instructor, or wax technician instructor respectively. under the direct supervision of a certified instructor in a licensed school. A licensed nail technician or wax technician may also be granted a student instructor permit to function under the direct supervision of a cosmetology instructor. No subsequent student instructor temporary license shall be issued. Student instructors must pass an instructor examination administered by the board or by a testing service acting on behalf of the board.

~~B. The student instructor temporary permit shall remain in force for not more than 12 months after the date of issuance and shall be nontransferable and nonrenewable.~~

~~C. No applicant for examination shall be issued more than one student instructor temporary permit.~~

~~D. Failure to maintain a barber, master barber, cosmetology, nail technician, or wax technician license shall disqualify an individual from holding a student instructor temporary permit.~~

~~E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-20-100.~~

B. Student instructors may teach in any profession in which they hold the underlying license. Failure to maintain a barber, master barber, cosmetology, nail technician, or wax technician license shall disqualify an individual from holding a student instructor temporary license.

C. Licensed cosmetologists may also supervise nail and waxing student instructor temporary license holders. Licensed estheticians and master estheticians may also supervise waxing student instructor temporary license holders. Licensed master barbers may also supervise barber student instructor temporary license holders.

D. The student instructor temporary license holder must be associated with both a school and a direct supervisor. The student instructor's temporary license will be terminated if the supervising instructor notifies the board that they are no longer employed at the school or if the training is discontinued.

E. Temporary licenses shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-20-100.

18VAC41-20-120. General requirements for a shop or salon license Requirements for a Shop or Salon License.

A. Any firm wishing to operate a barbershop, cosmetology salon, nail salon, or waxing salon shall must obtain a shop or salon license in compliance with § 54.1-704.1 of the Code of Virginia and shall must meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall must be in good standing as a licensed shop or salon in Virginia and all other jurisdictions where licensed, certified, or registered. The applicant and all members of the responsible management shall must disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions ~~in connection with the applicant's operation of any barbershop, cosmetology salon, nail salon, or waxing salon or practice of the profession.~~ This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbershop, cosmetology salon, nail salon, or waxing salon.

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a barbershop, cosmetology salon, nail salon, or waxing salon. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall must disclose the applicant's physical address. A post office box is ~~not acceptable.~~ may be provided as secondary address.

3. The applicant shall must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall must disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application;~~ and

b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall must disclose the firm's responsible management.

B. Shop or salon licenses are issued to firms as defined in this chapter and shall not be transferable, ~~and shall bear the same name and address of the business.~~ Any changes in the name or address of the shop or salon shall must be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's, ~~certificate holder's, or permit holder's~~ failure to receive notices, communications, and correspondence caused by the licensee's, ~~certificate holder's, or permit holder's~~ failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void, ~~and shall be returned to the board within 30 days of the change.~~ The firm must notify the board. Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity, ~~and destroy the license.~~ Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall must be reported to the board in writing within 30 days of the change.

E. Mobile shops and salons must have a shop or salon license and provide a physical address.

~~E.F.~~ The board or any of its agents shall be allowed to inspect during reasonable hours any licensed shop or salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. ~~For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.~~

18VAC41-20-130. General requirements Requirements for a school license School License.

A. Any firm wishing to operate a barber, cosmetology, nail technician, or wax technician school shall must submit an application to the board at least 60 days prior to the date for which approval is sought, obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia, and meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall must be in good standing as a licensed school in Virginia and all other jurisdiction where licensed, certified, or registered. The applicant and all members of the responsible management shall must disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions ~~in connection with the applicant's operation of any barbering, cosmetology, nail, or waxing school or practice of the profession.~~ This includes to monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant

~~shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a barbering, cosmetology, nail, or waxing school.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the operation of a barbering, cosmetology, nail, or waxing school. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall must disclose the applicant's physical address. A post office box is ~~not acceptable.~~ may be provided as secondary address.

3. The applicant shall must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia barber and cosmetology license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall must disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of the application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application;~~ and

b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall must disclose the firm's responsible management.

B. Barber, cosmetology, nail technician, and wax technician school licenses are issued to firms as defined in this chapter, shall must not be transferable, ~~and shall bear the same name and address as the school.~~ Any changes in the name ~~or the~~ and address of record or principal place of business of the school shall must be reported to the board in writing within 30 days of such change. The board shall not be responsible for the licensee's, ~~certificate holder's, or permit holder's~~ failure to receive notices, communications, and correspondence caused by the licensee's, ~~certificate holder's, or permit holder's~~ failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void, ~~and shall be returned to the board within 30 days of the change.~~ The firm must notify the board. Additionally, ~~the firm shall apply for a new license within 30 days of the change in business entity and destroy the license.~~ Such changes include:

1. Death of a sole proprietor;

2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and

3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school must provide a written report to the board detailing the performances and hours of each student who has not completed the program.

~~DE.~~ Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association ~~shall~~ must be reported to the board in writing within 30 days of the change.

~~EF.~~ Barber schools, cosmetology schools, nail schools, or waxing schools under the Virginia Department of Education shall be exempted from licensure requirements.

~~FG.~~ The board or any of its agents shall be allowed to inspect during reasonable hours any licensed school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. ~~For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.~~

Part III

Fees

18VAC41-20-140. Fees.

The following fees ~~apply~~ are nonrefundable and shall not be prorated:

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal:			
Barber	\$90	\$105	With renewal card prior to expiration date
Master Barber	\$90	\$105	With renewal card prior to expiration date
Cosmetologist	\$90	\$105	With renewal card prior to expiration date

Nail Technician	\$90	\$105	With renewal card prior to expiration date
Wax Technician	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors: Instructor Certificate:			
Application	\$110	\$125	With application
License by Endorsement	\$110	\$125	With application
Renewal	\$110 \$20	\$150 \$20	With renewal card prior to expiration date
Reinstatement	\$220 *\$40* *includes \$110 \$20 renewal fee and \$110 \$20 reinstatement fee	\$300 *\$40* *includes \$150 \$20 renewal fee and \$150 \$20 reinstatement fee	With reinstatement application
Facilities:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$185	\$220	With application
Add Program	\$100	\$100	With application
Renewal	\$185	\$220	With renewal card prior to expiration date

Reinstatement	\$370* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application
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18VAC41-20-150. Refunds. (Repealed.)

~~All fees are nonrefundable and shall not be prorated.~~

Part IV

Renewal/Reinstatement

18VAC41-20-160. License renewal required Renewal Required.

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

18VAC41-20-170. Notice of renewal Renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or certificate holder outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee or certificate holder of the obligation to renew. If the licensee or certificate holder fails to receive the renewal notice, a copy of the old license or certificate may be submitted as evidence of intent to renew, along with the required fee.

18VAC41-20-180. Failure to renew Renew.

A. When a ~~licensed or certified individual, or business entity~~ shop or salon fails to renew its license or certificate within 30 days following its expiration date, the licensee or certificate holder shall must apply for reinstatement of the license or certificate by submitting to the Department of Professional and Occupational Regulation a reinstatement application and renewal fee and pay the reinstatement fee.

B. When a ~~licensed or certified individual, or business entity~~ shop or salon fails to renew its license or certification within two years following the expiration date, reinstatement is no longer possible. To resume practice:

1. The former licensee or certificate holder shall must apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate.

2. An individual initially granted licensure under any of the following examination or training waiver provisions, known as grandfathering, shall submit a new application showing the individual met the requirements of the applicable examination or training waiver provision, demonstrate five years of licensed experience, and pass the required examination: previously licensed in Virginia for a minimum of three (3) years must submit a new application, and pass the required examination.

a. Any person who was exempted from examination for licensure as a barber, as such person was engaged in the practice of barbering on or before July 1, 1966, in any establishment or place of business within which the practice of barbering was carried on by only one barber, and such person filed an application with the board on or before January 1, 1967.

b. Any person exempted from examination as a registered professional hair dresser, as such person was substantially engaged as a hairdresser in Virginia for at least nine months prior to June 29, 1962, and such person filed an application satisfactory to the board on or before July 1, 1963.

~~c. Any person exempted from training requirements for licensure as a nail technician, as such person had experience or training as a nail technician, and such person applied to the board for examination by October 1, 1991.~~

~~d. Any person exempted from examination as a wax technician pursuant to § 54.1-703.1 of the Code of Virginia.~~

~~C. The application for reinstatement for a school shall must provide (i) the reasons for failing to renew prior to the expiration date and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with 18VAC41-20-240 and 18VAC41-20-250 by the Department of Professional and Occupational Regulation. Pursuant to 18VAC41-20-130, upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.~~

C. When a licensed school fails to renew its license within 30 days following its expiration date, the licensee must apply for reinstatement of the license and pay the reinstatement fee.

1. If a school license is reinstated before 180 days of the expiration date noted on the license, the school must provide a reinstatement fee to the board.

2. After 180 days, the school must submit a reinstatement application and must provide (i) the reasons for failing to renew prior to the expiration date and (ii) a statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. After 180 days, reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with 18VAC41-20-240 and 18VAC41-20-250 by the Department of Professional and Occupational Regulation. Pursuant to 18VAC41-20-130, upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both.

3. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

D. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license or certificate is applicable.

E. When a license or certificate is reinstated, the licensee or certificate holder shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

F. A licensee or certificate holder that reinstates its license or certificate shall be regarded as having been continuously licensed or certified without interruption. Therefore, a licensee or

certificate holder shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee or certificate holder that fails to reinstate its license or certificate shall be regarded as unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee or certificate holder for a violation of the law or regulations during the period of time for which the individual was licensed or certified.

Part V

Barber Cosmetology, Nail, and Waxing Schools

18VAC41-20-200. General requirements Requirements.

A barber, cosmetology, nail, or waxing school shall must:

1. Hold a school license for each and every location.
2. Hold a salon or shop license if the school receives compensation for services provided in its clinic.
3. Employ ~~a staff of~~ and ensure all training is conducted by licensed and certified barber, master barber, cosmetology, nail technician, or wax technician instructors, respectively.
 - a. Licensed and certified cosmetology instructors may also instruct in nail and waxing programs.
 - b. Licensed and certified esthetics instructors and master esthetics instructors may also instruct in waxing programs.
 - c. License and certified barber and master barber instructors may instruct straight razor shaving on face and neck in a cosmetology school.
 - d. Instructor programs must be taught by a certified instructor.
 - e. Any change in instructors must be reported to the board within 30 days of the change.
4. Develop individuals for entry-level competency in barbering, master barbering, cosmetology, nail care, or waxing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board.
 - a. Barber curricula shall be based on a minimum of ~~1,100~~ 750 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - b. Master barber curricula shall be based on a minimum of ~~400~~ 250 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - c. Dual barber/master barber program curricula shall be based on a minimum of ~~4,500~~ 1,000 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - d. Cosmetology curricula shall be based on a minimum of ~~1,500~~ 1,000 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - e. Nail technician curricula shall be based on a minimum of 150 clock hours and shall include performances in accordance with 18VAC41-20-220.
 - f. Wax technician curricula shall be based on a minimum of 115 clock hours and shall include performances in accordance with 18VAC41-20-220.
6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.

7. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.

~~8. Possess the necessary equipment and implements to teach the respective curriculum. If any such equipment or implement is not owned by the school, then a copy of all agreements associated with the use of such property by the school shall be provided to the board.~~

8. Conduct all instruction and training of students under the direct supervision of a licensed and certified instructor.

9. The theory portions of the curriculum may be offered online. Practical instruction must be obtained in a traditional brick and mortar classroom setting.

10. Schools should utilize technologies and practices that are effective in verifying the identity of distance-learning students who participate in class or coursework (such as a secure login and pass code) while protecting student privacy. Educational technologies must be capable of monitoring a student's time and activities.

11. There is a measure of competency (examination) of the information the student is taught online which shall be completed in a traditional brick and mortar classroom.

18VAC41-20-210. Curriculum requirements Requirements.

A. Each barber school shall must submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, a sample of a final transcript, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for barbering shall must include the following:

1. School policies; Orientation and business topics - minimum of 25 hours of instruction.

a. School policies;

b. Business and shop management; and

c. Professional ethics and personal hygiene.

2. State law; and regulations, and professional ethics; - minimum of 10 hours of instruction.

3. Business and shop management;

4. Client consultation;

5. Personal hygiene;

6. Cutting the hair with a razor, clippers, and shears;

7. Tapering the hair;

8. Thinning the hair;

9. Shampooing the hair;

10. Shaving;

11. Trimming a moustache or beard;

12. Applying hair color;

13. Analyzing skin or scalp conditions;

14. Giving scalp treatments;

15. Giving basic facial massage or treatment;

16. Sanitizing and maintaining implements and equipment; and

17. Honing and stropping a razor.

3. Shampooing, cutting, thinning, tapering the hair with razor, clippers, and shears - minimum of 270 hours of instruction.

- a. Client Consultation; and
- b. Styling hair with a hand hair dryer.
- 4. Shaving and trimming a mustache or beard - minimum of 100 hours of instruction.
 - a. Client Consultation.
- 5. Applying hair color - minimum of 50 hours of instruction.
 - a. Client Consultation.
- 6. Applied sciences - minimum of 100 hours of instruction.
 - a. Anatomy and physiology;
 - b. Skin structure and function;
 - c. Skin types;
 - d. Skin conditions;
 - e. Diseases and disorders of the skin;
 - f. Analyzing skin or scalp conditions; and
 - g. Giving scalp treatments.
- 7. General sciences - minimum of 80 hours of instruction.
 - a. Bacteriology;
 - b. Microorganisms;
 - c. Infection control, sanitation, disinfection, sterilization;
 - d. Occupational Safety and Health Administration (OSHA) requirements;
 - e. Safety Data Sheet (SDS);
 - f. General procedures and safety measures;
 - g. Cosmetic chemistry; and
 - h. Products and ingredients.
- 8. Facial Hair and Skin Care Services – minimum of 100 hours of instruction.
 - a. Client skin analysis and consultation;
 - b. Effleurage and related movements and manipulations of the face and body;
 - c. Cleansing procedures;
 - d. Masks;
 - e. Extraction techniques;
 - f. Machines, equipment, and electricity;
 - g. Manual facials and treatments;
 - h. Machine, electrical facials, and treatments; and
 - i. General procedures and safety measures.
- 9. Understanding and maintaining implements and equipment (tools) - minimum of 15 hours of instruction.

B. Each barber school seeking to add a master barber program ~~shall~~ must submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, a sample of a final transcript, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for master barbering ~~shall~~ must include the following:

~~1. Styling the hair with a hand hair dryer;~~

~~2. Thermal waving;~~

~~3. Permanent waving with chemicals;~~

~~4. Relaxing the hair;~~

~~5. Lightening or toning the hair;~~

~~6. Hairpieces and wigs; and~~

~~7. Waxing limited to the scalp.~~

1. Thermal waving - minimum of 20 hours of instruction.

2. Permanent waving and relaxing the hair with chemicals - minimum of 110 hours of instruction.

3. Lightening or toning the hair - minimum of 100 hours of instruction.

4. Hairpieces and wigs - minimum of 15 hours of instruction.

5. Waxing limited to the scalp - minimum of 5 hours of instruction.

C. Each school seeking to add a dual barber/master barber program shall must submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, a sample of a final transcript, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for dual barber/master barber program shall must include the following:

~~1. School policies;~~

~~2. State law, regulations, and professional ethics;~~

~~3. Business and shop management;~~

~~4. Client consultation;~~

~~5. Personal hygiene;~~

~~6. Cutting the hair with a razor, clippers, and shears;~~

~~7. Tapering the hair;~~

~~8. Thinning the hair;~~

~~9. Shampooing the hair;~~

~~10. Styling the hair with a hand hair dryer;~~

~~11. Thermal waving;~~

~~12. Permanent waving with chemicals;~~

~~13. Relaxing the hair;~~

~~14. Shaving;~~

~~15. Trimming a moustache or beard;~~

- ~~16. Applying hair color;~~
- ~~17. Lightening or toning the hair;~~
- ~~18. Analyzing skin or scalp conditions;~~
- ~~19. Giving scalp treatments;~~
- ~~20. Waxing limited to the scalp;~~
- ~~21. Giving basic facial massage or treatment;~~
- ~~22. Hair pieces;~~
- ~~23. Sanitizing and maintaining implements and equipment; and~~
- ~~24. Honing and stropping a razor.~~

1. Orientation and business topics - minimum of 25 hours of instruction.

- a. School policies;
- b. Business and Shop Management; and
- c. Professional Ethics and personal hygiene.

2. State law and regulations - minimum of 10 hours of instruction.

3. Shampooing, cutting, thinning, tapering the hair with razor, clippers, and shears - minimum of 270 hours of instruction.

- a. Client Consultation; and
- b. Styling hair with a hand hair dryer.

4. Shaving and trimming a mustache or beard - minimum of 100 hours of instruction.

- a. Client Consultation.

5. Applying hair color - minimum of 50 hours of instruction.

- a. Client Consultation.

6. Applied sciences - minimum of 100 hours of instruction.

- a. Anatomy and physiology;
- b. Skin structure and function;
- c. Skin types;
- d. Skin conditions;

e. Diseases and disorders of the skin;

f. Analyzing skin or scalp conditions; and

g. Giving scalp treatments.

7. General sciences - minimum of 80 hours of instruction.

a. Bacteriology;

b. Microorganisms;

c. Infection control, sanitation, disinfection, sterilization;

d. Occupational Safety and Health Administration (OSHA) requirements;

e. Safety Data Sheet (SDS);

f. General procedures and safety measures;

g. Cosmetic chemistry; and

h. Products and ingredients; and.

8. Facial Hair and Skin Care Services - minimum of 100 hours of instruction:

a. Client skin analysis and consultation;

b. Effleurage and related movements and manipulations of the face and body;

c. Cleansing procedures;

d. Masks;

e. Extraction techniques;

f. Machines, equipment, and electricity;

g. Manual facials and treatments;

h. Machine, electrical facials, and treatments; and

i. General procedures and safety measures.

9. Understanding and maintaining implements and equipment (tools) - minimum of 15 hours of instruction

10. Thermal waving - minimum of 20 hours of instruction.

11. Permanent waving and relaxing the hair with chemicals - minimum of 110 hours of instruction.

12. Lightening or toning the hair - minimum of 100 hours of instruction.

13. Hairpieces and wigs - minimum of 15 hours of instruction.

14. Waxing limited to the scalp - minimum of 5 hours of instruction.

D. Each cosmetology school shall must submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, a sample of a final transcript, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for cosmetology shall must include the following:

1. Orientation:

- a. School policies;
- b. State law, regulations, and professional ethics;
- c. Personal hygiene; and
- d. Bacteriology, sterilization, and sanitation.

2. Manicuring and pedicuring:

- a. Anatomy and physiology;
- b. Diseases and disorders;
- c. Procedures to include both natural and artificial application; and
- d. Sterilization.

3. Shampooing and rinsing:

- a. Fundamentals;
- b. Safety rules;
- c. Procedures; and
- d. Chemistry, anatomy, and physiology.

4. Scalp treatments:

- a. Analysis;
- b. Disorders and diseases;
- c. Manipulations; and
- d. Treatments.

5. Hair styling:

- a. Anatomy and facial shapes;
- b. Finger waving, molding, and pin-curling;
- c. Roller curling, combing, and brushing; and
- d. Heat curling, waving, and pressing.

6. Hair cutting:

- a. Anatomy and physiology;
- b. Fundamentals, materials, and equipment;

- ~~c. Procedures; and~~
 - ~~d. Safety practices.~~
- ~~7. Permanent waving-chemical relaxing:~~
 - ~~a. Analysis;~~
 - ~~b. Supplies and equipment;~~
 - ~~c. Procedures and practical application;~~
 - ~~d. Chemistry;~~
 - ~~e. Recordkeeping; and~~
 - ~~f. Safety.~~
- ~~8. Hair coloring and bleaching:~~
 - ~~a. Analysis and basic color theory;~~
 - ~~b. Supplies and equipment;~~
 - ~~c. Procedures and practical application;~~
 - ~~d. Chemistry and classifications;~~
 - ~~e. Recordkeeping; and~~
 - ~~f. Safety.~~
- ~~9. Skin care and make-up:~~
 - ~~a. Analysis;~~
 - ~~b. Anatomy;~~
 - ~~c. Health, safety, and sanitary rules;~~
 - ~~d. Procedures;~~
 - ~~e. Chemistry and light therapy;~~
 - ~~f. Temporary removal of hair; and~~
 - ~~g. Lash and brow tinting.~~
- ~~10. Wigs, hair pieces, and related theory:~~
 - ~~a. Sanitation and sterilization;~~
 - ~~b. Types; and~~
 - ~~c. Procedures.~~
- ~~11. Salon management:~~
 - ~~a. Business ethics; and~~
 - ~~b. Care of equipment.~~
- 1. Orientation and business topics - minimum of 45 hours of instruction.
 - a. School policies;
 - b. Management;
 - c. Sales, inventory, and retailing;
 - d. Taxes and payroll;
 - e. Insurance;
 - f. Client records and confidentiality; and
 - g. Professional ethics and practices.
- 2. Laws and regulations - minimum of 10 hours of instruction.
- 3. General sciences - minimum of 55 hours of instruction.

- a. Principles and practices of infection control;
 - b. Safety Data Sheet(SDS);and
 - c. Chemical usage and safety.
- 4. Applied sciences - minimum of 40 hours of instruction.
 - a. Anatomy, physiology, and histology.
- 5. Shampooing, rinsing, and scalp treatments for all hair types, including textured hair - minimum of 25 hours of instruction.
 - a. Client consultation and analysis; and
 - b. Procedures, manipulations, and treatments.
- 6. Hair styling for all hair types, including textured hair - minimum of 65 hours of instruction.
 - a. Fingerwaving, molding, and pin curling;
 - b. Roller curling, combing, and brushing; and
 - c. Heat curling, waving, and pressing.
- 7. Hair cutting for all hair types, including textured hair - minimum of 125 hours of instruction.
 - a. Fundamentals, materials, and equipment; and
 - b. Procedures.
- 8. Permanent waving and chemical relaxing for all hair types, including textured hair - minimum of 115 hours of instruction.
 - a. Chemistry;
 - b. Supplies and equipment; and
 - c. Procedures and practical application.
- 9. Hair coloring and bleaching for all hair types, including textured hair - minimum of 160 hours of instruction.
 - a. Basic color theory;
 - b. Supplies and equipment; and
 - c. Procedures and practical application.
- 10. Wigs, hair pieces, and related theory - minimum of 15 hours of instruction.
 - a. Types; and
 - b. Procedures.
- 11. Straight razor use and shaving - minimum of 20 hours of instruction.
- 12. Manicuring and pedicuring - minimum of 75 hours of instruction.
 - a. Nail theory, nail structure, and composition;
 - b. Nail procedures, including manicuring, pedicuring, and nail extensions; and
 - c. Electric filing.
- 13. Skin care - minimum of 160 hours of instruction.
 - a. Client skin analysis and consultation;
 - b. Effleurage and related movements and manipulations of the face and body;
 - c. Cleansings procedures;
 - d. Masks;
 - e. Extraction techniques;
 - f. Machines, equipment, and electricity;

- g. Manual facials and treatments;
- h. Machine, electrical facials, and treatments; and
- i. General procedures and safety measures.
- 14. Makeup - minimum of 35 hours of instruction.
 - a. Setup, supplies, and implements;
 - b. Color theory;
 - c. Consultation;
 - d. General and special occasion application;
 - e. Camouflage;
 - f. Application of false lashes and lash extensions;
 - g. Lash and tinting;
 - h. Lash perming;
 - i. Lightning of the hair on the body except scalp; and
 - j. General procedures and safety measures.
- 15. Body and other treatments - minimum of 20 hours of instruction.
 - a. Body treatments;
 - b. Aromatherapy; and
 - c. General procedures and safety measures.
- 16. Hair removal - minimum of 35 hours of instruction:
 - a. Client consultation and analysis;
 - b. Waxing;
 - c. Mechanical hair removal;
 - d. Tweezing and threading; and
 - e. Chemical hair removal.

E. Each nail school shall must submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, a sample of a final transcript, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for nail care shall must include the following:

- 1. Orientation; - minimum of 5 hours of instruction.
 - a. School policies; and
 - b. State law, regulations, and professional ethics;
- 2. Sterilization, sanitation, bacteriology, and safety; - minimum of 35 hours of instruction.
- 3. Anatomy and physiology; - minimum of 15 hours of instruction.
- 4. Diseases and disorders of the nail; - minimum of 10 hours of instruction.
- 5. Nail procedures (i.e., manicuring, pedicuring, and nail extensions); and - minimum of 75 hours of instruction.
- 6. Nail theory and nail structure and composition; - minimum of 10 hours of instruction.

F. Each waxing school shall must submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, a sample of a final transcript, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for waxing shall must include the following:

1. Orientation: - minimum of 10 hours of instruction.
 - a. School policies;
 - b. State law, regulations, and professional ethics; and
 - c. Personal hygiene.
 - d. Salon management; and
 - e. Care of equipment.
2. Skin care theory, structure, composition, and treatment: - minimum of 30 hours of instruction.
 - a. Analysis;
 - b. Anatomy and physiology;
 - c. Diseases and disorders of the skin;
 - d. Health sterilization, sanitation, bacteriology, and safety including infectious disease control measures; and
 - e. Temporary removal of hair.
- ~~3. Skin theory, skin structure, and composition.~~
4. 3. Client consultation: - minimum of 10 hours of instruction.
 - a. Health conditions;
 - b. Skin analysis;
 - c. Treatments;
 - d. Client expectations; and
 - e. Health forms and questionnaires.
- ~~5. 4. Waxing procedures for brow, lip, facial, legs, arms, underarm, chest, back, and bikini areas:~~ - minimum of 35 hours of instruction.
 - a. Fundamentals;
 - b. Safety rules; and
 - c. Procedures.
- ~~6. 5. Wax treatments:~~ - minimum of 30 hours of instruction.
 - a. Analysis;
 - b. Disorders and diseases;
 - c. Manipulations; and
 - d. Treatments.
7. Salon management:
 - ~~a. Business ethics; and~~
 - ~~b. Care of equipment.~~

G. The instructor curriculum shall must include, but not be limited to, the following:

1. Orientation, introduction to teaching, and professional ethics;
2. Curriculum;
3. Course outline and development;
4. Lesson planning;
5. Classroom management;

6. Teaching techniques;
7. Methods of instruction (including theory and practical instruction*);
8. Learning styles;
9. Learning disabilities;
10. Teaching aids;
11. Developing, administering and grading examinations;
12. School administration;
13. Recordkeeping;
14. Laws and regulations;
15. Supervision of clinic floor; and
16. Practicum teaching.

