

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS
Adopted February 3, 2003

CHAPTER 40.

REGULATIONS – WAXING

PART I.

GENERAL.

18 VAC 41-40-10. Definitions.

The following words and terms when used in this chapter shall have the following meaning, 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.

"Direct supervision" means that a Virginia licensed cosmetologist, or wax technician shall be present in the waxing salon at all times when services are being performed by a temporary license holder.

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

"Licensee" means any individual, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

"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.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS
Adopted February 3, 2003

“Virginia state institution” for the purposes of these regulations means any institution approved by the Virginia Department of Education or the Virginia Department of Corrections.

PART II.

ENTRY.

18 VAC 41-40-20. General requirements for a wax technician license.

A. In order to receive a license as a wax technician, an applicant must meet the following qualifications:

1. The applicant shall be in good standing as a licensed wax technician in every jurisdiction where licensed. 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 practice as a wax technician. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a wax technician.
2. The applicant shall disclose his physical address. A post office box is not acceptable.
3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia wax technician license laws and the regulations of the board.
4. In accordance with § 54.1-204 of the Code of Virginia, the applicant shall not have been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of waxing. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of waxing. The board will decide each case by taking into account the

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within ten days after all appeal rights have expired.

5. The applicant shall 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 wax technician training program in a Virginia licensed waxing school, or a Virginia public school's wax technician program approved by the State Department of Education shall be eligible for examination.

2. Training outside of the Commonwealth of Virginia, but within the United States and its territories.

Any person completing a wax technician training program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the Board documentation of the successful completion of 350 hours of training to be eligible for examination. If less than 350 hours of wax technician training was completed, an applicant must submit a certificate, diploma or other documentation acceptable to the board verifying the completion of a substantially equivalent wax technician course and documentation of six months of wax technician work experience in order to be eligible for the wax technician examination.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS
Adopted February 3, 2003

18 VAC 41-40-30. License by endorsement.

Upon proper application to the board, any person currently licensed to practice as a wax technician or who is a licensed wax technician instructor in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required by these regulations, may be issued a wax technician license or a wax technician instructor certificate, respectively, without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-40-20.A.

18 VAC 41-40-40. Exceptions to training requirements.

- A. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for the wax technician examination.

- B. Any wax technician applicant having been trained as a wax technician in any Virginia State Institution shall be eligible for the wax technician examination.

- C. Any wax technician applicant having a minimum of two years experience in waxing in the United States armed forces and having provided documentation satisfactory to the board of that experience shall be eligible for the examination.

18 VAC 41-40-50. Examination requirements and fees.

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

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

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. The fee for examination or re-examination 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 \$225.00 per candidate.

18 VAC 41-40-60. Reexamination requirements.

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.

18 VAC 41-40-70. Examination administration.

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

B. Every wax technician examiner shall hold a current Virginia wax technician or cosmetologist license, have three or more years of active experience as a licensed professional and be currently practicing in the waxing profession. Examiners shall attend training workshops sponsored by the board or by a testing service acting on behalf of the board.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

- C. No certified wax technician or cosmetology instructor who is currently teaching or is a school owner shall be an examiner.
- D. Each wax technician chief examiner shall hold a current Virginia wax technician or cosmetologist license, have five or more years of active experience in the waxing profession, have three years of active experience as an examiner, and be currently practicing in the waxing profession. Chief examiners shall 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 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.

18 VAC 41-40-80. Wax technician temporary license.

- A. A temporary license to work under the supervision of a currently licensed wax technician or cosmetologist may be issued only to applicants for initial licensure that the board finds eligible for examination. There shall be no fee for a 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 that an examination is offered to the applicant by the board.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

C. Any person continuing to practice 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.

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

18 VAC 41-40-90. General requirements for a wax technician 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 wax technician instructor certificate, if the person:

1. Holds a current Virginia wax technician license; and
2. Passes a course in teaching techniques at the post-secondary educational level; or
3. Completes an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified cosmetology or wax technician instructor in a cosmetology or wax technician school; or
4. Passes an examination in wax technician instruction, administered by the board or by a testing service acting on behalf of the board.

