



Proposed Regulation Agency Background Document

Agency name	Board for Barbers and Cosmetology
Virginia Administrative Code (VAC) citation	18VAC41-20 18VAC41-40
Regulation title	Barbering and Cosmetology Regulations
Action title	General Review
Date this document prepared	August 14, 2014 (updated 5/29/2015)

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

The proposed regulations are the result of a periodic review of the regulations conducted by the Board. The last non-fee related regulatory change was made in 2003.

The proposed changes in the regulations will make clarifying changes, incorporate wax technician regulations into 18VAC41-20 and repeal their current chapter, 18VAC41-40, ensure consistency with state and federal law, ensure compliance with current industry standards, and make other necessary changes to better protect the public health, safety and welfare.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

"Department" means the Department of Professional and Occupational Regulation.

"Board" means the Board for Barbers and Cosmetology.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

Code of Virginia § 54.1-201.5 gives authority to the Board to promulgate regulations. It states, in part, that the Board has the power and duty "To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board."

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

The Board seeks to amend its current regulations to ensure they are as least intrusive and burdensome as possible, in order to assist in providing an environment with unnecessary regulatory obstacles while still protecting the health, safety, and welfare of the public. Additionally, to ensure regulations are clearly written and easily understandable, and are representative of the current advancements and standards of the industries. Furthermore, the Board seeks to strengthen some of its reporting requirements and prohibited acts to address areas of vulnerabilities for the perpetration of fraud by applicants and regulants.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)

Throughout the regulations, all pertinent sections have been updated to incorporate the Board's Wax Technician Regulations, 18 VAC 41-40, into the Board's regulations. As such, all sections of 18 VAC41-40 are being repealed.

18 VAC 41-20-10. Definitions. New definitions of business entity, firm, responsible management, sole proprietor, and post-secondary education level have been added to further clarify terms used in subsequent regulations.

18 VAC 41-20-20. General requirements for a barber, cosmetologist, or nail technician license. The proposed amendments update this section to further clarify and standardize entry requirements. The proposed amendments require applicants disclose all felony convictions during their lifetime and certain misdemeanors within the last three years. The proposed amendments also add that the Board may deny

licensure to any applicant having prior disciplinary violations for which the Board deems the applicant unfit to engage in the profession.

Section 18 VAC 41-20-60. Examination requirements and fees. The proposed amendments add requirements that if an applicant does not apply for licensure within five years of passing both exams, he must reapply, and that the Board will only retain examination records for 'non-applicants' for a maximum of five years.

Section 18 VAC 41-20-90. Barber, cosmetology, and nail technician temporary permits. The proposed amendments also add that the Board may deny licensure to any applicant having prior disciplinary violations for which the Board deems the applicant unfit to engage in the profession.

Section 18 VAC 41-20-100. General requirements for a barber instructor certificate, cosmetology instructor certificate, or nail technician instructor certificate. The proposed amendments update this section to further clarify and standardize the requirements. The proposed amendments require applicants to hold a current license in the field in which they wish to become an instructor and to disclose all felony convictions during their lifetime and certain misdemeanors within the last three years. The proposed amendments also require reporting any prior discipline by a licensing entity and allows for application denial where the Board deems the applicant unfit or unsuited to engage in the profession.

Section 18 VAC 41-20-110. Student instructor temporary permit. The proposed amendments update this section to further clarify and standardize the regulations. The proposed amendments also provide that student instructor temporary permits shall only be issued once, and shall not be issued where grounds may exist to deny due to prior criminal convictions or disciplinary action.

Section 18 VAC 41-20-120. Shop or salon license. The proposed amendments update this section to further clarify and standardize the regulations. The proposed amendments add the requirement that the applicant's license be in good standing and requires applicants and all members of responsible management to disclose all felony convictions during their lifetime, certain misdemeanors within the last three years, and any prior discipline by a licensing entity. The proposed also add that the Board may deny licensure to any applicant having prior disciplinary violations for which the Board deems the applicant unfit to engage in the profession. The proposed amendments require disclosure of the applicants physical address, the firms responsible management, and certify that the applicant has read applicable laws and regulations. The proposed amendments add the requirement that voided licenses be returned to the Board within 30 days and sets forth what events void a license. The proposed amendments also require any change in responsible management be reported to the Board within 30 days of the change. The proposed amendments allow the Board to inspect a shop or salon during reasonable hours, and define reasonable hours.

Section 18 VAC 41-20-130. School license. The proposed amendments update this section to further clarify and standardize the regulations. The proposed amendments add the requirement that the applicant's license be in good standing and requires applicants and all members of responsible management to disclose all felony convictions during their lifetime, certain misdemeanors within the last three years, and any prior discipline by a licensing entity. The proposed amendments also add that the Board may deny licensure to any applicant having prior disciplinary violations for which the Board deems the applicant unfit to engage in the profession. The proposed amendments also require disclosure of the applicant's physical address, the firm's responsible management, and certify that the applicant has read applicable laws and regulations. The proposed amendments add the requirement that voided licenses be returned to the Board within 30 days and sets forth what events void a license. The proposed amendments also require any change in responsible management be reported to the Board within 30 days of the change. The proposed amendments exempt schools under the Virginia Department of Education. The proposed amendments allow the Board to inspect a school during reasonable hours, and define reasonable hours.

Section 18 VAC 41-20-160. License renewal required. The proposed amendments update this section to further clarify and simplify the requirement that all licenses shall expire two years from the last day of the month in which issued.

Section 18 VAC 41-20-180. Failure to renew. The proposed amendments update this section to further clarify and simplify the regulations and add salons/shops to reinstatement. Previously shops/salons were left out.

Section 18 VAC 41-20-190. Applicants for state approval. The proposed amendments repeal this regulation, moving its requirements to 18 VAC 41-20-130.

Section 18 VAC 41-20-200. General requirements. The proposed amendments update this section to further clarify and standardize the regulations. The proposed amendments also add the requirement that schools either own or possess the necessary equipment and implements to teach the respective curriculum and require proof of access to equipment when the schools do not own the equipment.

Section 18 VAC 41-20-210. Curriculum requirements. The proposed amendments update this section to further clarify and standardize the regulations. The proposed amendments also add curriculum requirements for nail schools and waxing schools.

Section 18 VAC 41-20-230. School identification. The proposed amendments repeal this regulation, which is already contained within 18 VAC 41-20-130.

Section 18 VAC 41-20-240. Records. The proposed amendments update this section to further clarify the regulations and add specific requirements for record keeping. The proposed amendments also add a requirement that schools provide certain documentation to the Board within specified time periods.

Section 18 VAC 41-20-250. Reporting. The proposed amendments update this section to further clarify the requirements and add the requirement that schools provide student rosters to the Board twice a year at specified intervals.