G.H. A licensed school with an approved barber, master barber, dual barber/master barber, cosmetology, nail technician, or wax technician program may conduct an assessment of a transfer student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and 18VAC41-20-220.

The school shall must make the assessment based on a review of the student's transcript, documentation of hours and performances provided to the student by the school and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

18VAC41-20-220. ~~Hours of instruction and performances~~Practical Performance Requirements.

~~A. Curriculum and performance requirements shall be offered over a minimum of 1,100 clock hours for barbering, 400 clock hours for master barbering, 1,500 clock hours for dual barber/master barber program and cosmetology, 150 clock hours for nail care, and 115 clock hours for waxing.~~

B.A. The curriculum requirements for barbering must include the following minimum performances:

Hair and scalp treatments	10
Hair services	320
Hair coloring (including tinting, temporary rinses, and semi-permanent color)	35
Basic facials	5
TOTAL	370
<u>Hair and scalp treatments</u>	<u>10</u>
<u>Straight razor shaving on face and neck</u>	<u>12</u>
<u>Hair services</u>	<u>285</u>

<u>Hair coloring (including tinting, temporary rinses, and semi-permanent color)</u>	<u>20</u>
<u>Basic facials</u>	<u>5</u>
<u>TOTAL</u>	<u>332</u>

C.B. The curriculum requirements for master barbering must include the following minimum performances:

<u>Bleaching and frosting</u>	<u>10</u>
<u>Cold permanent waving or chemical relaxing</u>	<u>25</u>
<u>Hair shaping</u>	<u>50</u>
<u>Wig care, styling, placing on model</u>	<u>5</u>
<u>Finger waving and thermal waving</u>	<u>30</u>
<u>TOTAL</u>	<u>120</u>
<u>Bleaching and frosting</u>	<u>20</u>
<u>Cold permanent waving or chemical relaxing</u>	<u>30</u>
<u>Wig care, styling, placing on model</u>	<u>15</u>
<u>Finger waving and thermal waving</u>	<u>30</u>
<u>Waxing limited to the scalp</u>	<u>5</u>
<u>TOTAL</u>	<u>100</u>

D.C. The curriculum requirements for dual barber/master barber program must include the following minimum performances:

<u>Hair and scalp treatments</u>	<u>10</u>
<u>Hair styling services</u>	<u>320</u>
<u>Bleaching and frosting</u>	<u>10</u>
<u>Hair coloring (including tinting, temporary rinses, and semi-permanent color)</u>	<u>35</u>
<u>Cold permanent waving or chemical relaxing</u>	<u>25</u>
<u>Hair shaping</u>	<u>50</u>
<u>Wig care, styling, placing on model</u>	<u>5</u>
<u>Finger waving and thermal waving</u>	<u>30</u>
<u>Basic facials and waxings</u>	<u>5</u>
<u>TOTAL</u>	<u>490</u>

<u>Hair and scalp treatments</u>	<u>10</u>
<u>Hair services</u>	<u>285</u>
<u>Straight razor shaving on face and neck</u>	<u>12</u>
<u>Bleaching and frosting</u>	<u>20</u>
<u>Hair coloring (including tinting, temporary rinses, and semi-permanent color)</u>	<u>20</u>
<u>Cold permanent waving or chemical relaxing</u>	<u>30</u>
<u>Wig care, styling, placing on model</u>	<u>15</u>
<u>Finger waving and thermal waving</u>	<u>30</u>
<u>Basic facials</u>	<u>5</u>
<u>Waxing limited to the scalp</u>	<u>5</u>
<u>TOTAL</u>	<u>432</u>

E.D. The curriculum requirements for cosmetology must include the following minimum performances:

<u>Hair and scalp treatments</u>	<u>10</u>
<u>Hair styling</u>	<u>320</u>
<u>Tinting</u>	<u>15</u>
<u>Bleaching and frosting</u>	<u>10</u>
<u>Temporary rinses</u>	<u>10</u>
<u>Semi-permanent color</u>	<u>10</u>
<u>Cold permanent waving or chemical relaxing</u>	<u>25</u>
<u>Hair shaping</u>	<u>50</u>
<u>Wig care, styling, placing on model</u>	<u>5</u>
<u>Finger waving and thermal waving</u>	<u>30</u>
<u>Manicures and pedicures</u>	<u>15</u>
<u>Basic facials and waxings</u>	<u>5</u>
<u>Sculptured nails, nail tips, and wraps</u>	<u>20</u>
<u>TOTAL</u>	<u>525</u>
<u>Shampooing, rinsing, and scalp treatments, for all hair types, including textured hair</u>	<u>20</u>
<u>Hair styling, for all hair types, including textured hair</u>	<u>60</u>
<u>Hair cutting, for all hair types, including textured hair</u>	<u>60</u>

<u>Permanent waving-chemical relaxing, for all hair types, including textured hair</u>	<u>60</u>
<u>Hair coloring and bleaching, for all hair types, including textured hair</u>	<u>50</u>
<u>Wigs, hair pieces, and related theory</u>	<u>5</u>
<u>Straight razor shaving on face and neck</u>	<u>12</u>
<u>Manicuring and pedicuring</u>	<u>15 procedures</u>
<u>Individual sculptured nails and nail tips</u>	<u>30</u>
<u>Body and other treatments</u>	<u>5</u>
<u>Makeup</u>	<u>20</u>
<u>Skin care</u>	<u>15</u>
<u>Hair removal</u>	<u>15</u>
<u>TOTAL</u>	<u>367</u>

F.E. The curriculum requirements for nail care must include the following minimum performances:

Manicures	<u>3025</u>
Pedicures	<u>1520</u>
Individual sculptured nails and nail tips	<u>200170</u>
Individual removals	<u>1020</u>
Individual nail wrapsUV/LED Gel nails	<u>2020</u>
TOTAL	<u>275255</u>

G.F. The curriculum requirements for waxing must include the following minimum performances:

Arms	<u>42</u>
Back	<u>21</u>
Bikini area	<u>64</u>
Brows	<u>12</u>
Chest	<u>1</u>
Facial (i.e., face, chin, and cheek and lip)	<u>6</u>
Leg	<u>32</u>
Underarm	<u>2</u>
TOTAL	<u>3630</u>

18VAC41-20-240. Records.

A. Schools shall must maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing student's signature and a two-inch by two-inch color head and shoulders photograph;
2. Daily record of attendance containing student's signature;
3. Student clock hours containing student's signature and method of calculation;
4. Practical performance completion sheets containing student's signature;
5. Final transcript; and
- ~~6. All other relevant documents that account for a student's accrued clock hours and practical applications.~~
6. Course descriptions, and
7. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools shall must produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools shall, must within 21 days upon receipt of a written request from a student, provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

D. Prior to a school changing ownership or a school closing, the school is required to provide to current students documentation of hours and performances completed.

~~E. For a period of one year after a school changes ownership, the school shall provide, within 21 days upon receipt of a written request from a student, documentation of hours and performances completed by a current student.~~

18VAC41-20-250. Reporting.

A. Schools shall provide, in a manner, format, and frequency prescribed by the board, a roster of all current students and a roster of students who attended in the preceding six months prior to the reporting deadline.

~~B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.~~

A. Each school must provide student rosters to the board quarterly, no later than January 15, April 15, July 15, and October 15 of every year;

1. A roster of all enrolled students and a roster of students who attended in the preceding six months prior to the reporting deadline.

2. Students who are enrolled but have not begun classes must be included in the report.

3. Rosters must be submitted via a secure link provided by the board on the board supplied document, which will include the students full name, date of birth, program type, date enrolled, the total number of hours to-date, and the date completed, terminated, or withdrawn.

4. Schools with no students enrolled, but the intention of operating, must submit a report to that effect. Schools with no students enrolled that no longer wish to operate should terminate their license in accordance with board regulations.

B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

Part VI

Standards of Practice

18VAC41-20-260. Scope of Practice and Display of license.

~~A. Each shop, salon, or school shall ensure that all current licenses, certificates, or permits issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop, salon, or school. Duplicate licenses, certificates, or permits shall be posted in a like manner in every shop, salon, or school location where the regulant provides services.~~

~~B. Each shop, salon, or school shall ensure that no employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.~~

C. All licensees, certificate holders, and permit holders shall operate under the name in which the license, certificate, or permit is issued.

D. Unless also licensed as a cosmetologist, a barber or master barber is required to hold a separate nail technician or wax technician license if performing nail care or waxing.

E. All apprenticeship cards issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.

A. The responsible management for each licensed salon, shop or school must ensure that:

1. Any salon, shop or school license issued by the board is displayed in plain view of the public in the reception area;

2. Any individual license, certificate, or temporary license issued by the board is displayed in plain view of the public either in the reception area or at individual work stations at all locations where the regulant provides services.

3. No employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.

B. All individuals working in salon, shop or school must ensure their license is displayed in the plain view of the public either in the reception area or at individual work stations at all locations where the regulant provides services.

C. All licensees, certificate holders, and temporary license holders must operate under the name in which the license, certificate, or temporary license is issued.

D. Unless also licensed as a cosmetologist, a barber or master barber is required to hold a separate nail technician or wax technician license if performing nail care or waxing.

E. Proof of apprenticeship registration issued by the applicable agency of the Virginia Department of Workforce Development Advancement (DWDA) must be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor must require each apprentice to wear a badge clearly indicating his status as a DWDA registered apprentice.

F. Any changes in the name or address of the licensee must be reported to the board in writing within 30 days of such changes.

18VAC41-20-270. Sanitation and safety standards for shops, salons, and schools Safety Standards for Shops, Salons, and Schools.

A. Sanitation and safety standards. Any shop, salon, school, or facility where barber, master barber, cosmetology, or nail or waxing services are delivered to the public must be clean and sanitary at all times. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health. Licensees shall take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall ensure that all employees likewise comply.

A. Sanitation and safety standards.

1. Any shop, salon, or school where barber, master barber, cosmetology, nail or wax services are delivered to the public must be clean and sanitary at all times.

2. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.

3. Licensees must take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and must ensure that all employees likewise comply.

B. Disinfection and storage of implements.

1. A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions. Each barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station and must meet the standards in the definition of wet disinfection requirements.

2. Disinfection of multiuse implements items constructed of hard, nonporous materials such as metal, glass, or plastic that the manufacturer designed for use on more than one client, including clippers, scissors, combs, and nippers is to be carried out in the following manner prior to servicing a client:

- a. Remove all foreign matter from the object, utilizing a brush if needed. Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matter;
- b. Wash thoroughly with hot water and soap;
- c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
- d. Fully immerse implements into wet disinfectant solution for a minimum of 10 minutes; and
- e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, pre-disinfected, and dry cabinet, drawer, or nonairtight sealed covered container, or leave instruments in an EPA-registered wet disinfection unit storage solution used according to manufacturer's directions.

3. Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including but not limited to powder puffs, lip color, cheek color, sponges, styptic pencils, or nail care implements, or disposable razors. The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.

4. For the purpose of recharging, rechargeable clippers may be stored in an area other than in a closed cabinet or container. This area ~~shall~~ must be clean and the cutting edges of any clippers are to be disinfected.

5. Electrical clipper blades ~~shall~~ must be disinfected before and after each use. If the clipper blade cannot be removed, the use of a spray or foam used according to the manufacturer's instructions will be acceptable, provided that the disinfectant is an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal, and that the entire handle is also disinfected by wiping with the disinfectant solution.

6. All wax pots ~~shall~~ must be cleaned and disinfected with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal and with no sticks left standing in the wax at any time. The area immediately surrounding the wax pot ~~shall~~ must be clean and free of clutter, waste materials, spills, and any other items that may pose a hazard.

~~7. Each barber, master barber, cosmetologist, nail technician, and wax technician must have a wet disinfection unit at his station.~~

~~8.7. Sinks, and bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of nail care shall must be maintained in accordance with manufacturer's recommendations. They shall must be cleaned and disinfected immediately after each client in the following manner:~~

- a. Drain all water and remove all debris;
- b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residue and then rinse with water;
- c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal; and in accordance with manufacturer directions; and
- d. Wipe dry with a clean towel.

8. Foot tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of nail care shall must be maintained in accordance with manufacturer's recommendations. They shall must be cleaned and disinfected immediately after each client in the following manner:

- a. Drain all water and remove all debris;
- b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residue and then rinse with water;
- c. Disinfect with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal in accordance with manufacturer directions for pedicure units; and
- d. Wipe dry with a clean towel.

C. General sanitation and safety requirements.

1. Service chairs, wash basins, shampoo sinks, workstations and workstands, and back bars ~~shall~~ must be clean;

2. The floor surface in all work areas must be of a washable surface other than carpet. The floor must be kept clean and free of hair, nail clippings, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and any other items that may pose a hazard;

3. All furniture, fixtures, walls, floors, windows, and ceilings ~~shall~~ must be clean and in good repair and free of water seepage and dirt. Any mats ~~shall~~ must be secured or ~~shall~~ must lie flat;

4. A fully functional bathroom in the same building with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good

condition. The bathroom must be lighted and sufficiently ventilated. If there is a window, it must have a screen. There must be soap and clean single-use towels or hand air-drying device for the client's use. Laundering of towels is allowed, space permitting. The bathroom must not be used as a work area or for the open storage of chemicals. For facilities newly occupied after January 1, 2017, the bathroom shall must be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall must be available for client use and within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter;

5. General areas for client use must be neat and clean with a waste receptacle for common trash;

6. Electrical cords shall must be placed to prevent entanglement by the client or licensee, and electrical outlets shall must be covered by plates;

7. All sharp tools, implements, and heat-producing appliances shall must be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;

8. The salon area shall must be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals, and to allow the free flow of air; and

9. Adequate lighting shall must be provided.

D. Articles, tools, and products.

1. Clean towels, robes, or other linens shall must be used for each patron. Clean towels, robes, or other linens shall must be stored in a clean, predisinfected, and dry cabinet, drawer, or nonairtight covered container. Soiled towels, robes, or other linens shall must be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;

2. Whenever a haircloth is used, a clean towel or neck strip shall must be placed around the neck of the patron to prevent the haircloth from touching the skin;

3. Soiled implements must be removed from the tops of work stations immediately after use;

4. Any multiuse article, tool, or product that cannot be disinfected by full immersion as specified in 18VAC41-20-270.B.2 or cleaned according to manufactures recommendation, including but not limited to natural hair brushes or neck dusters, is prohibited from use.

4.5. Lotions, ointments, creams, and powders shall must be labeled and kept in closed containers. A clean spatula, other clean tools, or clean disposable gloves shall must be used to remove bulk substances such as creams or ointments from jars. Sterile cotton or sponges shall must be used to apply creams, lotions, and powders. Cosmetic containers shall must be covered after each use;

5.6. For nail care, if a sanitary container is provided for a client, the sanitary container shall must be labeled and implements shall must be used solely for that specific client. Disinfection shall must be carried out in accordance with subdivisions B 1 and B 2 of this section;

6.7. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall must be used to check bleeding; and

7.8. Any disposable material making contact with blood or other body fluid shall must be disposed of in a sealed plastic bag and removed from the shop, salon, school, or facility in accordance with the guidelines of the Virginia Department of Health. double bagged, labeled as a biohazard, and disposed of in a closed receptacle.

E. Chemical storage and emergency information.

1. Shops, salons, schools, and facilities shall must have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used;
2. Shop, salons, schools, and facilities shall must have a blood spill clean-up kit in the work area that contains at minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA) approved blood spill clean-up kit;
3. Flammable chemicals shall must be labeled and stored in a nonflammable storage cabinet or a properly ventilated room; and
4. Chemicals that could interact in a hazardous manner (e.g., oxidizers, catalysts, and solvents) shall must be labeled and separated in storage.

F. Client health guidelines.

1. All employees providing client services shall must cleanse their hands with a soap product prior to providing services to each client. Licensees shall require that clients for nail care services shall must cleanse their hands immediately prior to the requested nail care service;
2. An artificial nail shall must only be applied to a healthy natural nail;
3. A nail drill or motorized instrument shall must be used only on the artificial nail surface only. free edge of the nail; Use on natural is prohibited;
4. No shop, salon, school, or facility providing cosmetology or nail care services shall must have on the premises cosmetic products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in cosmetic products;
5. No product shall be used in a manner that is disapproved by the FDA; and
6. All regulated services must be performed in a facility that is in compliance with current local building and zoning codes.

G. In addition to any requirements set forth in this section, all licensees and temporary permit license holders shall must adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational Safety and Health Compliance Division of the Virginia Department of Labor and Industry. Workforce Development and Advancement.

H. All shops, salons, schools, and facilities shall must immediately report the results of any inspection of the shop, salon, or school by the Virginia Department of Health as required by § 54.1-705 of the Code of Virginia.

I. All shops, salons, schools, and facilities shall must maintain a self-inspection form on file to be updated on an annual basis, and kept for five years, so that it may be requested and reviewed by the board at its discretion.

18VAC41-20-280. Grounds for license revocation or suspension; denial of application, renewal, or reinstatement; or imposition of a monetary penalty
Grounds for License Revocation, Suspension, or Probation; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

The board may, in considering the totality of the circumstances, ~~fine any licensee, certificate holder, or permit holder; suspend or revoke or refuse to issue, renew or reinstate any a license, or certificate, impose a monetary penalty, place a license or certificate on probation with such terms and conditions and for such time as it may designate, suspend a license or certificate for a stated period of time; or revoke, a license or certificate issued certificate, or permit; or deny any application issued~~ under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code

of Virginia and this chapter if it finds that the licensee, certificate holder, ~~permit~~ temporary license holder, or applicant:

1. Is incompetent, or negligent in practice, or ~~incapable~~ unable to practice with skill or safety as a result of any mental or physical condition, ~~mentally or physically~~, as those terms are generally understood in the profession, (i) to practice as a barber, master barber, cosmetologist, nail technician, or wax technician, or to (ii) operate a shop, salon, or school;
2. Is convicted of fraud or deceit in the practice or teaching of barbering, master barbering, cosmetology, nail care, or waxing or fails to teach the board-approved curriculum as provided for in this chapter, or fails to comply with 18VAC41-20-210 H when making an assessment of credit hours awarded;
3. Attempts to obtain, obtained, renewed or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any barber, master barber, cosmetologist, nail technician, or wax technician may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing barbering, master barbering, cosmetology, nail care, or waxing as defined in § 54.1-700 of the Code of Virginia;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed shop, salon, or school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's, certificate holder's, temporary license holder's, applicant's, or owner's responsible management's possession or maintained in accordance with these regulations;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or ~~permit~~ temporary license;
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. Fails to notify the board in writing within 30 days ~~of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any jurisdiction or of any license, certificate, or permit that has been the subject of disciplinary action in any jurisdiction~~; of final action or disciplinary action taken against a license, registration, certificate, or temporary license in any jurisdiction by a local, state or national regulatory body;
12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in

evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;

13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;

14. Allows, as responsible management of a shop, ~~or salon, or school~~, a person who has not obtained a license or a temporary ~~permit~~ license to practice as a barber, master barber, cosmetologist, nail technician, or wax technician unless the person is duly enrolled as a registered apprentice;

15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate or a student instructor temporary ~~permit~~ license to practice as a barber, master barber, cosmetologist, nail technician, or wax technician instructor;

16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practices of barbering, master barbering, cosmetology, nail care, or waxing, or the operation of barbershops, cosmetology salons, nail salons, or waxing salons; or

17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

FORMS (18VAC41-20)

[Barber - Master Barber - Barber Instructor Examination & License Application, A450-1301 EXLIC-v18 \(rev. 5/2022\)](#)

[Nail Technician – Nail Technician Instructor Examination & License Application, A450-1206 07EXLIC-v19 \(rev. 5/2022\)](#)

[Wax Technician – Wax Technician Instructor Examination & License Application, A450-1214 15EXLIC-v18 \(rev. 5/2022\)](#)

[Cosmetology – Cosmetology Instructor Examination & License Application, A450-1201 04EXLIC-v21 \(rev. 5/2022\)](#)

[Temporary Permit Application, A450-1213TEMP-v3 \(rev. 12/2021\)](#)

[License by Endorsement Application, A450-1213END-v18 \(rev. 9/2022\)](#)

[Individuals – Reinstatement Application, A450-1213REI-v13 \(rev. 9/2022\)](#)

[Salon, Shop, Spa & Parlor License/Reinstatement Application A450-1213BUS-v16 \(rev. 9/2022\)](#)

[Salon, Shop & Spa Self Inspection Form, A450-1213 SSS INSP-v2 \(eff. 5/2016\)](#)

[Instructor Certification Application, A450-1213INST-v17 \(rev. 10/2022\)](#)

[Student Instructor – Temporary Permit Application A450-1213ST TEMP-v4 \(rev. 12/2021\)](#)

[School License Application, A450-1213SCHL-v18 \(rev. 5/2023\)](#)

[School Reinstatement Application A450-1213SCHL-REIN-v9 \(eff. 9/2022\)](#)

[School Self-Inspection Form, A450-1213 SCH INSP-v5 \(eff. 1/2022\)](#)

[Licensure Fee Notice, A450-1213FEE-v11 \(rev. 9/2022\)](#)

[Change of Responsible Management Application, A450-1213CRM-v6 \(rev. 12/2021\)](#)

[Training Substitution Form, A450-1213TR SUB-v1 \(rev. 10/2021\)](#)

[Training Verification Form, A450-1213TR-vs1 \(eff. 5/2022\)](#)

[Experience Verification Form A450-1213EXP-v2 \(eff. 7/2022\)](#)

[Barber-Cosmetology Universal License App A450-1213ULR-v1 \(eff. 7/2023\)](#)

Draft Agenda

Draft Agenda

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position



TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: KELLEY SMITH, EXECUTIVE DIRECTOR
SUBJECT: APPROVAL OF PROPOSED LANGUAGE FOR GENERAL REVIEW OF ESTHETICS REGULATIONS
DATE: FEBRUARY 7, 2024

At the August 14, 2023 meeting, the Board approved a Notice of Intended Regulatory Action to initiate a General Review of the Esthetics Regulations. The public comment period on the NOIRA is complete, and it is now time for the Board to adopt proposed regulations. There was no public comment.

You will find attached a copy of the proposed language that needs to be adopted by the Board.

If the Board concurs with the proposed regulations, the Board can vote to “adopt the proposed Esthetics regulations [OR as amended if there are changes].”

Please come to the meeting prepared to discuss.

Project 7715 - NOIRA

Board For Barbers And Cosmetology

General Review of the Esthetics Regulations

Chapter 70

Esthetics Regulations

Part I

General

18VAC41-70-10. Definitions.

A. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter ascribed to them in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia:

"Board"

"Esthetician"

"Esthetics"

"Esthetics instructor"

"Esthetics spa"

"Master esthetician"

"School of esthetics"

B. The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Apprenticeship program" means an approved esthetics or master esthetics training program conducted by an approved registered apprenticeship sponsor.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Clock Hours" - means a minimum of 50 minutes of supervised or directed instruction and appropriate breaks.

"Credit hour" means a combination of the number of hours in class each week and the number of hours per week in a laboratory by which a school may measure its course work. One unit of credit equals one hour of classroom study, two hours of laboratory experience or three hours of internship or practicum or a combination of the three times the number of weeks in the term. Emerging delivery methodologies may necessitate a unit of undergraduate credit to be measured in nontime base methods. These courses shall use the demonstration of competency, proficiency, or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.

"Direct supervision" means that a Virginia licensed esthetician or master esthetician shall be present in the esthetics spa or esthetics school at all times when services are being performed by a temporary license holder or student. (i) a Virginia licensed esthetician or master esthetician must be present in the esthetics spa or esthetics school at all times when services are being performed by a temporary license holder or registered apprentice. (ii) a Virginia licensed and certified esthetician or master esthetician instructor or a student instructor temporary license

holder must be present in the esthetic school at all times when services are being performed by a student, student instructor, or temporary license holder.

"Each and every location"- For the purposes of schools with multiple suites or classrooms, a single location is one that is enclosed under one roof and all classrooms/suites are within 500 feet of the main office. Any suites or classrooms that are located in a different building or are further than 500 feet from the main office are considered a separate location, and require the school hold an additional license.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state or jurisdiction.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

"Licensee" means any sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia; individual or firm holding a license issued by the Board for Barbers and Cosmetology.

"Post-secondary educational level" means an accredited college or university that is approved or accredited by the Southern Association of Colleges and Schools Commission on Colleges or by an accrediting agency that is recognized by the U.S. Secretary of Education.

"Reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or certificate for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under his that individual's own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Substantially equivalent exam" means an examination administered by the licensing entity which covers Virginia's scope of practice for that profession.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"Virginia state institution" for the purposes of this chapter means any institution approved by the Virginia Department of Education.

"Wet disinfection unit" is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency

(EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions.

18VAC41-70-15. Gratuitous Services.

