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Exempt Action: Final Regulation Agency Background Document

Agency name	Board for Barbers and Cosmetology
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC 41-20 18 VAC 41-50 18 VAC 41-60 18 VAC 41-70
VAC Chapter title(s)	Barbering and Cosmetology Regulations Tattooing Regulations Body-Piercing Regulations Esthetics Regulations
Action title	Fee Reduction
Final agency action date	July 11, 2022
Date this document prepared	July 12, 2022

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Board for Barbers and Cosmetology has adopted a temporary reduction in application, renewal, and reinstatement fees for all licenses on or before August 31, 2024, in order to reduce an accumulated surplus in its budget and to be in compliance with the Callahan Act.

Fee Structure

<u>Fee Type</u>		<u>Current Fees – September 1, 2020 to August 31, 2022</u>	<u>Current Fees – September 1, 2024 and after</u>	<u>Proposed Fees September 1, 2022 to August 31, 2024</u>
Application	Individual	95	105	90
License App. by Endorsement	Individual	95	105	90
Renewal	Individual	95	105	90
Reinstatement	Individual	190	210	180
Application	Instructor	115	125	110
License App. by Endorsement	Instructor	115	125	110
Renewal	Instructor	115	125	110
Reinstatement	Instructor	230	250	220
Application	Facility	170	190	165
Renewal	Facility	170	190	165
Reinstatement	Facility	340	380	330
Application	School	190	220	185
Add Program	School	100	100	100
Renewal	School	190	220	185
Reinstatement	School	380	440	370

This action is exempt from the Virginia Administrative Process Act in § 2.2-4006 A 6: “Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.”

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). “Mandate” is defined as “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

At the close of each biennium, the Department of Professional and Occupational Regulation is required by Section 54.1-113 of the Code of Virginia (Callahan Act) to review each board’s financial position to determine whether fees need to be adjusted to ensure that revenues are sufficient, but not excessive, to cover the board’s operating expenses. Reductions in fees are needed to bring revenues and cash balances to an appropriate amount, allowing the Board to continue gradually using its accumulated cash to support ongoing operations, and will result in a decrease in the Board’s cash balance and Callahan Act position.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Board for Barbers and Cosmetology authorized an exempt action for the Barbering and Cosmetology Regulations, Tattooing Regulations, Body-Piercing Regulations, and Esthetics Regulations on July 11, 2022.