B. Applicants passing the examination for a wax technician instructor certificate shall be required to maintain a wax technician license.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS
Adopted February 3, 2003

18 VAC 41-40-100. Salon license.

- A. Any individual wishing to operate a waxing salon shall obtain a salon license in compliance with § 54.1-704.1 of the Code of Virginia.
- B. A waxing salon license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the salon shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.
- C. In the event of a closing of a waxing salon, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.

18 VAC 41-40-110. School license.

- A. Any individual wishing to operate a wax technician school shall obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia. All instruction and training of wax technicians shall be conducted under the direct supervision of a certified cosmetology or wax technician instructor.
- B. A wax technician school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. 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.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

C. In the event of a change of ownership of a school, the new owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

D. In the event of a school closing, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned.

PART III.FEES.18 VAC 41-40-120. Fees.

The following fees apply:

<u>FEE TYPE</u>	<u>AMOUNT DUE</u>	<u>WHEN DUE</u>
<u>Individuals:</u>		
<u>Application</u>	<u>\$55</u>	<u>With application</u>
<u>License by Endorsement</u>	<u>\$55</u>	<u>With application</u>
<u>Renewal:</u>	<u>\$55</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$55</u>	<u>With reinstatement application</u>
<u>Facilities:</u>		
<u>Application</u>	<u>\$90</u>	<u>With application</u>
<u>Renewal</u>	<u>\$90</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$90</u>	<u>With reinstatement application</u>

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

<u>Schools:</u>		
<u>Application</u>	<u>\$120</u>	<u>With application</u>
<u>Renewal</u>	<u>\$120</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$120</u>	<u>With reinstatement application</u>

18 VAC 41-40-130. Refunds.

All fees are nonrefundable and shall not be prorated.

PART IV.

RENEWAL/REINSTATEMENT.**18 VAC 41-40-140. License renewal required.**

A. All wax technician licenses and waxing salon licenses shall expire two years from the last day of the month in which they were issued.

B. All wax technician instructor certificates shall expire on the same date as the certificate holder's license expiration date.

C. All school licenses shall expire on December 31 of each even numbered year.

18 VAC 41-40-150. Notice of renewal.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

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.

18 VAC 41-40-160. Failure to renew.

- A. When a licensed or certified individual or entity fails to renew its license or certificate within 30 days following its expiration date, the licensee or certificate holder shall 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 reinstatement fee.
- B. When a wax technician fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, and shall pass the Board's current examination. Individuals applying for licensure under this section shall be eligible to apply for a temporary license from the board under 18 VAC 41-40-90.
- C. When a wax technician instructor fails to renew his certificate within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former certificate holder shall apply as a new applicant for a wax technician license, meet all current application requirements, and shall pass the Board's current examination. Upon receiving the new wax technician license, the individual may apply for a new instructor's certificate.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

- D. The application for reinstatement for a school shall provide the reasons for failing to renew prior to the expiration date, and 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 by the Department of Professional and Occupational Regulation and if the school's records are maintained in accordance with 18 VAC 41-40-220 and hours reported in accordance with 18 VAC 41-40-230. Pursuant to 18 VAC 41-40-170, 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.
- E. 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 and an additional fee is required.
- F. 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 previous expiration date of the license.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

G. A licensee or certificate holder who reinstates his 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.

H. A licensee or certificate holder who fails to reinstate his license or certificate shall be regarded as unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in these regulations 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.

WAXING SCHOOLS.

18 VAC 41-40-170. Applicants for state approval.

A. Any person, firm, or corporation desiring to operate a waxing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.

B. Waxing schools under the Virginia Department of Education and Department of Corrections shall be exempt from licensure requirements.

18 VAC 41-40-180. General requirements.

A waxing school shall:

1. Hold a school license for each and every location.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

2. Hold a salon license if the school receives compensation for services provided in its clinic.

3. Employ a staff of licensed and certified cosmetology or wax technician instructors.

4. Develop individuals for entry level competency in waxing.

5. Submit its curricula for board approval.
 - a. Wax technician curricula shall be based on a minimum of 350 clock hours and shall include performances in accordance with 18 VAC 41-40-220.

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 salon in plain view of the public.

7. Classroom instruction must be conducted in an area separate from the clinic area where practical instruction is conducted and services are provided.