Any individual who engages in esthetics or master esthetics without receiving compensation, reward or obligation is considered to be performing gratuitous services and is exempt from the provisions of this chapter. Gratuitous services do not include services provided at no charge when goods are purchased. An unlicensed individual cannot perform gratuitous services in a spa.

Part II

Entry

18VAC41-70-20. General requirements for an esthetician license or master esthetician license Requirements for an Esthetician License or Master Esthetician License.

A. Any individual wishing to engage in esthetics or master esthetics shall ~~must~~ obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:

1. The applicant ~~shall must~~ be in good standing as a licensed esthetician ~~or master esthetician~~ in Virginia and all other jurisdictions where licensed, certified, or registered. The applicant ~~shall must~~ disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions ~~in connection with the applicant's practice as an esthetician.~~ This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant ~~shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician or voluntary termination of a license.~~

Upon review of an applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant ~~shall must~~ provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant ~~shall must~~ disclose the applicant's physical address. A post office box is ~~not acceptable may be provided as a secondary address.~~

3. The applicant ~~shall must~~ sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetics license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant ~~shall must~~ disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. ~~All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and~~ All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury; and

b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima

facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall must provide evidence satisfactory to the board that the applicant has passed the board-approved examination requirement administered either by the board or by independent examiners.

B. Eligibility to sit for board-approved examination.

1. Training in the Commonwealth of Virginia. Any person completing ~~an approved esthetics training program or a master esthetics training program in a Virginia licensed esthetics school~~ shall be eligible for the applicable examination. completing one of the following programs can be approved for the examinations:

a. An approved esthetics or master esthetics training program in a Virginia licensed esthetics or master esthetics school.

b. A registered apprenticeship.

2. Training outside of the Commonwealth of Virginia. ~~Any person completing esthetics training 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 training to be eligible for examination. If less than the required hours of esthetics training was completed, an applicant must submit a certificate, diploma, or other documentation acceptable to the board verifying the completion of a substantially equivalent esthetics course and documentation of six months of work experience as an esthetician in order to be eligible for the esthetician examination.~~

a. Any person completing esthetics training 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 training to be eligible for examination. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated, and evaluated by an education evaluation service if credit is sought for the education. The board in its discretion may decline to accept any an evaluation submitted by an applicant.

b. Applicants who completed a training program that is not substantially equivalent to Virginia's training must submit documentation acceptable to the board verifying three years of work experience. Applicants should provide their work history demonstrating three years of experience as a licensed esthetician or master esthetician in any other state or jurisdiction of the United States on a form provided by the board.

18VAC41-70-30. License by endorsementEndorsement.

A. Upon proper application to the board, any person currently licensed to practice as an esthetician or master esthetician or who is a licensed instructor in the respective profession in any other state or jurisdiction of the United States and who has completed both a training program and a written examination and a practical examination that are substantially equivalent to those required by this chapter may be issued an esthetician, or master esthetician license or the respective instructor certificate without an examination. The applicant must also meet the requirements set forth in 18VAC41-70-20 A.

B. Applicants for licensure by endorsement who completed an equivalent training program and whose state only utilizes one licensing examination (written or practical) that is substantially equivalent to that required by this chapter may take the other examination (written or practical) in Virginia to qualify for licensure.

C. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute three years of work experience for training. Applicants

should provide their work history demonstrating three years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.

18VAC41-70-35. Apprenticeship training~~Training~~.

A. Licensed estheticians and master estheticians who train apprentices shall must comply with the standards for apprenticeship training ~~established by the Division of Registered Apprenticeship of the Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology. Owners of esthetics spas who train apprentices shall comply with the standards for apprenticeship training established by the Division of Registered Apprenticeship of the Virginia Department of Labor and Industry.~~

B. ~~Any person completing the Virginia apprenticeship program in esthetics or master esthetics shall be eligible for examination. Licensed spas where apprentices train must comply with the standards for registered apprenticeship training.~~

18VAC41-70-40. Examination requirements and fees~~Requirements and Fees~~.

A. Applicants for initial licensure shall must pass both a practical and written portion of the examination ~~and a practical examination approved by the board. The examinations may be administered by the board or by a designated testing service.~~

B. Any applicant who passes one part of the examination shall not be required to take that part again provided both parts are passed within one year of the initial examination date.

C. ~~Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

~~D.~~ C. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

~~E.~~ D. Any candidate failing to apply for initial licensure within five years of passing both a practical and a written portion of an examination ~~and a practical examination~~ shall be required to retake both portions. ~~Records of examinations shall be maintained for a maximum of five years.~~

E. Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application.

18VAC41-70-50. Reexamination requirements. ~~(Repealed.)~~

~~Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.~~

18VAC41-70-60. Examination administration~~Administration~~.

A. The examination shall must be administered by the board or the designated testing service. The practical examination shall be supervised by a chief examiner.

B. Every esthetics or master esthetics examiner shall must hold a current Virginia license in his their respective profession, have three or more years of active experience as a licensed professional, and be currently practicing in that profession. Examiners shall must attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

C. No certified esthetics or master esthetics instructor who (i) is currently teaching, (ii) is a school owner, or (iii) is an apprentice sponsor shall be an examiner.

D. Each esthetics or master esthetics chief examiner shall must (i) hold a current Virginia license in his respective profession, (ii) have five or more years of active experience in that profession, (iii) have three years of active experience as an examiner, and (iv) be currently practicing in his respective profession. Chief examiners shall must attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

E. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include written instructions communicated prior to the examination date and instructions communicated at the site, ~~either written or oral~~, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

18VAC41-70-70. Esthetician temporary license and Master Esthetician Temporary License.

A. A temporary license to work under the direct supervision of a currently licensed esthetician or master esthetician, respectively, may be issued only to applicants for initial licensure that the board finds eligible for the applicable examination. There shall be no fee for a temporary license.

~~B. The temporary license shall remain in force for 45 days following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board.~~

~~C. Any person continuing to practice esthetics services after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.~~

~~D. No applicant for examination shall be issued more than one temporary license.~~

~~E. Temporary permits shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-70-20.~~

B. Licensed estheticians and master estheticians may also supervise wax technicians temporary license holders. Licensed master estheticians may also supervise esthetician temporary license holders.

C. The temporary license shall remain in force for 90 days and no subsequent temporary license shall be issued.

D. Any person continuing to practice esthetics or master esthetics services after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.

E. Temporary licenses shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-70-20.

18VAC41-70-80. General requirements for spa license Requirements for Spa License.

A. Any firm wishing to operate an esthetics spa shall must obtain a spa license in compliance with § 54.1-704.1 of the Code of Virginia, and shall must meet the following qualifications in order to receive a license:

1. The applicant, and all members of the responsible management, ~~shall must~~ be in good standing as a licensed spa in Virginia and all other jurisdictions where licensed, certified, or registered. The applicant and all members of the responsible management ~~shall must~~ disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions in ~~connection with the applicant's operation of any esthetics spa or practice of the profession~~. This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of responsible management has been previously licensed in Virginia as an esthetics spa.

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of an esthetics spa. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action~~

~~for the purposes of this section.~~ The applicant shall must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall must disclose the applicant's physical address. A post office box is not acceptable ~~may be provided as a secondary address.~~

3. The applicant shall must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetics license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall must disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and

b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall must disclose the firm's responsible management.

B. Spa licenses are issued to firms as defined in this chapter and shall not be transferable, ~~and shall bear the same name and address of the business.~~ Any changes in the name or address of the spa shall must be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's, ~~certificate holder's, or permit holder's~~ failure to receive notices, communications, and correspondence caused by the licensee's, ~~certificate holder's, or permit holder's~~ failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void. The firm must notify the board, and shall be returned to the board within 30 days of the change. ~~Additionally, the firm shall apply for a new license, within 30 days of the change in the business entity and destroy the license.~~ Such changes include:

1. Death of a sole proprietor;

2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and

3. Conversion, formation, or dissolution of a corporation, a limited liability company, association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall must be reported to the board in writing within 30 days of the change.

E. Mobile spas must have a spa license and provide a physical address.

~~E.F.~~ The board or any of its agents shall be allowed to inspect during reasonable hours any licensed spa for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. ~~For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public~~

substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

18VAC41-70-90. General requirements for a school licenseRequirements for a School License.

A. Any firm wishing to operate an esthetics school shall must submit an application to the board at least 60 days prior to the date for which approval is sought, obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia, and meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall must be in good standing as a licensed esthetics school in Virginia and all other jurisdictions where licensed, ~~licensed, certified, or registered.~~ The applicant and all members of the responsible management shall must disclose to the board at the time of application for licensure, any disciplinary action taken in Virginia and all other jurisdictions ~~in connection with the applicant's operation of any esthetics school or practice of the profession.~~ This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia ~~as an esthetics school.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of an esthetics school. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section.~~ The applicant shall must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall must disclose the applicant's physical address. A post office box is ~~not acceptable.~~ may be provided as a secondary address.

3. The applicant shall must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia esthetics license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall must disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application;~~ and
- b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall must disclose the firm's responsible management.

B. Esthetics school licenses are issued to firms as defined in this chapter and shall not be transferable, ~~and shall bear the same name and address as the school.~~ Any changes in the name or the address of record or principal place of business of the school shall must be reported to the board in writing within 30 days of such change. The board shall must not be responsible for the

licensee's, certificate holder's, or permit holder's failure to receive notices, communications, and correspondence caused by the licensee's, certificate holder's, or permit holder's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

~~C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void and shall be returned to the board within 30 days of the change. Additionally, the firm shall apply for a new license within 30 days of the change in business entity. Such changes include:~~ Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void. The firm must notify the board, apply for a new license within 30 days of the change in business entity and destroy the license. Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

~~D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall be reported to the board in writing within 30 days of the change.~~

D. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school must provide a written report to the board detailing the performances and hours of each student who has not completed the program.

E. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association must be reported to the board in writing within 30 days of the change.

~~EF.~~ Esthetics schools under the Virginia Department of Education shall be exempted from licensure requirements.

~~EG.~~ The board or any of its agents shall be allowed to inspect during reasonable hours any licensed school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter. For purposes of a board inspection, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

18VAC41-70-100. General requirements for an esthetics instructor certificateRequirements for an Esthetics or Master Esthetics Instructor Certificate.

A. Any individual wishing to engage in esthetics or master esthetics instruction shall must meet the following qualifications:

1. The applicant shall must be in good standing as a licensed esthetician or master esthetician, respectively, in Virginia and all other jurisdictions where licensed, licensed, certified, or registered. The applicant shall must disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as an esthetician or master esthetician. This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. ~~The~~

applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as an esthetician or master esthetician.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall must hold a current Virginia ~~esthetic~~esthetician or master esthetician license, respectively;

3. The applicant shall must complete one of the following qualifications:

a. Pass a course in teaching techniques at the postsecondary educational level; or

~~b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board; and~~

b. Pass an instructor examination administered by the board or by a testing service acting on behalf of the board.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall must disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of the application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application; and~~

b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

~~B. Instructors shall be required to maintain a Virginia esthetician license.~~

B. Instructors must maintain an esthetician or master esthetician license, respectively.

C. Certified instructors may teach in any profession in which they hold the underlying license.

18VAC41-70-105. Student Instructor Temporary License.

A. A licensed esthetician or master esthetician may be granted a twelve (12) month student instructor temporary license to function under the direct supervision of a certified instructor in a licensed school. No subsequent student instructor temporary license shall be issued. Student instructors must pass an instructor examination administered by the board or by a testing service acting on behalf of the board.

B. Student instructors may teach in any profession in which they hold the underlying license. Failure to maintain an esthetician or master esthetician license shall disqualify an individual from holding a student instructor temporary license.

C. Licensed estheticians and master estheticians may also supervise waxing student instructor temporary license holders. Licensed master estheticians may also supervise esthetician student instructor temporary license holders.

D. The student instructor temporary license holder must be associated with both a school and a direct supervisor. The student instructor's temporary license will be terminated if the supervising instructor notifies the board that they are no longer employed at the school or if the training is discontinued.

E. Temporary licenses shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18 VAC 41-70-100.

18VAC41-70-110. General requirements for a master esthetics instructor certificate. (Repealed.)

A. Any individual wishing to engage in master esthetics instruction shall meet the following qualifications:

1. The applicant shall be in good standing as a licensed master esthetician in Virginia and all other jurisdictions where licensed. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a master esthetician. This includes monetary penalties, fines, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as an esthetician or master esthetician.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in esthetics or master esthetics. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this section. The applicant shall provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. The applicant shall hold a current Virginia master esthetician license;

3. The applicant shall complete one of the following qualifications:

- a. Pass a course in teaching techniques at the postsecondary educational level; or
- b. Complete an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified esthetics instructor or master esthetics instructor in an esthetics school and pass an examination in esthetics instruction administered by the board or by a testing service acting on behalf of the board; and

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and
- b. All felony convictions within 20 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

~~B. Instructors shall be required to maintain a Virginia master esthetician license.~~

Part III

Fees

18VAC41-70-120. Fees.

The following fees ~~apply~~ are nonrefundable and shall not be prorated:

FEE TYPE	AMOUNT DUE September 1, 2022, through and August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors: <u>Instructor Certificate:</u>			
Application	\$110	\$125	With application
License by Endorsement	\$110	\$125	With application
Renewal	\$110 \$20	\$150 \$20	With renewal card prior to expiration date

Reinstatement	\$220 * \$40 * *includes \$110 \$20 renewal fee and \$110 \$20 reinstatement fee	\$300 * \$40 * *includes \$150 \$20 renewal fee and \$150 \$20 reinstatement fee	With reinstatement application
Spas:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$185	\$220	With application
Renewal	\$185	\$220	With renewal card prior to expiration date
Reinstatement	\$370* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application

18VAC41-70-130. Refunds. (Repealed.)

~~All fees are nonrefundable and shall not be prorated.~~

Part IV

Renewal/Reinstatement

18VAC41-70-140. License ~~renewal required~~ Renewal Required.

A license or certificate issued under this chapter shall expire two years from the last day of the month in which it was issued.

18VAC41-70-150. Notice of ~~renewal~~ Renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or certificate holder outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee or certificate holder of the obligation to renew. If the licensee or certificate holder fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

18VAC41-70-160. Failure to ~~renew~~ Renew.

A. When a licensee individual or spa fails to renew its license or certificate within 30 days following its expiration date, the licensee or certificate holder shall must apply for reinstatement of the license ~~by submitting to the Department of Professional and Occupational Regulation a reinstatement application and pay the renewal fee and reinstatement fee.~~

B. When a licensee individual or spa fails to renew its license or certification within two years following the expiration date, reinstatement is no longer possible. To resume practice:

1. The former licensee or certificate holder shall must apply for licensure or certification as a new applicant and shall meet all current entry requirements for each respective license or certificate. Individuals applying for licensure under this section shall be eligible to apply for a temporary license from the board under 18VAC41-70-70.

2. An individual initially granted licensure under an examination exemption, known as grandfathering, pursuant to § 54.1-703.3 of the Code of Virginia shall submit a new application showing the individual met the requirements of the applicable examination waiver provision, demonstrate five years of licensed experience, and pass the required examination. previously licensed in Virginia for a minimum of three (3) years must submit a new application and pass the required examination.

C. The application for reinstatement for a school shall must provide (i) the reasons for failing to renew prior to the expiration date and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with 18VAC41-70-230 and 18VAC41-70-240. Upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license, require requalification, or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

C. When a licensed school fails to renew its license within 30 days following its expiration date, the licensee must apply for reinstatement of the license and pay the reinstatement fee.

1. If a school license is reinstated before 180 days of the expiration date noted on the license, the school must provide a reinstatement fee to the board.

2. After 180 days, the school must submit a reinstatement application and must provide (i) the reasons for failing to renew prior to the expiration date and (ii) a statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. After 180 days, reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with 18VAC41-20-240 and 18VAC41-20-250 by the Department of Professional and Occupational Regulation. Pursuant to 18VAC41-20-130, upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both.

3. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

D. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

~~E. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.~~

E. When a license or certificate is reinstated, the licensee or certificate holder shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

F. A licensee or certificate holder that reinstates its license or certificate shall be regarded as having been continuously licensed without interruption. Therefore, a licensee or certificate holder shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee or certificate holder that fails to reinstate its license or certificate shall be regarded as unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee or certificate holder for a violation of the law or regulations during the period of time for which the individual or business entity was licensed or certified.

Part V

Esthetics Schools

18VAC41-70-180. General requirementsRequirements.

An esthetics school shall must:

1. Hold a school license for each and every location.
2. Hold a spa license if the school receives compensation for services provided in its clinic.
- ~~3. For esthetics courses, employ a staff of licensed and certified esthetics instructors or licensed and certified master esthetics instructors.~~
3. Employ and ensure all training is conducted by licensed and certified esthetics instructors or master esthetics instructors, respectively.
 - a. Licensed and certified esthetics instructors and master esthetics instructors may also instruct a waxing program.
 - b. Licensed and certified master esthetics instructors may also instruct an esthetics program.

c. Instructor programs must be taught by a certified instructor.

d. Any change in instructors shall be reported to the board within 30 days of the change.

~~4. For master esthetics courses, employ a staff of licensed and certified master esthetics instructors.~~

54. Develop individuals for entry-level competency in esthetics and master esthetics.

65. Submit its curricula for board approval. Esthetician curricula shall must be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 18VAC41-70-190.B. Master esthetician curricula shall must be based on a minimum of 600 clock or equivalent credit hours and shall include performances in accordance with 18VAC41-70-190.C. All changes to curricula must be resubmitted and approved by the board.

76. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the spa in plain view of the public.

87. Conduct classroom instruction in an area separate from the clinic area where practical instruction is conducted and services are provided.

~~9. Complete practical instruction in the school's clinic area.~~

8. Conduct all instruction and training of students under the direct supervision of a licensed and certified instructor.

9. The theory portions of the curriculum may be offered online. Practical instruction must be obtained in a traditional brick and mortar classroom setting.

10. Schools should utilize technologies and practices that are effective in verifying the identity of distance-learning students who participate in class or coursework (such as a secure login and pass code) while protecting student privacy. Educational technologies must be capable of monitoring a student's time and activities.

11. There is a measure of competency (examination) of the information the student is taught online which shall be completed in a traditional brick and mortar classroom.

18VAC41-70-190. Curriculum and hours of instruction requirementsHours of Instruction Requirements.

A. Each esthetics school shall must submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lessons plans, a sample of evaluation methods to be used, days and hours of instruction, program length, a sample of a final transcript, and a breakdown of hours or credit hours and performances for all courses to be taught that will lead to licensure or certification. ~~In addition, if a school awards credit in accordance with subsection D of this section, the school shall submit copies of the assessment policy, method of evaluation of transcripts and the examination to be used in making the assessment.~~

B. ~~The esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include the following:~~The outline for esthetics must include the following:

1. Orientation and business topics - minimum of 25 hours of instruction.

- a. School policies;
- b. Management;
- c. Sales, inventory, and retailing;
- d. Taxes and payroll;
- e. Insurance;
- f. Client records and confidentiality; and

- g. Professional ethics and practices.
- 2. Laws and regulations - minimum of 10 hours of instruction.
- 3. General sciences - minimum of 80 hours of instruction.
 - a. Bacteriology;
 - b. Microorganisms;
 - c. Infection control, disinfection, sterilization;
 - d. Occupational Safety and Health Administration (OSHA) requirements;
 - e. Material Safety Data Sheet (MSDS);
 - f. General procedures and safety measures;
 - g. Cosmetic chemistry;
 - h. Products and ingredients; and
 - i. Nutrition.
- 4. Applied sciences - minimum of 95 hours of instruction.
 - a. Anatomy and physiology;
 - b. Skin structure and function;
 - c. Skin types;
 - d. Skin conditions; and
 - e. Diseases and disorders of the skin.
- 5. Skin care - minimum of 255 hours of instruction.
 - a. Health screening;
 - b. Skin analysis and consultation;
 - c. Effleurage and related movements and manipulations of the face and body;
 - d. Cleansings procedures;
 - e. Masks;
 - f. Extraction techniques;
 - g. Machines, equipment, and electricity;
 - h. Manual facials and treatments;
 - i. Machine, electrical facials, and treatments; and
 - j. General procedures and safety measures.
- 6. Makeup - minimum of 65 hours of instruction.
 - a. Setup, supplies, and implements;
 - b. Color theory;
 - c. Consultation;
 - d. General and special occasion application;
 - e. Camouflage;
 - f. Application of false lashes and lash extensions;
 - g. Lash and tinting;
 - h. Lash perming;
 - i. Lightning of the hair on body except scalp; and
 - j. General procedures and safety measures.
- 7. Body and other treatments - minimum of 20 hours of instruction.

- a. Body treatments;
 - b. Body wraps;
 - c. Body masks;
 - d. Body scrubs;
 - e. Aromatherapy; and
 - f. General procedures and safety measures.
8. Hair removal - minimum of 50 hours of instruction.
- a. Types of hair removal;
 - b. Wax types;
 - c. Tweezing;
 - d. Chemical hair removal;
 - e. Mechanical hair removal; and
 - f. General procedures and safety measures.

~~C. The master esthetics curriculum and hours of instruction in this technology shall consist of 600 hours or equivalent credit hours and shall include the following:~~ The outline for master esthetics must include the following:

1. Orientation, advanced business subjects, and infection control - minimum of 45 hours of instruction.
 - a. School policies and procedures;
 - b. Professional ethics and practices;
 - c. Ethics and professional conduct;
 - d. Insurance and liability issues;
 - e. Confidentiality and Health Insurance Portability and Accountability Act of 1996 Privacy Rule (HIPAA);
 - f. Client records and documentation;
 - g. Microbiology and bacteriology;
 - h. Infection control, disinfection, and sterilization;
 - i. Occupational Safety and Health Administration (OSHA), U.S. Food and Drug Administration (FDA); and Material Safety Data Sheet (MSDS); and
 - j. Personal protective equipment.
2. State laws, rules and regulations - minimum of 10 hours of instruction.
3. Advanced anatomy and physiology - minimum of 65 hours of instruction.
 - a. Advanced anatomy and physiology;
 - b. Advanced skin structure and functions;
 - c. Advanced skin typing and conditions;
 - d. Advanced disease and disorders;
 - e. Advanced cosmetic ingredients;
 - f. Pharmacology; and
 - g. Advanced homecare.
4. Advanced skin care and advanced modalities - minimum of 90 hours of instruction.
 - a. Introduction to microdermabrasion and dermaplaning;
 - b. Indications and contraindications for crystal microdermabrasion;

- c. General procedures and safety measures for crystal microdermabrasion;
 - d. Indications and contraindications for crystal-free microdermabrasion and dermaplaning;
 - e. General procedures and safety measures for crystal-free microdermabrasion and dermaplaning;
 - f. Equipment safety: crystal and crystal-free microdermabrasion and dermaplaning;
 - g. Waste disposal, Occupational Safety and Health Administration (OSHA);
 - h. Introduction to microdermabrasion techniques and proper protocols;
 - i. Machine parts, operation, protocols, care, waste disposal, and safety;
 - j. Practical application and consultation for crystal microdermabrasion;
 - k. Practical application and consultation for crystal-free microdermabrasion and dermaplaning; and
 - l. Pretreatment and posttreatment for microdermabrasion.
5. Advanced procedures and chemical exfoliation - minimum of 270 hours of instruction.
- a. Advanced skin analysis and consultation and health screening and documentation;
 - b. Advanced procedures, light treatments, light-emitting diode (LED), intense pulsed light device (IPL);
 - c. Advanced manual, machine, and electric treatments, microcurrent, and ultrasound;
 - d. Introduction to chemical exfoliation and peels of the epidermis;
 - e. Fundamentals of skin care associated with chemical exfoliation and peels and wound healing;
 - f. Pretreatment and posttreatment for chemical exfoliation and peels;
 - g. Assessing suitability and predicting chemical exfoliation efficacy;
 - h. General practical application and consultation protocols;
 - i. Practical application and consultation for enzymes, herbal exfoliations, and vitamin-based peels;
 - j. Indications and contraindications for enzymes, herbal exfoliations, and vitamin-based peels;
 - k. General procedures and safety measures for herbal exfoliations, and vitamin-based peels;
 - l. Pretreatments and posttreatments for herbal exfoliations, and vitamin-based peels;
 - m. Practical application and consultation for alpha hydroxy peels;
 - n. Indications and contraindications for alpha hydroxy peels;
 - o. General procedures and safety measures for alpha hydroxy peels;
 - p. Pretreatment and posttreatment for alpha hydroxy peels;
 - q. Practical application and consultation for beta hydroxy peels;
 - r. Indications and contraindications for beta hydroxy peels;
 - s. General procedures and safety measures for beta hydroxy peels;
 - t. Pretreatment and posttreatment for beta hydroxy peels;
 - u. Practical application and consultation for Jessner and Modified Jessner peels;
 - v. Indications and contraindications for Jessner and Modified Jessner peels;
 - w. General procedures and safety measures for Jessner and Modified Jessner peels;
 - x. Pretreatment and posttreatment for Jessner and Modified Jessner peels;

- y. Practical application and consultation for trichloracetic acid peels;
 - z. Indications and contraindications for trichloracetic acid peels;
 - aa. General procedures and safety measures for trichloracetic acid peels; and
 - bb. Pretreatment and posttreatment for trichloracetic acid peels.
6. Lymphatic drainage - minimum of 120 hours of instruction.
- a. Introduction to lymphatic drainage;
 - b. Tissues and organs of the lymphatic system;
 - c. Functions of the lymphatic system;
 - d. Immunity;
 - e. Etiology of edema;
 - f. Indications and contraindications for lymphatic drainage;
 - g. Lymphatic drainage manipulations and movements;
 - h. Face and neck treatment sequence;
 - i. Lymphatic drainage on the trunk and upper extremities;
 - j. Lymphatic drainage on the trunk and lower extremities;
 - k. Cellulite;
 - l. Using lymphatic drainage with other treatments; and
 - m. Machine-aided lymphatic drainage.