Section 18 VAC 41-20-270. Sanitation and safety standards for shops, salons, and schools. The proposed amendments update this section to further clarify the requirements. The proposed amendments also clarify the disinfection process and add that scissors must be disinfected between clients. The proposed amendments also add language about disinfecting tubs and bowls used for nail care, upkeep of the immediate area around wax pots, and requiring client bathrooms. The proposed amendments also add regulations regarding sanitary storage of soiled and clean linens, sanitary containers, labeling, and disinfectant for nail care, and specified what should be included in the blood spill cleanup kit.

Section 18 VAC 41-20-280. Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty. The proposed amendments update this section to further clarify and simplify the requirements. The proposed amendments also provide grounds for discipline for failing to teach the approved curriculum, bribery, failing to respond or providing false or misleading information to the Board or its agents and refusing to allow inspection of any shop, salon, or school. They also clarify and refined grounds for discipline for certain criminal convictions and failing to report convictions within a certain time period. The proposed amendments provide grounds for discipline for allowing unlicensed activity, failing to take sufficient measures to prevent transmission of communicable disease and failing to comply with all procedures with regard to conduct at the examination.

Issues

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

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

If the regulatory action poses no disadvantages to the public or the Commonwealth, please indicate.

1) The primary advantage of the proposed amendments to the public is the Board will continue to approve applicants and license professionals for which it has safeguards to ensure proper competency and standards of conduct. The addition of prohibited acts will reduce fraud and better ensure the regulant population is minimally competent. The clarification of requirements regarding sanitation and health safety will ensure that the health, safety, and welfare of the public are better served. Further, regulants and applicants within these professions will be able to read the Board's requirements with greater clarity and understanding. The added clarity of the language in the proposed regulations will facilitate a quicker and more efficient process for applicants and regulants by enhancing their understanding of their individual requirements. Further, consumers in the public, as well as regulators from related agencies, will have a better understanding of the Board's requirements which will also allow them to conduct their business with greater efficiency.

2) The primary advantage to the Commonwealth will be the continued successful regulation of barbers, cosmetologists, nail technicians and wax technicians who meet the minimum entry standards. The proposed amendments strengthen the Department's ability to investigate and discipline regulants who disregard the health, safety, and welfare of the public. No disadvantage has been identified.

3) The incorporation of the previously adopted wax technician regulations will further simplify and enhance the regulated community's efforts to locate pertinent regulations. The clarification of the proposed language will facilitate greater understanding of the Board's requirements for all involved.

Requirements more restrictive than federal

Please identify and describe any requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no requirements in the proposed regulations that would be more restrictive than those currently required in Federal Law.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No localities will be particularly affected.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email or fax to **Demetrios Melis, Executive Director, Board for Barbers and Cosmetology, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233. Telephone: (804) 367-2960, Fax: (866) 245-9693, e-mail: barbercosmo@dpor.virginia.gov**. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last date of the public comment period.

A public hearing will be held after this regulatory stage is published in the *Virginia Register of Regulations* and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>). Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that we are looking at the impact of the proposed changes to the status quo.

Fiscal Impact of Proposed Regulation

Summary:

The Barbers, Cosmetology, and Nail Technician regulations are being revised after a general review of the current regulations. The proposed regulations will include clarifying changes, incorporate the wax technician regulations into the Barbers, Cosmetology, and Nail Technician regulations, ensure consistency with state and federal law, ensure compliance with industry standards, and will include other changes to further protect the public, health, safety, and welfare. A requirement that schools possess the necessary equipment to teach the curriculum is also being added. No fiscal impact to the Board is expected as a result of the amendments.

All costs incurred in support of board activities and regulatory operations are paid by the department and funded through fees paid by applicants and licensees. All boards within the Department of Professional and Occupational Regulation must operate within the Code provisions of the Callahan Act (54.1-113), and the general provisions of 54.1-201. Each regulatory program's revenues must be adequate to support both its direct costs and a proportional share of agency operating costs. The department allocates costs

to its regulatory programs based on consistent, equitable, and cost-effective methodologies. The Board has no other source of income.

Fiscal Impact:

	FY 2014	FY 2015	FY2016	FY2017
Fund	NGF (0900)	NGF (0900)	NGF (0900)	NGF (0900)
Program/Service Area	560 46	560 46	560 46	560 46

Impact of Regulatory Changes:				
One-Time Costs	\$0	\$0	\$0	\$0
Ongoing Costs	\$0	\$0	\$0	\$0
Total Fiscal Impact	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Description of Costs:

One-Time: No one-time costs are expected as a result of this regulatory change.

Ongoing: No ongoing costs are expected as a result of this regulatory change.

Cost to Localities: No change anticipated.

Description of Individuals, Businesses, or Other Entities Impacted: This regulation change will affect all individuals, instructors, shops, and schools in the barber, cosmetology, nail technician, and wax technicians professions.

Estimated Number of Regulants: There are approximately 58,421 licensed individuals and approximately 7,349 businesses and schools in the barber, cosmetology, nail technician and wax technician professions.

Projected Cost to Regulants: No financial impact to regulants or applicants is expected as a result of the proposed regulation amendments.

**Financial Status and Projections
Current Regulations**

<u>Biennium</u>	<u>Beginning Cash Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Cash Balance</u>	<u>Callahan Act %</u>	<u>Number of Regulants</u>
2010-12	-102,402	7,756,118	6,974,084	679,632	9.7%	72,258
2012-14	679,632	11,381,145	8,008,704	4,052,073	50.6%	as of 12/31/2013
2014-16	4,052,073	8,752,875	8,995,541	3,809,407	42.3%	
2016-18	3,809,407	8,638,355	9,424,100	3,023,662	32.1%	

Fee History \$

<u>Major Fee Type</u>	<u>2002</u>	<u>2011</u>	<u>2014</u>
Individual Application	55	140	105
Individual Renewal	55	140	105
Salon/Shop Application	90	225	190
Salon/Shop Renewal	90	225	190
School Application	120	255	220
School Renewal	120	255	220

**Financial Status and Projections
Proposed Regulations**

<u>Biennium</u>	<u>Beginning Cash Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Cash Balance</u>	<u>Callahan Act %</u>	<u>Number of Regulants</u>
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Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

In reviewing the regulations, the Board considered whether there were less burdensome alternatives. The Board weighed those alternatives against the burden to its own regulant population, especially small businesses. Alternatives that failed to meet this consideration were rejected.

The Board will consider all comments received during the public comment period as to proposed alternatives.

Regulatory flexibility analysis

Pursuant to §2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

1) The Board must promulgate regulations that provide an adequate level of protection to the public while, simultaneously ensuring that individuals and businesses are not unnecessarily burdened. The amendments are intended to further strengthen that protection, and specifically address areas of the regulations that were being exploited by some applicants and regulants to perpetrate fraud against the Board. Although the majority of the proposed amendments simplify and clarify existing regulations, in some instances, compliance and reporting requirements have been increased. While these amendments may raise some concerns within the regulated community, and thus become a matter of interest, they will not likely be looked at as being overly burdensome to most of the regulant population or the industry. The Board believes these amendments are the least stringent that can be promulgated that will still deliver protection to the public and address fraud being perpetrated against the Board.