18 VAC 41-40-190. Curriculum requirements.

1. Orientation:
 - a. School policies;
 - b. State law, regulations and professional ethics; and
 - c. Personal hygiene.

2. Skin care and treatment:

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

- a. Analysis;
 - b. Anatomy and physiology;
 - b. Diseases and disorders of the skin;
 - c. Health, sterilization, sanitation, bacteriology, and safety including infectious disease control measures.
 - d. Procedures; and
 - e. Temporary removal of hair.
3. Skin theory, skin structure and composition.
4. Client consultation
- a. health conditions
 - b. skin analysis
 - c. treatments
 - d. client expectations
 - e. health forms and questionnaires
5. Waxing procedures (brow, lip, facial, legs, arms, underarm, chest, back and bikini areas):
- a. Fundamentals;
 - b. Safety rules; and
 - c. Procedures.
6. Wax treatments:
- a. Analysis;
 - b. Disorders and diseases;
 - c. Manipulations; and
 - d. Treatments.
7. Salon management:
- a. Business ethics; and
 - b. Care of equipment.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS
Adopted February 3, 2003

18 VAC 41-40-200. Hours of instruction and performances.

A. Curriculum and performance requirements shall be offered over a minimum of 350 clock hours for waxing.

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

<u>Arms</u>	<u>10</u>
<u>Back</u>	<u>5</u>
<u>Bikini area</u>	<u>15</u>
<u>Brows</u>	<u>50</u>
<u>Chest</u>	<u>5</u>
<u>Facial (face, chin, cheek)</u>	<u>20</u>
<u>Lip</u>	<u>20</u>
<u>Leg</u>	<u>15</u>
<u>Underarm</u>	<u>10</u>
<u>TOTAL</u>	<u>150</u>

18 VAC 41-40-210. School identification.

Each waxing school licensed by the board shall identify itself to the public as a teaching institution.

18 VAC 41-40-220. Records.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

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.

18 VAC 41-40-230. Hours reported.

Within 30 days of the closing of a licensed waxing school, for any reason, 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.

18 VAC 41-40-240. Display of license.

- A. Each salon owner or school owner shall ensure that all current licenses, certificates, and temporary licenses issued by the board shall be displayed in the reception area of the salon or school in plain view of the public. Duplicate licenses, certificates, or temporary licenses shall be posted in a like manner in every salon or school location where the regulant provides services.

- B. Each salon owner or school owner shall ensure that no licensee or student performs any service beyond the scope of practice for the wax technician license.

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

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS
Adopted February 3, 2003

18 VAC 41-40-250. Sanitation and safety standards for salons, and schools.

A. Sanitation and safety standards:

Any salon, school or facility where 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 and certificate holders 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 insure that all employees likewise comply.

B. Disinfection and storage of implements:

All wax pots will be cleaned and disinfected with an EPA registered hospital (grade) and tuberculocidal disinfectant solution with no sticks left standing in the wax at any time.

C. General sanitation and safety requirements:

1. All furniture, walls, floors, and windows shall be clean and in good repair.
2. The floor surface in the immediate work area must be of a washable surface other than carpet.
The floor must be kept clean, free of hair, dropped articles, spills and electrical cords;

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

3. Walls and ceilings in the immediate work area must be in good repair, free of water seepage and dirt. Any mats shall be secured or shall lay flat;

4. A fully functional bathroom with a working toilet and sink must be readily available for clients. 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 antibacterial soap and clean individual towels 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;

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;

7. Electrical outlets shall be covered by plates;

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

9. Adequate lighting shall be provided.

D. Equipment sanitation:

1. Waxing tables shall be cleaned and sanitized after each use and any other objects that touch the client shall be cleaned and sanitized after each use or disposed of.

2. The top of workstands or back bars shall be kept clean;

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

3. The work area shall be free of clutter, trash, and any other items which may cause a hazard;
4. Heat producing appliances and equipment shall be placed so as to prevent any accidental injury to the client or licensee; and
5. Electrical appliances and equipment shall be in safe working order at all times.