D. A licensed esthetics school with an approved esthetics program may conduct an assessment of a transfer student's competence in esthetics and, based on the assessment, give credit toward the requirements specified in subsection B of this section and 18VAC41-70-200 A. A licensed esthetics school with an approved master esthetics program may conduct an assessment of a transfer student's competence in master esthetics and, based on the assessment, give credit toward the requirements specified in subsection C of this section and 18VAC41-70-200 B.

The school shall must make the assessment based on a review of the student's transcript, documentation of hours and performances provided to the student by the school and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic.

~~E. The instructor curriculum and hours of instruction shall consist of 400 hours or equivalent credit hours and shall include the following:~~

- ~~1. Orientation;~~
- ~~2. Curriculum;~~
- ~~3. Course outline and development;~~
- ~~4. Lesson planning;~~
- ~~5. Classroom management;~~
- ~~6. Teaching techniques;~~
- ~~7. Methods of instruction;~~
- ~~8. Learning styles;~~
- ~~9. Learning disabilities;~~
- ~~10. Teaching aids;~~

11. Developing, administering, and grading examinations;
12. School administration;
13. Recordkeeping;
14. Laws and regulations;
15. Presentation of theoretical subjects;
16. Presentation of practical subjects;
17. Supervision of clinic floor; and
18. Practicum teaching.

E. The instructor curriculum must include, but not be limited to, the following:

1. Orientation, introduction to teaching, and professional ethics;
2. Curriculum;
3. Course outline and development;
4. Lesson planning;
5. Classroom management;
6. Teaching techniques;
7. Methods of instruction (including theory and practical instruction*);
8. Learning styles;
9. Learning disabilities;
10. Teaching aids;
11. Developing, administering and grading examinations;
12. School administration;
13. Recordkeeping;
14. Laws and regulations;
15. Supervision of clinic floor; and
16. Practicum teaching.

18VAC41-70-200. Practical performance requirements Performance Requirements.

A. The curriculum for estheticians shall must include the following minimum practical performances:

Consultations, cleansings and analysis of face and body	35
Manual facials and treatments	65
Machine or electrical facials and treatments	50
Body treatments and back treatments	20
Makeup	25
Hair Removal	25
TOTAL	220

B. The curriculum for master estheticians shall must include the following minimum performances:

Advanced treatments	40
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Microdermabrasion	50
Chemical exfoliation	75
Lymphatic drainage treatments	50
TOTAL	215

18VAC41-70-210. School equipmentEquipment.

A. For an esthetics course, an esthetics school must have at least one treatment table, one magnifier lamp, one steamer, one adjustable stool, and one table for instruments and products for each two students enrolled in the class.

B. For each procedure taught in the esthetics curriculum, the esthetics school must have at least one set of the applicable equipment for each three students enrolled in the class.

C. For a master esthetics course, an esthetics school must have at least one treatment table, one woods lamp, one adjustable stool, and one table for instruments and products for each two students enrolled in the class.

D. For each procedure taught in the master esthetics curriculum, the esthetics school must have at least one set of the applicable equipment for each six students enrolled in the class.

18VAC41-70-230. Records.

A. Schools shall must maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing the student's signature and a two-inch by two-inch color head and shoulders photograph of the student,
2. Daily record of attendance containing the student's signature,
3. Student clock hours containing the student's signature and method of calculation,
4. Practical performance completion sheets containing the student's signature,
5. Final transcript,
6. Competency examinations used to award credit,
7. 6. Course descriptions, and
8. 7. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools shall must produce to the board or any of its agents, within 10 days of the request, any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools shall must, within 21 days upon receipt of a written request from a student, provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

D. Prior to a school changing ownership or a school closing, the school is required to provide to current students documentation of hours and performances completed.

~~E. For a period of one year after a school changes ownership, the school shall provide, within 21 days upon receipt of a written request from a student, documentation of hours and performances completed by a current student.~~

18VAC41-70-240. Reporting.

A. Schools shall provide, in a manner, format, and frequency prescribed by the board, a roster of all current students and a roster of students who attended in the preceding six months prior to the reporting deadline.

B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who has not completed the program.

A. Each school must provide student rosters to the board quarterly, no later than January 15, April 15, July 15, and October 15 of every year;

1. A roster of all enrolled students and a roster of students who attended in the preceding six months prior to the reporting deadline.

2. Students who are enrolled but have not begun classes must be included in the report.

3. Rosters must be submitted via a secure link provided by the board on the board supplied document, which will include the students full name, date of birth, program type, date enrolled, the total number of hours to-date, and the date completed, terminated, or withdrawn.

4. Schools with no students enrolled, but the intention of operating, must submit a report to that effect. Schools with no students enrolled that no longer wish to operate should terminate their license in accordance with board regulations.

B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

Part VI

Standards of Practice

18VAC41-70-250. Scope of practicePractice.

A. The responsible management for Each each licensed spa or school shall must ensure that no licensee or student performs any service beyond the scope of practice for the esthetician or master esthetician license.

B. For chemical exfoliation of the epidermis by a licensed master esthetician, the standards for use of an exfoliator or concentration of acids shall be:

1. Jessner and Modified Jessner solution;
2. Trichloroacetic acid less than 20%;
3. Nonprescriptive alpha hydroxyl acids;
4. Nonprescriptive beta hydroxyl acids;
5. Nonprescriptive, commercially available products used in accordance with manufacturer's written instructions;
6. Vitamin-based acids;
7. Enzymes; or
8. Herbal exfoliators.

18VAC41-70-260. Display of licenseLicense.

A. Each licensed spa or school shall ensure that all current licenses and temporary licenses issued by the board shall be displayed in plain view of the public either in the reception area or at individual work stations of the spa or school. Duplicate licenses or temporary licenses shall be posted in a like manner in every spa or school location where the licensee or temporary license holder provides services.

~~B. All licensees and temporary license holders shall operate under the name in which the license or temporary license is issued.~~

~~C. All apprenticeship cards issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating his status as a DOLI registered apprentice.~~

A. The responsible management for each licensed spa or school must ensure that:

1. Any spa or school license issued by the board is displayed in plain view of the public in the reception area;

2. Any individual license, certificate, or temporary license issued by the board is displayed in plain view of the public either in the reception area or at individual work stations at all locations where the regulant provides services.

3. No employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.

B. All individuals working in a spa or school must ensure their license is displayed in the plain view of the public either in the reception area or at individual work stations at all locations where the regulant provides services.

C. All licensees, certificate holders, and temporary license holders must operate under the name in which the license, certificate, or temporary license is issued.

D. Proof of apprenticeship registration issued by the Virginia Department of Workforce Development and Advancement (DWDA) must be displayed in plain view of the public either in the reception area or at individual work stations of the shop or salon. The apprentice sponsor must require each apprentice to wear a badge clearly indicating his status as a DWDA registered apprentice.

E. Any changes in the name or address of the licensee must be reported to the board in writing within 30 days of such changes.

18VAC41-70-270. Sanitation and safety standards for spas and schools~~Safety Standards for Spas and Schools.~~

A. Sanitation and safety standards.

1. Any spa or school where esthetics services are delivered to the public must be clean and sanitary at all times.

2. Compliance with these rules does not confer compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.

3. Licensees shall must take sufficient measures to prevent the transmission of communicable and infectious diseases and comply with the sanitation standards identified in this section and shall must ensure that all employees likewise comply.

B. Disinfection and storage of implements.

1. ~~A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be a U.S. Environmental Protection Agency (EPA) registered disinfectant that is bactericidal, virucidal, and fungicidal. Disinfectant solutions shall be used according to manufacturer's directions. Each esthetician and master esthetician must have a wet disinfection unit at his station and must meet the standards in the definition of wet disinfection requirements.~~

2. Disinfection of multiuse items ~~implements~~ constructed of hard, nonporous materials such as metal, glass, or plastic, that the manufacturer designed for use on more than one client, is to be carried out in the following manner prior to servicing a client:

- a. Remove all foreign matter from the object, utilizing a brush if needed; ~~Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign matter;~~
- b. Wash thoroughly with hot water and soap;
- c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
- d. Fully immerse implements into wet disinfectant solution for a minimum of 10 minutes; and
- e. After immersion, rinse articles, dry thoroughly with a clean paper towel, and store in a clean, predisinfected, and dry cabinet, drawer, or ~~nonairtight~~ sealed covered container, or leave instruments in an EPA-registered wet disinfection unit storage solution used according to manufacturer's directions.

3. Single-use items designed by the manufacturer for use on no more than one client should be discarded immediately after use on each individual client, including but not limited to powder puffs, lip color, cheek color, sponges, styptic pencils, wood implements, chamois, or nail skin care implements or disposable razors. The disinfection and reuse of these items is not permitted and the use of single-use items on more than one client is prohibited.

4. For the purpose of recharging, rechargeable tools or implements may be stored in an area other than in a closed cabinet or container. This area shall must be clean.

~~5. All materials including cosmetic and nail brushes, sponges, chamois, spatulas, and galvanic electrodes must be cleaned with warm water and soap or detergent to remove all foreign matter. Implements should then be rinsed, thoroughly dried with a clean paper towel, and completely immersed in an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal. Such implements shall be soaked for 10 minutes or more, removed, rinsed, dried thoroughly, and stored in a predisinfected and dry drawer, cabinet, or nonairtight covered container, or left in an EPA-registered disinfection storage solution used according to manufacturer's directions.~~

~~6.5.~~ All wax pots shall must be cleaned and disinfected with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal with no sticks left standing in the wax at any time. The area immediately surrounding the wax pot shall must be clean and free of clutter, waste materials, spills, and any other items that may pose a hazard.

~~7. Each esthetician must have a wet disinfection unit at his station.~~

~~8. Nail brushes; nippers; finger bowls; disinfectable or washable buffers; disinfectable or washable files, which must also be scrubbed with a brush to remove all foreign matter; and other instruments must be washed in soap and water, rinsed, dried thoroughly with a clean paper towel, and then completely immersed in an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal for 10 minutes after each use. After disinfection they must be rinsed, dried thoroughly with a clean paper towel, and placed in a dry, predisinfected, nonairtight covered receptacle, cabinet, or drawer, or left in an EPA-registered disinfectant storage system used according to manufacturer's directions.~~

~~9.6.~~ Sinks, bowls, tubs, whirlpool units, air-jetted basins, pipe-less units, and non-whirlpool basins used in the performance of skin nail care shall must be maintained in accordance with manufacturer's recommendations. They shall must be cleaned and disinfected immediately after each client in the following manner:

- a. Drain all water and remove all debris;

- b. Clean the surfaces and walls with soap or detergent to remove all visible debris, oils, and product residues and then rinse with water;
- c. Disinfect by spraying or wiping the surface with an EPA-registered disinfectant that is bactericidal, virucidal, and fungicidal; and in accordance with manufacturer directions;
- d. Wipe dry with a clean towel.

C. General sanitation and safety requirements.

1. Service chairs, workstations and workstands, and back bars shall must be clean;
2. The floor surface in all work areas must be of a washable surface other than carpet. The floor must be kept clean and free of debris, ~~nail clippings~~, dropped articles, spills, clutter, trash, electrical cords, other waste materials, and other items that may pose a hazard;
3. All furniture, fixtures, walls, floors, windows, and ceilings shall must be in good repair and free of water seepage and dirt. All mats shall must be secured or shall must lie flat;
4. A fully functional bathroom with a working toilet and sink must be available for clients. There must be hot and cold running water. Fixtures must be in good condition. The bathroom must be lighted and sufficiently ventilated. There must be soap and clean single-use towels or hand air-drying device for the client's use. For facilities newly occupied after January 1, 2017, the bathroom shall must be maintained exclusively for client use or shared with other businesses in the same building. If the bathroom is shared, the bathroom shall must be available for client use and within 200 feet of the entrance and must adhere to all sanitation requirements of this chapter;
5. General areas for client use must be neat and clean with a waste receptacle for common trash;
6. Electrical cords shall be placed to prevent entanglement by the client or licensee and electrical outlets shall be covered by plates;
7. All sharp tools, implements, and heat-producing appliances shall be in safe working order at all times, safely stored, and placed so as to prevent any accidental injury to the client or licensee;
8. The spa area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne chemicals and to allow the free flow of air; and
9. Adequate lighting shall must be provided.

D. Articles, tools, and products.

1. Any multiuse article, tool, or product that cannot be cleansed or disinfected is prohibited from use;
2. Soiled implements must be removed from the tops of work stations immediately after use;
3. Clean spatulas, other clean tools, or clean disposable gloves shall must be used to remove bulk substances from containers;
4. Any multiuse article, tool, or product that cannot be disinfected by full immersion as specified in 18VAC41-70-270.B.2 or cleaned according to manufactor's recommendation, including but not limited to natural hair brushes or neck dusters, is prohibited from use.
- 4.5. Lotions, ointments, creams, and powders shall must be accurately labeled and kept in closed containers. A clean spatula shall must be used to remove creams or other products from jars. Sterile cotton or sponges shall must be used to apply creams, lotions, and powders. Cosmetic containers shall must be covered after each use;

5.6. All appliances shall must be safely stored;

6.7. Presanitized tools and implements, linens, and equipment shall must be stored for use in a sanitary enclosed cabinet or covered receptacle;

7.8. Clean towels, robes, or other linens shall must be used for each patron. Clean towels, robes, or other linens shall must be stored in a clean predisinfected and dry cabinet, drawer, or nonairtight covered container. Soiled towels, robes, or other linens shall must be stored in a container enclosed on all sides including the top, except if stored in a separate laundry room;

8.9. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall must be used to check bleeding; and

9. Any disposable material making contact with blood or other body fluid shall be disposed of in a sealed plastic bag and removed from the spa or school in accordance with the guidelines of the Virginia Department of Health and OSHA (Occupational Safety and Health Administration).

10. Any disposable material making contact with blood or other body fluid must be double bagged, label as a biohazard, and disposed of in a closed receptacle.

E. Chemical storage and emergency information.

1. Spas and schools shall must have in the immediate working area a binder with all Safety Data Sheets (SDS) provided by manufacturers for any chemical products used;

2. Spas and schools shall must have a blood spill clean-up kit in the work area that contains at a minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA)-approved blood spill clean-up kit;

3. Flammable chemicals shall must be labeled and stored in a nonflammable storage cabinet or a properly ventilated room; and

4. Chemicals that could interact in a hazardous manner (e.g., oxidizers, catalysts, and solvents) shall must be labeled and separated in storage.

F. Client health guidelines.

1. All employees providing client services shall must cleanse their hands with a soap product prior to providing services to each client;

2. All employees providing client services shall must wear gloves while providing services when exposure to bloodborne pathogens is possible;

3. No spa or school providing esthetics services shall must have on the premises esthetics products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in esthetics products;

4. No product shall must be used in a manner that is disapproved by the FDA; and

5. Esthetics spas must be in compliance with current building and zoning codes.

G. In addition to the requirements set forth in this section, all licensees and temporary license holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational and Safety Division of the Virginia Department of Labor and Industry.

H. All spas and schools shall must immediately report the results of any inspection of the spa or school by the Virginia Department of Health as required by § 54.1-705 of the Code of Virginia.

I. All spas and schools shall must conduct a self-inspection on an annual basis and maintain a self-inspection form on file for five years so that it may be requested and reviewed by the board at its discretion.

18VAC41-70-280. Grounds for license revocation, probation, or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty
Grounds for License Revocation, Suspension, or Probation; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

The board may, in considering the totality of the circumstances, ~~fine any licensee, certificate holder, or temporary license holder; suspend, place on probation, revoke, or refuse to issue, renew or reinstate any a license or certificate, impose a monetary penalty, place a license or certificate on probation with such terms and conditions and for such time as it may designate, suspend a license or certificate for a stated period of time; or revoke, a license or certificate issued certificate, or temporary license; or deny any application issued~~ under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and this chapter if the board finds that the licensee, certificate holder, ~~permit temporary license~~ holder, or applicant:

1. ~~Is incompetent, negligent, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as an esthetician; Is incompetent, negligent in practice, or unable to practice with skill or safety as a result of any mental or physical condition, as those terms are generally understood in the profession, (i) to practice as an esthetician or master esthetician, or (ii) operate a spa or school;~~
2. Is convicted of fraud or deceit in the practice or teaching of esthetics or master esthetics, fails to teach in accordance with the board-approved curriculum as provided for in this chapter, or fails to comply with 18VAC41-70-190 D when making an assessment of credit hours awarded;
3. Attempts to obtain, obtained, renewed, or reinstated a license, certificate, or temporary license by false or fraudulent representation;
4. Violates, induces others to violate, or cooperates with others in violating any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which any esthetician may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing esthetics or master esthetics;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed spa or school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's, certificate holder's, temporary license holder's, applicant's, or owner's responsible management's possession or maintained in accordance with this chapter;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, or temporary license;
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. Fails to notify the board in writing within 30 days ~~of the suspension, revocation, or surrender of a license or temporary license in connection with a disciplinary action in any jurisdiction or of any license or temporary license that has been the subject of disciplinary action in any jurisdiction; of any final or disciplinary action taken against a license,~~

registration, certificate or temporary license in any jurisdiction by a local, state or national regulatory body;

12. Has been convicted or found guilty, regardless of the manner of adjudication, in Virginia or any other jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;

13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of convictions as stated in subdivision 12 of this section;

14. Allows, as responsible management of a spa or school, a person who has not obtained a license or a temporary permit license to practice unless the person is duly enrolled as a registered apprentice;

15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate or student instructor temporary license to practice as an esthetics or a master esthetics instructor;

16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practices of esthetics or master esthetics or the operation of esthetics spas; or

17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

FORMS (18VAC41-70)

[Esthetician – Esthetics Instructor Examination & License Application, A450-1261 62EXLIC-v17 \(eff. 5/2022\)](#)

[Master Esthetician – Master Esthetics Instructor Examination & License Application, A450-1264 65EXLIC-v18 \(eff. 5/2022\)](#)

[Temporary Permit Application, A450-1213TEMP-v3 \(eff. 12/2021\)](#)

[License by Endorsement Application, A450-1213END-v18 \(eff. /2022\)](#)

[Training Verification Form, A450-1213TR-vs1 \(eff. 5/2022\)](#)

[Individual - Reinstatement Application, A450-1213REI-v13 \(eff. 9/2022\)](#)

[Salon, Shop, Spa & Parlor License/Reinstatement Application A450-1213BUS-v16 \(eff. 9/2022\)](#)

[Salon, Shop & Spa Self Inspection Form, A450-1213 SSS INSP-vs2 \(eff. 5/2016\)](#)

[Instructor Certification Application, A450-1213INST-v17 \(eff. 10/2022\)](#)

[School License Application, A450-1213SCHL-v18 \(eff. 5/2023\)](#)

[School Reinstatement Application, A450-1213SCHL REI-v9 \(eff. 9/2022\)](#)

[School Self Inspection Form, A450-1213SCH INSP-vs5 \(eff. 1/2022\)](#)

[Licensure Fee Notice, A450-1213FEE-v11 \(rev. 2022\)](#)

[Change of Responsible Management, A450-1213CRM-v6 \(eff. 12/2021\)](#)

[Experience Verification Form A450-1261_64EXP-v2 \(eff. 2/2023\)](#)

[Esthetics-Master Esthetics Universal License App A450-1261-65ULR-v1 \(eff. 7/2023\)](#)

Draft Agenda

Draft Agenda

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position



TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: KELLEY SMITH, EXECUTIVE DIRECTOR
SUBJECT: APPROVAL OF PROPOSED LANGUAGE FOR GENERAL REVIEW OF
TATTOOING REGULATIONS
DATE: FEBRUARY 7, 2024

At the August 14, 2023 meeting, the Board approved a Notice of Intended Regulatory Action to initiate a General Review of the Tattooing Regulations. The public comment period on the NOIRA is complete, and it is now time for the Board to adopt proposed regulations. There was no public comment.

You will find attached a copy of the proposed language that needs to be adopted by the Board.

If the Board concurs with the proposed regulations, the Board can vote to “adopt the proposed Tattooing regulations [OR as amended if there are changes].”

Please come to the meeting prepared to discuss.

Project 7712 - NOIRA

Board For Barbers And Cosmetology

General Review of Tattooing Regulations

Chapter 50

Tattooing Regulations

Part I

General

18VAC41-50-10. Definitions.

A. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in ascribed to them in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.:

Board

Tattoo parlor

Tattoo school

Tattooer

Tattooing

B. The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Apprenticeship program" means an approved tattooing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct tattooing apprenticeship training who meets the qualifications in 18VAC41-50-70.

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Clock Hours" means a minimum of 50 minutes of supervised or directed instruction and appropriate breaks.

"Credit hour" means a combination of the number of hours in class each week and the number of hours per week in a laboratory by which a school may measure its course work. One unit of credit equals one hour of classroom study, two hours of laboratory experience or three hours of internship or practicum or a combination of the three times the number of weeks in the term. Emerging delivery methodologies may necessitate a unit of undergraduate credit to be measured in nontime base methods. These courses shall use the demonstration of competency, proficiency, or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.

"Direct supervision" means (i) that a Virginia licensed tattooer shall be present in the tattoo parlor at all times when services are being performed by an apprentice; (ii) that a Virginia licensed and certified tattooing instructor or a tattoo student instructor temporary license holder shall be present in the tattooing school at all times when services are being performed by a student; (iii)

that a Virginia licensed and certified permanent cosmetic tattooing instructor or a permanent cosmetic tattooing student instructor temporary license holder shall be present in the permanent cosmetic tattooing school at all times when services are being performed by a student; (iv) that a Virginia licensed and certified master permanent cosmetic tattooer instructor or a master permanent cosmetic tattooing student instructor temporary license holder shall be present in the permanent cosmetic tattooing school at all times when master permanent cosmetic tattooer services are being performed by a student; or (v) that a Virginia licensed tattooer shall be present in the tattoo parlor at all times when services are being performed by a guest tattooer. a Virginia licensed tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer must be present in the parlor or salon at all times when services are being performed by a temporary license holder or registered apprentice; (ii) a Virginia licensed and certified tattooing, permanent cosmetic tattooing, or master permanent cosmetic tattooing instructor or a student instructor temporary license holder must be present in the tattooing or permanent cosmetic tattooing school at all times when services are being performed by a student, student instructor, or temporary license holder.

"Each and every location" means, for the purposes of schools with multiple suites or classrooms, a single location is one that is enclosed under one roof and all classrooms or suites are within 500 feet of the main office. Any suites or classrooms that are located in a different building or are further than 500 feet from the main office are considered a separate location, and require the school hold an additional license.

"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state or jurisdiction of the United States.

"Event tattoo parlor" means a tattoo parlor temporary location licensed to operate for a maximum of five consecutive days.

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing tattooing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.

"Guest tattooer" means a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer residing outside of Virginia who is licensed only to work for a two-week period at a specified tattoo parlor or permanent cosmetic tattoo salon.

"Guest tattooer sponsor" means a licensed tattoo parlor or permanent cosmetic tattooing salon that is sponsoring and providing direct supervision of a guest tattooer.

"Licensee" means any person, sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law individual or firm holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

"Master permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as advanced permanent cosmetic tattooing, including scalp micropigmentation, eye shadow, and breast and scar repigmentation or camouflage.

"Master permanent cosmetic tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of master permanent cosmetic tattooing.

"Permanent cosmetic tattoo salon" means any place in which permanent cosmetic tattooing is offered or practiced for compensation.

"Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing, including eyebrows, microblading, scalp micropigmentation, eyeliners, lip coloring, lip liners, or full lips.

"Permanent cosmetic tattooing" means placing marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin on the face, including eyebrows, eyeliners, lip coloring, lip liners, full lips, cheek blush, eye shadow, forehead and scalp micropigmentation, and on the body for breast and scar repigmentation or camouflage, also known as permanent makeup or micropigmentation.

"Permanent cosmetic tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of permanent cosmetic tattooing.

"Permanent cosmetic tattooing school" means a place or establishment licensed by the board to accept and train students and offers a permanent cosmetic tattooing, and/or a master permanent cosmetic tattooing curriculum approved by the board.

"Pigments" means tattooing ink designed for use on human skin.

"Post-secondary educational level" means an accredited college or university that is approved or accredited by an accrediting agency recognized by the U.S. Department of Education.

"Reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license or certificate for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under that individual's own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which tattooing instruments are cleaned, disinfected, and sterilized.

"Substantially equivalent exam" means an examination administered by the licensing entity which covers Virginia's scope of practice for that profession.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"Tattoo convention" means an event where Virginia and out-of-state tattooers gather for no more than five consecutive days to offer tattooing services to the public.

"Tattooing instructor" means a person who has been certified by the board who meets the competency standards of the board as an instructor of tattooing.

"Temporary location" means a fixed location at which tattooing is performed for a specified length of time of not more than five days in conjunction with a single event or convention.

18VAC41-50-15. Gratuitous Services.

Any individual who engages in tattooing, guest tattooing, permanent cosmetic tattooing or master permanent cosmetic tattooing without receiving compensation, reward or obligation is considered to be performing gratuitous services and is exempt from the provisions of this chapter. Gratuitous services do not include services provided at no charge when goods are purchased. An unlicensed individual cannot perform gratuitous services in a parlor or salon.

Part II

Entry

18VAC41-50-20. General requirements for tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooerGeneral Requirements for Tattooer, Permanent Cosmetic Tattooer, or Master Permanent Cosmetic Tattooer.