- 2) The more stringent deadlines and reporting requirements added by the proposed amendments are being put in place to address the above mentioned fraud by applicants and regulants and better protect the health and safety of the public. The Board believes these amendments are the least stringent that can be promulgated that will still deliver protection to the public and address fraud being perpetrated against the Board.
- 3) The proposed amendments systematically simplify and clarify existing requirements, as well as consolidate wax technician regulations into the Barber and Cosmetology regulations. The Board believes any new requirements are the least stringent that can be promulgated that will still deliver protection to the public and address fraud being perpetrated against the Board.
- 4) Performance standards are utilized in all cases where the Board believes it can provide an adequate level of protection to the health, safety, and welfare of the public.
- 5) The overwhelming majority, if not all, of businesses licensed by the Board are small businesses, and similar proportion of individuals licensed by the Board are employed by small businesses. Thus, every regulatory action undertaken by the Board affects small businesses. As noted above, in order to protect the public, and adequately address issues of fraud, the Board must promulgate regulations. Exempting small businesses from the Board's requirements would prohibit the Board from addressing these concerns and leave the Board and the public exposed to further risk of licensed individuals and business that are not at least minimally competent.

Small business impact review report of findings

In order to minimize the economic impact of regulations on small businesses, please include, pursuant to Code of Virginia § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination of whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

- 1) There is a continued need for regulation of the barber, cosmetology, nail technician and wax technician professions. Due to the personal and physical nature of these professions, at least minimal competency of those engaged in the profession is necessary to protect the health, safety, and welfare of the public. Since the vast majority of regulants either are or work for small businesses, this necessitates the continued regulation of small businesses. The proposed amendments balance the need for minimally competent professionals with the need for simple and clear regulations. The amendments add clarity to the regulations, and where possible, regulations are repealed or incorporated into other regulations.
- 2) There were several categories of complaints and comments received from the public. Some complaints were unrelated to the proposed regulations, such as fees being too high and desired changes to the Esthetics regulations. Additionally, there were complaints about unlicensed activity and requests for more frequent unannounced inspections. There were several comments requesting a requirement for continuing education, and; conversely, praising the Board for not having a continuing education requirement. Other comments included requiring laundered capes, smocks and towels instead of neck strips and changes to the apprenticeship system, license expiration length, and the physical license material.

- 3) One of the primary purposes and expected benefits of the proposed amendments is to simplify and clarify the regulations. The Board has approved regulations that are in plain English, and provide terms and instructions that should be easily understood by members of the profession and by the public.
- 4) The Board has no knowledge of the proposed regulations overlapping, duplicating, or conflicting with any federal or state law or regulation.
- 5) The last non-fee related regulatory change was made in 2003. Since that time there have been changes to technological and economic conditions. The proposed amendments attempt to eliminate or modernize obsolete or outdated regulations.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Recommended Response
Sandra Wright	<p>Fees should not be raised.</p> <p>Discovered that after an inspection for the first time in 23 years, things found during inspection remain on license for three years and feels this is unfair.</p> <p>Suggested the board inspect more shops run out of homes and direct regulations to barbers and cosmetologists if license fees remain the same.</p>	<p>After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.</p> <p>The Board complies with the Freedom of Information Act pertaining to public records.</p> <p>DPOR has a developed and operable random inspection program for licensees of the Board for Barbers and Cosmetology with over 3,000 inspections having been conducted over the past three years. However, at any given time, the Board must balance its limited resources to focus on the most pressing critical needs to best meet its mission of protecting the health, safety, and welfare of the public.</p>

		<p>The Board encourages anyone knowledgeable of a possible violation of the regulations or statutes to submit a complaint for review. The Compliance section is responsible for enforcing criminal laws under DPOR’s jurisdiction, including practicing without a license. After investigation, criminal matters are referred to local Commonwealth’s Attorneys for prosecution.</p>
Ann-Marie Bubb-Osbourne	<p>Fees are too high and unfair. Requests an itemized list of where the increased fee amount is going.</p> <p>Feels there are unlicensed cosmetologists that do not pay the license fee and are making more money than those that have to pay higher renewal fee.</p>	<p>After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease. The Board complies with the Freedom of Information Act pertaining to public records.</p> <p>The Board encourages anyone knowledgeable of a possible violation of the regulations or statutes to submit a complaint for review. The Compliance section is responsible for enforcing criminal laws under DPOR’s jurisdiction, including practicing without a license. After investigation, criminal matters are referred to local Commonwealth’s Attorneys for prosecution.</p>
Karen Stout	<p>Expresses that the price increase is too high and the fees are excessive.</p> <p>Recommends adding “clipper cuts” to the state board examination because many new stylist struggle with technique.</p>	<p>After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.</p> <p>Comments taken under advisement.</p>
Debra	<p>The fee increase is outrageous and believes to be without advance notice.</p>	<p>After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.</p>

	Informed that the fee increase was due to the combination of other industries under the same board (tattooing, waxing, esthetics, nails, etc) as cosmetology.	
Chau Nguyen	Does not want an increase in fees	After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.
Sandra	<p>The fee increase was outrageous. Believes like herself, many others were not notified in advance which caused a burden.</p> <p>The overall goal should be the safety and health of the public.</p> <p>Suggests license have an extended expiration date.</p> <p>Also suggests requiring continuing education.</p>	<p>After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.</p> <p>The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome and most efficient manner. In carrying out this mission, the Board is reluctant to impose a mandate on its licensees—especially one involving additional cost obligation—without evidence of measurable, beneficial results to the public.</p> <p>Numerous studies have been conducted regarding the efficacy of continuing education generally across professions none of which draw clear conclusions with regard to its value such as—a decrease in disciplinary action or, in the case of studies involving health professions, an increase in patient care skills or competency as a result of untargeted continuing education.</p> <p>Finally, although the role of a government regulatory agency is to ensure <i>minimum</i> competency, the absence of a state mandate does not preclude licensees interested in professional development from pursuing continuing education on their own through, for instance, trade</p>

		organizations.
All Licensure Fees & Permanent & Permanent Makeup aka Tattooing	Licensure Fee and Permanent Makeup	Comment noted
TL McGuire	Expresses disagreement with such a high fee increase and feels that it is outrageous. Suggests either having a longer expiration date, or receiving a plastic card with licensing information on it.	After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease. Concerning license material, the Board takes any suggestion that may potentially assist in preventing fraudulent activity under consideration.
Shameka C.	The fee doubling was unnecessary; the license should be thicker material, similar to driver license material. There should be a longer time frame for a license in good standing. Suggested having a gradual change in fees, reducing the fees overall or have more protection due to the increase in fees	After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease. Concerning license material, the Board takes any suggestion that may potentially assist in preventing fraudulent activity under consideration.
Mary-Louise, mrlowrey3@verizon.net	Does not believe fees should have been tripled	After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.
Julio, jabinader_1@yahoo.com	Suggested revisiting fee increase and extending expiration to at least 4 years	After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.