E. Articles, tools and products:

1. Any multi-use article, tool or product which cannot be cleansed or sanitized 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 be used to remove bulk substances from containers;
4. A clean spatula shall be used to remove creams or ointments from jars. Sterile cotton shall be used to apply creams, lotions and powders. Cosmetic containers shall be recovered after each use;
5. All sharp tools, implements, and heat producing appliances shall be safely stored;
6. Pre-sanitized tools and implements, linens and equipment shall be stored for use in a sanitary enclosed cabinet or covered receptacle;

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

7. Soiled towels, linens and implements shall be deposited in a container made of cleanable materials and separate from those that are clean or pre-sanitized;
8. No substance other than a sterile styptic powder or sterile liquid astringent approved for homeostasis and applied with a sterile single-use applicator shall 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 shop, salon, school or facility in accordance with the guidelines of the Department of Health.

F. Chemical storage and emergency information:

1. Salons, schools and facilities shall have in the immediate working area a binder with all Material Safety Data Sheets (MSDS) provided by manufacturers for any chemical products used;
2. Salons, schools and facilities shall have a blood spill clean-up kit in the work area;
3. Flammable chemicals shall be stored in a non-flammable storage cabinet or a properly ventilated room; and
4. Chemicals that could interact in a hazardous manner (oxidizers, catalysts and solvents) shall be separated in storage.

G. Client health guidelines:

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

1. All employees providing client services shall cleanse their hands with an antibacterial product prior to providing services to each client.

2. No salon, school or facility providing waxing services shall have on the premises waxing products containing hazardous substances that have been banned by the U.S. Food and Drug Administration (FDA) for use in waxing products.

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

4. All regulated services must be performed in a facility that is in compliance with all applicable building and zoning codes.

H. In addition to any requirements set forth in this section, all licensees, certificate holders, 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.

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

J. All salons, schools and facilities shall conduct a self-inspection on an annual basis and maintain a self-inspection form on file for 5 years, so that it may be requested and reviewed by the board at its discretion.

18 VAC 41-40-260. Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

- A. The board may, in considering the totality of the circumstances, fine any licensee or temporary license holder, and suspend or revoke or refuse to renew or reinstate any license, 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 the regulations of the board if the board finds that:
1. The licensee, certificate holder, temporary license holder or applicant is incompetent, or negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a wax technician; or
 2. The licensee, certificate holder, temporary license holder or applicant has been convicted of fraud or deceit in the practice or teaching of waxing; or
 3. The licensee, certificate holder, temporary license holder or applicant attempting to obtain, obtained, renewed or reinstated a license, certificate, or temporary license by false or fraudulent representation; or
 4. The licensee, certificate holder, temporary license holder or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of these regulations 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 wax technician may practice or offer to practice; or
 5. The licensee, certificate holder, temporary license holder or applicant 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 or owner's possession or maintained in accordance with these regulations; or

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

6. A licensee, certificate holder, or temporary license holder 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. The board shall not be responsible for the licensee's, certificate holder's, or temporary license holder's failure to receive notices, communications and correspondence caused by the licensee's, certificate holder's, or temporary license 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; or

7. The licensee, certificate holder, temporary license holder or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading; or

8. The licensee, certificate holder, temporary license holder or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or temporary license in connection with a disciplinary action in any other jurisdiction or of any license, certificate, or temporary license which has been the subject of disciplinary action in any other jurisdiction; or

9. In accordance with § 54.1-204 of the Code of Virginia, the licensee, certificate holder, or temporary license holder has been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of waxing. The board shall have the authority to determine, based upon all the information available, including the regulant's record of prior convictions, if the regulant is unfit or unsuited to engage in the profession of waxing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The regulant shall provide a certified copy of a final order, decree or case decision by a court with the lawful authority to issue such

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the regulant to the board within ten days after all appeal rights have expired.

B. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any school or impose a fine as permitted by law, or both, if the board finds that:

1. An instructor of the approved school fails to teach the curriculum as provided for in these regulations; or
2. The owner or director of the approved school permits or allows a person to teach in the school without a current instructor certificate; or
3. The instructor, owner or director is guilty of fraud or deceit in the teaching of waxing.

C. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any waxing salon or impose a fine as permitted by law, or both, if the board finds that:

1. The owner or operator of the salon fails to comply with the sanitary requirements of waxing salons provided for in these regulations or in any local ordinances; or
2. The owner or operator allows a person who has not obtained a license or a temporary license to practice as a wax technician.

PROPOSED WAX TECHNICIAN RULES AND REGULATIONS

Adopted February 3, 2003

D. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of waxing.