A. Any individual wishing to engage in tattooing, ~~guest tattooing~~, permanent cosmetic tattooing, or master permanent cosmetic tattooing shall ~~must~~ obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:

1. The applicant must be in good standing as a tattooer, ~~guest tattooer~~, permanent cosmetic tattooer, or master permanent cosmetic tattooer in every jurisdiction where licensed, certified, or registered. The applicant shall ~~must~~ disclose to the board at the time of application for licensure any disciplinary action taken in Virginia or ~~any all~~ other jurisdiction ~~in connection with the applicant's practice as a tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer.~~ This disclosure includes monetary penalties, fines, ~~probation~~, suspensions, revocations, surrender of a license in connection with a disciplinary action, or ~~voluntary termination of a license.~~ The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a tattooer, guest tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer ~~or voluntary termination of a license.~~

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in tattooing, guest tattooing, permanent cosmetic tattooing, or master permanent cosmetic tattooing. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision.~~ The applicant shall ~~must~~ provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall ~~must~~ disclose the applicant's physical address. A post office box is ~~not acceptable~~ may be provided as a secondary address.

3. The applicant shall ~~must~~ sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall ~~must~~ disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

~~a. All misdemeanor convictions involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury within two years of the date of the application; and~~
All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury; and

b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall ~~must~~ provide evidence satisfactory to the board that the applicant has passed the board approved examination, administered either by the board or by a designated testing service.

B. Eligibility to sit for board-approved examination.

~~1. Training in the Commonwealth of Virginia. Any person completing an approved tattooing apprenticeship program in a Virginia licensed tattoo parlor or completing an approved tattooing training program in a Virginia licensed tattoo school or completing a permanent cosmetic tattooing or master permanent cosmetic tattooing training program in a Virginia licensed permanent cosmetic tattooing school shall be eligible to sit for the applicable examination.~~

~~2. Training outside of the Commonwealth of Virginia but within the United States or jurisdiction of the United States. Any person completing a tattooing, permanent cosmetic tattooing, master permanent cosmetic tattooing training program, or tattooing apprenticeship 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 training or apprenticeship to be eligible for examination. If less than the required hours were completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent tattooing training, tattooing apprenticeship, permanent cosmetic tattooing training, or master permanent cosmetic tattooing or documentation of three years of work experience within the preceding five years as a tattooer and (ii) documentation of completion of a minimum of five hours of health education to include (a) bloodborne pathogens, sterilization, and aseptic techniques related to tattooing; (b) first aid; and (c) CPR that is acceptable to the board in order to be eligible for examination.~~

1. Training in the Commonwealth of Virginia. Any person completing one of the following programs can be approved for the examination:

a. An approved tattooing apprenticeship program in a Virginia licensed tattoo parlor;

b. An approved tattooing training program in a Virginia licensed tattoo school; or

c. A permanent cosmetic tattooing or master permanent cosmetic tattooing training program, in a Virginia licensed permanent cosmetic tattooing or tattooing school shall be eligible to sit for the applicable examination.

2. Training outside of the Commonwealth of Virginia.

a. Any person completing a tattooing, permanent cosmetic tattooing, master permanent cosmetic tattooing training program, or tattooing apprenticeship 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 training or apprenticeship to be eligible for examination. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated

and evaluated by an education evaluation service if credit is sought for the education. The board in its discretion may decline to accept any an evaluation submitted by an applicant.

b. Applicants who completed a training program that is not substantially equivalent to Virginia's training must submit (i) documentation acceptable to the board verifying three years of work experience in any other state or jurisdiction of the United States on a form provided by the board; (ii) documentation of completion of board-approved health education to include (a) bloodborne pathogens, sterilization, and aseptic techniques related to tattooing; and (b) first aid.

18VAC41-50-30. License by endorsement Endorsement.

A. Upon proper application to the board, any person currently licensed to practice as a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer, or who is a licensed instructor in the respective profession in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a tattooer license, permanent cosmetic tattooer license, or master permanent cosmetic tattooer license, or the respective instructor certificate, respectively, without an examination. The applicant must also meet the requirements set forth in 18VAC41-50-20 A 1 through A 4.

B. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute three years of work experience for training. Applicants should provide their work history demonstrating three years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.

18VAC41-50-40. Examination requirements and fees Requirements and Fees.

A. Applicants for initial licensure shall must pass an examination approved by the board. The examinations may be administered by the board or by a designated testing service.

B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

C. The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

D. Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application.

E. The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

F. Any candidate failing to apply for initial licensure within five years of passing the written examination shall be required to retake the examination. Records of examinations shall be maintained for a maximum of five years.

18VAC41-50-45. Tattoo, Permanent Cosmetic Tattoo, and Master Permanent Cosmetic Tattoo Temporary License.

A. A temporary license to work under the direct supervision of a currently licensed tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer, respectively, may be issued only to applicants for initial licensure who the board finds eligible for examination. There shall be no fee for a temporary license.

B. Licensed tattooers may also supervise permanent cosmetic tattoo and master permanent cosmetic tattoo temporary license holders. Licensed master permanent cosmetic tattooers may also supervise permanent cosmetic tattoo temporary license holders.

C. The temporary license shall remain in force for 90 days and no subsequent temporary license shall be issued.

D. Any person continuing to practice tattooing, permanent cosmetic tattooing, or master permanent cosmetic tattooing after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.

E. Temporary licenses shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-50-20.

18VAC41-50-70. General requirements for a tattooing apprenticeship sponsor Requirements for a Tattooing Apprenticeship Sponsor.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a tattooing apprentice if the person: Any individual wishing to sponsor a tattooing apprentice must meet the following qualifications:

1. Holds The applicant must hold a current Virginia tattooer license;
2. Provides The applicant must provide documentation of legally practicing tattooing for at least five years; and
3. Provides The applicant must provide documentation indicating that he is in good standing in all jurisdictions where the practice of tattooing is regulated.

B. Apprenticeship sponsors shall be required to maintain a tattooer license.

C. Apprenticeship sponsors shall ensure compliance with the 1500 hour tattooing apprenticeship program and tattooing apprenticeship standards.

18VAC41-50-80. General Requirements for a Tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon license Parlor, Event Tattoo Parlor, or Permanent Cosmetic Tattoo Salon License.

A. Any firm wishing to operate a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon shall must obtain a tattoo parlor license, event tattoo parlor license, or permanent cosmetic tattoo salon license in compliance with § 54.1-704.1 of the Code of Virginia and shall must meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall must be in good standing as a licensed parlor or salon in Virginia and all other jurisdictions where licensed, certified or registered. The applicant and all members of the responsible management shall must disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions in connection with the applicant's operation of any tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon or practice of the profession. This disclosure includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon.

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon. The board will decide each case

~~by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision.~~ The applicant shall must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall must disclose the applicant's physical address. A post office box is ~~not acceptable.~~ may be provided as a secondary address.

3. The applicant shall must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall must disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and

b. All felony convictions within 2010 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall must disclose the firm's responsible management.

B. A tattoo parlor license, event tattoo parlor license, or permanent cosmetic tattoo salon license ~~are issued to firms as defined in this chapter and shall not be transferable, and shall bear the same name and address of the business.~~ Any changes in the name or address of the parlor or salon shall be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's failure to receive notices, communications, and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The new responsible management shall be responsible for applying for a new license within 30 days of the changes.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void, ~~and shall be returned to the board within 30 days of the change.~~ The firm must notify the board. ~~Additionally, the firm shall apply for a new license within 30 days of the change in the business entity and destroy the license.~~ Such changes include:

1. Death of a sole proprietor;

2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and

3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall must be reported to the board in writing within 30 days of the change.

E. Any tattoo parlor or permanent cosmetic tattoo salon wishing to host a guest tattooer must identify itself as the guest tattooer sponsor and must provide direct supervision of any tattooing by the guest tattooer.

F. Any firm wishing to operate a tattoo parlor in a temporary location must have a tattoo parlor license or event tattoo parlor license issued by the board.

G. An event tattoo parlor license is effective for five consecutive days prior to the expiration date. Any firm wishing to operate an event tattoo parlor must submit an application to the board at least 45 days prior to the date for which approval is sought.

H. A firm may obtain a maximum of five event tattoo parlor licenses within a calendar year.

I. Mobile parlors and salons must have a parlor or salon license and provide a physical address.

J. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter.

18VAC41-50-91. Guest tattooer license Tattooer License.

A. A guest tattooer license is effective for 14 days prior to the expiration date.

B. An out-of-state resident may obtain up to five guest tattooer licenses per calendar year.

C. A guest tattooer applicant must meet the following qualifications:

1. Requirements set forth in 18VAC41-50-20 A 1 through A 4.
2. Present documentation showing out-of-state residency.
3. Documentation of board-approved health education knowledge to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; and (ii) first aid; and (iii) CPR that is acceptable to the board.
4. Documentation showing guest tattooer sponsor, including signature of sponsor parlor's responsible management.

D. A guest tattooer must provide the name and license number of the guest tattooer's sponsor and the duration of the guest tattooer's tattooing for all guest tattooer locations.

~~E. A guest tattooer applicant is not required to complete 18VAC41-50-20 A 5.~~

18VAC41-50-92. Guest tattooer sponsor Tattooer Sponsor.

A. The licensed tattoo parlor sponsoring a guest tattooer shall must ensure that the guest tattooer:

1. Has a valid, current guest tattooer license for the entire duration of the guest tattooer tattooing at the parlor.
2. Is directly supervised by a licensed tattooer.
3. Complies with all Virginia regulations relating to health, sanitation, client qualifications, and standards of practice.

B. The licensed permanent cosmetic tattoo salon sponsoring a guest tattooer shall must ensure that the guest tattooer:

1. Has a valid, current guest tattooer licensed for the entire duration of the guest tattooer's tattooing at the salon.
2. Is directly supervised by a licensed tattooer or permanent cosmetic tattooer.
3. Complies with all Virginia regulations relating to health, sanitation, client qualifications, and standards of practice.

C. With the exception of tattoo conventions, a member of the guest tattooer sponsor's responsible management must sign the guest tattooer application certifying the sponsor will ensure the requirements of subsections A and B of this section.

D. The guest tattooer sponsor ~~shall~~ must be responsible for the acts or omissions of the guest tattooer in the performance of tattooing or permanent cosmetic tattooing.

18VAC41-50-100. General Requirements for a School licenseLicense.

A. Any firm wishing to operate a tattooing school or permanent cosmetic tattooing school ~~shall~~ must submit an application to the board at least 60 days prior to the date for which approval is sought, obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia and ~~shall~~ must meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management ~~shall~~ must be in good standing as a licensed ~~parlor or salonschool~~ in Virginia and in all other jurisdictions where licensed, certified, or registered. The applicant and all members of the responsible management ~~shall~~ must disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and in all other jurisdictions in connection with the applicant's operation of any ~~tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon or practice of the profession~~. This disclosure includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a tattoo parlor, event tattoo parlor, or permanent cosmetic tattoo salon.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a ~~tattoo parlor, event tattoo parlor, school, or permanent cosmetic tattoo salon.school~~. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision.~~ The applicant ~~shall~~ must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant ~~shall~~ must disclose the applicant's physical address. A post office box is ~~not acceptable~~ may be provided as a secondary address.

3. The applicant ~~shall~~ must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant ~~shall~~ must disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of the application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and

b. All felony convictions within 2010 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant ~~shall~~ must disclose the firm's responsible management.

~~B. A tattooing school licenses or permanent cosmetic tattooing school licenses are issued to firms as defined in this chapter and shall not be transferable, and shall bear the same name and address as the school. Any changes in the name or address of record or principal place of business of the school shall must be reported to the board in writing within 30 days of such change. The board shall not be responsible for the licensee's failure to receive notices, communications, and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. The name of the school must indicate that it is an educational institution. All signs or other advertisements must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.~~

~~C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void, and shall be returned to the board within 30 days of the change. The firm must notify the board. Additionally, the firm shall apply for a new license within 30 days of the change in the business entity and destroy the license. Such changes include:~~

- ~~1. Death of a sole proprietor;~~
- ~~2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and~~
- ~~3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.~~

~~D. Within 30 days of the closing, ceasing to operate, whether through dissolution or alteration of the business entity, the school shall return the license to the board must and provide a written report to the board on detailing the performances and hours of each student who has not completed the program.~~

~~E. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association shall must be reported to the board in writing within 30 days of the change.~~

~~F. The board or any of its agents shall be allowed to inspect during reasonable hours, any licensed school for compliance with provisions of Chapter 7 (§54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter.~~

18VAC41-50-110. Tattooing instructor—certificate General Requirements for a Tattoo Instructor Certificate.

~~A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a tattooing instructor certificate if the person:~~

- ~~1. Holds a current Virginia tattooer license;~~
- ~~2. Provides documentation of legally tattooing for at least five years; and~~
- ~~3. Passes a course on teaching techniques in a post-secondary education level.~~

~~B. Tattooing instructors shall be required to maintain a tattooer license.~~

~~A. Any individual wishing to engage in tattoo instruction must meet the following qualifications:~~

~~1. The applicant must be in good standing as a licensed tattooer instructor, in every jurisdiction where licensed, certified, or registered. The applicant must disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions. This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license.~~

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the instruction of tattooing. The applicant must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. In accordance with § 54.1-204 of the Code of Virginia, each applicant must disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury; and

b. All felony convictions within 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

3. The applicant must hold a current Virginia tattooer license;

4. The applicant must provide documentation of legally tattooing for at least three years in any other state or jurisdiction of the United States; and

5. The applicant must pass a course on teaching techniques in a post-secondary education level or train under a tattoo instructor for 12 months.

B. Tattooing instructors must maintain a tattooer license.

18VAC41-50-120. Permanent cosmetic tattooing instructor certificate General Requirement for a Permanent Cosmetic Tattooing or Master Permanent Cosmetic Tattooing Instructor Certificate.

A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a permanent cosmetic tattooing instructor certificate if the person:

1. Holds a current Virginia permanent cosmetic tattooer license or master permanent cosmetic tattooer license;

2. Provides documentation of legally tattooing for at least five years; and

3. Passes a course on teaching techniques at the post-secondary education level.

B. Permanent cosmetic tattooing instructors shall be required to maintain a permanent cosmetic tattooer license or master permanent cosmetic tattooer license.

A. Any individual wishing to engage in permanent cosmetic tattoo instruction or master permanent cosmetic tattoo instruction must meet the following qualifications:

1. The applicant must be in good standing as a permanent cosmetic tattooer instructor or licensed master permanent cosmetic tattooer instructor, in every jurisdictions where licensed, certified, or registered. The applicant must disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions. This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in the instruction of permanent cosmetic tattooing or master permanent cosmetic tattooing. The applicant must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action;

2. In accordance with § 54.1-204 of the Code of Virginia, each applicant must disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury; and
- b. All felony convictions within 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

3. The applicant must hold a current Virginia permanent cosmetic tattooer license or master permanent cosmetic tattooer license in the respective profession;

4. The applicant must provide documentation of legally tattooing for at least three years in any other state or jurisdiction of the United States; and

5. The applicant must pass a course on teaching techniques in a post-secondary education level or train under a permanent cosmetic tattoo instructor or master permanent cosmetic tattoo instructor in the respective profession for 12 months.

B. Permanent cosmetic tattooing and master permanent cosmetic tattooing instructors must maintain a permanent cosmetic tattooer license or master permanent cosmetic tattooer license in the respective profession.

18VAC41-50-125. Student Instructor Temporary License.

A. A licensed tattooer, permanent cosmetic tattooer, and master permanent cosmetic tattooer may be granted a twelve (12) month student instructor temporary license to function under the direct supervision of a certified instructor in a licensed school. No subsequent student instructor temporary license shall be issued. Student instructors must pass an instructor examination administered by the board or by a testing service acting on behalf of the board.

B. Student instructors may teach in any profession in which they hold the underlying license. Failure to maintain a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer license shall disqualify an individual from holding a student instructor temporary license.

C. Certified tattoo instructors may also supervise permanent cosmetic tattoo and master permanent cosmetic tattoo student instructor temporary license holders. Certified master permanent cosmetic tattoo instructors may also supervise permanent cosmetic tattoo student instructor temporary license holders.

D. The student instructor temporary license holder must be associated with both a school and a direct supervisor. The student instructor's temporary license will be terminated if the supervising instructor notifies the board that they are no longer employed at the school or if the training is discontinued.

E. Temporary licenses shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18 VAC 41-50-110 and 18 VAC 41-50-120.

Part III

Fees

18VAC41-50-130. Fees.

The following fees apply:are nonrefundable and shall not be prorated:

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Instructors: <u>Instructor Certificate:</u>			
Application	\$110	\$125	With application
<u>License by Endorsement</u>	<u>\$110</u>	<u>\$125</u>	<u>With application</u>
Renewal	\$110 <u>\$20</u>	\$150 <u>\$20</u>	With renewal card prior to expiration date
Reinstatement	\$220 <u>\$40</u> * *includes \$110 <u>\$20</u> renewal fee and \$110 <u>\$20</u> reinstatement fee	\$300 <u>\$40</u> * *includes \$150 <u>\$20</u> renewal fee and \$150 <u>\$20</u> reinstatement fee	With reinstatement application
Parlors or salons:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application
Schools:			
Application	\$185	\$220	With application
Renewal	\$185	\$220	With renewal card prior to expiration date

Reinstatement	\$370* *includes \$185 renewal fee and \$185 reinstatement fee	\$440* *includes \$220 renewal fee and \$220 reinstatement fee	With reinstatement application
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18VAC41-50-140. Refunds. (Repealed.)

~~All fees are nonrefundable and shall not be prorated.~~

Part IV

Renewal and Reinstatement

18VAC41-50-150. License renewal required Renewal Required.

A. Tattooer licenses, tattoo parlor licenses, tattooing instructors certificates, tattooing schools licenses, permanent cosmetic tattooer licenses, master permanent cosmetic tattooer licenses, permanent cosmetic tattoo salon licenses, permanent cosmetic tattooing instructor certificate, master permanent cosmetic tattooing instructor certificates, and permanent cosmetic tattooing schools licenses shall expire two years from the last day of the month in which they were issued.

B. Guest tattooer licenses ~~will~~ shall expire 14 days after the effective date of the license and may not be renewed.

18VAC41-50-160. Continuing education requirement Education Requirement.

All licensed tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers shall ~~must be required to~~ satisfactorily complete board-approved health education to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; and (ii) first aid; ~~and (iii) CPR~~ during their licensed term. Documentation of training completion shall must be provided at the time of renewal along with the required fee.

18VAC41-50-170. Notice of renewal Renewal.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or certificate holder outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee or certificate holder of the obligation to renew. If the licensee or certificate holder fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

18VAC41-50-180. Failure to renew Renew.

A. When a licensed ~~or certified~~ individual, ~~or business entity~~ salon or parlor fails to renew its license or certificate within 30 days following the expiration date of the license, the licensee or certificate holder shall must meet the renewal requirements as prescribed in 18VAC41-50-170 and apply for reinstatement of the license or certificate ~~by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees and pay the reinstatement fees.~~

B. When a licensed ~~or certified~~ individual, ~~or business entity~~ salon or parlor fails to renew its license or certification within two years following the expiration date, reinstatement is no longer possible. To resume practice:

1. The former licensee or certificate holder shall must apply for licensure or certification as a new applicant, shall must meet all current application entry requirements; for each respective license or certificate. ~~shall pass the board's current examination, and shall receive a new license.~~

2. An individual initially granted licensure under an examination exemption, known as grandfathering, pursuant to 18VAC41-50-20 A 6, shall submit a new application showing the individual met the requirements of the applicable examination waiver provision,

demonstrate five years of licensed experience, and previously licensed in Virginia for a minimum of three (3) years must submit a new application and pass the required examination.

~~C. The application for reinstatement for a school license shall provide (i) the reasons for failing to renew prior to the expiration date, and (ii) a notarized statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. Reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with 18VAC41-50-250 and 18VAC41-50-330. Pursuant to 18VAC41-50-100, 18VAC41-50-230, and 18VAC41-50-310 upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.~~

C. When a licensed school fails to renew its license within 30 days following its expiration date, the licensee must apply for reinstatement of the license and pay the reinstatement fee.

1. If a school license is reinstated before 180 days of the expiration date noted on the license, the school must provide a reinstatement fee to the board.

2. After 180 days, the school must submit a reinstatement application and must provide (i) the reasons for failing to renew prior to the expiration date and (ii) a statement that all students currently enrolled or seeking to enroll at the school have been notified in writing that the school's license has expired. All of these materials shall be called the application package. After 180 days, reinstatement will be considered by the board if the school consents to and satisfactorily passes an inspection of the school and if the school's records are maintained in accordance with 18VAC41-20-240 and 18VAC41-20-250 by the Department of Professional and Occupational Regulation. Pursuant to 18VAC41-20-130, upon receipt of the reinstatement fee, application package, and inspection results, the board may reinstate the school's license or require requalification or both.

3. If the reinstatement application package and reinstatement fee are not received by the board within six months following the expiration date of the school's license, the board will notify the testing service that prospective graduates of the unlicensed school are not acceptable candidates for the examination. Such notification will be sent to the school and must be displayed in a conspicuous manner by the school in an area that is accessible to the public. No student shall be disqualified from taking the examination because the school was not licensed for a portion of the time the student attended if the school license is reinstated by the board.

D. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

E. When a license or certificate is reinstated, the licensee or certificate holder shall have the same license number and shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

F. A licensee or certificate holder that reinstates its license or certificate shall be regarded as having been continuously licensed without interruption. Therefore, a licensee or certificate holder shall be subject to the authority of the board for activities performed prior to reinstatement.

G. A licensee or certificate holder that fails to reinstate its license or certificate shall be regarded as unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee or certificate holder for a violation of the law or regulations during the period of time for which the individual was licensed or certified.

Part V

Apprenticeship Programs

18VAC41-50-190. General requirements ~~Requirements~~.

A. Any person desiring to enroll in the tattooing apprenticeship program shall be required to provide documentation of satisfactory completion of board-approved ~~a minimum of five hours of~~ health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, and first aid ~~and CPR~~.

B. Any tattooer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's tattooing apprenticeship program shall meet the requirements of 18VAC41-50-70.

C. All apprenticeship training shall be conducted in a tattoo parlor that has met the requirements of 18VAC41-50-80.

18VAC41-50-200. Apprenticeship ~~curriculum requirements~~ Curriculum Requirements.

Apprenticeship curriculum requirements are as follows:

1. Microbiology.
 - a. Microorganisms, viruses, bacteria, fungi;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization.
 - a. Types of immunizations;
 - b. Hepatitis A—G transmission and immunization;
 - c. HIV/AIDS;
 - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
 - e. Measles, mumps, and rubella;
 - f. Vaccines and immunization; and
 - g. General preventative measures to be taken to protect the tattooer and client.
3. Sanitation and disinfection.
 - a. Definition of terms.
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation.
 - b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
 - d. The use of sanitation equipment;

- e. Preservice sanitation procedure; and
 - f. Post-service sanitation procedure.
4. Safety.
- a. Proper needle handling and disposal;
 - b. How to avoid overexposure to chemicals;
 - c. The use of Material Safety Data Sheets;
 - d. Blood spill procedures;
 - e. Equipment and instrument storage; and
 - f. First aid and CPR.
5. Bloodborne pathogen standards.
- a. OSHA and CDC bloodborne pathogen standards;
 - b. Control plan for bloodborne pathogens;
 - c. Exposure control plan for tattooers;
 - d. Overview of compliance requirements; and
 - e. Disorders and when not to service a client.
6. Professional standards.
- a. History of tattooing;
 - b. Ethics;
 - c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards.
 - d. Preparing station, making appointments, parlor ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the parlor and establishing clientele.
 - e. Parlor management:
 - (1) Licensing requirements; and
 - (2) Taxes.
 - f. Supplies:
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.
7. Tattooing.
- a. Client consultation;
 - b. Client health form;
 - c. Client disclosure form;
 - d. Client preparation;
 - e. Sanitation and safety precautions;
 - f. Implement selection and use;
 - g. Proper use of equipment; and

- h. Material selection and use;
 - i. Needles;
 - j. Ink;
 - k. Machine:
 - (1) Construction;
 - (2) Adjustment; and
 - (3) Power supply;
 - l. Art, drawing; and
 - m. Portfolio.
8. Anatomy:
- a. Understanding of skin; and
 - b. Parts and functions of skin.
9. Virginia tattooing laws and regulations.

18VAC41-50-210. Hours of instruction and performances ~~Instruction and Performances.~~

A. Curriculum requirements specified in 18VAC41-50-200 ~~shall~~ must be taught over a minimum of 1500 hours as follows:

1. 350 hours ~~shall~~ must be devoted to theory pertaining to subdivisions 1, 2, 4, 5, 6, 8, and 9 of 18VAC41-50-200;
2. 150 hours ~~shall~~ must be devoted to theory pertaining to subdivision 3 of 18VAC41-50-200; and
3. The remaining 1000 hours ~~shall~~ must be devoted to practical training to include apprenticeship curriculum requirements and a minimum of 100 performances pertaining to subdivision 7 of 18VAC41-50-200.

B. An approved tattooing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit toward the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Part VI

Tattooing Schools

18VAC41-50-220. Applicants for tattooing school license. ~~(Repealed.)~~

18VAC41-50-220. Applicants for tattooing school license.

Any person or entity desiring to operate a tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

18VAC41-50-230. General requirements Requirements.

A tattooing school ~~shall~~ must:

1. Hold a tattooing school license for each and every location.
2. Hold a tattoo parlor license if the school receives compensation for services provided in its clinic.
3. Employ a and ensure all training is conducted by staff of licensed and certified tattooing instructors.
 - a. Instructor programs must be taught by a certified instructor.
 - b. Any change in instructors shall be reported to the board within 30 days of the change.