<p>Natasha Muller, natashamuller.nm@gmail.com</p>	<p>Fee increase is too expensive</p> <p>Suggested license be accepted nationwide to reduce the difficulties in gaining licensure in other states</p>	<p>After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.</p> <p>National licensure is beyond the scope of this regulatory review and the Board's authority. However, the Board does have methods of obtaining licensure through endorsement from another state provided training and examination requirements are substantially equivalent.</p>
<p>Lisa Dixon, yadbh@yahoo.com</p>	<p>No longer licensed do to the high fees</p>	<p>After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.</p>
<p>Tamara L. Roth, a9ersgirl@cox.net</p>	<p>Fee increase is too high and without advanced notification is unfair.</p> <p>Does not believe it makes sense for a licensed nail technician to pay the same amount as a licensed hair dresser since they do not make the same amount.</p> <p>Suggested having different fees for different licenses since do not require the same amount of education and does not receive the same salary.</p> <p>Suggested to be able to pay fees in increments when the renewal fee is raised so high without notice.</p>	<p>After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.</p> <p>Fees are not determined by salary potential, but rather, actual costs of operating the regulatory program.</p>
<p>Scott</p>	<p>Sent in renewal form with credit card information but it was never processed and</p>	<p>You are encouraged to contact the Board's staff for your specific circumstances.</p>

	<p>ended up having to pay reinstatement fee.</p> <p>Suggested having the opportunity to renew without having to be reinstated and paying a large fee.</p>	<p>There is a 30 day grace period after a license expires, wherein one can renew without paying the additional reinstatement fee.</p>
<p>Mary Nelson</p>	<p>Requested Virginia to set up a non-active state/escrow account for licensees who are not using their license and be able to pay a smaller fee similar to Ohio licensing requirements and require 8 hours of continuing education and higher fee to activate.</p>	<p>Comments taken under advisement.</p> <p>The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome and most efficient manner. In carrying out this mission, the Board is reluctant to impose a mandate on its licensees—especially one involving additional cost obligation—without evidence of measurable, beneficial results to the public.</p> <p>Numerous studies have been conducted regarding the efficacy of continuing education generally across professions none of which draw clear conclusions with regard to its value such as—a decrease in disciplinary action or, in the case of studies involving health professions, an increase in patient care skills or competency as a result of untargeted continuing education.</p> <p>Finally, although the role of a government regulatory agency is to ensure <i>minimum</i> competency, the absence of a state mandate does not preclude licensees interested in professional development from pursuing continuing education on their own through, for instance, trade organizations.</p>

<p>Jim Cravotta</p>	<p>Suggested merging the Cosmetology and Barber license since school teaches both.</p> <p>Suggested to grandfather existing licensees as well</p>	<p>Comment noted.</p>
<p>Crystal Charnock</p>	<p>Wanted an explanation of why the fee was doubled but the license is still a piece of paper and the term is not any longer</p>	<p>After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.</p>
<p>Lindsay St. Laurent</p>	<p>Upset that no longer able to pay for only one year renewal. Relocating and required to pay expensive fee renewal for two years.</p> <p>Suggested improving the system for looking up individuals.</p>	<p>Comments taken under advisement. Current requirements for licensing will be reviewed and may be considered in future regulatory review.</p> <p>Comment noted.</p>
<p>Francesh2.2@juno.com</p>	<p>Recommended to have fees reviewed and reduced.</p> <p>Suggested to have health inspections enforced and inspected more.</p>	<p>After a full 2 year renewal cycle, the Board is now reevaluating its fees in accordance with the <i>Code of Virginia</i> (Callahan Act) in order to determine the feasibility of a fee decrease.</p> <p>DPOR has a developed and operates random inspection program for licensees of the Board for Barbers and Cosmetology with over 3,000 inspections having been conducted over the past three years. However, at any given time, the Board must balance its limited resources to focus on the most pressing critical needs to best meet its mission of protecting the health, safety, and welfare of the public.</p>

		<p>The Board encourages anyone knowledgeable of a possible violation of the regulations or statutes to submit a complaint for review. The Compliance section is responsible for enforcing criminal laws under DPOR’s jurisdiction, including practicing without a license. After investigation, criminal matters are referred to local Commonwealth’s Attorneys for prosecution.</p>
<p>Margaret La Pierre</p>	<p>Prefers classroom training since esthetics is a hands-on profession and recommends only allowing basic classes to be taught online.</p> <p>Mentions that everyone has different learning styles, and therefore online classes should not be the only method of receiving licensure.</p> <p>Students should have hands on training have the experience prior to receiving their license.</p> <p>The online format could be used to require 8-10 hours of continuing education for renewal requirements. Suggested having an exemption for estheticians over 60 years old with 10 consecutive work/teaching experience</p>	<p>Currently, the Board is performing a review of the Board for Barbers and Cosmetology Regulations. The comments refer to Esthetics Regulations and thus are beyond the scope of the current regulatory review.</p> <p>The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome and most efficient manner. In carrying out this mission, the Board is reluctant to impose a mandate on its licensees—especially one involving additional cost obligation—without evidence of measurable, beneficial results to the public.</p> <p>Numerous studies have been conducted regarding the efficacy of continuing education generally across professions none of which draw clear conclusions with regard to its value such as—a decrease in disciplinary action or, in the case of studies involving health professions, an increase in patient care skills or competency as a result of untargeted continuing education.</p>

	<p>Recommended to have a standard renewal date for everyone instead of two years of receiving license.</p> <p>Recommended to institute online training and continuing education for license renewal to begin in July 2014.</p>	<p>Finally, although the role of a government regulatory agency is to ensure <i>minimum</i> competency, the absence of a state mandate does not preclude licensees interested in professional development from pursuing continuing education on their own through, for instance, trade organizations.</p> <p>Set renewal dates impose a significant burden on processing, and as a result, may decrease the effective processing of renewals.</p>
<p>Samantha</p>	<p>Recommends reciprocity for estheticians who completed an apprenticeship and passed the state exam</p>	<p>Currently, the Board is performing a review of the Board for Barbers and Cosmetology Regulations. The comments refer to Esthetics Regulations and thus are beyond the scope of the current regulatory review.</p>
<p>Rosa</p>	<p>Suggested to allow estheticians to receive reciprocity for apprenticeship completion and a passed board exam</p>	<p>Currently, the Board is performing a review of the Board for Barbers and Cosmetology Regulations. The comments refer to Esthetics Regulations and thus are beyond the scope of the current regulatory review.</p>
<p>Wanda Hodges, Pampered & Polished Salon & Day Spa, wshodges@comcast.net</p>	<p>Expressed that requirements should remain or be stricter depending on each license.</p> <p>Waxing and nail care should remain separate licenses</p> <p>Had several students that did not know what they were doing after they received their license.</p>	<p>Comments taken under advisement.</p>