4. Develop individuals for entry-level competency in tattooing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board. Tattoo curricula must be based on a minimum of 1000 clock or equivalent credit hours and shall include performances in accordance with 18 VAC41-50-280.B.
6. Inform the public that all services are performed by students if the tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop parlor or salon in plain view of the public.
7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.
8. Conduct all instruction and training of students under the direct supervision of a licensed and certified tattooing instructor.
9. The theory portions of the curriculum may be offered online. Practical instruction must be obtained in a traditional brick and mortar classroom setting.
10. Schools should utilize technologies and practices that are effective in verifying the identity of distance-learning students who participate in class or coursework (such as a secure login and pass code) while protecting student privacy. Educational technologies must be capable of monitoring a student's time and activities.
11. There is a measure of competency (examination) of the information the student is taught online which shall be completed in a traditional brick and mortar classroom.

18VAC41-50-250. Records.

~~A. Schools are required to keep upon graduation, termination, or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the Department of Professional and Occupation Regulation. All records must be kept on the premises of each school.~~

~~B. For a period of five years after a student completes the curriculum, terminates, or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.~~

A. Schools must maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing student's signature and a two-inch by two-inch color head and shoulders photograph;
2. Daily record of attendance containing student's signature;
3. Student clock hours containing student's signature and method of calculation;
4. Practical performance completion sheets containing student's signature;
5. Final transcript;
6. Course descriptions, and
7. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools must produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools ~~shall~~ must within 21 days upon receipt of a written request from a student provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

D. Prior to a school changing ownership or a school closing, the schools are required to provide to current students documentation of hours and performances completed.

E. ~~For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.~~

18VAC41-50-255. Reporting.

A. Each school must provide student rosters to the board quarterly, no later than January 15, April 15, July 15, and October 15 of every year;

1. A roster of all enrolled students and a roster of students who attended in the preceding six months prior to the reporting deadline.

2. Students who are enrolled but have not begun classes must be included in the report.

3. Rosters must be submitted via a secure link provided by the board on the board supplied document, which will include the students full name, date of birth, program type, date enrolled, the total number of hours to-date, and the date completed, terminated, or withdrawn.

4. Schools with no students enrolled, but the intention of operating, must submit a report to that effect. Schools with no students enrolled that no longer wish to operate should terminate their license in accordance with board regulations.

B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

18VAC41-50-280. ~~Tattooing school curriculum requirements~~ School Curriculum Requirements.

A. Any person desiring to enroll in the tattooing school shall be required to provide documentation of satisfactory completion of a ~~minimum of five hours of~~ board-approved health education to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; and (ii) first aid; ~~and (iii) CPR.~~

B. ~~Tattooing school curriculum requirements are as follows:~~ Each tattoo school must submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, a sample of a final transcript, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for tattooing must include the following:

1. Microbiology- - minimum of 100 hours of instruction.

a. Microorganisms, viruses, bacteria, fungus;

b. Transmission cycle of infectious diseases; and

c. Characteristics of antimicrobial agents.

2. Immunization- - minimum of 50 hours of instruction.

a. Types of immunizations;

b. Hepatitis A through G transmission and immunization;

c. HIV/AIDS;

d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;

e. Measles, mumps, and rubella;

- f. Vaccines and immunization; and
 - g. General preventative measures to be taken to protect the tattooer and client.
3. Sanitation and disinfection- - minimum of 100 hours of instruction.
- a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation.
 - b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
 - d. The use of sanitation equipment;
 - e. Preservice sanitation procedure; and
 - f. Postservice sanitation procedure.
4. Safety- - minimum of 50 hours of instruction.
- a. Proper needle handling and disposal;
 - b. How to avoid overexposure to chemicals;
 - c. The use of Material Safety Data Sheets;
 - d. Blood spill procedures;
 - e. Equipment and instrument storage; and
 - f. First aid and CPR.
5. Bloodborne pathogen standards- - minimum of 50 hours of instruction.
- a. OSHA and CDC bloodborne pathogen standards;
 - b. Control plan for bloodborne pathogens;
 - c. Exposure control plan for tattooers;
 - d. Overview of compliance requirements; and
 - e. Disorders and when not to service a client.
6. Professional standards- - minimum of 30 hours of instruction.
- a. History of tattooing;
 - b. Ethics;
 - c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards;
 - d. Preparing station, making appointments, parlor ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the parlor and establishing clientele;
 - e. Parlor management.

- (1) Licensing requirements; and
 - (2) Taxes; and
 - f. Supplies.
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.
7. Tattooing- - minimum of 500 hours of instruction.

- a. Client consultation;
- b. Client health form;
- c. Client disclosure form;
- d. Client preparation;
- e. Sanitation and safety precautions;
- f. Implement selection and use;
- g. Proper use of equipment;
- h. Material selection and use;
- i. Needles:
 - (1) Groupings;
 - (2) Properties; and
 - (3) Making;
- j. Ink;
- k. Machine:
 - (1) Construction;
 - (2) Adjustment; and
 - (3) Power supply;
- l. Art, drawing; and
- m. Portfolio.

8. Anatomy- - minimum of 60 hours of instruction.

- a. Understanding of skin; and
- b. Parts and functions of skin.

9. Virginia tattooing laws and regulations- - minimum of 10 hours of instruction.

C. A licensed tattoo school may conduct an assessment of a transfer student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in this section and 18VAC41-50-290.

The school shall must make the assessment based on a review of the student's transcript, documentation of hours and performances provided to the student by the school, and the successful completion of a ~~board-approved~~ competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or the number of hours specified in the board-approved curriculum for a specific topic. ~~Credit may only be given for in-person training.~~

18VAC41-50-290. Hours of instruction and performances Instruction and Performances.

A. Curriculum requirements specified in 18VAC41-50-280 shall be taught over a minimum of 1,000 hours as follows:

1. 350 hours shall must be devoted to theory pertaining to 18VAC41-50-280 B 1, 2, 4, 5, 6, 8, and 9;
2. 150 hours shall must be devoted to theory pertaining to 18VAC41-50-280 B 3; and
3. The remaining 500 hours shall must be devoted to practical training to include tattooing curriculum requirements and a minimum of 100 performances pertaining to 18VAC41-50-280 B 7.

~~B. An approved tattooing school may conduct an assessment of a student's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit toward the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.~~

~~C. Individuals enrolled in a program prior to July 1, 2022, may complete the program at the hours in effect at the time they enrolled.~~

Part VII

Permanent Cosmetic Tattooing Schools

18VAC41-50-300. Applicants for permanent cosmetic tattooing school license. (Repealed.)

~~Any person or entity desiring to operate a permanent cosmetic tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.~~

18VAC41-50-310. General requirements Requirements.

A permanent cosmetic tattooing school shall:

1. Hold a permanent cosmetic tattooing school license for each and every location.
2. Hold a permanent cosmetic tattoo salon license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided its clinic.
3. Employ a staff of licensed and certified permanent cosmetic tattooing instructors or licensed and certified master permanent cosmetic tattooing instructors, respectively.
 - a. Licensed and certified master permanent cosmetic instructors may also instruct permanent cosmetic tattooing programs.
 - b. Licensed and certified tattoo instructors may also instruct permanent cosmetic tattooing and master permanent cosmetic tattooing programs.
 - c. Instructor programs must be taught by a certified instructor.
 - d. Any change in instructors shall be reported to the board within 30 days of the change.
4. Develop individuals for entry-level competency in permanent cosmetic tattooing or master permanent cosmetic tattooing.
5. Submit its curricula for board approval. All changes to curricula must be resubmitted and approved by the board. Permanent Cosmetic Tattoo curricula must be based on a minimum of 200 clock or equivalent credit hours and shall include performances in accordance with 18VAC41-50-360.B. Master Permanent Cosmetic Tattoo curricula must be based on a minimum of 200 clock or equivalent credit hours and shall include performances in accordance with 18VAC41-50-360.C.
6. Inform the public that all services are performed by students if the permanent cosmetic tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.
7. Conduct classroom instruction in an area separate from the area where practical instruction is conducted and services are provided.

~~8. Conduct all instruction and training of permanent cosmetic tattooers under the direct supervision of a licensed and certified permanent cosmetic tattooing instructor or a licensed and certified master permanent cosmetic tattooing instructor.~~Conduct all instruction and training of students under the direct supervision of a licensed and certified instructor.

~~9. Conduct all instruction and training of master permanent cosmetic tattooers students under the direct supervision of a licensed and certified master permanent cosmetic tattooing instructor.~~

9. The theory portions of the curriculum may be offered online. Practical instruction must be obtained in a traditional brick and mortar classroom setting.

10. Schools should utilize technologies and practices that are effective in verifying the identity of distance-learning students who participate in class or coursework (such as a secure login and pass code) while protecting student privacy. Educational technologies must be capable of monitoring a student's time and activities.

11. There is a measure of competency (examination) of the information the student is taught online which shall be completed in a traditional brick and mortar classroom.

18VAC41-50-330. Records.

~~A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.~~

~~B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.~~

A. Schools must maintain on the premises of each school and available for inspection by the board or any of its agents the following records for the period of a student's enrollment through five years after the student's completion of the curriculum, termination, or withdrawal:

1. Enrollment application containing student's signature and a two-inch by two-inch color head and shoulders photograph;

2. Daily record of attendance containing student's signature;

3. Student clock hours containing student's signature and method of calculation;

4. Practical performance completion sheets containing student's signature;

5. Final transcript;

6. Course descriptions, and

7. All other relevant documents that account for a student's accrued clock hours and practical applications.

B. Schools must produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any student, or for which the licensee is required to maintain records, for inspection and copying by the board or its agents. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. Schools must within 21 days upon receipt of a written request from a student provide documentation of hours and performances completed by the student as required to be maintained by subsection A of this section.

~~C.D.~~ Prior to a school changing ownership or a school closing, schools are required to provide to current students documentation of hours and performances completed.

~~D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.~~

18VAC41-50-335. Reporting.

A. Each school must provide student rosters to the board quarterly, no later than January 15, April 15, July 15, and October 15 of every year;

1. A roster of all enrolled students and a roster of students who attended in the preceding six months prior to the reporting deadline.

2. Students who are enrolled but have not begun classes must be included in the report.

3. Rosters must be submitted via a secure link provided by the board on the board supplied document, which will include the students full name, date of birth, program type, date enrolled, the total number of hours to-date, and the date completed, terminated, or withdrawn.

4. Schools with no students enrolled, but the intention of operating, must submit a report to that effect. Schools with no students enrolled that no longer wish to operate should terminate their license in accordance with board regulations.

B. Within 30 days of ceasing to operate, whether through dissolution or alteration of the business entity, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

18VAC41-50-360. Permanent cosmetic tattooing school curriculum requirements **Cosmetic Tattooing and Master Permanent Cosmetic Tattooing School Curriculum Requirements.**

A. Any person desiring to enroll in the permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of health education on bloodborne disease. Any person desiring to enroll in the permanent cosmetic tattooing and master permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of board-approved health education to include (i) bloodborne disease, sterilization, and aseptic techniques related to tattooing; and (ii) first aid;

B. Permanent cosmetic tattooing school curriculum requirements are as follows: Each permanent cosmetic tattoo and master permanent cosmetic tattoo school must submit with its application a curriculum including a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, days and hours of instruction, program length, a sample of a final transcript, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for permanent cosmetic tattooing and master permanent cosmetic tattooing must include the following:

1. Virginia tattooing laws and regulations- - minimum of 5 hours of instruction.

2. Machines and devices- - minimum of 15 hours of instruction.

a. Coil or rotary machine;

b. Hand device; and

c. Others devices.

3. Needles- and cartridges - minimum of 10 hours of instruction.

a. Types;

b. Uses; and

c. Application.

4. Anatomy- - minimum of 10 hours of instruction.

- a. Layers of skin;
 - b. Parts and functions of skin; and
 - c. Diseases.
5. Color theory- - minimum of 5 hours of instruction.
- a. Skin and pigment color; and
 - b. Handling and storage of pigments.
6. Transmission cycle of infectious diseases- - minimum of 5 hours of instruction.
7. Immunization- - minimum of 5 hours of instruction.
- a. Types of immunizations; and
 - b. General preventative measures to be taken to protect the tattooer and client.
8. Sanitation and disinfection- - minimum of 15 hours of instruction.
- a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation;
 - b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, and disinfectants;
 - d. The use of sanitation equipment;
 - e. Preservice sanitation procedure; and
 - f. Postservice sanitation procedure.
9. Safety- - minimum of 5 hours of instruction.
- a. Proper needle handling and disposal;
 - b. Blood spill procedures;
 - c. Equipment and instrument storage; and
 - d. First aid.
10. Bloodborne pathogen standards- - minimum of 5 hours of instruction.
- a. OSHA and CDC bloodborne pathogen standards;
 - b. Overview of compliance requirements; and
 - c. Disorders and when not to service a client.
11. Anesthetics- - minimum of 10 hours of instruction.
- a. Use;
 - b. Types;
 - c. Application; and
 - d. Removal.
12. Equipment- - minimum of 5 hours of instruction.
- a. Gloves;
 - b. Masks;

- c. Apron;
 - d. Chair;
 - e. Lighting; and
 - f. Work table.
13. Professional standards- - minimum of 5 hours of instruction.
- a. History of permanent cosmetic tattooing;
 - b. Ethics;
 - c. Recordkeeping:
 - (1) Client health history; and
 - (2) Consent forms;
 - d. Preparing station, making appointments, salon ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the salon and establishing clientele; and
 - e. Salon management:
 - (1) Licensing requirements; and
 - (2) Taxes.

14. Permanent cosmetic tattooing- - minimum of 100 hours of instruction.

- a. Client consultation;
- b. Client health form;
- c. Client disclosure form;
- d. Client preparation;
- e. Drawing and mapping;
- f. Sanitation and safety precautions;
- g. Implement selection and use;
- h. Proper use of equipment;
- i. Material selection and use;
- j. Eyebrows;
- k. Microblading;
- l. Eyeliner;
- m. Lip coloring;
- n. Lip liners; and
- o. Scalp micropigmentation.

C. Master permanent cosmetic tattooing program curriculum requirements are as follows:

- 1. Virginia tattooing laws and regulations- - minimum of 5 hours of instruction.
- 2. Machines and devices- - minimum of 5 hours of instruction.
 - a. Coil or rotary machine;
 - b. Hand device; and
 - c. Others devices.
- 3. Needles- and cartridges - minimum of 5 hours of instruction.
 - a. Types;
 - b. Uses; and

- c. Application.
4. Advanced practical clinical anatomy: - minimum of 10 hours of instruction.
- a. Eyelid anatomy;
 - b. Lip anatomy; and
 - c. Breast anatomy.
5. Advanced color theory: - minimum of 10 hours of instruction.
6. Organic and inorganic pigment: - minimum of 5 hours of instruction.
7. Understanding the surgical process: - minimum of 5 hours of instruction.
- a. The latissimus dorsi flap procedure;
 - b. Abdominoplasty and breast reconstruction;
 - c. Other reconstruction procedures:
 - (1) Deep inferior epigastric artery (perforator (DIEP) flap; and
 - (2) Superior gluteal artery (perforator (DIEP) flap;
 - d. Flap size versus areola size; and
 - e. Implant reconstruction:
 - (1) Tissue expansion;
 - (2) Placing the implant;
 - (3) Implant versus flap reconstruction;
 - (4) Saline versus silicone;
 - (5) Radiation therapy; and
 - (6) Lymphedema.
8. Client consultation: - minimum of 10 hours of instruction.
9. Breast areolar pigmentation: - minimum of 10 hours of instruction.
- a. Chart notes;
 - b. Health Insurance Portability and Accountability Act (HIPAA);
 - c. Room setup;
 - d. Anesthetic for breast procedures;
 - e. Color selection;
 - f. Needle selection;
 - g. Design and placement;
 - (1) Position of the areola/nipple complex;
 - (2) The Penn Triangle;
 - (3) Diameter of the areola; and
 - (4) Nipple reconstruction;
 - h. Creating three-dimensional nipple/areola;
 - (1) Understanding and creating a reflection of light; and
 - (2) The value of color;
 - i. Covering scar tissue and periareolar scar blending;
 - j. Aftercare;
 - (1) Tegaderm aftercare instructions; and
 - (2) Follow up; and

- k. Precautions and contraindications.
- 10. Skin cancer: - minimum of 5 hours of instruction.
 - a. Basal cell carcinomas;
 - b. Squamous cell carcinomas; and
 - c. Melanoma.
- 11. The art of camouflage: - minimum of 10 hours of instruction.
 - a. Client/patient selection and handling;
 - b. Contraindications and when not to perform services;
 - c. Skin tones;
 - d. Color selection and skin tone matching;
 - e. Scars;
 - f. Burn scar; and
 - g. Common needle configurations used for camouflage.
- 12. Side effects: - minimum of 5 hours of instruction.
- 13. Insurance: - minimum of 5 hours of instruction.
- 14. Master permanent cosmetic tattooing procedures: - minimum of 110 hours of instruction.
 - a. Lip;
 - b. Areola;
 - c. Blush;
 - d. Camouflage; and
 - e. Eyeshadow.

D. A licensed school with an approved permanent cosmetic tattooing or master permanent cosmetic tattooing program may conduct an assessment of a transfer student's competence in the respective profession and, based on the assessment, give credit toward the hours requirements specified in the respective subsection of this section and 18VAC41-50-370.

The school shall must make the assessment based on a review of the student's transcript, documentation of hours and performances provided to the student by the school, and the successful completion of a board-approved competency examination administered by the school. The school may also request a copy of a catalog or bulletin giving the full course description when making the evaluation. The number of credit hours awarded shall not exceed the actual hours of instruction verified on the transcript or diploma or the number of hours specified in the board-approved curriculum for a specific topic. ~~Credit may only be given for in-person training.~~

18VAC41-50-370. Hours of instruction and performances Instruction and Performances.

A. Curriculum and performance requirements specified in 18VAC41-50-360 and this section shall must be taught over a minimum of 200 clock hours for permanent cosmetic tattooing program and 200 clock hours for a master permanent cosmetic tattooing program.

B. A minimum of ~~50~~ 60 performances shall must be completed as part of the permanent cosmetic tattooing instruction, including: ~~two eyebrow, two microblading procedures, two lip liners, one lip color, and one full lips.~~

Eyebrow

10 performances

<u>Microblading</u>	<u>10 performances</u>
<u>Lip Liner</u>	<u>5 performances</u>
<u>Lip Color</u>	<u>5 performances</u>
<u>Eyeliner</u>	<u>10 performances</u>
<u>Scalp micropigmentation</u>	<u>20 performances</u>

C. A minimum of ~~60~~ 55 performances shall must be completed as part of the master permanent cosmetic tattooing instruction, including:

Lip (cleft lip repigmentation)	40 <u>5 performances</u>
Areola	10 <u>performances</u>
Blush application	10 <u>performances</u>
Camouflage	10 <u>performances</u>
Scar repigmentation	10 <u>performances</u>
Eyeshadow	10 <u>performances</u>

D. Completion of performances are determined as follows:

1. Two complete eyebrows constitutes one performance;
2. Two complete eye liners constitutes one performance; ~~and~~
3. One complete lip liner (bottom or top lip separately) constitutes one performance.;
4. One complete lip color (bottom or top lip separately) constitutes one performance; and
5. Two complete eyeshadows constitute one performance.

~~E. Individuals enrolled in a program prior to July 1, 2022, may complete the program at the hours in effect at the time they enrolled.~~

Part VIII

Standards of Practice

18VAC41-50-380. Display of licenseLicense.

~~A. The responsible management for each tattoo parlor or permanent cosmetic tattoo salon shall ensure that all current licenses issued by the board shall be displayed at the licensee's station or in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor or salon or location where the licensee provides services.~~

A. The responsible management for each licensed parlor, salon or school must ensure that:

1. Any parlor, salon or school license issued by the board is displayed in plain view of the public in the reception area;

2. Any individual license, certificate, apprentice or temporary license issued by the board is displayed in plain view of the public either in the reception area or at individual work stations at all locations where the regulant provides services.

3. No employee, licensee, student, or apprentice performs any service beyond the scope of practice for the applicable license.

B. The responsible management for each tattoo parlor owner or permanent cosmetic tattoo salon shall ensure that no licensee, apprentice, or student performs any service beyond the scope of practice for the applicable license. All individuals working in a parlor, salon or school must ensure their license is displayed in the plain view of the public either in the reception area or at individual work stations at all locations where the regulant provides services.

C. The responsible management for each tattoo parlor or permanent cosmetic tattoo salon shall must offer to licensees the full series of Hepatitis B vaccine.

D. The responsible management for each tattoo parlor or permanent cosmetic tattoo salon shall must maintain a record for each licensee of one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the responsible management's offer of a full series of Hepatitis B vaccine.

E. All licensees, certificate holders, apprentices, and temporary license holders shall must operate under the name in which the license is issued.

F. Any changes in the name or address of the licensee must be reported to the board in writing within 30 days of such changes.

18VAC41-50-390. Physical facilitiesFacilities.

A. A parlor or salon must be in a permanent building or portion of a building, which must be in a location permissible under local zoning codes, if any. If applicable, the parlor or salon shall must be separated from any living quarters by complete floor to ceiling partitioning and shall must contain no access to living quarters.

B. The parlor, salon, or temporary location shall be maintained in a clean and orderly manner. Mobile shops and salons must have a shop or salon license, comply with all requirements found in sections 18 VAC 41-50-260 and 18 VAC 41-50-270 and provide a physical address.

C. All facilities shall have a blood spill clean-up kit in the work area. Any parlor, salon, or temporary location where services are delivered to the public shall be maintained in a clean and orderly manner.

D. Work surfaces shall be cleaned with a U.S. Environmental Protection Agency (EPA) registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures. All facilities must have a blood spill clean-up kit in the work area that contains at minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA) approved blood spill clean-up kit.

E. Work surfaces must be cleaned with a U.S. Environmental Protection Agency (EPA) registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids must be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment must be worn during cleaning and disinfecting procedures.

E.F. Cabinets for the storage of instruments, pigments, single-use articles, stencils and other utensils shall must be provided for each operator and shall must be maintained in a sanitary manner.

F.G. Bulk single-use articles shall must be commercially packaged and handled in such a way as to protect them from contamination.

G.H. All materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single-use containers and shall be disposed of after each use.

H.I. The walls, ceilings, and floors shall must be kept in good repair. The tattooing area shall must be constructed of smooth, hard surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New parlors shall must not include any dark-colored surfaces in the tattooing area. Existing parlors or salons with dark-colored surfaces in the tattooing area shall must replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.

I.J. Parlors, salons, or temporary locations shall must have adequate lighting of at least 50-foot candles of illumination in the tattooing and sterilization areas.

J.K. Adequate mechanical ventilation shall must be provided in the parlor.

K.L. Each parlor, salon, or temporary location shall must be equipped with hand-cleaning facilities for its personnel with unobstructed access to the tattooing area such that the tattooer can return to the area without having to touch anything with the tattooer's hands. Hand-cleaning facilities shall must be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall must be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.

L.M. Animals are not permitted in the parlor, salon, or temporary location except for guide or service animals accompanying persons with disabilities, or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall must be outside of the tattooing or sterilization areas. No animals are allowed in the tattooing or sterilization areas.

M.N. Use of tobacco products and consumption of alcoholic beverages shall must be prohibited in the tattooing or sterilization areas.

N.O. No food or drink will be stored or consumed in the tattooing or sterilization areas except for client's use in order to sustain optimal physical condition; such food and drink must be individually packaged.

O.P. If tattooing is performed where cosmetology services are provided, it shall must be performed in an area that is separate and enclosed.

P.Q. All steam sterilizers shall must be biological spore tested at least monthly.

Q.R. Biological spore tests shall must be verified through an independent laboratory.

R.S. Biological spore test records shall must be retained for a period of three years and made available upon request.

S.T. Steam sterilizers shall must be used only for instruments used by the parlor's employees.

18VAC41-50-400. Tattooer or permanent cosmetic tattooer or master permanent cosmetic tattooer responsibilities
Permanent Cosmetic Tattooer or Master Permanent Cosmetic Tattooer Responsibilities.

A. All tattooers shall must provide to the responsible management with one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or

3. Written declaration of refusal of the responsible management's offer of a full series of Hepatitis B vaccine.

B. All tattooers shall must wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All tattooers shall must clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants.

D. All tattooers must wear single-use examination gloves while assembling tattooing instruments and while tattooing.

E. Each time there is an interruption in the service, the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves shall must be removed and disposed of; and

2. Hands shall must be cleaned and a fresh pair of gloves used.

F. Tattooers shall must use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall must provide to the Department of Professional and Occupation Regulation a written statement from a health care practitioner that the tattooer's condition no longer poses a threat to public health.

G. Tattooers with draining lesions on their hands or face will not be permitted to work until cleared by a health care professional.

H. The area of the client's skin to be tattooed shall must be cleaned with an approved germicidal soap according to label directions.

I. Tattooing pigments shall must be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container will be properly disposed of.

J. If shaving is required, razors shall must be single-use. After use, razors shall must be recapped and properly disposed of.

K. Each tattooer performing any tattooing procedures in the parlor or salon shall must have the education, training, and experience, or any combination thereof to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall must be performed using aseptic technique.

L. Multiuse instruments, equipment, furniture, and surfaces that may be contaminated during the tattooing process should must be covered or wrapped in a nonporous disposable barrier. This barrier should must be removed and disposed of after each service.

M. After the disposable barrier is removed, covered items should must be wiped down with a U.S. Environmental Protection Agency registered disinfectant that is bactericidal, virucidal, and fungicidal.

N. A set of individual, sterilized needles shall must be used for each client. Single-use disposable instruments shall be disposed of in a puncture resistant container.

O. Used, nondisposable instruments, such as stainless steel tubes, tips, and grips, shall must be kept in a separate, puncture resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall must be handled with disposable gloves.

P. Used nondisposable instruments that are ultrasonically cleaned shall must be rinsed under running hot water prior to being placed in the used instrument container;

Q. Used nondisposable instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall must be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

R. The ultrasonic unit shall must be sanitized daily with a germicidal solution.

S. Nondisposable instruments shall must be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall must be sealed in bags made specifically for the purpose of autoclave sterilization and shall must include the date of sterilization. If nontransparent bags are utilized, the bag shall must also list the contents.

T. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall must be utilized during the autoclave sterilization process.

U. Nondisposable instruments shall must be placed in the autoclave in a manner to allow live steam to circulate around them.

V. A Sealed, puncture proof dirty tube receptacle with cool, liquid sterilant should must be maintained in the biohazard or cleanup room.

W. Sharps containers should must be located within reach of the tattooing area.

X. Contaminated disposable and single-use items shall must be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

Y. The manufacturer's written instructions of the autoclave shall must be followed.

18VAC41-50-410. Client qualifications, disclosures, and recordsQualifications, Disclosures, and Records.

A. Except as permitted in § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and shall must present at the time of the tattooing or permanent cosmetic tattooing a valid, government issued, positive identification card including a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer shall must verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be tattooed or permanent cosmetic tattooed who appears to be under the influence of alcohol or drugs.

D. Tattooing or permanent cosmetic tattooing shall must not be performed on any skin surface that manifests any evidence of unhealthy conditions, such as rashes, boils, infections, abrasions, or on any asymmetrical, irregular, blurred, or multicolored mole.

E. Before receiving a tattoo or permanent cosmetic tattoo, each client and client's parent or guardian, if applicable, shall must be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each tattoo. Signatures of both the client and/or client's parent or guardian and the tattooer shall must be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.

F. The tattoo parlor or temporary location or permanent cosmetic tattoo salon shall must maintain proper records for each client. The information shall must be permanently recorded and made available for examination by the Department of Professional and Occupation Regulation or authorized agent. Records shall must be maintained at the tattoo parlor or permanent cosmetic tattoo salon for at least two years following the date of the last entry. The temporary location client records shall must be maintained by the license holder. The permanent records shall must include the following:

1. The name, address, and telephone number of the client; and/or client's parent or guardian;
2. The date tattooing or permanent cosmetic tattooing was performed;

3. The client's age, date of birth, and a copy of the positive identification provided to the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;
4. The specific color or colors of the tattoo or permanent cosmetic tattoo and, when available, the manufacturer's catalogue or identification number of each color used;
5. The location on the body where the tattooing or permanent cosmetic tattooing was performed;
6. The name of the tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer;
7. A statement that the client and/or client's parent or guardian has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and
8. The signature of the client and if applicable parent or guardian.

18VAC41-50-420. Grounds for license or certificate revocation, suspension or probation; denial of application, renewal, or reinstatement; or imposition of a monetary penalty
Grounds for License Revocation, Suspension or Probation; Denial of application, Renewal, or Reinstatement; or Imposition of a Monetary Penalty.

The board may, in considering the totality of the circumstances, fine any licensee or certificate holder and suspend, place on probation, or revoke or refuse to renew or reinstate any license or certificate, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and this chapter if it finds that the licensee, certificate holder, or applicant:

The board may, in considering the totality of the circumstances, refuse to issue, renew or reinstate a license or certificate, impose a monetary penalty, place a license or certificate on probation with such terms and conditions and for such time as it may designate, suspend a license or certificate for a stated period of time; or revoke, a license or certificate issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and this chapter if it finds that the licensee, certificate holder, or applicant:

1. Is incompetent, or negligent in practice tattooing, or incapable mentally or physically, or unable to practice with skill or safety as a result of any mental or physical condition, as those terms are generally understood in the profession, to (i) practice as a tattooer, tattooer apprentice, permanent cosmetic tattooer, or master permanent cosmetic tattooer or (ii) operate a parlor, permanent cosmetic tattooing salon, or school;
2. Is convicted of fraud or deceit in the practice or teaching of tattooing, permanent cosmetic tattooing or master permanent cosmetic tattooing or fails to teach the board-approved curriculum as provided for in this chapter; ,or fails to comply with 18VAC41-50-280 C when making an assessment of credit hours awarded;
3. Obtained, attempted to obtain, renewed, or reinstated a license by false or fraudulent representation;Attempts to obtain, obtained, renewed or reinstated a license, certificate, apprentice or temporary license by false or fraudulent representation;
4. Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which tattooers, permanent cosmetic tattooers or master permanent cosmetic tattooers may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of that employee's duties, any federal, state, or local law, regulation, or ordinance governing tattooing as defined in § 54.1-700 of the Code of Virginia;

6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;
7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed parlor, salon, or school for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's, certificate holder's, temporary license holder's, apprentice's, applicant's or responsible management's possession or maintained in accordance with this chapter;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license, certificate, apprentice, or temporary license;
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. ~~Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license or certificate in connection with a disciplinary action in any other jurisdiction or of any license or certificate that has been the subject of disciplinary action in any other jurisdiction;~~ Fails to notify the board in writing within 30 days of any final action or disciplinary action taken against a license, apprentice, temporary license or certificate in any jurisdiction by a local, state or national regulatory body;
12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;
13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;
14. Allows, as responsible management of a parlor, or salon, or school, a person who has not obtained a license, temporary license, or guest tattooer license to practice as a tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer, unless the person is duly enrolled licensed as an apprentice;
15. Allows, as responsible management of a school, a person who has not obtained an instructor certificate or student instructor temporary license to practice as a tattooing, or permanent cosmetic tattooing instructor or master permanent cosmetic tattooing instructor;
16. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practice of tattooing, or the operation of tattoo parlors or permanent cosmetic tattooing salons; or
17. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

[Tattooer Examination & License Application, A450-1231EXLIC-v17 \(rev. 9/2023\)](#)
[Training Verification Form, A450-1213TR-vs1 \(eff. 5/2022\)](#)
[Tattooing Apprenticeship Sponsor Application, A450-12TATSPON-v6 \(rev. 9/2023\)](#)
[Tattooer Apprenticeship Certification Application, A450-TAT SOA-v3 \(rev. 3/2015\)](#)
[Tattoo Apprenticeship Completion Form, A450-12TAC-v8 \(rev. 1/2020\)](#)
[Tattoo Client Disclosure Form, A450-12TDIS-v3 \(rev. 1/2020\)](#)
[Limited Term Tattooer License Application, A450-1233LIC-v12 \(rev. 9/2022\)](#)
[Limited Term Tattoo Parlor License Application, A450-1235LIC-v9 \(rev. 9/2022\)](#)
[Permanent Cosmetic Tattooer Examination & License Application, A450-1236EXLIC-v16 \(rev. 9/2023\)](#)
[Master Permanent Cosmetic Tattooer Examination & License Application, A450-1237EXLIC-v14 \(rev. 9/2023\)](#)
[License by Endorsement Application, A450-1213END-v18 \(rev. 9/2022\)](#)
[Body Piercing, Tattoo, Perm Cos Tattoo Experience Verification Form, A450-12BPTATT EXP-v2 \(rev. 7/2022\)](#)
[Salon, Shop, Spa & Parlor License-Reinstatement Application, A450-1213BUS-v17 \(rev. 9-2023\)](#)
[Licensure Fee Notice, A450-1213FEE-v11 \(rev. 9/2022\)](#)
[Instructor Certification Application, A450-1213INST-vs18 \(rev. 9/2023\)](#)
[Individuals - Reinstatement Application, A450-1213REI-v13 \(rev. 9/2022\)](#)
[School License Application, A450-1213SCHL-v19 \(rev. 9/2023\)](#)
[School Reinstatement Application, A450-1213SCHL-REIN-v9 \(rev. 9/2022\)](#)
[Tattoo-Body Piercing Universal App A450-1231-41ULR-v1 \(eff. 7/2023\)](#)



TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: KELLEY SMITH, EXECUTIVE DIRECTOR
SUBJECT: APPROVAL OF PROPOSED LANGUAGE FOR GENERAL REVIEW OF
BODY-PIERCING REGULATIONS
DATE: FEBRUARY 7, 2024

At the August 14, 2023 meeting, the Board approved a Notice of Intended Regulatory Action to initiate a General Review of the Body-Piercing Regulations. The public comment period on the NOIRA is complete, and it is now time for the Board to adopt proposed regulations. There was no public comment.

You will find attached a copy of the proposed language that needs to be adopted by the Board.

If the Board concurs with the proposed regulations, the Board can vote to “adopt the proposed Body-Piercing regulations [OR as amended if there are changes].”

Please come to the meeting prepared to discuss.

Project 7714 - NOIRA

Board For Barbers And Cosmetology

General Review of Body-Piercing Regulations

Chapter 60

Body-Piercing Regulations

Part I

General

18VAC41-60-10. Definitions.

A. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter ascribed to them in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia:

"Board"

"Body-piercer"

"Body-piercing"

"Body-piercing salon"

"Body-piercing school"

B. The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Apprenticeship program" means an approved body-piercing training program conducted by an approved apprenticeship sponsor.

"Apprenticeship sponsor" means an individual approved to conduct body-piercing apprenticeship training who meets the qualifications in 18VAC41-60-70.

"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Body piercer ear only" means any person who uses only a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both for compensation.

"Body piercing ear only" means the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Body-piercing ear only salon" means any place in which a fee is charged for the act of using a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both.

"Business entity" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Direct supervision" means a Virginia licensed body piercer must be present in the body-piercing salon at all times when services are being performed by a temporary license holder or registered apprentice.

~~"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state or jurisdiction of the United States.~~

"Firm" means any business entity recognized under the laws of the Commonwealth of Virginia.

~~"Gratuitous services" as used in § 54.1-701.5 of the Code of Virginia means providing body-piercing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.~~

~~"Licensee" means any person, partnership, corporation, limited liability company, sole proprietorship, limited liability partnership, or any other form of organization permitted by law holding a license issued by the Board for Barbers and Cosmetology as defined in § 54.1-700 of the Code of Virginia.~~
any individual or firm holding a license issued by the Board for Barbers and Cosmetology.

"Reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public.

"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.

"Renewal" means continuing the effectiveness of a license for another period of time.

"Responsible management" means the following individuals:

1. The sole proprietor of a sole proprietorship;
2. The partners of a general partnership;
3. The managing partners of a limited partnership;
4. The officers of a corporation;
5. The managers of a limited liability company;
6. The officers or directors of an association or both; and
7. Individuals in other business entities recognized under the laws of the Commonwealth as having a fiduciary responsibility to the firm.

"Sole proprietor" means any individual, not a corporation, who is trading under that individual's own name, or under an assumed or fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Sterilization area" means a separate room or area separate from workstations with restricted client access in which body-piercing instruments are cleaned, disinfected, and sterilized.

"Substantially equivalent exam" means an examination administered by the licensing entity which covers Virginia's scope of practice for that profession.

"Substantially equivalent training" means at least 80% of the required hours in Virginia and curriculum content covering Virginia's scope of practice for that profession.

"Temporary location" means a fixed location at which body piercing is performed for a specified length of time of not more than seven days in conjunction with a single event or convention.

18VAC41-60-15. Gratuitous Services.

Any individual who engages in body piercing and body piercing ear only without receiving compensation, reward or obligation is considered to be performing gratuitous services and is exempt from the provisions of this chapter. Gratuitous services do not include services provided at no charge when goods are purchased. An unlicensed individual cannot perform gratuitous services in a salon.

Part II

Entry

18VAC41-60-20. General requirements~~Requirements.~~

A. Any individual wishing to engage in body piercing shall must obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:

1. The applicant shall must be in good standing as a body piercer in every jurisdiction where licensed, certified, or registered. The applicant shall must disclose to the board at the time of application for licensure any disciplinary action taken in Virginia or any all other jurisdiction in connection with the applicant's practice as a body piercer. This disclosure includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. The applicant shall disclose to the board at the time of application for licensure if the applicant has been previously licensed in Virginia as a body piercer or voluntary termination of a license.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein the board deems the applicant is unfit or unsuited to engage in body piercing and body piercing ear only. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision.~~ The applicant shall must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall must disclose the applicant's physical address. A post office box is ~~not acceptable.~~ may be provided as a secondary address.

3. The applicant shall must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall must disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and

b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall must provide evidence satisfactory to the board that the applicant has passed the board-approved examination, administered either by the board or by a designated testing service.

B. Eligibility to sit for board-approved body-piercer examination.

1. Training in the Commonwealth of Virginia. Any person completing an approved body-piercing apprenticeship program in a Virginia licensed body-piercing salon shall be eligible to sit for the examination.

2. Training outside of the Commonwealth of Virginia, but within the United States or jurisdiction of the United States. Any person completing a body-piercing training or apprenticeship 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 training or apprenticeship to be eligible for examination. If less than required hours of body-piercing training or body-piercing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent body-piercing training or body-piercing apprenticeship or documentation of three years of work experience within the preceding five years as a body piercer and (ii) documentation of completion of a minimum of five hours of health education to include (a) bloodborne disease, sterilization, and aseptic techniques related to body piercing; (b) first aid; and (c) CPR that is acceptable to the board in order to be eligible for examination.

a. Any person completing a body-piercing training or apprenticeship 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 training or apprenticeship to be eligible for examination. Applicants who have earned a degree from an institution outside the United States must have their degree translated, authenticated and evaluated by an education evaluation service if credit is sought for the education. The board in its discretion may decline to accept any an evaluation submitted by an applicant.

b. Applicants who completed a training program that is not substantially equivalent to Virginia's training must submit (i) documentation acceptable to the board verifying three years of work experience in any other state or jurisdiction of the United States on a form provided by the board; (ii) documentation of completion of board-approved health education to include (a) bloodborne pathogens, sterilization, and aseptic techniques related to body-piercing; and (b) first aid.

If less than required hours of body-piercing training or body-piercing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent body-piercing training or body-piercing apprenticeship or documentation of three years of work experience in any other state or jurisdiction of the United States on a form provided by the board; and (ii) documentation of completion of board-approved health education to include (a) bloodborne disease, sterilization, and aseptic techniques related to body piercing; and (b) first aid.

C. In order to receive a license as a body piercer ear only, an applicant must meet the following qualifications: Any individual wishing to engage in body-piercing ear only must obtain a license in compliance with § 54.1-703 of the Code of Virginia and meet the following qualifications:

1. The applicant shall have completed a minimum of three hours of health education to include bloodborne disease and first aid that is acceptable to the board and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both and aftercare of piercing.

21. The applicant shall be in good standing in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's licensed, certified, or registered practice. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia in any profession regulated by the board. The applicant must be in good standing in Virginia and in all other jurisdictions where licensed, certified, or registered. The applicant must disclose to the board at the time of application for licensure any disciplinary

action taken in Virginia and all other jurisdictions in connection with the applicant's practice as a body piercer. This includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action pertaining to services within the respective scope of practice, or voluntary termination of a license.

Upon review of the applicant's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in body piercing. The applicant must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action

~~32. The applicant shall~~must disclose the applicant's physical address. A post office box is ~~not acceptable~~may be provided as a secondary address.

~~43. The applicant shall~~must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and ~~the board's body-piercing regulations this chapter.~~

~~54. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall~~must disclose the following information regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application; and~~
- b. All felony convictions within ~~20~~ 10 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant must have completed board-approved health education to include bloodborne disease and first aid and provide verification of training on a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both and aftercare of piercing.

18VAC41-60-30. License by endorsement Endorsement.

A. Upon proper application to the board, any person currently licensed to practice as a body piercer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a body piercer license without an examination. The applicant must also meet the requirements set forth in 18VAC41-60-20 A 1 through A 4.

B. Applicants for licensure by endorsement who completed a training program that is not substantially equivalent to Virginia's training but otherwise meet all the requirements listed in subsection A of this section, may substitute three years of work experience for training. Applicants should provide their work history demonstrating three years of licensed experience in any other state or jurisdiction of the United States on a form provided by the board.

18VAC41-60-40. Examination requirements and fees Requirements and Fees.

A. Applicants for initial licensure ~~shall~~ must pass an examination approved by the board. The examinations ~~may be administered by the board or by a designated testing service.~~

~~B. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.~~

~~EB.~~ The applicant ~~shall~~ must follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include ~~any~~ written instructions communicated prior to the examination date and any instructions communicated at the site, ~~either written or oral,~~ on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.

~~EC.~~ Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application.

~~ED.~~ The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225 per candidate.

~~EE.~~ Any candidate failing to apply for initial licensure within five years of passing the written examination shall be required to retake the examination. ~~Records of examinations shall be maintained for a maximum of five years.~~

18VAC41-60-70. General requirements for a body-piercing apprenticeship sponsor.

~~A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a body-piercing apprentice if the person:~~ Any individual wishing to sponsor a body-piercing apprentice must meet the following qualifications:

- ~~1. Holds~~ The applicant must hold a current Virginia body-piercing license;
- ~~2. Provides~~ The applicant must provide documentation of legally practicing body piercing for at least five years; and
- ~~3. Provides~~ The applicant must provide documentation indicating that he is in good standing in all jurisdictions where the practice of body piercing is regulated.

~~B. Apprenticeship sponsors shall be required to maintain a body-piercer license.~~

~~C. Apprenticeship sponsors shall ensure compliance with the 1500-hour Body-Piercing Apprenticeship Program and Body-Piercing Apprenticeship Standards.~~

18VAC41-60-75. Body-Piercing Temporary License.

~~A. A temporary license to work under the direct supervision of a currently licensed body piercer may be issued only to applicants for initial licensure who the board finds eligible for examination. There shall be no fee for a temporary license.~~

~~B. The temporary license shall remain in force for 90 days and no subsequent temporary license shall be issued.~~

~~C. Any person continuing to practice body piercing services after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.~~

~~E. Temporary licenses shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-60-20.~~

18VAC41-60-80. Salon license.General requirements for a Salon License.

~~A. Any firm wishing to operate a body-piercing salon or body-piercing ear only salon shall~~ must obtain a salon license in compliance with § 54.1-704.1 of the Code of Virginia and ~~shall~~ must meet the following qualifications in order to receive a license:

1. The applicant and all members of the responsible management shall must be in good standing as a licensed salon in Virginia and all other jurisdictions where licensed, certified or registered. The applicant and all members of the responsible management shall must disclose to the board at the time of application for licensure any disciplinary action taken in Virginia and all other jurisdictions ~~in connection with the applicant's operation of any body-piercing salon or body-piercing ear only salon or practice of the profession~~. This disclosure includes monetary penalties, fines, probation, suspensions, revocations, surrender of a license in connection with a disciplinary action, or voluntary termination of a license. ~~The applicant shall disclose to the board at the time of application for licensure if the applicant or any member of the responsible management has been previously licensed in Virginia as a body-piercing salon or body-piercing ear only salon.~~

Upon review of the applicant's and all members of the responsible management's prior disciplinary action, the board, in its discretion, may deny licensure to any applicant wherein it deems the applicant is unfit or unsuited to engage in the operation of a body-piercing salon or body-piercing ear only salon. ~~The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere or comparable plea shall be considered a disciplinary action for the purposes of this subdivision.~~ The applicant shall must provide a certified copy of a final order, decree, or case decision by a court, regulatory agency, or board with the lawful authority to issue such order, decree, or case decision, and such copy shall be admissible as prima facie evidence of such disciplinary action.

2. The applicant shall must disclose his the applicant's physical address. A post office box ~~is not acceptable.~~ may be provided as a secondary address.

3. The applicant shall must sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia body-piercing license laws and this chapter.

4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall must disclose the following information about the firm and all members of the responsible management regarding criminal convictions in Virginia and all other jurisdictions:

- a. All misdemeanor convictions within two years of the date of application involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury ~~within two years of the date of the application~~; and
- b. All felony convictions within 2010 years of the date of application.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

5. The applicant shall must disclose the firm's responsible management.

B. A body-piercing Body-piercing salon licenses or body-piercing ear only salon licenses are issued to firms as defined in this chapter and shall not be transferable, and shall bear the same name and address of the business entity. Any changes in the name or address of the salon shall be reported to the board in writing within 30 days of such changes. The board shall not be responsible for the licensee's failure to receive notices, communications, and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board. New responsible management shall be responsible for applying for a new license within 30 days of the changes.

C. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the original license becomes void, and shall be returned to the board within 30

~~days of the change. The firm must notify the board. Additionally, the firm shall apply for a new license within 30 days of the change in the business entity and destroy the license.~~ Such changes include:

1. Death of a sole proprietor;
2. Death or withdrawal of a general partner in a general partnership or the managing partner in a limited partnership; and
3. Conversion, formation, or dissolution of a corporation, a limited liability company, an association, or any other business entity recognized under the laws of the Commonwealth of Virginia.

D. Any change in the officers of a corporation, managers of a limited liability company, or officers or directors of an association ~~shall~~ must be reported to the board in writing within 30 days of the change.

E. Any firm wishing to operate a body-piercing salon in a temporary location must have a body-piercing salon license issued by the board.

F. The board or any of its agents shall be allowed to inspect during reasonable hours any licensed salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or this chapter.

G. Mobile salons must have a salon license and provide a physical address.

Part III

Fees

18VAC41-60-90. Fees.

The following fees ~~apply:~~ are nonrefundable and shall not be prorated:

FEE TYPE	AMOUNT DUE September 1, 2022, through August 31, 2024	AMOUNT DUE September 1, 2024, and after	WHEN DUE
Individuals:			
Application	\$90	\$105	With application
License by Endorsement	\$90	\$105	With application
Renewal:	\$90	\$105	With renewal card prior to expiration date
Reinstatement	\$180* *includes \$90 renewal fee and \$90 reinstatement fee	\$210* *includes \$105 renewal fee and \$105 reinstatement fee	With reinstatement application
Salons:			
Application	\$165	\$190	With application
Renewal	\$165	\$190	With renewal card prior to expiration date
Reinstatement	\$330* *includes \$165 renewal fee and \$165 reinstatement fee	\$380* *includes \$190 renewal fee and \$190 reinstatement fee	With reinstatement application

18VAC41-60-100. Refunds. (Repealed.)

All fees are nonrefundable and shall not be prorated.

Part IV

Renewal and Reinstatement

18VAC41-60-110. License renewal required Renewal Required.

All body piercer, body piercer ear only, body-piercing salon, and body-piercing ear only salon licenses shall expire two years from the last day of the month in which they were issued.

18VAC41-60-120. Continuing education requirement Education Requirement.

All licensed body piercers shall be required to must satisfactorily complete a minimum of five hours of board-approved health education to include (i) bloodborne disease, sterilization, and aseptic techniques related to body piercing; and (ii) first aid; and (iii) CPR during their licensed term. All licensed body piercers ear only shall be required to must satisfactorily complete a

~~minimum of three hours of board-approved health education to include bloodborne disease and first aid during their licensed term. Documentation of training completion shall~~ must be provided at the time of renewal along with the required fee.

18VAC41-60-130. Notice of renewal~~Renewal~~.

The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.

18VAC41-60-140. Failure to renew~~Renew~~.

A. When an individual or ~~business entity~~ salon fails to renew its license within 30 days following its expiration date, the licensee shall must meet the renewal requirements prescribed in 18VAC41-60-120 and 18VAC41-60-130 and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and pay the reinstatement fees.

B. When an individual or ~~business entity~~ salon fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice:

1. The former licensee shall must apply for licensure as a new applicant, shall meet all current application entry requirements, ~~shall pass the board's current examination if applicable, and shall receive a new license.~~

2. An individual initially granted licensure under an examination exemption, known as grandfathering, pursuant to 18VAC41-60-20 A 6 shall submit a new application showing the individual met the requirements of the applicable examination waiver provision, ~~demonstrate five years of licensed experience, previously licensed in Virginia for a minimum of three (3), must submit a new application, and pass the required examination.~~

C. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.

D. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the date of the last day of the month of reinstatement.

E. A licensee that reinstates its license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.

F. A licensee that fails to reinstate its license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.

Part V

Body-Piercing Apprenticeship Programs

18VAC41-60-150. Applicants for board approval~~Board Approval~~.

A. Any person desiring to enroll in the body-piercing apprenticeship program shall be required to provide documentation of satisfactory completion of a ~~minimum of five hours of board-approved health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to body piercing, and first aid and CPR.~~

B. Any body piercer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's body-piercing apprenticeship program shall must meet the requirements in 18VAC41-60-70.

C. All apprenticeship training shall must be conducted in a body-piercing salon that has met the requirements of 18VAC41-60-80.

18VAC41-60-160. Body-piercing apprenticeship curriculum requirements
Apprenticeship Curriculum Requirements.