	<p>Feels that it is important to know the chemistry and anatomy of the body and the hours of practice in the classroom is very important and should not be reduced.</p>	
<p>Vivian Harris, Virginia School of Nail Artistry, vanailschool@yahoo.com</p>	<p>Expressed concern for the amount of apprentices and lack of nail technicians supervising. Concerned that people are being hired but not properly trained during apprenticeship programs.</p>	<p>Comments taken under advisement. 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.</p> <p>The Board encourages anyone knowledgeable of a possible violation of the regulations or statutes to submit a complaint for review.</p>
<p>Vivian Harris, Virginia School of Nail Artistry, vanailschool@yahoo.com</p>	<p>Requested to have updated and clearer regulations for nail technicians including specifics for apprenticeship and temporary licensing requirements.</p> <p>Recommended having a cleared photograph on licenses.</p> <p>Witnessed too many nail technicians practicing without license and some being untrained.</p>	<p>The Board is conducting this review in part, to ensure its regulations are clearly written and easily understandable.</p> <p>Concerning photographs, the Board takes any suggestion that may potentially assist in preventing fraudulent activity under consideration.</p> <p>The Board encourages anyone knowledgeable of a possible violation of the regulations or statutes to submit a complaint for review. The Compliance section is responsible for enforcing criminal laws under DPOR’s jurisdiction, including practicing without a license. After investigation, criminal matters are referred to local Commonwealth’s Attorneys for prosecution.</p>

<p>Tana, tanawoodyard@yahoo.com</p>	<p>Suggested adding continuing education to separate those that are not serious about the profession</p>	<p>The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome and most efficient manner. In carrying out this mission, the Board is reluctant to impose a mandate on its licensees—especially one involving additional cost obligation—without evidence of measurable, beneficial results to the public.</p> <p>Numerous studies have been conducted regarding the efficacy of continuing education generally across professions none of which draw clear conclusions with regard to its value such as—a decrease in disciplinary action or, in the case of studies involving health professions, an increase in patient care skills or competency as a result of untargeted continuing education.</p> <p>Finally, although the role of a government regulatory agency is to ensure <i>minimum</i> competency, the absence of a state mandate does not preclude licensees interested in professional development from pursuing continuing education on their own through, for instance, trade organizations.</p>
<p>Barbara Hensley, Beauty Bazaar Inc. t/a BarPalma Beauty Careers Academy, gei_inc1@cox.net</p>	<p>Not clear on whether the board will continue to regulate. Under the impression that the Board may deregulate and voiced concerns that may arise</p> <p>Suggested to be clearer on the changes that are suggested.</p>	<p>The Board is conducting this review in part, to ensure its regulations are clearly written and easily understandable.</p>
<p>Janice Morris Cornell, n4nyd1@gmail.com</p>	<p>Pleased that Virginia does not require continuing education.</p>	<p>Comment noted.</p>

	<p>Ceased practice in North Carolina in personal protest against continuing education</p> <p>No longer practices in Virginia but continue to renew license to show support.</p>	
<p>Paulina Connery, jpconnery@comcast.net</p>	<p>Suggested changing the requirements for esthetics licensure only and no longer allowing cosmetologist to conduct skincare services due to the lack of training of new services within the industry.</p> <p>Suggested having licensed master esthetics or esthetics work within medical offices instead of training current staff to perform laser and skin care services. Informed that the Board had no jurisdiction over medical offices.</p> <p>Suggested to have former industry specialist follow up on complaints since more familiar with the industry language. Also suggested to have unannounced state inspections.</p> <p>Suggested having age requirements for skincare and laser services.</p>	<p>The suggested change would require statutory amendments and thus is beyond the scope of this regulatory review.</p> <p>Currently, the Board is performing a review of the Board for Barbers and Cosmetology Regulations. The comments refer to Esthetics Regulations and thus are beyond the scope of the current regulatory review.</p> <p>DPOR has a developed and operable random inspection program for licensees of the Board for Barbers and Cosmetology with over 3,000 inspections having been conducted over the past three years. However, at any given time, the Board must balance its limited resources to focus on the most pressing critical needs to best meet its mission of protecting the health, safety, and welfare of the public.</p> <p>Comment noted.</p>

<p>Miranda T. Ruffin, math8@hotmail.com</p>	<p>Found several cases of cosmetologist not following proper procedures and sanitary requirements and not being held accountable for their actions.</p> <p>Expressed that she witnessed that cosmetologist would charge for corrective treatment because customers do not know how to report an incident</p> <p>Suggested to have additional steps to enforce proper procedures and to make professionals aware when they are in violation</p> <p>Also suggested sending an inspector unannounced to salons. Prior to renewal of licensure, owners and employees should be trained on proper procedures and the consequences for violation</p>	<p>The Board encourages anyone knowledgeable of a possible violation of the regulations or statutes to submit a complaint for review. The Compliance section is responsible for enforcing criminal laws under DPOR's jurisdiction, including practicing without a license. After investigation, criminal matters are referred to local Commonwealth's Attorneys for prosecution.</p> <p>DPOR has a developed and operable random inspection program for licensees of the Board for Barbers and Cosmetology with over 3,000 inspections having been conducted over the past three years. However, at any given time, the Board must balance its limited resources to focus on the most pressing critical needs to best meet its mission of protecting the health, safety, and welfare of the public.</p>
<p>Daunc, uncru1974@yahoo.com</p>	<p>Suggested to increase inspections to decrease the amount of unlicensed barbers</p>	<p>DPOR has a developed and operable random inspection program for licensees of the Board for Barbers and Cosmetology with over 3,000 inspections having been conducted over the past three years. However, at any given time, the Board must balance its limited resources to focus on the most pressing critical needs to best meet</p>

		<p>its mission of protecting the health, safety, and welfare of the public.</p> <p>The Board encourages anyone knowledgeable of a possible violation of the regulations or statutes to submit a complaint for review. The Compliance section is responsible for enforcing criminal laws under DPOR’s jurisdiction, including practicing without a license. After investigation, criminal matters are referred to local Commonwealth’s Attorneys for prosecution.</p>
<p>Samantha Klosterman, kissmettspa@aol.com</p>	<p>Reciprocity for estheticians should be considered as long as the required hours are met and state board exam has been passed.</p>	<p>Currently, the Board is performing a review of the Board for Barbers and Cosmetology Regulations. The comments refer to Esthetics Regulations and thus are beyond the scope of the current regulatory review.</p>
<p>Rosa</p>	<p>Recommends to allow estheticians reciprocity if completed an apprenticeship and passed a state examination.</p>	<p>Currently, the Board is performing a review of the Board for Barbers and Cosmetology Regulations. The comments refer to Esthetics Regulations and thus are beyond the scope of the current regulatory review.</p>
<p>Sarah,</p> <p>valentineclock@gmail.com</p>	<p>Appreciates that the Board keeps the interest of clients and cosmetologist during the regulatory process.</p> <p>Feels that laundered capes, smocks and towels are better protection for clients than neck strips.</p>	<p>The Board welcomes and encourages public participation.</p> <p>The use of laundered materials versus the use of neck strips will be taken under advisement.</p>

	<p>Apprentices through apprentice program follows DPOR protocols until the licensing stage. Apprentices have had many problems with the testing company such as disorganization, loss of money, miscommunication of test scores and caused a loss of time and money.</p> <p>Recommends using a different testing company.</p>	<p>Feedback regarding the Board's testing vendor is duly noted, and taken under advisement.</p>
<p>lwells@mangosalon.com</p>	<p>Appreciates that the Board keeps the interest of clients and cosmetologist during the regulatory process.</p> <p>Feels that laundered capes, smocks and towels are better protection for clients than neck strips.</p> <p>Apprentices through apprentice program follows DPOR protocols until the licensing stage. Apprentices have had many problems with the testing company such as disorganization, loss of money, miscommunication of test scores and caused a loss of time and money.</p> <p>Recommends using a different testing company.</p>	<p>The Board welcomes and encourages public participation.</p> <p>The use of laundered materials versus the use of neck strips will be taken under advisement.</p> <p>Feedback regarding the Board's testing vendor is duly noted, and taken under advisement.</p>
<p>Jessica Moore-Yerkic</p>	<p>Appreciates that the Board keeps the interest of clients and cosmetologist during the regulatory process.</p>	<p>The Board welcomes and encourages public participation.</p>

	<p>Feels that laundered capes, smocks and towels are better protection for clients than neck strips.</p> <p>Apprentices through apprentice program follows DPOR protocols until the licensing stage. Apprentices have had many problems with the testing company such as disorganization, loss of money, miscommunication of test scores and caused a loss of time and money.</p> <p>Recommends using a different testing company.</p>	<p>The use of laundered materials versus the use of neck strips will be taken under advisement.</p> <p>Feedback regarding the Board's testing vendor is duly noted, and taken under advisement.</p>
<p>Sarah Shelton-Davis</p>	<p>Appreciates that the Board keeps the interest of clients and cosmetologist during the regulatory process.</p> <p>Feels that laundered capes, smocks and towels are better protection for clients than neck strips.</p> <p>Apprentices through apprentice program follows DPOR protocols until the licensing stage. Apprentices have had many problems with the testing company such as disorganization, loss of money, miscommunication of test scores and caused a loss of time and money.</p> <p>Recommends using a different testing company.</p>	<p>The Board welcomes and encourages public participation.</p> <p>The use of laundered materials versus the use of neck strips will be taken under advisement.</p> <p>Feedback regarding the Board's testing vendor is duly noted, and taken under advisement.</p>

<p>LaFarn Burton</p> <p>lafarn@verizon.net</p>	<p>Suggested to implement continuing education</p> <p>Requested additional information on deregulation of hair braiders if they perform shampooing or hair and scalp treatments</p> <p>Suggested threading be regulated due to safety and health reasons</p>	<p>The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome and most efficient manner. In carrying out this mission, the Board is reluctant to impose a mandate on its licensees—especially one involving additional cost obligation—without evidence of measurable, beneficial results to the public.</p> <p>Numerous studies have been conducted regarding the efficacy of continuing education generally across professions none of which draw clear conclusions with regard to its value such as—a decrease in disciplinary action or, in the case of studies involving health professions, an increase in patient care skills or competency as a result of untargeted continuing education.</p> <p>Finally, although the role of a government regulatory agency is to ensure <i>minimum</i> competency, the absence of a state mandate does not preclude licensees interested in professional development from pursuing continuing education on their own through, for instance, trade organizations.</p> <p>The Board’s staff are available to answer any questions from the public and licensees.</p> <p>The Board is currently reviewing the issue of threading.</p>
<p>Monica Smith</p> <p>Mjsmith67@toast.net</p>	<p>Suggested combining cosmetology and barbering into one field</p>	<p>The Board is currently reviewing the feasibility of combining license types.</p>

	<p>Suggest requiring continuing education to maintain licensure</p>	<p>The Board is charged by statute and executive order with protecting the public while regulating its licensees in the least intrusive, least burdensome and most efficient manner. In carrying out this mission, the Board is reluctant to impose a mandate on its licensees—especially one involving additional cost obligation—without evidence of measurable, beneficial results to the public.</p> <p>Numerous studies have been conducted regarding the efficacy of continuing education generally across professions none of which draw clear conclusions with regard to its value such as—a decrease in disciplinary action or, in the case of studies involving health professions, an increase in patient care skills or competency as a result of untargeted continuing education.</p> <p>Finally, although the role of a government regulatory agency is to ensure <i>minimum</i> competency, the absence of a state mandate does not preclude licensees interested in professional development from pursuing continuing education on their own through, for instance, trade organizations.</p>
<p>Candace Doering</p> <p>Candace@modernedgeschool.com</p>	<p>Noticed that students, professionals and instructors are confused about regulations and asked that they are more clearly written</p> <p>Inquires whether neck strips or towels are needed if a new cape is used for each client.</p>	<p>The Board is conducting this review in part, to ensure its regulations are clearly written and easily understandable.</p> <p>.</p> <p>In accordance with 18 VAC 41-20-270.E.2 Whenever a haircloth is used, a clean towel or neck strip shall be placed around the neck of the patron to prevent the haircloth from touching the skin.</p>

	<p>Suggest simplifying wording of using a new, individually wrapped nail file or callus buffer for each client</p> <p>Inquired whether items are able to be sent home with client instead of discarded</p> <p>Add whirlpool footbath regulations to ensure they are properly cleaned and disinfected</p> <p>Waxing regulations should require the wearing of gloves</p>	<p>Comments and questions asked will be considered during this regulatory review</p>
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Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

- 1) The proposed regulations will have no impact on the authority and rights of parents in the education, nurturing, and supervision of their children.
- 2) The proposed regulations should encourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents through a simplified and clarified regulatory environment. The proposed amendments should make entering and engaging in the regulated professions more easily understood for individuals and businesses.
- 3) The proposed regulations will have no impact on marital commitment.
- 4) The proposed regulations should have minimal impact on disposable family income.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