Body-piercing apprenticeship curriculum requirements are set out in this section:

1. Microbiology:
 - a. Microorganisms, viruses, bacteria, fungi;
 - b. Transmission cycle of infectious diseases; and
 - c. Characteristics of antimicrobial agents.
2. Immunization;
 - a. Types of immunizations;
 - b. Hepatitis A—G transmission and immunization;
 - c. HIV/AIDS;
 - d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;
 - e. Measles, mumps, and rubella;
 - f. Vaccines and immunization; and
 - g. General preventative measures to be taken to protect the body piercer and client.
3. Sanitation and disinfection:
 - a. Definition of terms:
 - (1) Sterilization;
 - (2) Disinfection and disinfectant;
 - (3) Sterilizer or sterilant;
 - (4) Antiseptic;
 - (5) Germicide;
 - (6) Decontamination; and
 - (7) Sanitation;
 - b. The use of steam sterilization equipment and techniques;
 - c. The use of chemical agents, antiseptics, disinfectants, and fumigants;
 - d. The use of sanitation equipment;
 - e. Pre-service sanitation procedure; and
 - f. Post-service sanitation procedure.
4. Safety:
 - a. Proper needle handling and disposal;
 - b. How to avoid overexposure to chemicals;
 - c. The use of Material Safety Data Sheets;
 - d. Blood spill procedures;
 - e. Equipment and instrument storage; and
 - f. First aid and CPR.
5. Blood borne pathogen standards:

- a. OSHA and CDC blood borne pathogen standards;
 - b. Control Plan for blood borne pathogens;
 - c. Exposure Control Plan for Body Piercers;
 - d. Overview of compliance requirements; and
 - e. Disorders and when not to service a client.
6. Professional standards:
- a. History of body piercing;
 - b. Ethics;
 - c. Recordkeeping:
 - (1) Client health history;
 - (2) Consent forms; and
 - (3) HIPAA Standards (Health Insurance Portability and Accountability Act of 1996 Privacy Rule);
 - d. Preparing station, making appointments, salon ethics:
 - (1) Maintaining professional appearance, notifying clients of schedule changes; and
 - (2) Promoting services of the salon and establishing clientele;
 - e. Salon management:
 - (1) Licensing requirements; and
 - (2) Taxes; and
 - f. Supplies:
 - (1) Usages;
 - (2) Ordering; and
 - (3) Storage.
7. Body piercing:
- a. Client consultation;
 - b. Client health information;
 - c. Client disclosure form;
 - d. Client preparation;
 - e. Sanitation and safety precautions;
 - f. Implement selection and use;
 - g. Proper use of equipment;
 - h. Material selection and use;
 - i. Grade of jewelry; and
 - j. Metals to use.
8. Body-piercing procedures:
- a. Ear lobe;
 - b. Helix—ear;
 - c. Concha—ear;
 - d. Tragus—ear;
 - e. Tongue;
 - f. Navel;

- g. Eyebrow;
- h. Lip;
- i. Septum;
- j. Nostril;
- k. Male nipple;
- l. Female nipple;
- m. Monroe (face cheek);
- n. Prince Albert (male genitalia);
- o. Frenum (male genitalia);
- p. Clitoral hoods (female genitalia); and
- q. Labias (female genitalia).

9. Virginia body-piercing laws and regulations.

18VAC41-60-170. ~~Body-piercing hours of instruction and performances~~Body-Piercing Apprenticeship Hours of Instruction and Performances.

A. Curriculum requirements specified in 18VAC41-60-160 shall must be taught over a minimum of 1,500 hours as follows:

1. 350 hours shall must be devoted to theory pertaining to subdivisions 1, 2, 4, 5, and 6 of 18VAC41-60-160;
2. 150 hours shall must be devoted to theory pertaining to subdivision 3 of 18VAC41-60-160; and
3. The remaining 1,000 hours shall must be devoted to practical training and the following performances pertaining to subdivision 7 of 18VAC41-60-160:

Body-Piercing Performances	
ear lobe	minimum of 5
helix - ear	minimum of 5
concha - ear	minimum of 5
tragus - ear	minimum of 5
tongue	minimum of 5
navel	minimum of 5
eyebrow	minimum of 5
lip	minimum of 5
septum	minimum of 5
nostril	minimum of 5
additional piercings of choice	minimum of 50
Total	100

B. An approved body-piercing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for body piercing and, based on the assessment, give a maximum of 500 hours of credit towards the requirements in

subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.

Part VI

Standards of Practice

18VAC41-60-180. Display of license~~License.~~

~~A. Each body piercing salon owner or body piercing ear only salon owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the salon in plain view of the public. Duplicate licenses shall be posted in a like manner in every salon location where the licensee provides services.~~

~~B. Each body piercing salon or body piercing ear only salon owner shall ensure that no licensee performs any service beyond the scope of practice for the applicable license.~~

A. The responsible management for each licensed salon must ensure that;

1. Any salon license issued by the board is displayed in plain view of the public in the reception area;

2. Any individual license, apprentice or temporary license issued by the board is displayed in plain view of the public either in the reception area or at individual work stations at all locations where the regulant provides services.

3. No employee, licensee, or apprentice performs any service beyond the scope of practice for the applicable license.

B. All individuals working in a salon must ensure their license is displayed in the plain view of the public either in the reception area or at individual work stations at all locations where the regulant provides services.

C. Each The responsible management for each body-piercing salon or body-piercing ear only salon owner shall must offer to licensees the full series of Hepatitis B vaccine.

D. Each body-piercing salon or body-piercing ear only salon owner shall must maintain a record for each licensee of one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.

E. All licensees, apprentices, and temporary license holders shall must operate under the name in which the license is issued.

F. Any changes in the name or address of the licensee must be reported to the board in writing within 30 days of such changes.

18VAC41-60-190. Physical facilities~~Facilities.~~

A. A body-piercing salon or body-piercing ear only salon must be in a permanent building, which must be in a location permissible under local zoning codes, if any. If applicable, the body-piercing salon or body-piercing ear only salon shall must be separated from any living quarters by complete floor to ceiling partitioning and shall must contain no access to living quarters.

B. The body-piercing salon, body-piercing ear only salon, or temporary location shall must be maintained in a clean and orderly manner.

C. A body-piercing salon, body-piercing ear only salon, or temporary location shall must have a blood spill clean-up kit in the work area: that contains at a minimum latex gloves, two 12-inch by 12-inch towels, one disposable trash bag, bleach, one empty spray bottle, and one mask with face shield or any Occupational Safety and Health Administration (OSHA)-approved blood spill clean-up kit.

D. Work surfaces in a body-piercing salon, body-piercing ear only salon, or temporary location shall must be cleaned with a U.S. Environmental Protection Agency (EPA) registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall must be immediately disinfected with an EPA-registered germicide solution. Appropriate personal protective equipment shall must be worn during cleaning and disinfecting procedures.

E. In a body-piercing salon, body-piercing ear only salon, or temporary location, cabinets or containers for the storage of instruments, single-use articles, and other utensils shall must be provided for each operator and shall must be maintained in a sanitary manner.

F. In a body-piercing salon, body-piercing ear only salon, or temporary location, bulk single-use articles shall must be commercially packaged and handled in such a way as to protect the articles from contamination.

G. In a body-piercing salon, body-piercing ear only salon, or temporary location all materials applied to the human skin shall must be from single-use articles or transferred from bulk containers to single use containers and shall must be disposed of after each use.

H. In a body-piercing salon or body-piercing ear only salon, the walls, ceilings, and floors shall must be kept in good repair. The body-piercing area shall be constructed of smooth, hard, surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New physical facilities shall must not include any dark-colored surfaces in the body-piercing area. Existing physical facilities with dark-colored surfaces in the body-piercing area shall must replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business entity.

I. A body-piercing salon, body-piercing ear only salon, or temporary location shall must have adequate lighting of at least 50 foot-candles of illumination in the body-piercing and sterilization areas.

J. In a body-piercing salon, body-piercing ear only salon, or temporary location, adequate mechanical ventilation shall must be provided.

K. A body-piercing salon, body-piercing ear only salon, or temporary location shall must be equipped with hand-cleaning facilities for its personnel with unobstructed access to the body-piercing area or body-piercing ear only area such that the body piercer or body piercer ear only can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall must be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall must be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall must be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.

L. Animals are not permitted in the body-piercing salon, body-piercing ear only salon, or temporary location except for guide or service animals accompanying persons with disabilities or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall must be outside of the body-piercing area or sterilization area. No animals are allowed in the body-piercing area, body-piercing ear only area, or sterilization area.

M. In a body-piercing salon, body-piercing ear only salon, or temporary location, the use of tobacco products and consumption of alcoholic beverages shall must be prohibited in the body-piercing area, body-piercing ear only area, or sterilization area.

N. In a body-piercing salon, body-piercing ear only salon, or temporary location, no food or drink will be stored or consumed in the body-piercing area, body-piercing ear only area, or sterilization area.

O. In a body-piercing salon, body-piercing ear only salon, or temporary location, if body-piercing or body-piercing ear only is performed where cosmetology services are provided, it ~~shall~~ must be performed in an area that is separate and enclosed.

P. All steam sterilizers ~~shall~~ must be biological spore tested at least monthly.

Q. Biological spore tests ~~shall~~ must be verified through an independent laboratory.

R. Biological spore test records ~~shall~~ must be retained for a period of three years and made available upon request.

S. Steam sterilizers ~~shall~~ must be used only for instruments used by the salon's employees.

18VAC41-60-200. Body piercer and body piercer ear only responsibilities
Body Piercer Ear Only Responsibilities.

A. All body piercers and body piercers ear only ~~shall~~ must provide to the responsible management one of the following:

1. Proof of completion of the full series of Hepatitis B vaccine;
2. Proof of immunity by blood titer; or
3. Written declaration of refusal of the responsible management's offer of a full series of Hepatitis B vaccine.

B. All body piercers and body piercers ear only ~~shall~~ must wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.

C. All body piercers and body piercers ear only ~~shall~~ must clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after body piercing and as necessary to remove contaminants.

D. All body piercers and body piercers ear only ~~shall~~ must wear single-use examination gloves while assembling instruments and another pair of single-use examination gloves while providing piercing services.

E. Each time there is an interruption in the service, each time the gloves become torn or perforated or become contaminated, or whenever the ability of the gloves to function as a barrier is compromised:

1. Gloves ~~shall~~ must be removed and disposed of; and
2. Hands ~~shall~~ must be cleaned and a fresh pair of gloves used.

F. Body piercers and body piercers ear only ~~shall~~ must use standard precautions while providing piercing services. A body piercer or body piercer ear only diagnosed with a communicable disease, ~~shall~~ must provide to the Department of Professional and Occupational Regulation a written statement from a health care practitioner that the body piercer's condition no longer poses a threat to public health.

G. Body piercers and body piercers ear only with draining lesions on their hands or face will not be permitted to work until cleared by a health care professional.

~~H. The area of the client's skin to be pierced shall be cleaned with an approved germicidal soap or antiseptic product according to label directions.~~

~~I.H.~~ The external skin of the All client areas to be pierced ~~shall~~ must be cleaned with an approved germicidal soap or antiseptic product according to the label directions. In the case of oral piercings, the operator ~~shall~~ must provide the individual with antiseptic mouthwash in a single-use cup and ~~shall~~ must ensure that the individual utilizes the mouthwash provided. In the case of a lip, labret, or cheek piercing, procedures described in this subsection for both skin and oral piercings ~~shall~~ must be followed.

~~J.I.~~ If shaving is required, razors ~~shall~~ must be single-use and disposed of in a puncture-resistant container.

K.J. Each body piercer or body piercer ear only performing any piercing procedures in the salon shall must have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall must be performed using aseptic technique.

L.K. An individual, single-use, pre-sterilized piercing needle shall must be used for each client. Single-use disposable instruments shall must be disposed of in a puncture-resistant container.

M.L. Used, nondisposable instruments shall must be kept in a separate, puncture-resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall must be handled with disposable gloves.

N.M. Used nondisposable instruments that are ultrasonically cleaned shall must be rinsed under running hot water prior to being placed in the used instrument container.

O.N. Used nondisposable instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall must be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

P.O. The ultrasonic unit shall must be sanitized daily with a germicidal solution.

Q.P. Nondisposable instruments shall must be sterilized and shall must be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall must be sealed in bags made specifically for the purpose of autoclave sterilization and shall must include the date of sterilization. If nontransparent bags are utilized, the bag shall must also list the contents.

R.Q. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall must be utilized during the autoclave sterilization process.

S.R. Nondisposable instruments shall must be placed in the autoclave in a manner to allow live steam to circulate around them.

T.S. Contaminated disposable and single-use items shall must be disposed of in accordance with federal and state regulations regarding disposal of biological hazardous materials.

U.T. The manufacturer's written instruction of the autoclave shall must be followed.

18VAC41-60-210. Body-piercing client qualifications, disclosures, and records
Qualifications, Disclosures, and Records.

A. Except as permitted in § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and shall must present at the time of the body piercing a valid, government-issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

B. The body piercer shall must verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.

C. No person may be body pierced who appears to be under the influence of alcohol or drugs.

D. Body piercing shall must not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.

E. Before receiving a body piercing, each client and client's parent or guardian, if applicable, shall must be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each body piercing. Signatures of the client, the client's parent or guardian, if applicable, and the body piercer shall must be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures. Each client and client's parent or guardian, if applicable, shall must be informed verbally and in writing of aftercare for each piercing.

F. The body-piercing salon or temporary location shall must maintain proper records for each client. The information shall must be permanently recorded and made available for examination

by the department or authorized agent. Records ~~shall~~ must be maintained at the body-piercing salon for at least two years following the date of the last entry. The temporary location client records ~~shall~~ must be maintained by the license holder. The permanent records ~~shall~~ must include the following:

1. The name, address, and telephone number of the client;
2. The date body piercing was performed;
3. The client's age, date of birth, and a copy of the positive identification provided to the body piercer;
4. The specific type of jewelry used for the piercing and, when available, the manufacturer's catalogue or identification number for the type of jewelry used;
5. The location on the body where the body piercing was performed;
6. The name of the body piercer;
7. A statement that the client has received a copy of applicable written care instructions and that the client has read and understands the instructions; and
8. The signature of the client and, if applicable, parent or guardian.

18VAC41-60-220. Grounds for license revocation or suspension or probation; denial of application, renewal, or reinstatement; or imposition of a monetary penalty License Revocation, Suspension, or Probation; Denial of Application, Renewal or Reinstatement; or Imposition of a Monetary Penalty.

~~The board may, in considering the totality of the circumstances, fine any licensee and suspend, place on probation, or revoke or refuse to renew or reinstate any license, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and this chapter if the board finds that the licensee or applicant:~~

The board may, in considering the totality of the circumstances, refuse to issue, renew or reinstate a license; impose a monetary penalty; place a license on probation with such terms and conditions and for such time as it may designate; suspend a license for a stated period of time; or revoke, a license issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and this chapter if the board finds that the licensee or applicant:

1. Is incompetent or negligent in practice, or incapable mentally or physically, unable to practice with skill or safety as a result of any mental or physical condition, as those terms are generally understood in the profession, to (i) practice as a body piercer or body piercer ear only, or (ii) operate a body piercing salon;
2. Is convicted of fraud or deceit in the practice body piercing or body piercing ear only;
3. Attempted to obtain, obtained, renewed, or reinstated a license by false or fraudulent representation; Attempts to obtain, obtains, renews, or reinstates a license by false or fraudulent representation;
4. Violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which body piercers or body piercers ear only may practice or offer to practice;
5. Offers, gives, or promises anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent in the performance of the employee's duties any federal, state, or local law, regulation, or ordinance governing body piercing as defined in § 54.1-700 of the Code of Virginia;
6. Fails to respond to the board or any of its agents or provides false, misleading, or incomplete information to an inquiry by the board or any of its agents;

7. Fails or refuses to allow the board or any of its agents to inspect during reasonable hours any licensed salon for compliance with provisions of Chapter 7 (§ 54.1-700 et seq.) or this chapter;
8. Fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's, apprentice's, temporary license holder's, applicant's or responsible management possession or maintained in accordance with this chapter;
9. Fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license;
10. Makes any misrepresentation or publishes or causes to be published any advertisement that is false, deceptive, or misleading;
11. ~~Fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection with a disciplinary action in any other jurisdiction or of any license, certificate, or permit which has been the subject of disciplinary action in any other jurisdiction;~~ Fails to notify the board in writing within 30 days of any final action or disciplinary action taken against a license, registration, certificate or permit in any jurisdiction by a local, state or national regulatory body;
12. Has been convicted or found guilty, regardless of the manner of adjudication in Virginia or any other jurisdiction of the United States, of a misdemeanor involving moral turpitude, sexual offense, non-marijuana drug distribution, or physical injury or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction or guilt;
13. Fails to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 12 of this section;
14. Allows, as responsible management of a salon, a person who has not obtained a license or temporary license to practice as a body piercer or body piercer ear only unless the person is duly enrolled as an apprentice;
15. Fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with sanitary requirements provided for in this chapter or any local, state, or federal law or regulation governing the standards of health and sanitation for the practice of body piercing, or the operation of body-piercing salon or body-piercing ear only salon; or
16. Fails to comply with all procedures established by the board and the testing service with regard to conduct at any board examination.

FORMS (18VAC41-60)

[Body Piercer Examination & License Application, A450-1241EXLIC-v16 \(rev. 9/2023\)](#)
[Body-Piercing Apprenticeship Sponsor Application, A450-12BPSPON-v6 \(rev. 9/2023\)](#)
[Body-Piercing Apprentice Certification Application, A450-BP SOA-v3 \(rev. 3/2015\)](#)
[Body-Piercing Apprenticeship Completion Form, A450-12BPAC-v8 \(rev. 1/2020\)](#)
[Body-Piercing Client Disclosure Form, A450-12BPDIS-v2 \(rev. 4/2013\)](#)

[Body Piercer Ear Only License Application, A450-1245LIC-v10 \(rev. 9/2023\)](#)

[License by Endorsement Application, A450-1213END-v18 \(rev. 9/2022\)](#)

[Body Piercing, Tattoo, Perm Cos Tattoo Experience Verification Form, A450-12BPTATT_EXP-v2 \(rev. 7/2022\)](#)

[Salon, Shop, Spa & Parlor License-Reinstatement Application A450-1213BUS-v17 \(rev. 9-2023\)](#)

[Licensure Fee Notice, A450-1213FEE-v11 \(rev. 9/2022\)](#)

[Individuals - Reinstatement Application, A450-1213REI-v13 \(rev. 9/2022\)](#)

[Tattoo-Body Piercing Universal App A450-1231-41ULR-v1 \(rev. 7/2023\)](#)

Draft Agenda

Draft Agenda

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TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY

FROM: KELLEY SMITH, EXECUTIVE DIRECTOR FOR BOARD FOR BARBERS AND COSMETOLOGY

SUBJECT: 90-DAY TEMPORARY PERMIT APPROVAL OF FAST-TRACK LANGUAGE

DATE: FEBRUARY 6, 2024

The Board authorized a fast-track regulatory action on January 9, 2023, extending the temporary license permit for those completing a registered apprenticeship to ninety days. The Board approved changes to the language that would allow for anyone that the board determined eligible for initial examination to apply for and obtain a 90-day temporary permit at its May 15, 2023 meeting.

Included in the agenda is a draft of the 90-day temporary permit language. In addition to the general changes to who is eligible for a temporary permit and the length of time the temporary permit is effective, changes have been made to the term “permit” since the Code of Virginia at §54.1-704 contemplates the use of the term temporary “license”.

The Board can approve the draft language with a motion to “approve the proposed changes relating to temporary permits.”

Project 7768 - Fast-Track

Board For Barbers And Cosmetology

Temporary License Extension

18VAC41-20-90. Barber, master barber, cosmetology, nail technician, and wax technician temporary permits Master Barber, Cosmetology, Nail Technician, and Wax Technician Temporary License.

A. A temporary ~~permit~~ license to work under the direct supervision of a currently licensed barber, master barber, cosmetologist, nail technician, or wax technician, respectively, may be issued only to applicants for initial licensure who the board finds eligible for examination. There shall be no fee for a temporary ~~permit~~ license.

B. ~~The temporary permit shall remain in force for 45 days following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board that an examination is offered to the applicant by the board.~~

B. Licensed cosmetologists may also supervise nail and waxing temporary license holders. Licensed estheticians and master estheticians may also supervise waxing temporary license holders. Licensed master barbers may also supervise barber temporary license holders.

~~C. Any person continuing to practice barbering, master barbering, cosmetology, nail care, or waxing services after a temporary permit has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.~~

C. The temporary license shall remain in force for 90 days and no subsequent temporary license shall be issued.

~~D. No applicant for examination shall be issued more than one temporary permit.~~

D. Any person continuing to practice barbering, master barbering, cosmetology, nail care, or waxing services after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.

E. Temporary ~~permits~~ licenses shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-20-20.

18VAC41-70-70. Esthetician temporary license and Master Esthetician Temporary License.

A. A temporary license to work under the direct supervision of a currently licensed esthetician or master esthetician, respectively, may be issued only to applicants for initial licensure that the board finds eligible for the applicable examination. There shall be no fee for a temporary license.

~~B. The temporary license shall remain in force for 45 days following the examination date. The examination date shall be the first test date after the applicant has successfully submitted an application to the board. Licensed master estheticians may supervise estheticians and waxing temporary license holders. Licensed estheticians may supervise waxing temporary license holders.~~

~~C. Any person continuing to practice esthetics services after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.~~

C. The temporary license shall remain in force for 90 days and no subsequent temporary license shall be issued.

~~D. No applicant for examination shall be issued more than one temporary license.~~

D. Any person continuing to practice esthetics and master esthetics services after a temporary license has expired may be prosecuted and fined by the Commonwealth under §§ 54.1-111 A 1 and 54.1-202 of the Code of Virginia.

E. Temporary ~~permits~~ licenses shall not be issued where grounds may exist to deny a license pursuant to § 54.1-204 of the Code of Virginia or 18VAC41-70-20.

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TO: VIRGINIA BOARD FOR BARBERS AND COSMETOLOGY
FROM: KELLEY SMITH, EXECUTIVE DIRECTOR
SUBJECT: FINANCIAL STATEMENTS
DATE: February 20, 2024

Attached you will find the most recent Statement of Financial Activity and the Supporting Statement of Year-to-Date Activity for the Board. Additionally, you will find the Agency Statement of Financial Activity.

Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position

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Draft Agenda

Department of Professional and Occupational Regulation
Statement of Financial Activity
Board for Barbers and Cosmetology
954230

2022-2024 Biennium

December 2023

	December 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - December 2021	July 2022 - December 2023
Cash/Revenue Balance Brought Forward			810,212
Revenues	279,429	6,073,200	6,244,787
Cumulative Revenues			7,054,999
Cost Categories:			
Board Expenditures	23,374	321,135	345,890
Board Administration	146,982	1,641,127	1,758,752
Administration of Exams	8,759	84,770	94,006
Enforcement	127,565	1,359,572	1,574,190
Legal Services	0	44,908	35,512
Information Systems	73,232	1,130,422	1,129,731
Facilities and Support Services	35,618	518,772	511,953
Agency Administration	104,866	753,251	1,230,081
Other / Transfers	(3)	(3)	(923)
Total Expenses	520,394	5,853,955	6,679,192
Transfer To/(From) Cash Reserves	0	0	(95,431)
Ending Cash/Revenue Balance			471,238

Cash Reserve Beginning Balance	5,335,613	0	5,431,044
Change in Cash Reserve	0	0	(95,431)
Ending Cash Reserve Balance	5,335,613	0	5,335,613

Number of Regulants	
Current Month	74,948
Previous Biennium-to-Date	74,249

Department of Professional and Occupational Regulation
Supporting Statement of Year-to-Date Activity
Board for Barbers and Cosmetology - 954230
Fiscal Year 2024

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	17,763	24,979	23,032	19,074	17,585	23,374	0	0	0	0	0	0	125,807	197,725	71,918	241,970	-44,245	-22.4%
Board Administration	94,354	91,468	136,012	47,839	100,126	146,982	0	0	0	0	0	0	616,780	1,501,743	884,963	1,112,853	388,889	25.9%
Administration of Exams	5,227	6,132	8,716	2,913	5,859	8,759	0	0	0	0	0	0	37,606	80,223	42,617	68,526	11,697	14.6%
Enforcement	81,854	85,042	127,902	46,429	84,562	127,565	0	0	0	0	0	0	553,353	1,324,511	771,158	1,004,358	320,153	24.2%
Legal Services	0	0	0	0	0	0	0	0	0	0	0	0	0	35,512	35,512	0	35,512	100.0%
Information Systems	40,949	96,030	77,474	53,967	60,150	73,232	0	0	0	0	0	0	401,804	843,892	442,088	780,189	63,703	7.5%
Facilities / Support Svcs	26,670	27,143	32,576	23,341	25,975	35,618	0	0	0	0	0	0	171,323	536,505	365,182	331,854	204,651	38.1%
Agency Administration	64,252	69,424	110,462	36,999	75,047	104,866	0	0	0	0	0	0	461,049	924,410	463,361	849,159	75,252	8.1%
Other / Transfers	0	0	0	0	0	-3	0	0	0	0	0	0	-3	0	3	-5	5	
Total Charges	331,069	400,217	516,173	230,563	369,303	520,394	0	0	0	0	0	0	2,367,719	5,444,521	3,076,802	4,388,903	1,055,618	19.4%

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

Agency Total

2022-2024 Biennium

December 2023

	December 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - December 2021	July 2022 - December 2023
Cash/Revenue Balance Brought Forward			3,453,476
Revenues	1,589,989	30,038,709	30,493,775
Cumulative Revenues			33,947,251
Cost Categories:			
Board Expenditures	191,552	2,483,939	2,961,282
Board Administration	604,608	6,691,884	7,304,593
Administration of Exams	41,361	450,273	454,638
Enforcement	983,706	10,426,857	11,593,795
Legal Services	24,574	351,097	343,897
Information Systems	308,634	4,722,938	4,811,058
Facilities and Support Services	204,708	2,903,850	2,922,472
Agency Administration	441,950	3,148,632	5,237,426
Other / Transfers	(11)	4,862	554
Total Expenses	2,801,082	31,184,333	35,629,716
Transfer To/(From) Cash Reserves	(721,373)	0	(3,531,415)
Ending Cash/Revenue Balance			1,848,950

Cash Reserve Beginning Balance	15,183,908	0	17,993,950
Change in Cash Reserve	(721,373)	0	(3,531,415)
Ending Cash Reserve Balance	14,462,535	0	14,462,535

Number of Regulants

Current Month	319,658
Previous Biennium-to-Date	308,696