If the proposed regulation is intended to replace an *emergency regulation*, please list separately (1) all differences between the *pre-emergency regulation* and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulation(s) or regulations that are being repealed and replaced, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
18 VAC 41-20-10		Establishes definitions of terms used throughout the chapter.	<p>Definitions in this section are amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board’s regulations.</p> <p>“Business Entity” is added to provide a comprehensive list of the forms of legal organization permitted under law. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Firm” is added to provide a short hand explanation of business entities recognized under the laws of the Commonwealth. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Licensee” is amended to reflect all business entities allowed under the laws of the Commonwealth.</p> <p>“Post-Secondary educational level” is added to distinguish educational levels and recognize accredited colleges or universities.</p> <p>“Responsible Management” is added to identify those who are responsible for the business and regulatory activity of a firm. Adding this definition precludes the need to consistently repeat this language.</p> <p>“Sole Proprietorship” is added to distinguish an individual, not a corporation, trading under his own or an assumed name.</p>
18 VAC 41-20-20		Establishes the general requirements for a barber, cosmetology, or nail technician license.	<p>This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board’s regulations.</p> <p>Subsection A.1 is reworded for greater clarity. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances.</p>

			<p>This enables the Board to ensure that it is licensing individuals who are minimally competent to engage in the profession.</p> <p>Old subsection A.4. is removed and reworded in subsections A.1 and new subsection A.4.</p> <p>New subsection A.4 includes a new requirement that certain misdemeanors and all felonies must be disclosed by the applicant. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant's criminal history.</p> <p>Subsection B.2.C is added to allow wax technicians who complete training outside the Commonwealth, which is substantially similar to Virginia's training, submit to the Board documentation verifying at least 115 hours of training or, if less than 115 hours, proof of completion of a substantially similar training program and 6 months of wax technician work experience. This provision incorporates previously adopted language from the wax technician regulations.</p>
18 VAC 41-20-30		Establishes licensure by endorsement for certain individuals.	This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.
18 VAC 41-20-50		Provides exceptions to training requirements.	<p>This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.</p> <p>Subsection D is amended to include nail technicians.</p>
18 VAC 41-20-60		Establishes examination requirements and fees.	New subsection E establishes that any candidate who fails to apply for licensure within five years of passing the examination will have to retake both portions of the exam. It also provides that records of exams will be kept for no more than five years. A candidate who does not apply within five years of their exam is less likely to be knowledgeable of their training or the trade. As no candidate can apply if their exam is more than five years old, there is no purpose in maintain records beyond this point.
18 VAC 41-20-80		Establishes examination administration requirements.	This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.

<p>18 VAC 41-20-90</p>		<p>Establishes the barber, cosmetology and nail technician temporary permits.</p>	<p>This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.</p> <p>New subsection E adds the language that temporary permits will not be issued where grounds for denial exist. This ensures that candidates who may disqualify under the Board's regulations are not given temporary licenses and allowed to practice on the public.</p>
<p>18 VAC 41-20-100</p>		<p>Establishes the general requirements for a barber, cosmetology or nail technician instructor certificate.</p>	<p>This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.</p> <p>Subsection A is reworded for greater clarity. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing individuals who are minimally competent to engage in the profession.</p> <p>New subsection A.2 adds the requirement that the applicant hold a current license in the field in which they wish to become an instructor. This ensures that instructors are familiar and minimally competent in the fields in which they teach.</p> <p>New subsection A.6 includes a requirement that certain misdemeanors and all felonies must be disclosed by the applicant. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant's criminal history.</p>
<p>18 VAC 41-20-110</p>		<p>Establishes the requirements for student instructor temporary permits.</p>	<p>This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.</p> <p>Old subsection A is removed because its language is read more easily by splitting out its concepts into separate sections.</p> <p>New subsection A consists of the first portion of old subsection A, namely, allowing student instructor temporary permits as long as they are functioning under the direct supervision of a licensed instructor.</p>

			<p>New subsection B consists of old subsection A's requirement that the temporary permits are good for 12 months, non-renewable and non-transferable.</p> <p>New subsection C consists of old subsection A's prohibition against issuing more than one temporary permit to each applicant.</p> <p>New subsection D consists of old subsection A's requirement that failure to maintain an applicant's professional license will disqualify an applicant for a temporary permit.</p> <p>New subsection E adds the language that temporary permits will not be issued where grounds for denial exist. This ensures that candidates who may disqualify under the Board's regulations are not given temporary licenses and allowed to practice on the public.</p>
<p>18 VAC 41-20-120</p>		<p>Establishes the general requirements for a shop.</p>	<p>This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.</p> <p>New subsection A.1 adds the requirement that the applicant and members of responsible management be in good standing as a licensed shop, and requires the applicant disclose any disciplinary action taken against the license. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing shops/salons which are minimally competent to engage in the profession.</p> <p>New subsection A.2 requires the applicant to disclose his physical address. This ensures the Board can maintain appropriate oversight and communication with the licensee, should the license be granted.</p> <p>New subsection A.3 requires the applicant certify that he has read and understands Virginia's laws and regulations regarding its profession. This will help ensure that every licensee understands its professional obligations and is minimally competent.</p> <p>New subsection A.4 includes a new</p>

			<p>requirement that certain misdemeanors and all felonies must be disclosed for responsible management. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant's criminal history.</p> <p>New subsection A.5 requires the applicant to disclose the firm's responsible management. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>Subsection B is amended to read with greater clarity. The disclaimer from old section 280.A.6 is added, noting that the Board is not responsible for a licensee's failure to receive communications if the licensee has not notified the Board of a change of address. This requirement ensures that every applicant is aware that it is responsible for updating its address with the Board.</p> <p>Subsection C is reworded to read with greater clarity and specificity.</p> <p>New subsection D requires that any change to officers, managers or directors of certain business entities be reported to the Board within 30 days of the change. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>New subsection E requires the shop/salon allow the Board to inspect the shop/salon during reasonable hours, and defines reasonable hours as 9 a.m. to 5 p.m. This addition ensures that the Board will have access to the regulated shops and salon and that compliance with the Board's regulations can be verified. This is particularly important if the Board is to fulfill its duty to protect the health, safety and welfare of the public.</p>
<p>18 VAC 41-20-130</p>		<p>Establishes general requirements for a school license.</p>	<p>This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.</p> <p>Subsection A incorporates the requirement from repealed section 190.A that applicants must apply at least 60 days before the date for which approval is sought.</p>

			<p>New subsection A.1 adds the requirement that the applicant and members of responsible management be in good standing as a licensed school, and requires the applicant disclose any disciplinary action taken against the license. It also adds that the Board may deny licensure to any applicant it deems unfit to engage in the profession, taking into account the totality of the circumstances. This enables the Board to ensure that it is licensing schools which are minimally competent to engage in the profession.</p> <p>New subsection A.2 requires the applicant to disclose his physical address. This ensures the Board can maintain communication and appropriate oversight of the licensee, should the license be granted.</p> <p>New subsection A.3 requires the applicant certify that he has read and understands Virginia's laws and regulations regarding its profession. This will help ensure that every licensee understands its professional obligations and is minimally competent.</p> <p>New subsection A.4 includes a new requirement that certain misdemeanors and all felonies must be disclosed for responsible management. In order to conduct the proper analysis required by §54.1-204 of the Virginia Code, the Board needs to be aware of each applicant's criminal history.</p> <p>New subsection A.5 requires the applicant to disclose the firm's responsible management. This will ensure that the Board is informed as to who is actually operating the business.</p> <p>Subsection B is amended to read with greater clarity. A disclaimer is added that the Board is not responsible for a licensee's failure to receive communications if the licensee has not notified the Board of a change of address. This new requirement ensures that every applicant is aware that he is responsible for updating his address with the Board.</p> <p>Old subsections C and D are removed and replaced with new subsection C, in order to provide greater clarity.</p>
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18 VAC 41-20-140		Establishes fees.	This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.
18 VAC 41-20-160		Establishes that license renewal is required.	Old subsections A, B and C are removed and replaced with simplified language identifying when licenses expire.
18 VAC 41-20-180		Establishes provision for when licensees fail to renew.	<p>Subsection A is amended to add greater clarity.</p> <p>Subsection B is replaced with simplified language and adds business entities to the its requirements.</p> <p>Old subsection C is removed and incorporated into subsection B.</p> <p>Subsection F removes an exception provided to school licenses in order to</p>

			simplify the regulations.
18 VAC 41-20-190		Established requirements for applicants for state approval.	This section is repealed and its requirements are incorporated into section 130.
18 VAC 41-20-200		This section establishes general requirements for schools.	This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations. Subsection 7 is amended to add greater clarity. New subsection 8 requires schools possess the necessary equipment or implements to teach the respective curriculum. This will ensure that schools are adequately equipped to prepare its students to engage in the profession and help insure minimum competency of the regulant population.
18 VAC 41-20-210		Establishes curriculum requirements for schools.	Subsection A.21 is modified to add greater clarity. New subsection C identifies the curriculum requirement for nail schools. This addition will ensure that nail technicians possess the minimum competence to engage in the profession. New subsection D incorporates wax technician regulations, 18 VAC 41-40, into the Board's regulations.
18 VAC 41-20-220		Establishes the required hours of instruction and performances.	This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations. Subsections B and C are amended to add greater clarity.
18 VAC 41-20-230		Establishes requirements for school identification.	This section is repealed to provided greater simplicity to the regulations.
18 VAC 41-20-240		Establishes recordkeeping requirements for schools.	Old subsection A is reworded and expanded for greater clarity. The added portion specifies for the regulant which records must be kept. New subsection B adds the requirement that schools must produce to the Board any document concerning a student within 10 days of the request. This will better enable the Board to prevent fraud, investigate regulatory violations, and better assist the regulant community.

			<p>New subsection C requires that schools, within 21 days of a student's request, produce documentation and performances completed by that student. This provision will assist students in obtaining their records and addresses a frequent complaint that schools are withholding progress documentation from their students.</p> <p>New subsection D requires that schools provide performance documentation to students prior to closing or changing ownership. This will add another layer of protection for students enrolled in school, ensuring that they will have access to their progress reports and transcripts.</p> <p>New subsection E requires that schools, for a period of one year after a change in ownership, provide records within 21 days of a request of a current student.</p>
18 VAC 41-20-250		Establishes reporting requirements for schools.	<p>This section is amended to read with greater clarity. The language from this section is moved to new subsection B.</p> <p>New subsection A adds the requirement that schools submit a roster of all current students twice a year, at specified intervals. This will better enable the Board to prevent fraud, investigate regulatory violations and better assist the regulant community.</p>
18 VAC 41-20-260		Establishes a requirement for licenses to be displayed.	<p>This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.</p> <p>This section is amended to read with greater clarity.</p>
18 VAC 41-20-270		Establishes sanitation and safety standards for shops, salons, and schools.	<p>This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.</p> <p>This section is reworded and reorganized to read with better clarity.</p> <p>The new requirements in this section are added to provide a more sanitary and safe environment for the public and licensed professionals.</p> <p>Old subsection B.5 is re-numbered and amended, incorporating a new requirement</p>

			<p>that the area immediately surrounding wax pots shall be clean and free of clutter.</p> <p>New subsection B.8 is added incorporating parts of old subsection D.1 and specifying the manner in which sinks, bowls, tubs and other surfaces are to be cleaned.</p> <p>Subsection C.4 is amended with the added requirements that a bathroom be maintained for exclusive client use, have hot and cold water, and allows for a hand air-drying device.</p> <p>Old subsection E.1 is re-numbered and amended to include new requirements for storing soiled and clean linens.</p> <p>Old subsection F.2 is re-numbered and amended to include specific requirements for blood spill cleanup kits.</p>
<p>18 VAC 41-20-280</p>		<p>Establishes grounds for disciplinary action.</p>	<p>This section is amended to incorporate wax technician regulations, 18 VAC 41-40, into the Board's regulations.</p> <p>This section is reworded to read with greater clarity.</p> <p>New prohibited acts are added to better enable the Board to prevent fraud, investigate regulatory violations, and better protect the public.</p> <p>New subsection 5 adds the grounds for discipline of bribing a public official.</p> <p>New subsection 6 adds the grounds for discipline of failing to respond to the Board, or providing false, misleading, or incomplete information to an inquiry of the Board.</p> <p>New subsection 7 adds the grounds for discipline of failing or refusing to allow the Board or its agent to inspect any licensed shop, salon, or school.</p> <p>Old subsection 6 is re-numbered and a portion of it is moved to section 120.B.</p> <p>Old subsection 7 is re-numbered and adds the ground for discipline of making a misrepresentation.</p> <p>Old subsection 9 is repealed. This section was duplicative with old section 20.A.4.</p>

			<p>New subsection 12 adds grounds for discipline for having been convicted of certain misdemeanor and any felony.</p> <p>New subsection 13 adds grounds for discipline for failing to report to the Board any conviction within 30 days of being convicted.</p> <p>New subsection 14 adds the grounds for discipline for any shop, salon, or school owner or operator who allows an unlicensed person to practice, unless that person is a registered apprentice.</p> <p>New subsection 15 adds the grounds for discipline for an owner or operator of a school who allows the practice of an unlicensed instructor.</p> <p>New subsection 16 adds the grounds for discipline of failing to take sufficient measures to prevent the transmission of communicable diseases or fails to comply with laws and regulations pertaining to sanitation and safety.</p> <p>New subsection 17 adds the grounds for discipline of failing to comply with procedures established by the Board and testing service with regard to conduct during examination.</p>
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